

Streszczenie rozprawy doktorskiej Mgr Katarzyny Chojeckiej /j.angielski/ pt:

„The Bank Guarantee Fund in the banking safety net – legal administrative aspects”

The Bank Guarantee Fund is a peculiar entity that functions in the banking sector – it is in charge of deposit guarantee system and has recently taken responsibility for resolution procedure. Thus, since 2016 the Fund’s competences have extended to some new areas: it now serves as a entity initiating administrative proceedings and exercising far-reaching instruments that are meant to restructure failing (or likely to fail) banks. What arises from that is a hypothesis according to which these new competences significantly influenced constitutional and administrative position of the Bank Guarantee Fund. Furthermore, its new powers, in comparison to traditional administrative conceptual framework, can suggest that the Fund’s structure is not consistent with a typical model according to which administrative entities (such as administrative bodies and administrative facilities) are structured. This dissertation’s main objective is to analyze this hypothesis more extensively.

First chapter presents a traditional administrative conceptual framework. Concepts constituting Polish administrative apparatus, such as administrative entity, public administrative authority, administrative facility will be examined.

Second chapter will cover modern financial (banking) safety net and concepts such as financial stability, systemic risk, and macroprudential supervision. These problems are more common in the scope of financial law rather than for administrative law, therefore they will be analyzed only in comparison to administrative framework which aims to show their atypical administrative character.

Third chapter is devoted to legal dogmatic analysis of one of the main Fund’s powers: deposit guarantee system. Atypical constructs such as legal relationship between guarantee and depositor, determining the amount of banks’ contributions to guarantee fund, data control in the calculating systems, legal force of acts issued by the Fund will be a subject of the examination.

Fourth chapter concentrates on the Fund’s new competence – resolution and estimation of the amount of minimal requirement for own funds and eligible liabilities. The analysis will cover issues related to administrative proceedings – distinctions from the Code of Administrative Procedure, position of the parties, and the new role of Bank Guarantee Fund as an entity initiating and handling proceedings. This chapter will also cover resolution instruments as unconventional constructs in the Polish administrative conceptual framework.

Fifth chapter aims to summarize above mentioned problems and describe specific features of the Fund's administrative position and subjectivity, its internal structure, place it holds in financial (banking) safety net. The conclusion is that the Bank Guarantee Fund cannot be defined as a public administrative body or administrative facility but it rather functions as an atypical administrative entity which can be researched more extensively in the future, especially in the scope of growing digital economy which might influence deposit guarantee systems all over the world.

Above all, this dissertation's main objective is to prove that proper adjustment of administrative conceptual framework might improve the quality of administrative apparatus by expanding its efficiency.