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Summary

of the article: **Resolutions adopted by the Supreme Administrative Court in the years 2010-2011**

In the years 2010-2011 the SAC adopted 38 resolutions and made 13 other decisions (refusal to adopt a resolution, decision to take over a case for consideration) and compared

to the preceding period of time i.e. 2008-2009 the SAC's resolution-adopting activity is characterised by the decreased number of adopted resolutions. It is not excluded that the above is due to the large number of resolutions adopted in the preceding period of time, and in particular in the years 2008-2009. The then adopted resolutions clarified, among others, many important legal issues arising in the context of the provisions regulating the course of proceedings before administrative courts. The above resolutions determined the issues of particular importance from the perspective of the proper performance of the administrative courts' duties. It must be emphasised that both the authorised entities and the adjudicating panels of the SAC as a principle carefully considered the necessity to employ the institution of resolutions. The high degree of prudence involved in the request to adopt a resolution was undoubtedly related to the fact that the regulations are an important, yet not sole legal instrument used to ensure the coherence of the administrative courts' decisions.

The research seems to show that the regulations included in the Law on Proceedings Before Administrative Courts set the appropriate limits for the resolution-adopting activity. The SAC's interpretation of the preconditions that must be satisfied in order to launch the resolution-adopting procedure, almost completely observed by the SAC's adjudicating panels, significantly affected the practice in this respect. Therefore it must be emphasised that in the cases in which the resolutions were adopted the decisions to submit a legal issue for settlement sufficiently satisfied the statutory requirements. The SAC's adjudicating panels most often exercised due care identifying the provisions that needed clarification by way of resolutions, specifying the limits of the indispensable interpretation of the doubtful norms. The deviations from this rule were exceptional.

In the researched cases the SAC in many instances applied the constitutional norms and principles that most often satisfied the conditions of their direct applicability. The research showed that the SAC applied the constitutional norms first of all in order to ensure that a resolution was adopted on the appropriate grounds and a party's procedural rights were guaranteed. The necessity to apply the Constitution stemmed from many defects of the clarified legal norms resulting from, for example, the lack of internal coherence of the laws and regulations, the legislative omissions and other defects.

Summary

of the article: **Administrative liability for defaulting on the obligations or violating the conditions of road transport in the light of the amended Act on Road Transport**

The entry into force on 1 January 2012 of the Act Amending the Act on Road Transport and Certain Other Acts dated 16 September 2011 was coupled with changes to the principles of liability for violating the principles of road transport. The legislator decided to restate Chapter 11 of the Act on Road Transport dated 6 September 2001 concerning cash penalties. The scope of the object-related application of the provisions concerning the imposition of administrative penalties for violating the principles of road transport was changed and the new principles of bearing the above liability were introduced. At the same time due to the scope of such changes both the relevant public administration authorities and the administrative courts were forced to revise to a certain extent their prevailing practice of adjudicating on liability for violating the principles of road transport. Therefore the purpose of this article is to approximate the entities on which such an administrative sanction may be imposed and the principles of them bearing administrative liability.

The author concludes that the amendments to the Act on Road Transport regarding liability for violating the conditions of and obligations concerning road transport streamlined and unified the principles of bearing such liability. In particular they harmonised the

principles of bearing liability with the principles set our in European law. The amendments discussed in the article are not free from defects and therefore only the practice of adjudicating on administrative liability of entities conducting road transport, other activities related to the road transport and the entities performing activities related to road transport will make it possible to identify the clear criteria of bearing such liability.

Summary

of the article: **An authority's inaction and the excessive duration of administrative proceedings in the light of the amendment dated 3 December 2010**

This article analyses and discusses the provisions of law, the views of the doctrine and the judicature prevailing before the effective date of the Act Amending the Administrative Procedure Code and the Law on Proceedings Before Administrative Courts dated 3 December 2010 (Journal of Laws of 2011, No. 6, item 18) as well as the practical consequences of these amendments as regards introducing the notion of "excessive duration of proceedings" to the Administrative Procedure Code dated 14 June 1960 (Journal of Laws of 2000, No. 98, item 1071, as amended; the APC) and the Law on Proceedings Before Administrative Courts dated 30 August 2002 (Journal of Laws of 2012, item 270, as amended; the LPBAC).

Introducing the above mentioned solution the legislator, for the first time in the law regulating the proceedings before administrative courts, used the term "excessive duration of proceedings", but failed to define it. Also during the time preceding the amendments neither the APC nor the LPBAC used this term. In spite of that, both the court decisions and the legal literature widely used this term in the context of cases concerning complaints against the inaction of an authority, because given the lack of a normative definition of inaction the method of defining this term was developed by identifying the status of inaction with the excessive duration of proceedings.

The basic assumption of the presented text therefore became responding to the question if thee is and, if yes, then where – within the LPBAC after the amendments introduced on 3 December 2010 - is the boundary between the "inaction" of an authority and "excessive duration of administrative proceedings" before such authority and defining these notions.

Summary

of the article: **Standing in court proceedings and the object of proceedings before an administrative court**

This article aims to present the place of standing in court proceedings within the system of the institution of proceedings before administrative courts. The analysis is focused on the relation between standing in court proceedings and the object of such proceedings. Showing the characteristic features of the court control of administration adopted in Poland against the background of comparative law emphasised the differences between standing in court proceedings and the institution of the right to appear before a court as a product of the civil procedure. In the model adopted in Polish law there is no symmetry between such right and the object of the proceedings characteristic of the civil procedure. The history of the French administrative jurisdiction shows how the gradual development of the so-called objective disputes resulted in the separation of the precondition of the admissibility to file a complaint from the subject-related side of the demand expressed in the complaint. In the model of proceedings before administrative courts adopted in Poland, like in the French *recours pour excès de pouvoir* (*complaint for abuse of power*), the legal interest of the party filing the com-

plaint does not determine the object of the proceedings and the demand expressed in the complaint does not specify the scope of the court control. The administrative court considers not merely the complaint itself and the demand formulated therein, but rather the legality of the administrative activity challenged in the complaint.

These circumstances have a decisive effect on the legal evaluation of individual entities' standing. They determine whether standing may be given a substantive or formal character and the form in which the decision that standing has no such nature may be made. From the procedural perspective standing always has a formal nature because its evaluation does not determine whether the complaint is justified. It is an argument for recognising standing as a procedural precondition, the lack of which should result in the complaint being rejected. The lack of identity between the criteria of standing and the object of the proceedings is an argument against the ability to dismiss a complaint. To this extent standing should be treated as a precondition of the admissibility of the court considering the complaint on the basis of the substance of the case uniform for all the entities.