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Proceedings for the Imposition of Administrative Fines

Abstract: The purpose of this article is to present selected proceedings for the imposition of administrative fines. In the Polish legal system, there are provisions on the subject in the Administrative Procedure Code, but there are also a number of separate special provisions in selected areas of law in which it happens that selected provisions of Section IVa of the Administrative Procedure Code do not apply. This paper presents the proceedings of administrative fines in areas of law such as protection of historical monuments, GDPR, higher education and science and environmental protection. Drawing attention to the multiplicity of regulations on administrative fines is extremely important to increase legal awareness.

Keywords: administrative fines, protection of monuments, higher education and science, environmental protection, GDPR

Introduction

Administrative monetary penalties, although they have been functioning in the Polish legal system for several decades, their definition appeared relatively recently, as only in the 2017 amendment to the Code of Administrative Procedure—Act of 7 April 2017 amending the Act—Code of Administrative Procedure and certain other acts, which entered into force on 1 June 2017¹ and introduced a number of provisions concerning it. Provisions on administrative fines are included not only in this Act, but in a number of legal acts from various fields, such as the law on environmental protection, protection of personal data or monuments. This article presents the results of an analysis of the legal provisions on administrative fines in each area of law.

1. The Essence of an Administrative Fine

Introduced in Article 189b of the Act of 14 June 1960, the Code of Administrative Procedure,² the concept of an administrative fine has not changed and is currently understood as ‘a pecuniary sanction specified by law, imposed by a public administration authority, by way of a decision, following a breach of law involving

¹ Ustawa z dnia 14 czerwca 1960 r.—Kodeks postępowania administracyjnego (consolidated text Journal of Laws of 2017, item 1257 as amended).

² Ustawa z dnia 14 czerwca 1960 r.—Kodeks postępowania administracyjnego (consolidated text Journal of Laws of 2024, item 572 as amended), hereinafter: k.p.a.

non-compliance with an obligation or prohibition imposed on a natural person, legal person or organisational unit without legal personality'. An administrative pecuniary penalty is therefore the negative consequence of a failure to comply with a legal order or prohibition of the addressee, which consists in the use of coercion, being an element of state authority.³ It is an ailment imposed for the violation of a legal norm without taking into account the fault of the offender. First and foremost, however, an administrative monetary penalty is a sanction of a pecuniary nature, which distinguishes it from an administrative fee, the incurrance of which is associated with the exercise of powers for which the law requires the payment of costs.⁴

Polish administrative law is characterised by the multiformity of administrative fines, which is related to the existing diversity of legal relations. This manifests itself, for example, in the nomenclature itself, since, in addition to the concept of 'administrative monetary penalty', the legal provisions of the Polish system also contain names such as 'financial penalty', 'sanction fee', 'increased fee' or 'additional tax liability'.⁵ As to the essence of administrative fines, they are not fines according to criminal law, as the Constitutional Court has unequivocally stated.⁶

Administrative monetary penalties perform a variety of functions, of which, according to many positions, the main one is the preventive function, aimed primarily at 'detering' actors from committing violations of the law, but also protecting the safety of people and property.⁷

An administrative monetary penalty is intended to encourage compliance with the legal order and to discourage future violations of certain obligations. For this reason, the preventive function is assumed to be their overriding objective, taking into account the second of the basic functions of an administrative fine, which is the repressive function.⁸ Repression is already indicated by the very name 'punishment'. Here, repression does not mean retribution for the breach of a legal duty, but a coercive measure to ensure the fulfilment of the administration's tasks, as outlined by the Constitutional Court in its position paper.⁹ Another of the functions performed by the administrative monetary penalty is the compensation function, or compensatory function, which consists in ordering the payment of a certain sum of money

³ Dorota Fleszer, "Administracyjne kary pieniężne," *Roczniki Administracji i Prawa*, no. 1 (2022): 90–92.

⁴ Barbara Adamiak, "Commentary on Article 189b," in Barbara Adamiak and Janusz Borkowski, *Kodeks postępowania administracyjnego: Komentarz 2024* (Legalis/el., 2024).

⁵ Fleszer, "Administracyjne kary pieniężne," 92.

⁶ Judgment of the Constitutional Tribunal of April 29, 1998, K 17/97, saos.org.pl.

⁷ Helena Kisilowska and Grzegorz Zieliński, "Administracyjne kary pieniężne—funkcja prewencyjna i represyjna," *Prawo w działaniu. Sprawy karne*, no. 43 (2020): 165, <https://doi.org/10.32041/pwd.4309>.

⁸ Fleszer, "Administracyjne kary pieniężne," 95.

⁹ Judgment of the Constitutional Tribunal of March 31, 2008, SK 75/06, consolidated text Journal of Laws of 2008 No. 57, item 349 as amended.

for the damage related to the violation of a prohibition or the non-performance of an obligation imposed by law.¹⁰

The provisions of Section IVa of the Code of Civil Procedure, which provide for administrative fines, do not indicate the procedure to be followed in cases involving them, nor do they refer to the norms of the Criminal Code¹¹ or the Code of Criminal Procedure.¹² According to the assumption of the Code of Administrative Procedure Act, administrative pecuniary penalties concern only administrative law and, in accordance with its provisions and rules, they are imposed and imposed, and consequently the institutions authorised to carry out said actions are the competent public administration bodies. An administrative monetary penalty is imposed on an entity by means of an administrative decision. The provisions of the Code of Administrative Procedure, specifically Article 189d, only indicate the prerequisites for the imposition of administrative fines, which include the gravity and circumstances of the violation of the law, the subject's conduct, previous punishment, the degree of the party's contribution, the party's conduct, the consequences of the violation, and personal circumstances. The first prerequisite mainly includes the need to protect life or health, property of significant size, and 'important public interest or exceptionally important interest of the party', as well as the duration of the violation. The catalogue of enumerated values is not closed, and the enumeration itself includes the values included in the Constitution of the Republic of Poland. On the other hand, the manner of conduct of an entity means the frequency with which the entity has violated the same type of prohibitions or failed to comply with the same obligations in the past. When imposing a fine, the public administration body is obliged to take into account a previous punishment for the same offence or fiscal offence or misdemeanour. The degree of contribution of a party is related to the determination of whether the party acted with full knowledge and whether this was related to the actions of other persons. The offender's conduct relates to the circumstances of whether or not any action was taken to remedy the breach. The public administration body, as indicated above, also takes into account the fact of gaining or suffering a loss. The last-mentioned prerequisites, i.e. personal conditions, include, e.g. financial status, state of the family, living conditions of the family, state of health.¹³

¹⁰ Marcin Gubała, "Administracyjne kary pieniężne w systemie szkolnictwa wyższego i nauki," *Ius Novum*, no. 3 (2022): 169, <https://doi.org/10.26399/iusnovum.v16.3.2022.32/m.gubala>.

¹¹ Ustawa z dnia 6 czerwca 1997 r.—Kodeks karny (consolidated text Journal of Laws of 2024, item 17 as amended).

¹² Ustawa z dnia 6 czerwca 1997 r.—Kodeks postępowania karnego (consolidated text Journal of Laws of 2025, item 46 as amended).

¹³ Barbara Adamiak, "Commentary on Article 189d," in Adamiak and Borkowski, *Kodeks postępowania administracyjnego* (Legalis/el., 2024).

2. Proceedings for the Imposition of Administrative Fines in Monument Protection Law

The introduction of provisions on administrative fines into the Code of Administrative Procedure has contributed to the amendment of many other acts, one example of which is the Act on the protection and care of historical monuments. In this act, by virtue of the Act on amending the Act on the protection and care of historical monuments and some other acts,¹⁴ Chapter 10A was introduced, which is entirely devoted to administrative monetary penalties and to which the provisions of the Code of Civil Procedure also apply. The provisions replaced the previous certain offences which had a criminal nature.¹⁵ Administrative fines in the Act on the protection and care of historical monuments are imposed for certain types of violations, which are divided by the Act into failure to notify (Article 107a(1)), expiry of the permit (Article 107b(1)), obstructing access to the monument (Article 107c(1)), acting without a permit (Article 107d) and failure to implement post-inspection recommendations (Article 107e). The range of fines, depending on the type of act or omission, varies from PLN 500 to as much as PLN 500,000.¹⁶ The aims of introducing the above regulations were, inter alia, to improve the protection of historical monuments in Poland and to counteract the legal instruments that have so far been ineffective in protecting them. Due to the discontinuation of criminal proceedings by the police and court rulings that were disproportionate to the degree of guilt, the criminal sanctions applied were not sufficiently effective to stop, for example, the destruction or damage of monuments, which also negatively affects the education of the public as to the proper handling of monuments.¹⁷

The imposition of administrative fines for the protection of monuments in practice is not consistent on a national scale, if only taking into account the structure and organisation of provincial offices for the protection of monuments, only some of which have separate departments or positions whose competences include conducting proceedings for the imposition of administrative fines. The author of one of the studies argues that due to the necessity of knowledge of separate regulations, jurisprudence or literature, conducting proceedings in this matter should be entrusted to an employee with an education in law, while the contribution of substantive employees should consist in collecting evidence that will enable proceedings to be initiated. The Act on the protection and care of historical mon-

¹⁴ Ustawa z dnia 22 czerwca 2017 r. o zmianie ustawy o ochronie zabytków i opiece nad zabytkami oraz niektórych innych ustaw (consolidated text Journal of Laws of 2017, item 1595 as amended).

¹⁵ Anna Michalak, "Administracyjne kary pieniężne w polskim prawie ochrony zabytków—kilka uwag o efektywności regulacji po czterech latach obowiązywania," *Przegląd Legislacyjny*, no. 1 (2022): 86.

¹⁶ Ustawa z dnia 23 lipca 2003 r. o ochronie zabytków i opiece nad zabytkami (consolidated text Journal of Laws of 2024, item 1292 as amended).

¹⁷ Michalak, "Administracyjne kary pieniężne w polskim prawie ochrony zabytków," 88.

uments also contains legal loopholes, which result in the authority competent to impose a fine for the protection of historical monuments not having a legal basis for imposing the fine in the case of, for example, a situation in which the investor, despite the obligation under the construction permit, has not carried out archaeological research.¹⁸

Proceedings for imposing administrative fines for the protection of historic monuments conducted by Provincial Monument Conservators are often discontinued due to the disproportionality of staff involvement and financial outlay to the amount of the fine to be imposed, for example. The effectiveness of the administrative penalties introduced is therefore negligible and does not contribute to improving the state of monument protection in Poland.¹⁹

3. Proceedings for the Imposition of Administrative Fines in the Higher Education and Science System

The basic legal act of the higher education and science system is the Act of 20 July 2018—Law on higher education and science,²⁰ whose contents include regulations defining sanctions in the form of administrative fines for the breach of selected obligations set out in this Act. The imposition of administrative fines in this area is an action constituting a measure of supervision over the entities comprising higher education. According to Article 7(1) p.w.s.n., these entities of the higher education system include: (1) higher education institutions (HEIs); (2) federations of entities of the higher education and science system; (3) the Polish Academy of Sciences; (4) scientific institutes of the Polish Academy of Sciences; (5) research institutes; (6) international scientific institutes established on the basis of separate acts operating in the territory of the Republic of Poland; (7) the Łukasiewicz Centre; (8) institutes operating within the Łukasiewicz Research Network; (9) the Polish Academy of Arts and Sciences and (10) other entities conducting mainly scientific activity in an independent and continuous manner. These very entities, according to Article 426 p.w.s.n., are supervised by the minister responsible for higher education and science. However, administrative fines may only be imposed on legal entities, which do not include ‘other entities that primarily carry out scientific activities in an independent and continuous manner’, which are specific ‘organisational and legal forms used to undertake these scientific and teaching activities.’²¹ The purpose

¹⁸ Michalak, “Administracyjne kary pieniężne w polskim prawie ochrony zabytków,” 89–90.

¹⁹ Michalak, “Administracyjne kary pieniężne w polskim prawie ochrony zabytków,” 96–97.

²⁰ Ustawa z dnia 20 lipca 2018 r.—Prawo o szkolnictwie wyższym i nauce (consolidated text Journal of Laws of 2024, item 1571 as amended), hereinafter: p.w.s.n.

²¹ Gubała, “Administracyjne kary pieniężne w systemie szkolnictwa wyższego i nauki,” 174.

of administrative fines in the higher education and science system is to strengthen safeguards for the proper functioning of the system.²²

Unlike the Act on the protection and care of historical monuments, the p.w.s.n. does not contain a separate section on administrative monetary penalties, and they are scattered in various sections of the act, often also as another of the paragraphs relating to a particular article. The provisions clearly indicate which entities can be fined. For example, while the addressees of Article 431 p.s.w.n. are HEIs, not every HEI has the right to impose an administrative fine on the Minister.²³ This is because two categories of HEIs are excluded from the minister's supervision: the majority of HEIs and higher seminaries run by churches and other religious associations, and some foreign HEIs and their branches. Another issue is the notion of 'minister' in the above article: as far as the interpretation of this particular provision is concerned, a minister is not only the minister responsible for higher education and science. In this case, the catalogue of bodies that supervise higher education institutions is broader. Indeed, this supervision may be exercised by other ministers, such as the minister responsible for military higher education institutions, the minister responsible for state service higher education institutions, the minister responsible for medical higher education institutions, the minister responsible for higher education institutions for maritime studies or the minister responsible for higher education institutions for art studies.²⁴

Other entities in the higher education system subject to administrative fines are federations. According to Article 165 of the p.w.s.n., in order to fulfil their tasks jointly, these federations are formed by pairings of a public academic university with another public academic university, a research institute, an institute of the Polish Academy of Sciences or an international institute or a non-public academic university with another non-public academic university.

Both Article 175 p.w.s.n. and Article 431 p.w.s.n. indicate an extensive range of acts for which an administrative fine may be imposed, which the legislator has indicated by reference to other provisions. However, there are no regulations which would provide guidelines as to the assessment of the legitimacy or unjustifiability of the imposition of the penalty when the competent minister issues a decision. On the other hand, a gradation of infringements of the law has been introduced, which manifests itself in different amounts of fines, i.e. up to PLN 100,000, up to PLN 50,000, and up to PLN 5,000. The fine is imposed here is done so in a discretionary manner. As for the form of imposing the penalty, the provisions of the p.w.s.n. do not explicitly

²² Gubała, "Administracyjne kary pieniężne w systemie szkolnictwa wyższego i nauki," 171.

²³ Gubała, "Administracyjne kary pieniężne w systemie szkolnictwa wyższego i nauki," 175.

²⁴ Piotr Rączka and Dominika Zawacka-Klonowska, "Administracyjne kary pieniężne jako forma nadzoru nad systemem szkolnictwa wyższego i nauki," in *Administracja publiczna wobec procesów zmian w XXI wieku: Księga jubileuszowa Profesora Jerzego Korczaka*, ed. Piotr Lisowski (Wydawnictwo Uniwersytetu Wrocławskiego, E-Wydawnictwo. Prawnicza i Ekonomiczna Biblioteka Cyfrowa, 2024), 697.

indicate this; therefore the form of an administrative decision referred to in Article 189b of the Code of Administrative Procedure should be adopted.²⁵

Furthermore, there are no norms relating to the procedure itself for imposing administrative fines in the higher education system. Therefore, the provisions of the Code of Administrative Procedure, which regulates the principles of imposing such penalties, are also taken into account in this case. Moreover, the p.s.w.n. Act does not specify the appeal bodies for the imposition of an administrative fine by the minister, but also does not specify whether a party may appeal against the decision. It is assumed that the only means that a party may use is an application to the Minister for reconsideration of the case, under Article 127 §3 of the Code of Administrative Procedure.²⁶

4. Proceedings for the Imposition of Administrative Fines in Environmental Law

Another of the many branches of law in which the legislator introduces norms concerning administrative fines is environmental law. In Poland, the basic legal act of this field is the Act of 27 April 2001—Environmental Protection Law.²⁷

In contrast to the p.w.s.n. Act discussed in Chapter 3, the Environmental Protection Law also contains, in some cases, norms concerning the course of proceedings for the imposition of fines. The introduced solutions are exceptions to the norm contained in Article 1(1) of the Code of Administrative Procedure, stating that this code ‘normalizes the proceedings before public administration bodies in individual matters belonging to the competence of these bodies and decided by administrative decisions or settled tacitly’ and, according to the principle *lex specialis derogat legi generali*, the specific provision then excludes the validity of the general provision. One such provision, which indicates an exception, is Article 300(4) p.o.ś. This modifies Article 107 §1 of the Code of Administrative Procedure and thus indicates the elements that an administrative decision should contain.²⁸

Monetary penalties in environmental law have various forms, as there are both relatively and absolutely marked penalties. Article 236d(1)(2) of the Environmental Protection Law may be used as an example of a preemptory penalty, which specifies

²⁵ Rączka and Zawacka-Klonowska, “Administracyjne kary pieniężne jako forma nadzoru nad systemem szkolnictwa wyższego i nauki,” 698.

²⁶ Gubała, “Administracyjne kary pieniężne w systemie szkolnictwa wyższego i nauki,” 183–84.

²⁷ Ustawa z dnia 27 kwietnia 2001 r.—Prawo ochrony środowiska (consolidated text Journal of Laws of 2024, item 54 as amended), hereinafter: p.o.ś.

²⁸ Krzysztof Gruszecki, “Postępowanie w przedmiocie wymierzania kar pieniężnych na podstawie Prawa ochrony środowiska—wybrane uwagi,” *Prawne Problemy Górnictwa i Ochrony Środowiska*, no. 1 (2022): 19, <https://doi.org/10.31261/PPGOS.2022.01.04>.

that a penalty of PLN 5,000 is imposed in the event of failure to comply with certain obligations. Paragraph 2 of the same article also contains an example of a relative penalty of PLN 500 to PLN 25,000 in the event that the operator of an installation fails to ensure the quality of transmitted data. The aforementioned penalties are imposed by the provincial environmental protection inspector on the operator of the installation.

For some of the penalties contained in the p.o.ś., the legislator has specified the manner of determining the amount of these penalties. Moreover, a catalogue of acts for which the penalty may be incurred has been unambiguously indicated, i.e. in accordance with Article 273 of the p.o.ś. for exceeding or breaching the conditions of using the environment, established by a decision with respect to the introduction of gases or dust into the air, the issuance of an authorisation to emit greenhouse gases or the storage of waste, as well as with respect to the storage and emission of noise into the environment. In this respect, another of the provisions of the p.o.ś. clearly defines what the level of administrative fines depends on. Article 274 p.o.ś. measures the volume and type of gases or dust discharged into the air, the amount and type of waste stored or stored and the time of storage or warehousing or the time of day and the size of the excess of the permissible noise level.

The entities that are obliged to bear the aforementioned penalties are entities using the environment (Article 275 p.o.ś.). In contrast to the examples of administrative fines described in Chapter 2 (the Act on the Protection and Care of Monuments), and Chapter 3 (the Act on the Law on Higher Education and Science), environmental law is more comprehensively regulated. Specifically, the legislator has regulated the grounds for initiating proceedings on this subject in Article 273 p.o.ś., i.e. initiation *ex officio* or at the request of the entity using the environment, which is subject to the fee or penalty (Article 282 p.o.ś.); the authority into whose account the imposed penalty should be paid (according to Article 277(3), this is the provincial environmental protection inspector who issued the decision on imposing the penalty); and the entities which derive income from the proceeds of the penalties (Article 272(4) p.o.ś.). Here, the monies obtained from penalties do not constitute revenue for the provincial environmental protection inspector, but for the National Fund for Environmental Protection and Water Management, provincial funds for environmental protection and water management, as well as for districts and municipalities.

The regulations determining the procedure for imposing administrative fines in environmental law have been introduced in a separate section, which can be found further down in the legislation. This section also specifies the following details regarding administrative fines: catalogue of offences for which an administrative fine is imposed (Article 298 p.o.ś.); the basis for ascertaining them, which, pursuant to Article 299 p.o.ś., are inspections and measurements carried out by the entity using the environment; the amount of the fine itself. Here, attention should be drawn to the manner of imposing penalties, since, as a rule, a fine is imposed at a level 20 times the unit rate of fees for introducing gases or dust into the air

(Article 309(1) p.o.ś.), while, for example, the upper unit rate of the penalty for exceeding the permissible level of noise penetrating into the environment is PLN 48 per 1 dB of exceedance (Article 311(1) p.o.ś.). The legislator in Article 308 p.o.ś. has also introduced a minimum sample from which proceedings on the imposition of a fine are initiated. Pursuant to this, entities are exempted from incurring fines if the anticipated amount of the fine does not exceed PLN 800. The Environmental Protection Law also contains regulations on fines for the failure to prepare and implement air protection programmes and short-term action plans. The fines that may be incurred by the responsible authorities here are relatively more, ranging from PLN 50,000 to PLN 500,000. They are issued by way of a decision, against which an appeal is expressly indicated. It indicates the competent authority (Article 315g p.o.ś.).

5. Proceedings for the Imposition of Administrative Fines for Violations of Personal Data Protection

The next most recent example of the introduction of administrative fines into a specific, detailed legal regime of a given branch of law is the inclusion of provisions on administrative fines for violations of personal data protection in various pieces of legislation, both national and EU. The main piece of legislation talking about this is Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC.²⁹ The second act is the Data Protection Act of 10 May 2018.³⁰ In Polish legislation, prior to the entry into force of the Personal Data Protection Act, there were no administrative fines for personal data breaches, but only criminal provisions and sanctions in the form of a fine, restriction of freedom or imprisonment.³¹ Currently, the law contains an entire chapter dedicated to penalties, i.e. Chapter 11 'Provisions on administrative fines and criminal provisions', which contains 8 articles (from 101 to 108), including 6 on administrative fines and 2 on criminal liability. However, the basic sanctions for personal data violations are strictly administrative fines. The scope of these administrative fines in the Law of 10 May 2018 does not go beyond that indicated in the GDPR, whose provisions are consistent across the European Union and provide a guarantee of effective protection of the rights of the.³²

²⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, pp. 1–88).

³⁰ Ustawa z dnia 10 maja 2018 r. o ochronie danych osobowych (consolidated text Journal of Laws of 2019, item 1781 as amended).

³¹ Art. 36, Ustawa z dnia 10 maja 2018 r. o ochronie danych osobowych.

³² Art. 37 and 39, Ustawa z dnia 10 maja 2018 r. o ochronie danych osobowych.

Pursuant to the provisions of the Personal Data Protection Act, specifically Article 101, the supervisory authority which is authorised in Poland to impose administrative fines in this respect is the President of the Office for Personal Data Protection (PUODO). The provision also specifies the form of imposing penalties, which is a decision, as well as the group of privileged entities as regards being subject to penalties. Pursuant to the above article, the PUODO may impose a penalty on an entity obliged to comply with the provisions of GDPR, other than a public finance sector entity, a research institute and the National Bank of Poland. The penalty is imposed on non-privileged entities on the basis and conditions set out in Article 83 GDPR. The amount of these penalties, depending on the case, according to this article, reaches €10,000,000 and can sometimes even amount to €20,000,000. On the other hand, the maximum amount of penalties of units of the public finance sector, referred to in Article 9, points 1–12 and 14 of the Act of 27 August 2009 on public finance, research institutes and the National Bank of Poland is specified in Article 102 of the Act on personal data protection and amounts to PLN 100,000. Units of the public finance sector include public authorities, local government units, public universities, budgetary units or executive agencies. In the case of state and local government cultural institutions, the Act sets the maximum administrative fine at PLN 10,000.

In order to determine the amount of the administrative penalty on the entity obliged to comply with the provisions of the GDPR, the President of the Office for Personal Data Protection, pursuant to Article 101a of the Personal Data Protection Act, may request from the entity, and the entity is obliged to provide the PUODO, with the necessary data within 30 days of receiving the request. However, if the entity fails to provide the data needed to determine the basis of the penalty assessment, the PUODO shall determine the basis of the assessment in an estimated manner, taking into account the size of the entity, the specific nature of its business or the entity's general financial data.

The provisions of Article 189d–189f and Article 189k of the Code of Civil Procedure shall not apply to the imposition of administrative fines for personal data breaches. Therefore, in addition to the Act on the Protection of Personal Data, the other provisions of the Code of Civil Procedure shall apply. The decision on the administrative fine is an administrative decision which, pursuant to Article 105 of the Act on the Protection of Personal Data, shall be paid within 14 days from the expiry of the time limit for filing a complaint, or from the date on which the decision of the administrative court becomes final. At the request of the subject, the PUODO may postpone this deadline or divide the administrative penalty into instalments. However, interest is charged in both cases.

Regulations on the imposition of administrative fines for personal data violations are not dead laws, as evidenced by numerous decisions issued by PUODO. The level of administrative fines actually imposed is not low. For example, by decision

DKN.5131.1.2025³³ a fine of PLN 100,000 was imposed on the Ministry of Digitalization, and a fine of PLN 27,124,816 was imposed on Poczta Polska S.A., or by decision DKN.5131.4.2024³⁴ one entity was charged with fines of PLN 687,534.75 and PLN 458,356.50. In 2024 alone, PUODO imposed administrative fines on 23 entities, which are collectively required to pay the sum of PLN 13,309,897.80.³⁵

Summary

The regulations on administrative fines presented here indicate a multiplicity of differing provisions. In each of the selected areas of law, specific provisions have been introduced to achieve a specific, legitimate result. The differences appear not only in the procedural aspect. It is of particular importance to determine the amount of the penalty depending on the type of infringement. The wide range of these amounts should be noted here, as should the fact that, for the most part, the penalties are discretionary. The amount of the penalty is decided by the authority with the competence to impose administrative fines in the given scope. However, information on the actual administrative fine amounts applied in practice is not publicly available: only in the area of personal data violations does the PUODO publish its decisions, in which information on the amount of the penalty imposed for a given violation is public.

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³³ PUODO decision of March 17, 2025, DKN.5131.1.2025.

³⁴ PUODO decision of January 17, 2025, DKN.5131.4.2024.

³⁵ Małgorzata Cwynar, "Kary finansowe za naruszenia RODO—podsumowanie roku 2024," Soczko & Partnerzy—Ochrona Danych, published 31 January 2025, <https://www.soczko.pl/iod-soczko-partnerzy/blog-ochrona-danych/kary-finansowe-za-naruszenia-rodo-podsumowanie-roku-2024/>.

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