

## **The impact of EU law principles on the imposition of fines by national administration authorities.**

”Will they fine me or not?”; “Can I successfully defend myself in this way?”; “How high may actually the fine be?”; “Can the court do something about this fine?”; “How to persuade the court to accept my arguments?” – an entrepreneur operating in Poland may often be forced to think about such dilemmas. Plain analysis of provisions dealing with substantive rules of EU law in the area of competition, consumer protection or regulation of telecommunications, energy or railway industries do not provide answers to these questions. Both provisions of Polish and EU laws in force hardly contain any specific rules which one may use to answer these questions. However these answers can be found in a whole spectrum of European principles acknowledged in the caselaw of the European Court of Justice or derived directly from the founding treaties that bind national administrative authorities and courts of an EU Member State when imposing fines on the basis of national laws. These principles must be respected in any fining proceedings that fall within the scope of application of EU law.

This project is intended to verify when and what types of principles of EU law actually are applicable in fining proceedings before national administrative authorities and how this whole spectrum of different principles of EU law influences the way in which administrative authorities in the Member States apply national provisions in the course of fining proceedings. These principles also make an impact on the way the national courts should assess the legality and regularity of fines imposed by administrative authorities. Principles to be researched in the project grant individual undertakings rights which must be respected in the course of national fining proceedings. Therefore it is important to examine the legal basis and the extent to which EU law – through its principles - may intervene in the sphere of formulating, interpreting and applying national legislation concerning administrative fines.

The proposed research project aims at filling the gap in the existing knowledge of the EU law and its interactions with national law. There are no publications analysing in depth the interactions between national fining proceedings and EU law outside the area of competition law. The research will result with a complex analysis of Polish legislation imposing fines in for areas of law and the application of this legislation in practice from the point of view of compatibility of national provisions and their application with standards stemming from EU law. The practical effect of the research will be a common legal research matrix that could be used to assess compatibility of fining provisions, policies and practice in all other areas of law outside of the project but still falling within the scope of application of EU law.