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of the article: **Means of appeal in administrative court proceedings in the light of the amending act of 9 April 2015 – analysis of the most important amendments**

By the Act of 9 April 2015 amending the Law on Proceedings before Administrative Courts, administrative court proceedings have been comprehensively amended, including almost all process institutions, including means of appeal. The changes made included both issues concerning the conditions for the admissibility of means of appeal, the course of proceedings resulting from filing them and the rulings. The article discusses the most important changes in this area relating to the modification of the mode of challenging some of the provisions of the court of first instance ending the proceedings in a given case, the introduction of a special regulation concerning the time limit for filing a cassation appeal in case of appointing an attorney for the plaintiff under aid law, the relative devolutive effect of the cassation complaint and broadening the powers of the Supreme Administrative Court to include the right to alter decisions of courts of lower instance. It is hoped that the discussed amendments will actually help to facilitate, simplify and improve the existing shape of proceedings before administrative courts.

Summary

of the article: **Fees for means of review – proposals for amendments to provisions on fees and costs of administrative proceedings**

The provisions of section IX of the Code of administrative procedure regulate the issue of charges relating to administrative proceedings – fees and costs of proceedings. The fees include primarily the stamp duty, which has to be paid for applications initiating the proceedings. In most cases, the stamp duty does not exceed a few dozen of zlotys. In turn, costs of proceedings are to defray expenses connected with the proceedings. Such costs are most often borne by the authority that conducts the proceedings, whereas a party to the proceedings covers them only if they arose as a result of its fault, if they were incurred in its interest or at its request. The parties do not pay any fees for means of review brought in administrative proceedings and do not bear the costs of their examination. Therefore, they may block proceedings by bringing entirely groundless judicial remedies, both ordinary and extraordinary, without incurring any expenses, as is often done in practice.

The author proposes amendments to provisions governing such charges. The main element in the proposal is the introduction of a fee for the means of review, ranging from 20 to 100 zlotys, depending on the type of the means of review. Such a fee would be returned if the judicial remedy was granted. The author also suggests that parties that file petitions for the reopening of proceedings or for annulment of a decision have compulsory legal representation. These two extraordinary judicial remedies relate to decisions that have a qualified legal defect. Therefore, legal expertise is necessary when drawing them up. The dissatisfaction of a party with a given decision is not a sufficient ground for bringing such a remedy. Moreover, should the petition for the reopening of proceedings or for annulment of a decision filed by a party turn out to be clearly groundless, the party would be charged with the lump-sum costs of the examination of such petitions.

The proposals are aimed at reducing different forms of challenging administrative decisions solely on grounds of jealousy or willingness to extend the proceedings. Their implementation could diminish the number of extraordinary judicial remedies brought and, in consequence, the number of complaints lodged with administrative courts.

Summary

of the article: **Refugee status in the case-law of Polish administrative courts (with particular reference to the judgment of the Supreme Administrative Court of 24 February 2011, II OSK 557/10)**

The protection of refugees is based both on standards arising from international law and on national regulations, including especially those concerning procedures and systemic issues. The principle of the procedural autonomy of the European Union Member States is not absolute, as international protection should be ensured while respecting the principles of equivalence and effectiveness. The decision-making practice of both public administration bodies and administrative courts must, too, be without prejudice to these principles. The Court of Justice found that as far as a national system, having the aforementioned characteristics, is concerned, it is for a national court of a Member State to ensure that the fundamental rights of applicants, including the right to be heard, are respected in each of these procedures – in both procedural and substantive terms. In matters discussed in this article, it is the Supreme Administrative Court that fulfils a specific role in terms of monitoring the appropriateness of administrative and administrative court proceedings. The selected issues presented in the article relate to the procedural aspects of processing asylum applications, which are closely linked to substantive law. The focus of the considerations presented in the article is on the message of the judgment of the Supreme Administrative Court of 24 February 2011, which is directional and in line with the case-law of international courts. The axiological and praxeological aspects of the international protection of refugees are highly important. Behind the positive law, understood as a coherent set of rules governing the rights and obligations of the beneficiaries of law, is an assumption that there is a stronger and stable structure of rules of diverse nature. Behind formal requirements there are often dramas of refugees, which must not be overlooked by authorities that decide whether or not to grant protection. Therefore, attentiveness to the complexity of matters being the subject of the regulation is essential. Of course, it is also necessary not to lose sight of the public interest in terms of efficient prevention of misuse of procedures.

Summary

of the article: **Environmental decision for an undertaking according to the requirements of the European Union**

The environmental decision has a special place in the environmental law. Not only does it specify the direct and indirect impact of the planned project on the natural environment, social environment, including health and living conditions of people, on material assets and cultural monuments; it primarily shows the interrelationship between these elements and the possibilities and ways of preventing and mitigating the negative impact on the environment. The environmental decision ensures the determination of the actual impact of projects on the natural and social environment, also during operation, and allows optional adjustment of the measures to mitigate the negative effects. The purpose of the environmental decision is to achieve one of the objectives of the EU in the area of environmental protection and quality of life and to cause that the effects of the project on the environment be assessed for the sake of a better quality of life by improving environmental conditions.

In Polish administrative courts in matters related to environmental protection, the parties most frequently challenge settlements by administrative bodies regarding environmental decisions. The scope of complaints raised by the applicants appears to be relatively easy to determine. And so, the parties doubt about the question of addressees of the environmental decisions, the possible legal successors and the status of environmental organizations in the proceedings (including issues related to the right of action of an ordinary association). In addition, frequently the basis of challenge is the very EIA report. It is not uncommon that administrative courts pay attention to the mistakes made by the authors of the reports, unnoticed during the administrative procedure, concerning, e.g., non-compliance of the report with the information sheet, the lack of reliable description of the analyzed variants of the project and finally the problem of the division of the project into a number of smaller ones. Bearing in mind the recurring problems in cases decided by administrative courts as regards environmental protection, this study presents in an orderly manner the rulings of the Court of Justice of the European Union and the rulings of Polish administrative courts in this regard.