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Reformatory judgment of the Supreme Administrative Court five years after the reform

Summary

The study refers to the amendment of the Law on Proceedings before Administrative Courts, implemented on 15 August 2015. Within the framework of the above amendment, significant changes were made to the administrative court procedure. According to the assumptions of the legislator, these changes were to contribute to the simplification and acceleration of administrative court proceedings. Among a number of modifications introduced to the administrative court procedure, it is worth noting in particular the extension of the competences of the Supreme Administrative Court in the area of reformatory judgment. As a result of the amendment, the prerequisites for issuing a reformatory ruling have changed. Moreover, the nature of the provision has been changed from an optional to an obligatory one and such a ruling has been made a rule. The amended administrative court procedure has been in force for five years, which makes it possible to evaluate the regulation introduced by the legislator. The author compares the principles of reformatory judgment in force before and after the amendment and attempts to evaluate the regulation from the perspective of the five years it has been in force. The study also contains statistics showing the impact of the amendment on case law. The extension of the competence of the Supreme Administrative Court in the area of reformatory adjudication was one of the most significant changes introduced to the Law on Proceedings before Administrative Courts since the beginning of the Act.

Keywords: NSA reformatory judgment – NSA reformatory ruling – NSA reformatory adjudication