

ORIGINAL ARTICLE

Legal procedures ensuring the proper performance of tasks in the field of geodesy and cartography

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Abstract

The article focuses on broadly understood legal procedures specified in the provisions of the Act of 17 May 1989 Geodetic and Cartographic Law, aimed at ensuring the correctness of tasks performed in the field of geodesy and cartography. The content of legal norms that define these procedures is examined. The discussion covers whether the current legal regulations contained in the above-mentioned Act, concerning supervision, control, and disciplinary responsibility, are sufficient for the efficient operation of the state and legal entities in the area in question. The main objective of the research was to systematise the issues discussed and to develop directions for change, considering the findings of previous analyses in this area. The interpretation of the relevant legal provisions constitutes a starting point for further research aimed at identifying optimal supervisory, inspection, and other verification mechanisms. The outcome of this research will be the development of a target model of procedures ensuring the proper performance of tasks in the field of geodesy and cartography.

Keywords: supervision and control in geodesy and cartography, geodetic works, disciplinary responsibility in geodesy, verification of surveying results, penalties in geodesy

1 Introduction

Effective compliance with the law is ensured in part through the establishment of control and disciplinary institutions and corresponding accountability mechanisms for specific entities. The correct structure and organisation of these tasks is also important. The legal system should have adequate mechanisms in place which, on the one hand, support entities performing tasks in the field of geodesy and cartography and, on the other hand, prevent abuse and actions aimed at reducing the quality of geodetic data that form the basis of the national land information system, part of the wider spatial information infrastructure.¹ Analyses of the legal regulations contained in the Act of 17 May 1989 on Geodetic and Cartographic Law (Act, 1989), concerning control processes and institutions of responsibility have shown that these processes are not effective. The aim of this article is to systematise the issues discussed and to develop directions for change.

It is important to emphasise the complexity of the situation, where tasks carried out within a specific field are divided among such a wide range of entities whose mutual relations have an impact on, among other things, one of the most important public registers – National Geodetic and Cartographic Resources² (PZGiK), including the Real Property Cadastre.³ These entities include both public and non-public entities: government administration authorities, local government administration authorities and their organisational units, as well as entrepreneurs, licensed surveyors, court-appointed experts, mining surveyors, and stakeholders, in particular property owners. Therefore, the analysis had to cover all activities of a supervisory, control, and disciplinary nature, as well

1 Spatial information infrastructure – spatial data sets described by metadata and related services, technical measures, processes, and procedures that are used and made available by leading authorities, other administrative authorities, and third parties contributing to the spatial information infrastructure – Article 3 point 2 of the Act of 4 March 2010 on Spatial Information Infrastructure (Act, 2010).

2 National Geodetic and Cartographic Resources – pursuant to Article 2 point 10 of Act (1989) this is to be understood as data sets maintained under this Act by the Geodetic and Cartographic Service authorities, cartographic studies, registers, lists and compilations created on the basis of these data sets, documentation containing the results of geodetic or cartographic works or documents created as a result of such works, as well as aerial and satellite imagery.

3 Land and Building Register (Real Property Cadastre) – pursuant to Article 2 point 8 of Act (1989) – an information system ensuring the collection, updating, and provision, in a uniform manner for the country, of information on land, buildings, and premises, their owners, and other entities controlling or managing such land, buildings, or premises.

as activities that are subject to such processes.

At the same time, a draft Act amending the Geodetic and Cartographic Law and the Spatial Information Infrastructure Act⁴ is currently under legislative consideration. Some of the issues discussed in this paper are also addressed by the proposed amendments. The draft has attracted considerable interest and has been the subject of extensive public consultations and subsequent revisions. The later versions of the draft, dated 31 December 2025 and 13 April 2026, differ significantly from the original version published on 2 June 2025. The ongoing legislative work on another amendment to the Act indicates that the legislator recognises the need for changes in the areas that are also the subject of the present analysis.

2 Entities operating in the field of geodesy and cartography

The entities addressed by legal norms in the field of geodesy and cartography, which have an impact on the quality of PZGiK in accordance with Act (1989) are, in particular:

1. Public administration authorities, including:
 - (a) government administration authorities:
 - the Surveyor General of Poland as the central government authority responsible for geodesy and cartography, which performs its tasks with the assistance of the Head Office of Geodesy and Cartography,
 - the voivode performing tasks with the assistance of the Voivodeship Inspector of Geodetic and Cartographic Supervision (WINGiK), as the head of the geodesy and cartography inspection, forming part of the integrated government administration in the voivodeship,
 constituting the geodetic and cartographic supervision authorities,
 - (b) local government authorities:
 - the voivodship marshals performing tasks with the assistance of the voivodeship surveyor forming part of the marshal's office,
 - the starosta⁵ (the head of the county) performing tasks with the assistance of the county surveyor forming part of the county office,⁶
 constituting the geodetic and cartographic administration authorities.

Pursuant to Article 6a of Act (1989), these authorities constitute the Geodetic and Cartographic Service (SGiK), whereby the tasks assigned by this Act to local government authorities are performed as tasks within the scope of government administration.

In some counties, there are also organisational units established by the county council to perform all or some of starosta's tasks in the field of geodesy and cartography, e.g. in the field of running geodesy and cartography documentation centres, known as "PODGiKi." They are established by the county's legislative

and supervisory authority pursuant to Article 12 point 8(i) of the Act of 5 June 1998 on County Self-Government (Act, 1998a). Nevertheless, it should be noted that, pursuant to Article 6a(1) point 2(b) of Act (1989), the starosta performs tasks with the assistance of the county surveyor "*who is part of the county administration*" (Act, 1989). This wording of the provision implies that these tasks remain within the scope of the county office and are performed on behalf of the starosta by the county surveyor, who reports directly to that authority. In the case of the division of tasks in the field of geodesy and cartography between the county office and an organisational unit, there may be incorrect organisation of their implementation, where the county surveyor does not directly manage all tasks, and some of them are managed by the manager of the unit established.

2. The surveying contractors performing geodetic or cartographic works, as defined in Article 11 of Act (1989), i.e.:
 - (a) entrepreneurs, where pursuant to Article 4(1) and (2) of the Act of 6 March 2018 – Law on Entrepreneurs (Act, 2018) an entrepreneur is a natural person, legal person, or organisational unit that is not a legal person, to which a separate act grants legal capacity, performing economic activity. Partners in a civil law partnership are also entrepreneurs within the scope of their economic activity. Doubts related to the designation of a civil law partnership as a contractor for geodetic works are discussed in Żylis and Porucznik (2025),
 - (b) organisational units, examples of which include land surveying and agricultural land offices established pursuant to the Act of 5 June 1998 on Voivodeship Self-Government (Act, 1998b).
The interpretative doubts raised by the designation in Article 11 of Act (1989) of an organisational unit as a contractor for geodetic or cartographic works are discussed in the above-mentioned article (Żylis and Porucznik, 2025). The analysis of legal provisions presented in the article shows that an organisational unit established by a county to perform government tasks assigned to it by the provisions of Act (1989) on behalf of the starosta, whose tasks include maintaining PZGiK, including handling notifications of geodetic works, could report geodetic works and perform them, and then verify them itself. Similar doubts regarding the possibility of performing geodetic works by broadly understood organisational units were expressed by MP Tomasz Kulesza in Interpellation No. 25963 of 15 April 2014 addressed to the Minister of Administration and Digitisation,
 - (c) persons acting as court-appointed experts,⁷
 - (d) persons acting as mining surveyors.⁸

3. Persons performing independent functions in the field of geodesy and cartography who, as a rule, should hold professional qualifications, in particular managers of geodetic works whose activities have a significant impact on the quality of PZGiK data.

Act (1989) does not define a licensed surveyor. The definition of a licensed surveyor is contained in the provisions of the Regulation of the Minister of Development of 18 August 2020 on Technical Standards for the Performance of Situational and Elevation Geodetic Measurements and for the Preparation and Submission of the Results of Such Measurements to the National Geodetic and Cartographic Resource (Regulation, 2020),

4 Draft UD60. Draft Act Amending the Geodetic and Cartographic Law and the Spatial Information Infrastructure Act (No. UD60 in the list of legislative and programme works of the Council of Ministers). Legislative documentation made available by the Government Legislation Centre, including the draft act and its subsequent versions, explanatory memorandum, regulatory impact assessment, reports on public consultations and opinions, and the legislator's responses to submitted comments. Available at: <https://legislacja.rcl.gov.pl/projekt/12398653>

5 In this article, the term "starosta" should also be understood to mean the mayor of a city with county rights.

6 At the request of the commune, the starosta may entrust the commune head by way of an agreement with the conduct of matters falling within the scope of government tasks conducted by him as a geodetic and cartographic administration authority. These tasks are performed with the assistance of a commune surveyor forming part of the commune office.

7 A court-appointed expert is an individual appointed by the president of a district court for a five-year term and entered on the official list of experts. The expert provides specialised opinions in civil and criminal cases on matters relevant to the outcome of the proceedings.

8 A mining surveyor is a natural person with professional qualifications as specified in the Act of 9 June 2011 – Geological and Mining Law (Act, 2011b), performing geodetic works in mines and mining plants. Mining surveyor is a regulated profession (<https://www.biznes.gov.pl/pl/portal/ou1038>).

where according to Paragraph 2 point 1 of that regulation it is a person with professional qualifications in the field of geodesy and cartography, referred to in Article 43 Act (1989). The regulation further provides that the manager of geodetic works must be a licensed surveyor appointed by the surveying contractor to direct the reported works (Paragraph 2 point 3 of Regulation (2020)).

4. Other entities including property owners who, under Act (1989), are subject to specific obligations, the fulfilment of which requires commissioning a surveyor to prepare surveying documentation under a civil law contract.

The issue of identifying the entity responsible for carrying out geodetic works and defining the relationship between the contractor and a person holding professional qualifications has long been the subject of discussion in the literature (Felcenloben, 2023). Draft UD60 adopts a fundamentally different approach to the entity performing geodetic works. Under the proposed amendments, surveying or cartographic works would be carried out by persons holding professional qualifications in the field of geodesy and cartography or by persons acting under their direct supervision, with certain employees of SGiK excluded from this framework. In addition, the definition of a licensed surveyor would be incorporated directly into the Geodetic and Cartographic Law. The concept of “independent functions in the field of geodesy and cartography” would be replaced by a category of geodetic works reserved for the personal performance of licensed surveyors. According to the proposed amendments to Article 11 of the Act, entrepreneurs and organisational units would no longer constitute the primary addressees of the legal provisions of the Act, and the role of the geodetic works manager would become redundant.

3 Legal procedures ensuring the proper performance of tasks in geodesy and cartography

As indicated in the introduction, the legal system should include appropriately formulated mechanisms which, on the one hand, support entities performing tasks in the field of geodesy and cartography, including the management of the PZGiK, and, on the other hand, prevent abuse and actions aimed at reducing the quality of this resource. Therefore, it is important to establish appropriate control and disciplinary institutions in the legal system, as well as appropriate forms of responsibility for specific entities and an appropriate structure and organisation of tasks that depends on the legislator's concept.

Act (1989) contains specific legal instruments that influence the activities undertaken by entities operating in the field of geodesy and cartography. They impose on these entities an obligation to behave in a certain way or to refrain from certain actions. It is necessary to systematise these issues and examine the relationships between individual entities to plan and implement effective legal solutions. These activities have an impact on the management of the PZGiK, which is why efforts should be made to ensure the appropriate quality of such a significant resource of data and information on which the Polish economy and public administration are based.

3.1 Supervisory and control institutions

The relationships between individual public administration authorities resulting from an analysis of the provisions of Act (1989) are presented in Figure 1. The following relationships exist between these authorities and contractors performing geodetic or cartographic works:

- the Surveyor General of Poland may, as part of the control of WINGiK activities, extend the control to the activities of geodetic and cartographic administration authorities, entrepreneurs and organisational units;

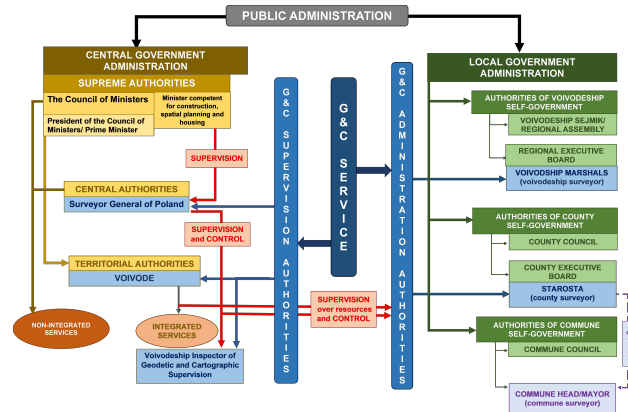


Figure 1: Diagram of the organisation of SGiK in public administration together with the supervisory and control powers of the authorities specified in Act (1989)

- WINGiK, acting on behalf of the voivode, controls compliance with and application of the provisions of Act (1989), in particular: a) compliance of geodetic and cartographic works with the provisions of Act (1989), b) professional qualifications of persons performing independent functions in the field of geodesy and cartography. These controls apply to entrepreneurs performing geodetic works, as well as state and local government organisational units without legal personality;
- SGiK authority verifies the results of reported geodetic works submitted by the surveying contractor.

The authorities of the SGiK that supervise and control compliance with regulations concerning geodesy and cartography and the reliability of tasks performed are: the Surveyor General of Poland and the WINGiK, whereby the WINGiK may be both a supervised and controlled entity, as well as a supervising and controlling entity. The supervision of the Surveyor General of Poland covers all activities of WINGiK and tasks related to the management of all PZGiK resources (central, voivodeship, and county). The supervision of WINGiK concerns the management of PZGiK resources (voivodeship and county) and cooperation with the Surveyor General of Poland and state control authorities in the field of geodetic and cartographic supervision. The above supervisory and control activities are undertaken ex officio (within the scope of statutory powers). The provisions of Act (1989) do not empower external entities to request that the authorities take the above-mentioned actions.

The concepts of supervision and control are related and are often used interchangeably, but there is a difference between them that translates into the manner and mode of action taken. The issues of definition, meaning, and differences between supervision and control have been widely discussed in numerous scientific studies, among others, in Romaniuk (2024); Czyżak and Czyżak (2003); Hoffmann (2008); Gołębiowska and Kociotek-Pęksa (2018). A review of these publications indicates that, despite their different mechanisms of operation, these institutions are focused on the same goal: ensuring that entities comply with accepted principles. In the case of entities operating at the interface between public administration and private entities, it is assumed that these principles are strictly defined in legal regulations. Czyżak and Czyżak (2003) point out that “the most important factor ensuring the impartiality of control is the absence of organisational links of a supervisory nature between the controlled and controlling entities. The controlling authority, which is in a supervisory relationship with the controlled institution, may refrain from overly critical assessment of its activities for fear of being accused that such an assessment of the controlled entity's activities reflects not only its own condition, but also irregularities in the performance of supervisory tasks”. Ochendowski (1999) notes that “control

and supervision define the function of ensuring the proper functioning of public administration, but often without taking into account the difference between them⁹. A somewhat different view is presented by Felcenloben (2024), who says that a clear distinction between supervisory and control competences is difficult to establish, as control constitutes an inherent component of supervision. Consequently, control exercised as an element of supervisory authority should be distinguished from control performed as an independent function. According to Felcenloben (2024), the concept of supervision under the Geodetic and Cartographic Law should be understood as an institution based on a relationship of hierarchical authority over geodetic administration bodies performing tasks delegated by the central government.

The procedure and rules for exercising control by the Surveyor General of Poland and WINGiKs in the field of geodesy and cartography are specified in Article 9 of Act (1989). In the case of control of the activities of the geodesy and cartography administration authorities, as well as organisational units, the provisions of Articles 11–57 of the Act of 15 July 2011 on Control in Government Administration (Act, 2011a) shall apply. However, the provisions of Chapter 5 of Act (2018) shall apply to the control of the economic activity of an entrepreneur.

Inspections of the activities of geodetic and cartographic administration authorities under Act (2011a) are carried out in either the standard or simplified procedure. The findings made during the inspection and the assessment of the activities of the inspected entity, depending on the mode of its conduct, are described in:

- draft post-inspection report, to which the head of the audited entity has the right to submit reasoned objections. Next, a post-inspection report is drawn up which, if necessary, is supplemented with:
 - recommendations or conclusions concerning the removal of irregularities or improvement of the functioning of the audited entity,
 - an assessment indicating that the person responsible for the identified irregularities is not fit to hold their position or perform their duties,
 - a deadline for submitting information on the implementation of recommendations or conclusions, as well as on the actions taken or the reasons for not taking them.
- inspection report containing a description of the established facts and their assessment, as well as, if necessary, recommendations or conclusions concerning the removal of irregularities or improvement of the functioning of the audited entity. The manager of the audited entity has the right to submit a written statement on the report, but this does not suspend the implementation of the audit findings.

Between 2020 and 2024, WINGiKs carried out a total of 556 standard inspections, which gives an average of 1.45 inspections per county. At the national level, only 8% of standard inspections resulted in a positive overall assessment, 16% were positive with minor deficiencies, 64% were positive with irregularities, and 12% were negative. Simplified inspections were much less frequent, with only 148 carried out in the same period, giving an average of 0.39 inspections per unit. At the national level, as many as 36% of simplified inspections resulted in a negative overall assessment, 25% were positive with irregularities, 5% were positive with minor deficiencies, and 16% were fully positive. In 18% of cases – all from the Lower Silesian region – no single overall assessment was given.⁹

Regarding the application of provisions of Act (2011a) in the scope of inspections carried out by WINGiK, interpretative doubts arose as to the authority conducting the inspection as the head of

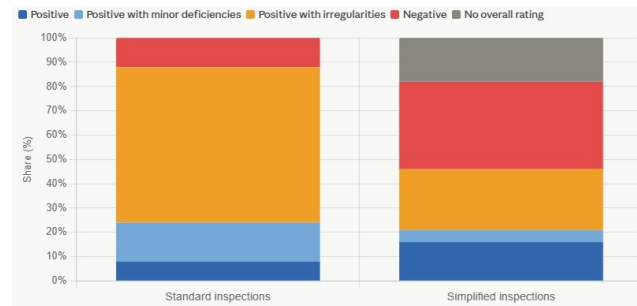


Figure 2: Chart showing the results of both types of inspections carried out between 2020 and 2024 by WINGiKs

the inspecting unit (i.e. whether it is the voivode or WINGiK), where there is a discrepancy between the positions of the central authority competent in matters of geodesy and cartography and the Supreme Audit Office (NIK) (Supreme Audit Office, 2025).^{10,11} This causes inconsistencies in the proceedings of the control authorities. At the same time, the provisions of Act (1989) do not specify the liability of the controlled entities for identified defective actions or omissions, nor do they specify the negative consequences for failure to improve and implement the recommendations of the control authorities.

Draft UD60 proposes to explicitly designate the Voivode as the head of the controlling authority. At the same time, the draft does not introduce any specific legal consequences for the failure of controlled authorities to implement post-audit recommendations.

Inspections of an entrepreneur's activities and inspections of an organisational unit in the field of geodetic works are conducted in two different modes. The provisions of Act (2011a) described above apply to inspections of organisational units. However, the provisions of Chapter 5 of Act (2018) apply to inspections of an entrepreneur's business activities. Based on the results of the inspection, a protocol is drawn up. The above-mentioned inspections may concern: 1) the notification of geodetic works; 2) the submission of surveying results to the PZGiK; 3) compliance with provisions on the performance of independent functions in the field of geodesy and cartography; 4) the reliability of geodetic works.

According to Supreme Audit Office (2025), despite the competence of WINGiKs to supervise the activities of entrepreneurs, no inspections of an entrepreneur's activities in the field of geodetic works were carried out between 2019 and 2024 by controlled WINGiKs, which constituted a violation of provisions of Act (1989). As a result, an important area related to the legality and reliability of surveying work remained outside state control carried out by specialised inspection authorities.

It should be noted that while reporting geodetic works, submitting the results of geodetic works to the PZGiK, or complying with regulations concerning the performance of independent functions in the field of geodesy and cartography (understood as appointing a surveying manager with the appropriate professional qualifications) are the responsibilities of the surveying contractor-entrepreneur, the reliability of the performance of geodetic works concerns the activities of the manager of these works. The management of geodetic and cartographic works subject to notification to the SGiK authority is one of the independent functions in the field of geodesy and cartography for which professional qualifications are required (Article 42 of Act, 1989). Persons performing independent functions in the field of geodesy and cartography are required to perform their tasks with due diligence, in accordance with the principles of modern technical knowledge and applicable

¹⁰ Letter from the Director of the Department of Control and Supervision at the Prime Minister's Office dated 21 August 2015, ref. DKN.WK.580.2.2015.KS

¹¹ Letter from the Surveyor General of Poland dated 21 October 2024, ref. NK-NiK.920.173.2024

law, otherwise they shall be subject to disciplinary liability (Article 46 of [Act, 1989](#)). Therefore, the works manager is not subject to the control referred to in Article 7b(1) point 1(a) and (b) of [Act \(1989\)](#) but is subject to disciplinary liability. At the same time, the documentation concerning the performance of geodetic works does not have to be in the possession of the surveying contractor himself. In the case of works that are in progress, the documents that may be subject to control are held by the works manager, who is not subject to such control. However, in the case of documentation accepted by the PZGiK owned by the State Treasury, it is held by the starosta, who is also not a controlled entity.

Considering that surveying contractors may also be natural persons who do not conduct business activity, i.e. court-appointed experts and mining surveyors with professional qualifications in the field of geodesy and cartography, there is no indication of an appropriate procedure for monitoring compliance with and application of the provisions of [Act \(1989\)](#) in relation to these persons. [Act \(1989\)](#) only stipulates that if, in the performance of their duties as mining surveyors or court-appointed experts, it is necessary to conduct geodetic works subject to notification to the SGiK authority, the persons performing such works should hold professional qualifications.

[Act \(1989\)](#) does not grant the Surveyor General of Poland and WINGiK the authority to supervise surveying contractors. The scope and intensity of supervision and control in the non-public sphere, where entities other than state and local government administration operate, is less than in the case of public administration, because the non-public sphere is primarily subject to constitutional freedoms (Article 22 of The Constitution of the Republic of Poland of 2 April 1997 ([Act, 1997](#))). Restrictions on the freedom of economic activity are only permissible by means of a statute and only for reasons of important public interest. In the case of surveying contractors, it should be remembered that the results of their works are fed into important public registers, including the PZGiK. In some other areas, the legislator has provided for the powers of supervisory and control authorities to issue authoritative orders to cease defective activities, e.g. an Education Superintendent may revoke a permit to establish a school run by a legal or natural person, a State Sanitary Inspector may order the closure of a workplace or part thereof, or withdraw a product from the market, a Voivodeship Trade Inspector may order the withdrawal of products from the market or the suspension of services, and a building supervision authority may suspend construction or order demolition. In the case of [Act \(1989\)](#), the lack of such regulations means that entities performing geodetic works may feel immune from punishment in the event of malpractice.

Draft UD60 proposes significant changes to the exercise of inspection powers by WINGiKs regarding compliance with the provisions of the Act, in particular with respect to the performance of geodetic and cartographic works and the possession of professional qualifications. As the draft abandons the concept of a geodetic works contractor, understood inter alia as an entrepreneur or an organisational unit, the statutory competence to inspect such entities would become obsolete. It would be replaced by verification activities initiated ex officio by WINGiK or upon request of the Surveyor General of Poland. The outcome of such activities would be documented in a verification report containing a list of identified irregularities, where applicable. The proposed amendments also require WINGiK, where irregularities are detected, to initiate disciplinary proceedings or notify the Police if there is a suspicion of a misdemeanour. These solutions may potentially strengthen the preventive function of the system; however, their effectiveness can only be assessed after the proposed regulations have entered into force and been applied in practice.

3.2 Verification of the results of reported geodetic works

The activities of a surveying contractor are subject to another verification process (in addition to the one mentioned above), namely

the verification of the results of reported geodetic works, in the case of works subject to notification and submission of results to the relevant SGiK authority (Article 12b of [Act, 1989](#)). It should be noted that the outcome of this procedure is significant to both the SGiK authority and the surveying contractor. The authority is interested in accepting correct data into the PZGiK and updating its data sets, while the surveying contractor is interested in completing the order and receiving payment for it. From this perspective, the importance of this procedure is quite high. The consequences of its faulty implementation by the SGiK authority will have negative effects on the data in the PZGiK. On the other hand, the surveying contractor's receipt of payment depends on positive verification. Inefficiency in the verification process may prolong the investment process or have negative consequences for entities commissioning geodetic works.

The verification procedure currently specified in the provisions of [Act \(1989\)](#) may, on the one hand, be a simple material and technical operation, and on the other hand, it may be subject to lengthy administrative proceedings. Figure 3 presents a diagram of the verification procedure, including any appeal proceedings conducted by WINGiK (it does not consider judicial review conducted in administrative court proceedings following a complaint against a decision of the WINGiK).

As noted by [Felcenloben \(2023\)](#), the procedure for verifying the results of submitted geodetic works remains a subject of considerable controversy. The literature points to instances where the statutory scope of verification is exceeded, as well as to the fact that verification activities are often performed by individuals who do not hold professional surveying qualifications. As a result, geodetic works may be assessed by persons whose professional qualifications are lower than those of the surveyors who carried them out. [Felcenloben \(2023\)](#) further observes that the Geodetic and Cartographic Law does not regulate the liability of geodetic and cartographic administration authorities for improperly conducted verification procedures or for the consequences arising from the incorporation of such results into the national geodetic and cartographic resource.

As shown in Figure 3, this procedure is overly complicated. In addition, the possibility of appealing against WINGiK decisions to administrative courts must be considered, which results in these decisions being subject to review in proceedings before administrative courts. At the same time, the interference of the courts in this procedure, instead of standardising and simplifying it, led to its distortion and complication. The interpretative complexities of the courts have led, among other things, to the creation of an additional competence for WINGiK to conduct the procedure of verifying the results of geodetic works, e.g.: Judgment of the Supreme Administrative Court of 16 July 2020 (ref: I OSK 2982/19, *Legalis* no. 2492161), Judgment of the Voivodeship Administrative Court in Wrocław dated 24 May 2021 (ref: II SA/Wr 109/21, *Legalis* no. 2820525), Judgment of the Voivodeship Administrative Court in Wrocław dated 7 September 2021 (ref: II SA/Wr 306/21, *Legalis* no. 2800764), Judgment of the Voivodeship Administrative Court in Wrocław dated 26 July 2022 (ref: II SA/Wr 463/22, *Legalis* no. 2744825), Judgment of the Voivodeship Administrative Court in Olsztyn dated 26 September 2024 (ref: II SA/Ol 457/24, *Legalis* no. 3125248).

The court made far-reaching interpretations of the regulations, indicating that *“As a result of reconsidering the case, the appeal authority was obliged to draw up a verification report and return to the surveyor the results of the reported work submitted by him, together with a report drawn up by the appeal authority containing a description of the identified shortcomings and irregularities.”*¹² There are also different court positions which indicate that *“In appeal proceedings, this authority does not carry out the verification referred to in Article*

12 Judgement of the Voivodeship Administrative Court in Olsztyn dated 26 September 2024 (ref: II SA/Ol 457/24, *Legalis* no. 3125248)

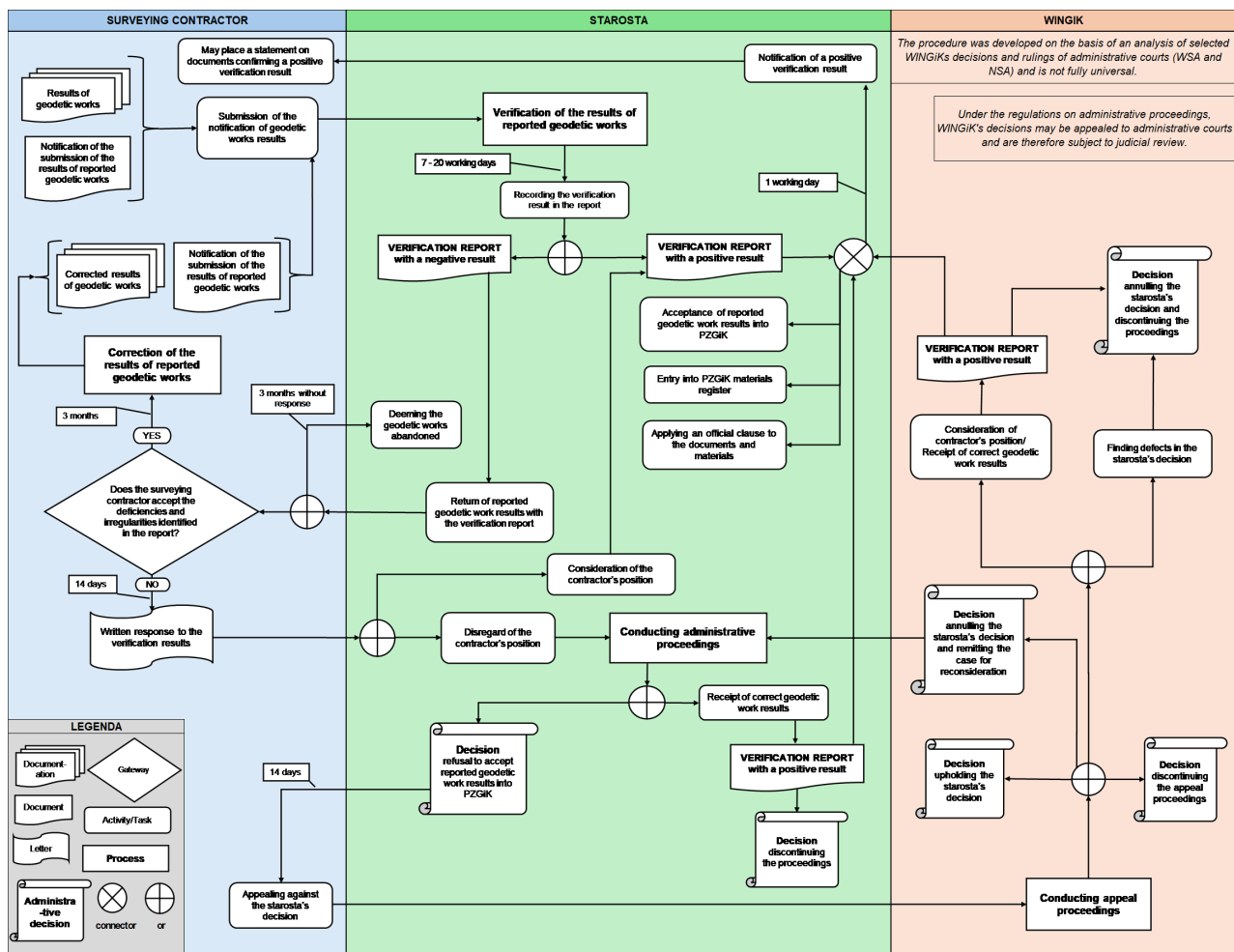


Figure 3: Diagram of the procedure for verification of surveying results by the starosta

12b(1) of the p.g.i.k., because it does not maintain a resource and the results of the reported geodetic works have not been forwarded to it, but only examines the appeal against the decision of the first instance authority on the basis of the administrative proceedings file".¹³

Therefore, the material and technical activity aimed at supplying current data to the data sets included in the PZGiK has been overly expanded, among other things, by the possibility of referring it to administrative proceedings and consequently to proceedings before an administrative court. At the same time, despite uniform procedural regulations at the statutory level, differing lines of jurisprudence in individual voivodeships may lead to discrepancies in the practical application of legal provisions.

Additionally, courts assume that "the supervisory authority and then the court of first instance are obliged to take into account that the surveying documentation forming the basis for the demarcation decision has been accepted into the resource, which means that as a result of verification by the relevant authorities, it has been deemed correct."¹⁴ It follows from the above that the courts do not consider the limited scope and limited capabilities of the SGiK authority to examine the correctness of surveying results during verification. It should also be borne in mind that the acceptance of these results after positive verification by the PZGiK will not necessarily enable the updating of public registers on their basis.

¹³ Judgement of the Voivodeship Administrative Court in Gliwice dated 4 July 2023 (ref: II SA/GI 595/23, Legalis no. 2958620)

¹⁴ Judgment of the Supreme Administrative Court of 13 October 2023 (ref: I OSK 2659/20, Legalis no. 2995992)

Doubts as to the advisability of the current procedure of verifying the results of geodetic works were expressed in Porucznik and Hanus (2024b). Based on an analysis of the legal provisions, this article contains important conclusions that cast doubt on the advisability of this procedure.

As reported by Porucznik et al. (2024), explanatory and control activities carried out by the Lower Silesian WINGiK in the years 2020–2023, concerning specific surveying results stored in the PZGiK, revealed that defective documentation had been accepted into the register. In 38 out of 44 cases (86%), the examined technical reports contained irregularities. In the Silesian region, similar results were observed, with irregularities occurring in approximately 90% of the analysed cases each year. Furthermore, inspections of starostas conducted by WINGiK in the Lower Silesian region identified deficiencies in verification reports, including incorrectly formulated and unjustified comments, often lacking a legal basis.

Draft UD60 does not introduce significant changes to the verification procedure itself. Instead, it changes the addressee of the regulation, replacing the surveying contractor with the licensed surveyor. This means that the fundamental procedural issues identified in this paper remain relevant under the proposed amendments. Furthermore, the proposed amendment to Article 12b(1) continues to provide that the verification of the results of reported geodetic works is carried out by an SGiK authority, a category that also includes WINGiK. As a result, the proposed wording may prove insufficient to eliminate all interpretative doubts identified in the existing case law of the administrative courts, despite the fact that this objective is expressly stated in the explanatory memorandum to the draft.

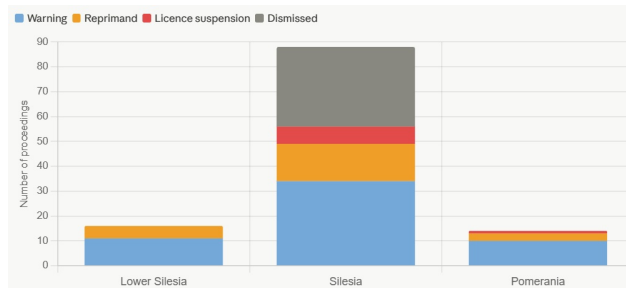


Figure 4: Chart showing the results of disciplinary proceedings conducted in selected regions between 2014 and 2024

3.3 Disciplinary liability

If persons performing independent functions in the field of geodesy and cartography perform their tasks with undue diligence, contrary to the principles of modern technical knowledge and applicable law, they shall be subject to disciplinary liability. However, only persons who hold professional qualifications in the field of geodesy and cartography and who perform independent functions in the field of geodesy and cartography are subject to disciplinary liability.

The following parties participate in disciplinary liability cases: the above-mentioned person, the disciplinary ombudsman, the Voivodeship Disciplinary Commission, the Appeal Disciplinary Commission, and the court of appeal – the labour and social security court. Disciplinary penalties include: a warning; a reprimand; suspension of professional rights for a period of 6 months to 1 year; revocation of professional rights. An investigation before the disciplinary officer is initiated by a request from WINGiK or the Surveyor General of Poland. A person who feels aggrieved by the actions of a licensed surveyor is not granted the right to file a request to initiate disciplinary proceedings or an investigation into such liability. Her request can only initiate possible ex officio proceedings by the competent authority (the issue is described in more detail in [Porucznik \(2023\)](#)). The procedure for disciplinary liability, the functioning of the disciplinary ombudsman, voivodeship disciplinary commissions, and the Appeal Disciplinary Commission, as well as the procedure for appointing these bodies, are set out in Articles 46–46w of [Act \(1989\)](#).

Over the ten years of application of the current regulations on disciplinary liability of professionals performing independent functions in geodesy and cartography, 16 disciplinary proceedings were conducted in the Lower Silesian region (11 resulted in warnings and 5 in reprimands). In the Silesian region, 88 proceedings were carried out (32 were discontinued, 34 resulted in warnings, 15 in reprimands, and 7 in the suspension of a licence). In the Pomeranian region, 14 proceedings were conducted (10 warnings, 3 reprimands, and 1 licence suspension). The results of disciplinary proceedings in the analysed regions are presented in Figure 4. The most common penalties were warnings and reprimands, which are relatively mild and do not result in significant negative consequences for those sanctioned. As a result, the regulations in this area do not effectively fulfil their preventive and disciplinary functions ([Porucznik et al., 2024](#)).

Doubts about the effectiveness of this procedure in its current form were expressed in [Porucznik and Hanus \(2024a\)](#). Based on the research conducted, it contains important conclusions that indicate the need to regulate in law the handling of surveying documentation in the event of a licensed surveyor being punished with disciplinary action for incorrect execution. At the same time, it was pointed out that to avoid doubts related to the responsibilities of a licensed surveyor acting as a manager of geodetic works, [Act \(1989\)](#) should designate the manager of geodetic works, rather than the surveying contractor, as responsible for all activities undertaken in connection

with the performance of geodetic works.

The law stipulates disciplinary liability for licensed surveyors, but [Act \(1989\)](#) does not define professional liability. It should be noted that a surveyor licensed to perform independent functions in the field of geodesy and cartography is a regulated profession. The provisions of [Act \(1989\)](#) refer to the granting of professional licenses in the field of geodesy and cartography. As [Ninard \(2015\)](#) points out, “despite the lack of a clear distinction between professional and disciplinary liability at the normative, doctrinal, and jurisprudential levels, it seems reasonable to distinguish these two types of liability as separate legal institutions. (...) Disciplinary liability guarantees the proper performance of public tasks by institutions within which there are employment/service relationships burdened with this responsibility. Professional liability, on the other hand, guarantees the proper performance of professions recognised by the legislator as professions of public trust in the broad sense of the term.”

In view of the above, a licensed surveyor, being a regulated profession, should be subject to professional liability. To this end, it would be necessary to establish an appropriate self-governing professional body as referred to in Article 7(1) point 8 of [Act \(1989\)](#). Pursuant to Article 17(1) of The Constitution, professional associations may be established by statute to represent persons performing professions of public trust and to supervise the proper performance of those professions within the limits of the public interest, and for its protection ([Act, 1997](#)). Considering the effect of surveyors’ works on the PZGiK and public investments, the legislator should consider establishing a self-governing professional body for surveyors.¹⁵ Such self-governing bodies have been established for groups including architects, civil engineers, attorneys, legal advisors, doctors, nurses, notaries, and bailiffs.

As discussed in Section 2 of this paper, Draft UD60 adopts a fundamentally different approach to the entity performing geodetic works. Under the proposed amendments, the licensed surveyor, as defined in the Act, would be responsible for all activities undertaken in connection with the performance of geodetic works. According to the explanatory memorandum to the draft, this change is intended, inter alia, to enable a more precise determination of the personal scope of disciplinary liability. Draft UD60 also proposes modifications to the model of liability applicable to persons holding professional qualifications in the field of geodesy and cartography. The direction of the proposed reforms confirms the continuing relevance of the issues identified in this study, although the effectiveness of the new solutions will require separate assessment following their possible entry into force. At the same time, the draft does not provide for the establishment of a professional self-governing body for surveyors.

3.4 Other procedures specified in regulations concerning geodesy and cartography

[Act \(1989\)](#) also includes a number of other legal instruments aimed at ensuring the correctness of tasks performed in the field of geodesy and cartography, i.e.:

- penal regulations, where a fine should be imposed for committing an offense specified in Article 48. These provisions may apply to surveying contractors as well as other legal entities. Doubts as to the effectiveness of the fine procedure in its current form are presented in [Porucznik and Hanus \(2024a\)](#). It was concluded that cases concerning offenses referred to in Article 48 of [Act \(1989\)](#) should be handled by WINGiK, as the supervisory authority for geodesy and cartography. This authority would protect the public good – PZGiK – more effectively than law enforcement agencies against actions aimed at reducing its quality,

¹⁵ As of 18 November 2025, the Surveyor General of Poland appointed a team to establish a professional self-government of licensed surveyors.

- instance control in the sphere of administrative adjudication, which is conducted as part of administrative proceedings. The procedure is related to the powers to issue administrative decisions in matters specified in [Act \(1989\)](#), such as: imposing financial penalties in connection with the improper use of resource materials (Article 48a), imposing an obligation on owners or other entities controlling real estate to provide relevant data necessary to update the Land and Building Register database, if this is not possible in any other way (Article 22(3)), refusing to update information contained in the Land and Building Register (Article 24(2c)),
- reference to civil liability for any damage caused in connection with the performance of geodetic and cartographic works (Article 16),
- reference to criminal liability for placing false statements about obtaining a positive verification result on documents that were created as a result of geodetic works and are intended for the entity for which the works were performed (Article 12b(5b)).

4 Summary and final conclusions

As indicated in this article, the provisions of [Act \(1989\)](#) provide for the following basic legal institutions for the proper performance of tasks in the field of geodesy and cartography:

- a supervision institution – exercised by the Surveyor General of Poland in relation to WINGiKs and tasks related to the management of all parts of the PZGiK resources, and exercised by the WINGiKs in the scope of managing the voivodeship and district geodetic and cartographic resources,
- a control institution – exercised by the Surveyor General of Poland in relation to WINGiK, as well as exercised by the geodesy and cartography supervision authorities in relation to the geodetic and cartographic administration authorities and surveying contractors (entrepreneurs and organisational units), in a manner specified based on separate regulations,
- verification of the results of reported geodetic works – conducted by the Surveyor General of Poland and the starosta as the geodetic and cartographic administration authority in relation to the results of geodetic works submitted to these authorities,
- disciplinary liability – initiated by a motion for punishment filed by a disciplinary ombudsman and exercised by commissions appointed by the geodesy and cartography supervision authorities (voivode – voivodeship disciplinary commissions, which adjudicate in the first instance; Surveyor General of Poland – Appeal Disciplinary Commission, which adjudicates in the second instance) and the court of appeal – the labour and social security court, in the event of an appeal by a party against the decision of the Disciplinary Appeals Commission,

The provisions of [Act \(1989\)](#) also provide for the imposition of obligations and financial penalties, or refusal to enter data submitted to the SGiK authority by way of administrative decisions into public registers. [Act \(1989\)](#) also provides for criminal and civil liability.

Analyses of legal regulations concerning control processes and accountability institutions show that they are not effective. The main objective of the research was to systematise the issues discussed and develop directions for change. In addition to the conclusions cited from previous studies, including [Porucznik et al. \(2024\)](#); [Porucznik and Hanus \(2024a\)](#) and [Porucznik and Hanus \(2024b\)](#), it is also stated that the legislator should strive to:

1. Define supervisory and control processes in such a way as to ensure that the entities covered by them comply with established rules, models, and standards defining the desired model of operation. The provisions contained in acts outside the field of geodesy and cartography are insufficient and often incompatible with the tasks performed in this area. These processes

should be defined by the provisions of [Act \(1989\)](#) and specified in detail in the implementing provisions to this Act.

2. Consider that [Act \(1989\)](#) explicitly specifies which entities are subject to inspection by the WINGiK regarding compliance with and application of regulations in the field of geodesy and cartography.
3. Consider the legitimacy of having two supervisory authorities in one – the voivode and WINGiK which raises interpretative doubts regarding their competences.
4. Indicate in [Act \(1989\)](#) the responsibility of controlled entities for identified defective actions or omissions and specify the negative consequences for failure to improve and implement the recommendations of the supervisory authorities.
5. Define the powers of WINGiK to impose financial penalties for actions directed against PZGiK.
6. Redefine disciplinary liability as professional liability and establish a professional self-governing body whose task will be to ensure that the profession is practiced in an appropriate manner.

Although Draft UD60 introduces several changes in the areas discussed in this paper that are consistent with the directions for reform proposed by the author, particularly with regard to the person responsible for the performance of geodetic works and the mechanisms for monitoring compliance with the provisions of the Act, the effectiveness of these solutions can only be assessed after their implementation in practice. At the same time, the proposal to designate the Voivode as the head of the controlling authority appears to diminish the role of WINGiK as the inspection authority and to limit its institutional autonomy. Furthermore, the draft does not introduce significant changes regarding the liability of controlled entities for identified irregularities or omissions, nor does it provide specific consequences for failure to implement corrective measures or comply with post-audit recommendations. While the amended provisions would transfer certain powers to impose administrative financial penalties for actions adversely affecting the PZGiK to WINGiK, some enforcement powers would remain vested in law enforcement authorities. The draft also does not provide for the establishment of a single institution responsible for safeguarding professional standards and ensuring the proper performance of the surveying profession.

The interpretation of legal provisions in the above scope is intended to serve further research aimed at determining optimal supervisory, control, and other verification instruments. This will be used to define the target model of procedures for the proper performance of tasks in the field of geodesy and cartography.

References

- [Act \(1989\)](#). Act of May 17, 1989 Geodetic and Cartographic Law. Act. Journal of Laws of the Republic of Poland, 2024, item 1151, as amended.
- [Act \(1997\)](#). The Constitution of the Republic of Poland of 2 April 1997. Act. Journal of Laws of the Republic of Poland, No. 97, item 483, as amended.
- [Act \(1998a\)](#). Act of 5 June, 1998 on County Self-Government. Act. Journal of Laws of the Republic of Poland, 2025, item 1684.
- [Act \(1998b\)](#). Act of 5 June, 1998 on Voivodeship Self-Government. Act. Journal of Laws of the Republic of Poland, 2025, item 581, as amended.
- [Act \(2010\)](#). Act of 4 March 2010 on Spatial Information Infrastructure. Act. Journal of Laws of the Republic of Poland, 2025, item 242, as amended.
- [Act \(2011a\)](#). Act of 15 July, 2011 on Control in Government Administration. Act. Journal of Laws of the Republic of Poland, 2020, item 224, as amended.
- [Act \(2011b\)](#). Act of 9 June 2011 on Geological and Mining Law. Act.

- Journal of Laws of the Republic of Poland of 2024, item 1290, as amended.
- Act (2018). Act of 6 March, 2018 on Law on Entrepreneurs. Act. Journal of Laws of the Republic of Poland, 2025, item 1480, as amended.
- Czyżak, R. and Czyżak, M. (2003). Kontrola w administracji publicznej: istota, cele i rodzaje (Control in public administration: essence, objectives, and types). *Kwartalnik Prawa Publicznego*, 3(4):67–91.
- Felcenloben, D. (2023). *Surveying Works Performed for Construction Purposes*. Wolters Kluwer, Warszawa.
- Felcenloben, D. (2024). *Prawo geodezyjne i kartograficzne. Komentarz. (Geodetic and Cartographic Law. Commentary)*. Wolters Kluwer, Warszawa.
- Gołębiowska, A. and Kociołek-Pęksa, A. (2018). Kontrola i nadzór w prawie administracyjnym – wybrane zagadnienia teoretycznoprawne i dogmatycznoprawne (Control and supervision in administrative law – selected theoretical and dogmatic legal issues). *Zeszyty Naukowe SGSP/Szkoła Główna Służby Pożarniczej*, 3(67):39–61.
- Hoffmann, T. (2008). Prawne podstawy systemu kontroli administracji w Polsce (Legal basis for the administrative control system in Poland). *Journal of Public Governance*, 5(3):51–69.
- Ninard, G. (2015). Odpowiedzialność zawodowa w geodezji. Status prawny (Professional liability in geodesy. Legal status). *Przegląd Geodezyjny*, 87(4).
- Ochendowski, E. (1999). *Prawo administracyjne (Administrative law)*. Dom Organizatora, Toruń.
- Porucznik, S. (2023). Rozpatrywanie zarzutów dotyczących wykonania pracy geodezyjnej przez wojewódzkiego inspektora nadzoru geodezyjnego i kartograficznego (Processing allegations concerning the realization of surveyors' work by the voivodeship inspector of geodetic and cartographic supervision). *Przegląd Geodezyjny*, 1(2):26–28, doi:10.15199/50.2023.02.3.
- Porucznik, S. and Hanus, P. (2024a). Ocena regulacji prawnych dotyczących przyjmowania przez starostę wyników zgłoszonych prac geodezyjnych do państwowego zasobu geodezyjnego i kartograficznego, część I (Evaluation of legal regulations concerning the procedure of accepting by head of county the results of reported geodetic works to geodetic and cartographic resources, Part I). *Przegląd Geodezyjny*, 1(5), doi:10.15199/50.2024.5.1.
- Porucznik, S. and Hanus, P. (2024b). Ocena regulacji prawnych dotyczących przyjmowania przez starostę wyników zgłoszonych prac geodezyjnych do państwowego zasobu geodezyjnego i kartograficznego, część II (Evaluation of legal regulations concerning the procedure of accepting by head of county the results of reported geodetic works to geodetic and cartographic resources, Part II). *Przegląd Geodezyjny*, 1(6):30–33, doi:10.15199/50.2024.6.3.
- Porucznik, S., Żylis, A., and Puzia, M. (2024). Analiza regulacji prawnych dotyczących przyjmowania przez starostę wyników zgłoszonych prac geodezyjnych do państwowego zasobu geodezyjnego i kartograficznego (Analysis of legal regulations concerning the procedure of accepting by district foreman the results of reported geodetic works to geodetic and cartographic resources). *Przegląd Geodezyjny*, 1(2):18–21, doi:10.15199/50.2024.2.1.
- Regulation (2020). Regulation of the Minister of Development of 18 August 2020 on Technical Standards for the Performance of Situational and Elevation Geodetic Measurements and for the Preparation and Submission of the Results of Such Measurements to the National Geodetic and Cartographic Resource. Act. Journal of Laws of the Republic of Poland, 2022, item 1670.
- Romaniuk, P. (2024). Conceptual changes in the institution of control in the science of administrative law. *Journal of Modern Science*, 55(1):272–289, doi:10.13166/jms/185531.
- Supreme Audit Office (2025). Report on audit findings, The provincial governor's supervision of the implementation at district level of tasks relating to the land and buildings register. KIN 430.2.2025, Ref. No. 22/2025/P/24/020/KIN.
- Żylis, A. and Porucznik, S. (2025). Geodetic civil partnership – who is ultimately responsible for performing geodetic work? *Przegląd Geodezyjny*, 2.