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*Adequacy and fairness of administrative monetary penalties
under the Nature Conservation Act
with particular emphasis on fines for felling trees and shrubs without the required permit*

Summary

The aim of this paper is evaluation of the adequacy and fairness of the regulations governing financial sanctions for administrative torts pursuant to the provisions of the Polish Nature Conservation Act. The paper addresses the nature of administrative liability in the above respect.

The nature of administrative liability and its purpose requires to pose a question whether the financial sanctions administered by administrative courts are adequate and not unnecessarily excessive, i.e. whether, in other words, if they are not unproportional to the 'weight' of the committed tort. Administrative monetary penalties should be proportional to the seriousness of the tort and to the individual circumstances of each case. Only a just punishment may act preventively on the perpetrator and on the society as well.

The manner in which the proceedings aimed to determine administrative responsibility and sanction rulings are formed is discussed, and it is pointed out that the *quasi*-penal nature of administrative financial penalties should ensure that the procedural differences increase the procedural guarantees due to the administrated parties.

The current legal system does not account for the possibility of waiving the punishment by an administrative body under special circumstances. However, this issue is currently being a subject of consultations in the course of a legislative process on the amendments to the proceedings regarding the Nature Conservation Act.

The analysis of the existing regulations shows that illegal felling of trees is subject to excessive fines and is, therefore, in disproportion to the importance of the protected values.

Keywords: administrative sanctions, removal of trees or shrubs without the required permit, administered responsibility, protection of woodlots