ASSOCIATION OF THE COUNCILS OF STATE AND SUPREME ADMINISTRATIVE JURISDICTIONS OF THE EUROPEAN UNION

ASSOCIATION DES CONSEILS D’ÉTAT ET DES JURIDICTIONS ADMINISTRATIVES SUPRÊMES DE L’UNION EUROPÉENNE

ACA-EUROPE

TRANSVERSAL ANALYSIS 2015

ACCESS TO ADMINISTRATIVE SUPREME COURTS AND TO THEIR DECISIONS

ANNEX 1: QUESTIONS AND QUESTIONNAIRE

Co-funded by the Justice Programme of the European Union
Effective access must be granted to the Supreme Administrative Courts (Q1 – Q12)

Q1: Do you have a system of "leave of appeal" (by which a party must first obtain the leave of the Supreme Administrative Court before bringing a case/an appeal)?

Q1b: Please explain:

Q2: Once a case is pending, may a case be dismissed because of being insignificant? (i.e. without purpose, without subject, withdrawn, ...)

Q3: May an insignificant case be decided by a single judge?

Q4: May an insignificant case be decided without oral hearing?

Q5: May an insignificant case be decided without a prior contradictory procedure?

Q6: If a case is not pending, are there summary procedures for deciding that cases are manifestly ill-founded or inadmissible?

Q7: If a case is not pending, may a case be denied admissibility because of being insignificant?

Q8: May an insignificant case be decided by a single judge?

Q9: May an insignificant case be decided without oral hearing?

Q10: May an insignificant case be decided without a prior contradictory procedure?

Q11: How many instances are there before the Supreme Administrative Court is asked to give "leave of appeal"?

Q12: Can you appeal a refusal of "leave of appeal"?

Legal aid (Q20 – Q25)

Q20: Can an individual be granted legal aid?

Q21: Who is entitled to grant legal aid?

Q22: Are there categories of individuals excluded from legal aid?

Q23: Which categories?

Q24: What kind of legal aid exists?

Q25: Does the request for legal aid interrupts time-limits for filing the complaint or the period for filing an appeal?
Pecuniary obstacles (Q30 – Q48)

Q30: Are there court fees for every kind of procedures?

Q31: Specify the exceptions

Q31b: Do the court fees have to be paid in advance, as condition for filing the appeal or bringing the case before the Supreme Administrative Court?

Q32: If the court fees are to be paid in advance, as condition to filing the appeal, will the petitioner be reimbursed by the Supreme Administrative court if he succeeds?

Q33: If the court fees are to be paid in advance, as condition to filing the appeal, does the losing party have to reimburse the winning party?

Q35: Is there a fixed court fee?

Q36: What is the minimum sum that has to be paid (by one person for one act)?

Q37: Does the court fee depend on the amount at stake?

Q38: What is the maximum court fee?

Q38b: Does the losing party have to pay the costs actually incurred by the winning party?

Q34: Can the third party before the Supreme Administrative Court be entitled to a reimbursement of costs?

Q41: Where costs are awarded, do they involve full or partial cost?

Q42: Partial cost:

Q39: Does the Supreme Administrative Court have any discretion to limit the cost to be reimbursed by the losing party?

Q40: What is the legal basis for this discretion?

Q43: What are the reasons for this discretion? (e.g. "equity")

Q45: Is the question of costs a debatable question before the Supreme Administrative Court?

Q46: Please explain:

Q47: Who has to bear the costs for experts appointed by the court?

Q48: Who has to bear the costs for experts invited by the party?
**Provisional protection (Q50 – Q58)**

Q50: Does provisional protection apply automatically connected with an action/appeal?

Q51: Please explain:

Q52: Are there exceptions? (e.g. in case of emergencies)

Q53: Does the provisional protection apply at the request of either party?

Q54: Please explain:

Q55: Are there exceptions (e.g. in case of emergencies)?

Q56: If there may be a provisional protection on request, what are the criteria for the decision of the Supreme Administrative Court in that respect?

Q57: Is it possible that the petitioner has to guarantee compensation in the event of provisional protection if the case is eventually lost? (e.g. when the provisional protection delays the execution of the construction of a building, ...)

Q58: Would provisional protection result in putting the case in a fast track procedure?

**Full access must be granted to the Supreme Administrative Courts (Q60 – Q75)**

Q60: Are there any categories of individual administrative acts (which directly affect rights or interests of individuals) precluded by law from judicial review in your legal system?

Q61: What categories?

Q62: May every judgement of a lower instance be appealed to the Supreme Administrative Court?

Q63: Can you give examples and explain on what grounds?

Q64: Is the fact finding process subject to review by the Supreme Administrative Court?

Q65: Please explain:

Q66: Is the Supreme Administrative Court bound by the fact finding established by the administrative authority?

Q67: On which grounds is the Supreme Administrative Court not bound by aforementioned fact finding?

Q68: Is the Supreme Administrative Court bound by the facts established by lower courts?
Q69: On which grounds is the Supreme Administrative Court not bound by aforementioned fact finding?

Q70: Can positive or negative jurisdictional conflicts arise between Supreme Courts?

Q71: If positive or negative jurisdictional conflicts can arise between Supreme Courts, does your national legislation establish rules on resolving such conflicts.

Q72: Is there a general rule that allows the solution of positive or negative jurisdictional conflicts? (e.g. presumption of jurisdiction of the civil court)

Q73: Please explain:

Q74: In order to resolve positive or negative jurisdictional conflicts, is there a special court or are there other technics?

Q75: Please specify the court and/or explain the technics:

The right of access to the Supreme administrative court is not absolute (Q80 – Q102)

Q80: If there is an organized administrative remedy, does a party in the conflict have to exhaust it before she is allowed to file an action/appeal by the Supreme Administrative Court?

Q81: Please explain:

Q82: Can an appeal be filed with the Supreme Administrative Court by a third party who was not involved in the administrative procedure before the lower court?

Q83: Is there a way to reopen the proceeding at the lower court?

Q84: Please explain:

Q85: In your opinion, has the introduction of mandatory prior administrative remedies significantly reduced referral to the Supreme Administrative Court?

Q86: Are there any decisions of the lower courts excluded from review by the Supreme Administrative Court in terms of content?

Q87: Please explain:

Q88: Are there any decisions of the lower courts excluded from review by the Supreme Administrative Court on the procedural level?

Q89: Please explain:

Q90: Can the first instance court decide over the admissibility of an appeal to the Supreme Administrative Court?
Q91: Are the decisions of the lower courts on admissibility subjected to the judicial review by the Supreme Administrative Court?

Q92: Please explain:

Q93: How does the Supreme Administrative Court revise its jurisprudence?

Q94: In so doing, how does the Supreme Administrative Court insure consistency in its case law (this is: in its new reasoned judgements)?

Q95: How does the Supreme Administrative Court communicate the new jurisprudence to the public?

Q96: Is it possible to give dissenting opinions?

Q97: Are they published?

Q98: Does the Supreme Administrative Court have a discretion to forgive the failure to comply with technical conditions for admissibility of an appeal? (e.g. to extend time for making an appeal for good reason)

Q99: May the Supreme Administrative Court institute ex officio the review of a decision of a lower court?

Q100: Please complete the following sentence: During the review new questions can be raised by a party that have not been raised ...

Q101: Is the Supreme Administrative Court restricted during the review by the questions raised by the parties before the lower court?

Q102: Does the same rule apply also to the arguments raised under EU law?

The appointment of judges (Q110 – Q118)

Q110: Which of the following bodies make the final decision as to the appointment of new judges of the Supreme Administrative Court?

Q111: Which of the following bodies make the final decision as to the promotion of existing judges to higher courts?

Q112: Which of the following bodies make the final decision as to the appointment of the President of the Supreme Administrative Court?

Q113: Prior to the making of a formal decision on the appointment of a new judge of the Supreme Administrative Court which of the following bodies (not involved in the formal decision itself) are required to be consulted?

Q114: Prior to the making of a formal decision on the promotion of an existing judge or the appointment of senior judges which of the following bodies (not involved in the formal decision itself) are required to be consulted?
Q115: Prior to the making of a formal decision on the appointment of the President of the Supreme Administrative Court which of the following bodies (not involved in the formal decision itself) are required to be consulted?

Q116: Prior to the appointment of a new judge of the Supreme Administrative Court is a candidate required to submit to:

Q118: Is the process leading to the appointment of a new judge of the Supreme Administrative Court, the promotion of an existing judge or the appointment of a senior judge a matter of transparent public record?

**Judicial tenure (Q120 – Q126)**

Q120: Is judicial appointment of new judges:

Q121: At what age?

Q122: Have any of the following a role in determining judicial misconduct and in imposing sanction short of removal from office?

Q123: What body can initiate the removal from office?

Q124: Have any of the following a role in the removal of a judge from office?

Q125: The procedures by which disciplinary or removal proceedings are conducted are primarily determined by:

Q126: Are such disciplinary proceedings a matter of public record?

**Judicial conduct (Q130 – Q143)**

Q130: If an issue arises in respect of judicial conflict of interest or a perception thereof, is a judge required to recuse him/herself of their own motion?

Q131: If an issue arises in respect of judicial conflict of interest or a perception thereof, may a party make a request that the judge recuse him/herself?

Q132: In the event that such a request is made, the decision to recuse or not is made by:

Q133: Is a formal record or register kept of matters (such as a shareholding in a company) which might give rise to a conflict of interest on the part of a judge?

Q134: Are such records or registers available to the public generally?

Q135: A judge has a duty to disclose any possible conflict of interest to:
Q136: A judge has a duty to disclose information about his private financial situation to:

Q137: In which of the following circumstances would it be considered appropriate for a judge to recuse themselves:

Q138: In respect of justice being administered in public:

Q139: To the extent that proceedings are conducted either partly or entirely without an oral hearing:

Q140: Are the papers lodged by the parties always available for public scrutiny?

Q141: What are those circumstances determined by?

Q142: Are documents, classified as confidential by one of the parties, open to the other party?

Q143: Is there a mechanism to remedy that situation as suggested, for instance, by the Court of Justice of the European Union in its ruling of June 4, 2013, ZZ v. Secretary of State for the Home Department (C-300/11)?

Other roles (Q150 – Q151)

Q150: Does the Supreme Administrative Court exercise any role in advising government on legislation or other matters?

Q151: Are the members of the Supreme Administrative Court who exercise such a role in advising government allowed to sit in litigation cases relating to acts taken after consulting the Court, if they took part in the deliberation of this advice?

Requirement that the Supreme Administrative Court be established by Law (Q161 – Q170)

Q161: The legal basis for the establishment of the Supreme Administrative Court is to be found principally in:

Q162: The jurisdiction of the Supreme Administrative Court is principally defined by:

Q163: The composition of the Supreme Administrative Court (e.g. the number of judges/the number and/or the composition of the chambers) is principally determined by:

Q164: The determination of the members of the Supreme Administrative Court who are assigned to deal with a case is decided by:

Q165: Does the Supreme Administrative Court have the power to prioritize cases?
Q166: Who exercises this power?

Q167: Where, whether for reasons of recusal, unavailability or otherwise, a judge initially assigned to deal with a particular case may no longer be in a position to act, is the decision on whether that judge should continue to deal with the case and/or a decision on which judge should act as replacement determined by:

Q168: The rules or process by reference to which cases or matters are assigned either initially to members of the court or reassigned where necessary are to be principally found in:

Q169: Is the method by which such assignment occurs readily available to members of the public?

Q170: Is the method by which such assignment occurs readily available to members of the public?

Requirement of a court capable of rendering a decision (Q180 – Q194)

Q180: Are there any facts of the case exempted from the court’s review as a result of:

Q181: Does "binding interpretation of law" made by another court or any other authority (including Constitutional Tribunal) exist in your legal system?

Q182: Does the Supreme Administrative Court's interpretation of law made in an individual case have binding force upon judges of this court (in other cases than the case decided by the Supreme Administrative Court)?

Q183: Does the Supreme Administrative Court's interpretation of law made in an individual case have binding force upon judges of lower courts?

Q184: Does the Supreme Administrative Court have any power to issue a binding interpretation of law outside an individual case? (e.g. by resolution)

Q185: Is that interpretation of law binding for the judges of the lower courts?

Q186: Is that interpretation of law binding for the judges of the Supreme Administrative Court?

Q187: Is it possible to change that interpretation of law?

Q188: Does the Supreme Administrative Court have any power to issue a binding interpretation of law inside an individual case? (e.g. "star decision", "landmark cases")

Q189: Is that interpretation of law binding for the judges of the lower courts?

Q190: Is that interpretation of law binding for the judges of the Supreme Administrative Court?
Q191: Is it possible to change that interpretation of law?

Q192: The Supreme Administrative Court has the power to:

Q193: Please explain and give examples to the Supreme Administrative Court having the power to impose damages.

Q194: Please explain and give examples to the Supreme Administrative Court having the power to impose penalties.

**Public access to judgements (Q200 – Q206)**

Q200: How are the judgements of the Supreme Administrative Court published?

Q201: Are there exceptions to public access to all judgements?

Q202: Are there decisions that are not published at all, due to:

Q203: Are there decisions that are only published after removal of all information that can lead to the identification of a party/of the parties? (i.e. "reducted publication")

Q204: If a judgement is published, is the identity of the parties also published?

Q204b: In which cases is the decision anonymized?

Q205: Is it possible to have a published judgement retracted/removed? (i.e. is there a "right to be forgotten")

Q206: Can the data in the publicly accessible databanks of decisions of the Supreme Administrative Court be consulted using an organised system of searchfunctions?
Access to supreme administrative courts and to their decisions

The structural requirements with respect to the court (the right to an independent, impartial, etc. Court)

There are 151 questions in this survey

Effective access must be granted to the courts

Effective access must be granted to the courts.

Do you have a system of “leave of appeal” (by which a party must first obtain the leave of the Supreme Administrative Court before bringing a case/an appeal)? *

Please choose only one of the following:

☐ Yes
☐ In certain cases (e.g. “cassation”)
☐ No

Please explain: *

Only answer this question if the following conditions are met:
Answer was ‘In certain cases (e.g. “cassation”)’ at question ‘1 [Q1]’ (Do you have a system of “leave of appeal” (by which a party must first obtain the leave of the Supreme Administrative Court before bringing a case/an appeal)?)

Please write your answer here:

Once a case is pending, may a case be dismissed because of being insignificant? (i.e. without purpose, without subject, withdrawn, ...) *

Only answer this question if the following conditions are met:
Answer was ‘In certain cases (e.g. “cassation”)’ or ‘Yes’ at question ‘1 [Q1]’ (Do you have a system of “leave of appeal” (by which a party must first obtain the leave of the Supreme Administrative Court before bringing a case/an appeal)?)

Please choose only one of the following:

☐ Yes
☐ No

May an insignificant case be decided by a single judge? *
Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘3 [Q2]’ (Once a case is pending, may a case be dismissed because of being insignificant? (i.e. without purpose, without subject, withdrawn, ...))

Please choose only one of the following:

- Yes, as a general rule
- Yes, exceptionally
- No

May an insignificant case be decided without oral hearing? *

Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘3 [Q2]’ (Once a case is pending, may a case be dismissed because of being insignificant? (i.e. without purpose, without subject, withdrawn, ...))

Please choose only one of the following:

- Yes, as a general rule
- Yes, exceptionally
- No

May an insignificant case be decided without a prior contradictory procedure? *

Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘3 [Q2]’ (Once a case is pending, may a case be dismissed because of being insignificant? (i.e. without purpose, without subject, withdrawn, ...))

Please choose only one of the following:

- Yes, as a general rule
- Yes, exceptionally
- No

If a case is not pending, are there summary procedures for deciding that cases are manifestly ill-founded or inadmissible? *

Only answer this question if the following conditions are met:
Answer was ‘Yes’ or ‘In certain cases (e.g. “cassation”)’ at question ‘1 [Q1]’ (Do you have a system of “leave of appeal” (by which a party must first obtain the leave of the Supreme Administrative Court before bringing a case/an appeal)?)

Please choose only one of the following:

- Yes
- No

In some systems a case will not be regarded as pending where there is only an application for leave to appeal. This question is designed to ask how “insubstantial” or “manifestly unfounded” issues are dealt with at that stage. Although it would be surprising if leave to appeal would be given if a case is “manifestly unfounded”, it is possible that a system might put in place a form of summary application either in writing or orally to give the parties an opportunity to make submissions on whether the case was manifestly unfounded.

If a case is not pending, may a case be denied admissibility because of being insignificant? *

Only answer this question if the following conditions are met:
Answer was ‘Yes’ or ‘In certain cases (e.g. “cassation”)’ at question ‘1 [Q1]’ (Do you have a system of “leave of appeal” (by which a party must first obtain the leave of the Supreme Administrative Court before bringing a case/an appeal)?)
Please choose only one of the following:

☐ Yes
☐ No

**May an insignificant case be decided by a single judge? * **

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '8 [Q7]' (If a case is not pending, may a case be denied admissibility because of being insignificant? )

Please choose only one of the following:

☐ Yes, as a general rule
☐ Yes, exceptionally
☐ No

**May an insignificant case be decided without oral hearing? * **

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '8 [Q7]' (If a case is not pending, may a case be denied admissibility because of being insignificant? )

Please choose only one of the following:

☐ Yes, as a general rule
☐ Yes, exceptionally
☐ No

**May an insignificant case be decided without a prior contradictory procedure? * **

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '8 [Q7]' (If a case is not pending, may a case be denied admissibility because of being insignificant? )

Please choose only one of the following:

☐ Yes, as a general rule
☐ Yes, exceptionally
☐ No

**How many instances are there before the Supreme Administrative Court is asked to give "leave of appeal"? * **

Only answer this question if the following conditions are met:
Answer was 'Yes' or 'In certain cases (e.g. "cassation")' at question '1 [Q1]' (Do you have a system of “leave of appeal” (by which a party must first obtain the leave of the Supreme Administrative Court before bringing a case/an appeal)?)

Only numbers may be entered in this field.

Please write your answer here:

☐ No

**Can you appeal a refusal of "leave of appeal"? * **

Only answer this question if the following conditions are met:
Answer was 'Yes' or 'In certain cases (e.g. "cassation")' at question '1 [Q1]' (Do you have a system of "leave of appeal" (by which a party must first obtain the leave of the Supreme Administrative Court before bringing a case/an appeal)?)
appeal” (by which a party must first obtain the leave of the Supreme Administrative Court before bringing a case/an appeal)?

Please choose **only one** of the following:

- Yes, before a "full bench"
- Yes, other
- No
**Legal aid**

**Can an individual be granted legal aid? * **

Please choose **only one** of the following:

- Yes
- No

**Who is entitled to grant legal aid? * **

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '14 [Q20]' (Can an individual be granted legal aid?)

Please choose **all** that apply:

- The Supreme Administrative Court
- Another court
- Authority
- Other: [ ]

**Are there categories of individuals excluded from legal aid? * **

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '14 [Q20]' (Can an individual be granted legal aid?)

Please choose **only one** of the following:

- Yes
- No

**Which categories? * **

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '16 [Q22]' (Are there categories of individuals excluded from legal aid?)

Please select at least one answer

Please choose **all** that apply:

- Legal persons
- Foreigners
- The public authority whose decision is challenged
- Other: [ ]

**What kind of legal aid exists? * **

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '14 [Q20]' (Can an individual be granted legal aid?)

Please choose **all** that apply:

- Full payment of all costs
- Paying by instalments in appropriate cases
- Cost sharing
- Assigning a certain lawyer to the applicant
Does the request for legal aid interrupts time-limits for filing the complaint or the period for filing an appeal? *

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '14 [Q20]' (Can an individual be granted legal aid?)

Please choose only one of the following:

☐ Yes
☐ No
Pecuniary obstacles

Are there court fees for every kind of procedures? *

Please choose only one of the following:

☐ Yes
☐ No

Specify the exceptions *

Only answer this question if the following conditions are met:
Answer was 'No' at question '20 [Q30]' (Are there court fees for every kind of procedures?)

Please choose all that apply:

☐ Social security
☐ International protection-cases
☐ Immigration-cases
☐ Applicant is a minor
☐ Other: [ ]

Do the court fees have to be paid in advance, as condition for filing the appeal or bringing the case before the Supreme Administrative Court? *

Please choose only one of the following:

☐ Yes
☐ No
☐ In certain cases (Please give examples): [ ]

If the court fees are to be paid in advance, as condition to filing the appeal, will the petitioner be reimbursed by the Supreme Administrative court if he succeeds? *

Please choose only one of the following:

☐ Yes
☐ No

If the court fees are to be paid in advance, as condition to filing the appeal, does the losing party have to reimburse the winning party? *

Please choose only one of the following:

☐ Yes
☐ No
☐ Only under certain circumstances (Please specify): [ ]

Is there a fixed court fee? *

Please choose only one of the following:
What is the minimum sum that has to be paid (by one person for one act)? *

Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘25 [Q35]’ (Is there a fixed court fee?)

Please choose only one of the following:

- 0 euro
- 1 - 250 euros
- 251 - 500 euros
- more than 500 euros

Does the court fee depend on the amount at stake? *

Only answer this question if the following conditions are met:
Answer was ‘No’ at question ‘25 [Q35]’ (Is there a fixed court fee?)

Please choose only one of the following:

- Yes
- No

What is the maximum court fee? *

Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘27 [Q37]’ (Does the court fee depend on the amount at stake?)

Please choose only one of the following:

- less than 5,000 euros
- between 5,000 euros and 10,000 euros
- 10,000 euros or more
- no maximum court fee

Does the losing party have to pay the costs actually incurred by the winning party? *

Please choose only one of the following:

- Always
- Normally
- On the court’s discretion
- Never

Can the third party before the Supreme Administrative Court be entitled to a reimbursement of costs? *

Please choose only one of the following:

- Yes
- No
Where costs are awarded, do they involve full or partial cost? *

Please choose only one of the following:

- Full cost
- Partial cost

Partial cost: *

Only answer this question if the following conditions are met:
Answer was 'Partial cost' at question '31 [Q41]' (Where costs are awarded, do they involve full or partial cost?)

Please choose all that apply:

- Fixed fees
- Experts
- Travel costs
- Attorney
- Other: 

Does the Supreme Administrative Court have any discretion to limit the cost to be reimbursed by the losing party? *

Please choose only one of the following:

- Yes
- No

What is the legal basis for this discretion? *

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '33 [Q39]' (Does the Supreme Administrative Court have any discretion to limit the cost to be reimbursed by the losing party?)

Please choose only one of the following:

- Law
- Jurisprudence
- Other:

What are the reasons for this discretion? (e.g. "equity")

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '33 [Q39]' (Does the Supreme Administrative Court have any discretion to limit the cost to be reimbursed by the losing party?)

Please write your answer here:
**Is the question of costs a debatable question before the Supreme Administrative Court?** *

Please choose only one of the following:

- Yes
- No

**Please explain:**

*Only answer this question if the following conditions are met:*

*Answer was 'No' at question '36 [Q45]' (Is the question of costs a debatable question before the Supreme Administrative Court?)*

Please write your answer here:

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**Who has to bear the costs for experts appointed by the court?** *

Please choose only one of the following:

- The losing party
- The party that had demanded for an expert opinion
- The court
- Other

**Who has to bear the costs for experts invited by the party?** *

Please choose only one of the following:

- The losing party
- The party that had demanded for an expert opinion
- The court
- Other
**Provisional protection**

**Does provisional protection apply automatically connected with an action/appeal? * **

Please choose only one of the following:

- [ ] Yes
- [ ] No
- [ ] It depends on the matter or type of case

Provisional protection: an (interim) procedure to suspend provisionally the execution of an administrative decision.

Please explain:

Only answer this question if the following conditions are met:
Answer was ‘It depends on the matter or type of case’ at question ‘40 [Q50]’ (Does provisional protection apply automatically connected with an action/appeal? )

Please write your answer here:

---

**Are there exceptions? (e.g. in case of emergencies)**

Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘40 [Q50]’ (Does provisional protection apply automatically connected with an action/appeal? )

Please write your answer here:

---

**Does the provisional protection apply at the request of either party? * **

Please choose only one of the following:

- [ ] Yes
- [ ] No
It depends on the matter or type of case

Please explain:

Only answer this question if the following conditions are met:
Answer was 'It depends on the matter or type of case' at question '43 [Q53]' (Does the provisional protection apply at the request of either party?)

Please write your answer here:

Are there exceptions (e.g. in case of emergencies)?

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '43 [Q53]' (Does the provisional protection apply at the request of either party?)

Please write your answer here:

If there may be a provisional protection on request, what are the criteria for the decision of the Supreme Administrative Court in that respect? *

Please choose all that apply:

- Prospects of success
- Cases of emergency
- Weighing of interests between execution and provisional protection
- A combination of the 3 above
- Other: __________________________

Is it possible that the petitioner has to guarantee compensation in the event of provisional protection if the case is eventually lost? (e.g. when the provisional protection delays the execution of the construction of a building, ...) *

Please choose only one of the following:
Would provisional protection result in putting the case in a fast track procedure? *

Please choose only one of the following:

- Yes
- No
Full access must be granted to the courts

Are there any categories of individual administrative acts (which directly affect rights or interests of individuals) precluded by law from judicial review in your legal system? *

Please choose only one of the following:

☐ Yes
☐ No

What categories? *

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '49 [Q60]' (Are there any categories of individual administrative acts (which directly affect rights or interests of individuals) precluded by law from judicial review in your legal system?)

Please choose all that apply:

☐ Naturalisations
☐ Visa
☐ Other: ____________________________

May every judgement of a lower instance be appealed to the Supreme Administrative Court? *

Please choose only one of the following:

☐ Yes
☐ No

Can you give examples and explain on what grounds?

Only answer this question if the following conditions are met:
Answer was 'No' at question '51 [Q62]' (May every judgement of a lower instance be appealed to the Supreme Administrative Court?)

Please write your answer here:

Is the fact finding process subject to review by the Supreme Administrative Court? *

Please choose only one of the following:

☐ Yes
☐ In certain cases
Please explain:

Only answer this question if the following conditions are met:
Answer was 'In certain cases' at question '53 [Q64]' (Is the fact finding process subject to review by the Supreme Administrative Court?)

Please write your answer here:

Is the Supreme Administrative Court bound by the fact finding established by the administrative authority? *

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '53 [Q64]' (Is the fact finding process subject to review by the Supreme Administrative Court?)

Please choose only one of the following:

- Yes
- No

On which grounds is the Supreme Administrative Court not bound by aforementioned fact finding? *

Only answer this question if the following conditions are met:
Answer was 'No' at question '55 [Q66]' (Is the Supreme Administrative Court bound by the fact finding established by the administrative authority?)

Please choose only one of the following:

- Full examination of the merits of the facts. (i.e. can a party invoke facts for the first time before the Supreme Administrative Court which have not been submitted to the administration or the lower court?)
- Mere examination of claims and manifest errors.

Is the Supreme Administrative Court bound by the fact finding established by lower courts? *

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '53 [Q64]' (Is the fact finding process subject to review by the Supreme Administrative Court?)

Please choose only one of the following:

- Yes
- No
On which grounds is the Supreme Administrative Court not bound by aforementioned fact finding? *

Only answer this question if the following conditions are met:
Answer was 'No' at question '57 [Q68]' (Is the Supreme Administrative Court bound by the fact finding established by lower courts?)

Please choose only one of the following:

- Full examination of the merits of the facts. (i.e. can a party invoke facts for the first time before the Supreme Administrative Court which have not been submitted to the administration or the lower court?)
- Mere examination of claims and manifest errors.

Can positive or negative jurisdictional conflicts arise between Supreme Courts? *

Please choose only one of the following:

- Yes
- No

If positive or negative jurisdictional conflicts can arise between Supreme Courts, does your national legislation establish rules on resolving such conflicts. *

Please choose only one of the following:

- Yes
- No

Is there a general rule that allows the solution of positive or negative jurisdictional conflicts? (e.g. presumption of jurisdiction of the civil court) *

Please choose only one of the following:

- Yes
- No

Please explain:

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '61 [Q72]' (Is there a general rule that allows the solution of positive or negative jurisdictional conflicts? (e.g. presumption of jurisdiction of the civil court))

Please write your answer here:
In order to resolve positive or negative jurisdictional conflicts, is there a special court or are there other technics? *

Please choose only one of the following:

☐ Yes
☐ No

Please specify the court and/or explain the technics:

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '63 [Q74]' (In order to resolve positive or negative jurisdictional conflicts, is there a special court or are there other technics?)

Please write your answer here:
The right of access to the Supreme Administrative Court is not absolute

If there is an organised administrative remedy, does a party in the conflict have to exhaust it before she is allowed to file an action/appeal by the Supreme Administrative Court? *

Please choose only one of the following:

☐ Yes
☐ No
☐ In certain cases

Please explain:

Only answer this question if the following conditions are met:
Answer was 'In certain cases' at question '65 [Q80]' (If there is an organised administrative remedy, does a party in the conflict have to exhaust it before she is allowed to file an action/appeal by the Supreme Administrative Court?)

Please write your answer here:

Can an appeal be filed with the Supreme Administrative Court by a third party who was not involved in the administrative procedure before the lower court? *

Please choose only one of the following:

☐ Yes
☐ No

Is there a way to reopen the proceeding at the lower court? *

Only answer this question if the following conditions are met:
Answer was 'No' at question '67 [Q82]' (Can an appeal be filed with the Supreme Administrative Court by a third party who was not involved in the administrative procedure before the lower court?)

Please choose only one of the following:

☐ Yes
☐ No

Please explain:

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '68 [Q83]' (Is there a way to reopen the proceeding at the lower court?)

Please write your answer here:
In your opinion, has the introduction of mandatory prior administrative remedies significantly reduced referral to the Supreme Administrative Court? *

Please choose only one of the following:

☐ Yes
☐ No
☐ Does not apply

Are there any decisions of the lower courts excluded from review by the Supreme Administrative Court in terms of content? *

Please choose only one of the following:

☐ Yes
☐ No
☐ Sometimes

Please explain:

Only answer this question if the following conditions are met:
Answer was 'Sometimes' at question '71 [Q86]' (Are there any decisions of the lower courts excluded from review by the Supreme Administrative Court in terms of content?)

Please write your answer here:

Are there any decisions of the lower courts excluded from review by the Supreme Administrative Court on the procedural level? *

Please choose only one of the following:

☐ Yes
☐ No
Sometimes

Please explain:

Only answer this question if the following conditions are met:
Answer was 'Sometimes' at question '73 [Q88]' (Are there any decisions of the lower courts excluded from review by the Supreme Administrative Court on the procedural level?)

Please write your answer here:

Can the first instance court decide over the admissibility of an appeal to the Supreme Administrative Court? *

Please choose only one of the following:

☐ Yes
☐ No
☐ In certain cases

Are the decisions of the lower courts on admissibility subjected to the judicial review by the Supreme Administrative Court? *

Only answer this question if the following conditions are met:
Answer was 'In certain cases' at question '75 [Q90]' (Can the first instance court decide over the admissibility of an appeal to the Supreme Administrative Court?)

Please choose only one of the following:

☐ Yes
☐ No
☐ In certain cases

Please explain:

Only answer this question if the following conditions are met:
Answer was 'Yes' or 'In certain cases' at question '76 [Q91]' (Are the decisions of the lower courts on admissibility subjected to the judicial review by the Supreme Administrative Court?)

Please write your answer here:
How does the Supreme Administrative Court revise its jurisprudence? *

Please write your answer here:

In so doing, how does the Supreme Administrative Court insure consistency in its case law (this is: in its new reasoned judgements)? *

Please write your answer here:

How does the Supreme Administrative Court communicate the new jurisprudence to the public? *

Please choose all that apply:

- No specific communication
- Internet
- Contacts with “the bar”
- Newsletters
- Other: [ ]

Is it possible to give dissenting opinions? *

Please choose only one of the following:

- Yes
- No

Are they published? *
Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘81 [Q96]’ (Is it possible to give dissenting opinions?)

Please choose only one of the following:

- Yes
- No

**Does the Supreme Administrative Court have a discretion to forgive the failure to comply with technical conditions for admissibility of an appeal? (e.g. to extend time for making an appeal for good reason) *

Please choose only one of the following:

- Yes
- No
- In certain cases yes/In certain cases no (Please explain)

**May the Supreme Administrative Court institute ex officio the review of a decision of a lower court? *

Please choose only one of the following:

- Yes
- No

Please complete the following sentence: During the review new questions can be raised by a party that have not been raised ...

* Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘84 [Q99]’ (May the Supreme Administrative Court institute ex officio the review of a decision of a lower court?)

Please choose all that apply:

- ... before the lower court.
- ... in the document used to enter the appeal by the Supreme Administrative Court.
- ... later during the procedure.

**Is the Supreme Administrative Court restricted during the review by the questions raised by the parties before the lower court? *

Please choose only one of the following:

- Yes
- No

**Does the same rule apply also to the arguments raised under EU law? *

* Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘86 [Q101]’ (Is the Supreme Administrative Court restricted during the review by the questions raised by the parties before the lower court?)

Please choose only one of the following:

- Yes
- No
The appointment of judges

Which of the following bodies make the final decision as to the appointment of new judges of the Supreme Administrative Court? *

Please choose all that apply:

- [ ] The President or Head of State
- [ ] The Government
- [ ] The Legislature
- [ ] The President of the Supreme Administrative Court
- [ ] A Judicial Council or other body consisting of members of the Judiciary
- [ ] A Judicial Council or other body consisting of members of the Supreme Administrative Court
- [ ] Representatives of the legal profession
- [ ] Lay representatives
- [ ] Selection board
- [ ] An appointing body which consists of representatives of more than one of the above (Please indicate which of the above are represented on the body in question)

- [ ] Other: 

This question is not concerned with the person or body who makes the formal appointment but rather with the decision maker in substance.

Which of the following bodies make the final decision as to the promotion of existing judges to higher courts? *

Please choose all that apply:

- [ ] The President or Head of State
- [ ] The Government
- [ ] The Legislature
- [ ] The President of the Supreme Administrative Court
- [ ] A Judicial Council or other body consisting of members of the Judiciary
- [ ] A Judicial Council or other body consisting of members of the Supreme Administrative Court
- [ ] Representatives of the legal profession
- [ ] Lay representatives
- [ ] An appointing body which consists of representatives of more than one of the above (Please indicate which of the above are represented on the body in question)

- [ ] Other: 

This question is not concerned with the person or body who makes the formal appointment but rather with the decision maker in substance.

Which of the following bodies make the final decision as to the appointment of the President of the Supreme Administrative Court? *

Please choose all that apply:

- [ ] The President or Head of State
Prior to the making of a formal decision on the appointment of a new judge of the Supreme Administrative Court which of the following bodies (not involved in the formal decision itself) are required to be consulted? *

Please choose all that apply:

- The President or Head of State
- The Government
- The Legislature
- The President of the Supreme Administrative Court
- A Judicial Council or other body consisting of members of the Judiciary
- A Judicial Council or other body consisting of members of the Supreme Administrative Court
- Representatives of the legal profession
- Lay representatives
- An appointing body which consists of representatives of more than one of the above (Please indicate which of the above are represented on the body in question)
- Other:

Prior to the making of a formal decision on the promotion of an existing judge or the appointment of senior judges which of the following bodies (not involved in the formal decision itself) are required to be consulted? *

Please choose all that apply:

- The President or Head of State
- The Government
- The Legislature
- The President of the Supreme Administrative Court
- A Judicial Council or other body consisting of members of the Judiciary
- A Judicial Council or other body consisting of members of the Supreme Administrative Court
- Representatives of the legal profession
- Lay representatives
- An appointing body which consists of representatives of more than one of the above (Please indicate which of the above are represented on the body in question)
- Other:
Prior to the making of a formal decision on the appointment of the President of the Supreme Administrative Court which of the following bodies (not involved in the formal decision itself) are required to be consulted? *

Please choose all that apply:

- The President or Head of State
- The Government
- The Legislature
- The President of the Supreme Administrative Court
- A Judicial Council or other body consisting of members of the Judiciary
- A Judicial Council or other body consisting of members of the Supreme Administrative Court
- Representatives of the legal profession
- Lay representatives
- An appointing body which consists of representatives of more than one of the above (Please indicate which of the above are represented on the body in question)

Prior to the appointment of a new judge of the Supreme Administrative Court is a candidate required to submit to: *

Please choose only one of the following:

- A competency based interview
- A competency based test
- A competitive examination
- Otherwise provide evidence of competence
- None of the above

Make a comment on your choice here:

Is the process leading to the appointment of a new judge of the Supreme Administrative Court, the promotion of an existing judge or the appointment of a senior judge a matter of transparent public record? *
Please choose only one of the following:

☐ Yes
☐ No
☐ Sometimes (please explain)

Make a comment on your choice here:
Judicial tenure

Is judicial appointment of new judges: *

Please choose only one of the following:

- [ ] For life
- [ ] Until a specified retirement age
- [ ] For a fixed term of years, renewable
- [ ] For a fixed term of years, not renewable
- [ ] Other

At what age? *

Only answer this question if the following conditions are met:
Answer was 'Until a specified retirement age' at question '96 [Q120]' (Is judicial appointment of new judges:)

Only numbers may be entered in this field.

Please write your answer here:


Have any of the following a role in determining judicial misconduct and in imposing sanction short of removal from office? *

Please choose all that apply:

- [ ] A judicial body
- [ ] The Government
- [ ] The Legislature
- [ ] Members of the legal profession
- [ ] Lay representatives
- [ ] Other:

What body can initiate the removal from office? *

Please choose all that apply:

- [ ] A judicial body
- [ ] The Government
- [ ] The Legislature
- [ ] Members of the legal profession
- [ ] Lay representatives
- [ ] Other:

Have any of the following a role in the removal of a judge from office? *

Please choose all that apply:

- [ ] A judicial body
The Government
☐ The Legislature
☐ Members of the legal profession
☐ Lay representatives
☐ Other: [Blank]

The procedures by which disciplinary or removal proceedings are conducted are primarily determined by: *
Please choose only one of the following:

☐ The Constitution
☐ Statute
☐ Secondary law
☐ Measures adopted by the judiciary themselves
☐ Other: [Blank]

Are such disciplinary proceedings a matter of public record? *
Please choose only one of the following:

☐ Yes
☐ No
Judicial conduct

If an issue arises in respect of judicial conflict of interest or a perception thereof, is a judge required to recuse him/herself of their own motion? *

Please choose only one of the following:

☐ Yes
☐ No

If an issue arises in respect of judicial conflict of interest or a perception thereof, may a party make a request that the judge recuse him/herself? *

Please choose only one of the following:

☐ Yes
☐ No

In the event that such a request is made, the decision to recuse or not is made by: *

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '104 [Q131]' (If an issue arises in respect of judicial conflict of interest or a perception thereof, may a party make a request that the judge recuse him/herself?)

Please choose only one of the following:

☐ The judge concerned
☐ The court or relevant chamber of the court as a whole
☐ The President of the Court or President of Chamber
☐ Other

Is a formal record or register kept of matters (such as a shareholding in a company) which might give rise to a conflict of interest on the part of a judge? *

Please choose only one of the following:

☐ Yes
☐ No

Are such records or registers available to the public generally? *

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '106 [Q133]' (Is a formal record or register kept of matters (such as a shareholding in a company) which might give rise to a conflict of interest on the part of a judge?)

Please choose only one of the following:

☐ Yes
☐ No

A judge has a duty to disclose any possible conflict of interest to:

Please choose all that apply:

☐ The court generally or a senior member thereof
The parties or their representatives

A judge has a duty to disclose information about his private financial situation to:

Please choose all that apply:

☐ Specific Public Offices
☐ The public in general
☐ Other: 

In which of the following circumstances would it be considered appropriate for a judge to recuse themselves: *

Please choose all that apply:

☐ The judge having a close personal relationship with a party to the case in question or a witness in the case
☐ The judge having expressed views extra-judicially (e.g. in academic articles or lectures) on a legal question which may arise in the case
☐ The judge having dealt with a party in a previous case involving the same party
☐ The judge having dealt with a party in a professional capacity at a time when the judge did not hold judicial office
☐ Membership of an organisation which might be seen as having a strong view on the issue before the court
☐ Other: 

In respect of justice being administered in public:

Please choose all that apply:

☐ All oral hearings are conducted in public
☐ Some but not all oral hearings may be conducted in private whether the question of a private hearing is governed by law
☐ Some but not all oral hearings may be conducted in private whether the question of a private hearing is governed by the exercise of judicial discretion

To the extent that proceedings are conducted either partly or entirely without an oral hearing:

Are the papers lodged by the parties always available for public scrutiny? *

Please choose only one of the following:

☐ Yes
☐ No
☐ In certain circumstances

What are those circumstances determined by? *
Only answer this question if the following conditions are met:
Answer was 'In certain circumstances' at question '113 [Q140]' (Are the papers lodged by the parties always available for public scrutiny?)

Please choose only one of the following:

- By law
- By the exercise of judicial discretion

Are documents, classified as confidential by one of the parties, open to the other party? *

Please choose only one of the following:

- Yes
- No

Is there a mechanism to remedy that situation as suggested, for instance, by the Court of Justice of the European Union in its ruling of June 4, 2013, ZZ v. Secretary of State for the Home Department (C-300/11)? *

Only answer this question if the following conditions are met:
Answer was 'No' at question '115 [Q142]' (Are documents, classified as confidential by one of the parties, open to the other party?)

Please choose only one of the following:

- Yes
- No
Other roles

Does the Supreme Administrative Court exercise any role in advising government on legislation or other matters? *

Please choose only one of the following:

☐ Yes
☐ No

Are the members of the Supreme Administrative Court who exercise such a role in advising government allowed to sit in litigation cases relating to acts taken after consulting the Court, if they took part in the deliberation of this advice? *

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '117 [Q150]' (Does the Supreme Administrative Court exercise any role in advising government on legislation or other matters?)

Please choose only one of the following:

☐ Yes
☐ No
Requirement that the Court be established by Law

The legal basis for the establishment of the Supreme Administrative Court is to be found principally in: *

Please choose only one of the following:

☐ The Constitution
☐ Statute
☐ Secondary legislation
☐ Other

The jurisdiction of the Supreme Administrative Court is principally defined by: *

Please choose only one of the following:

☐ The Constitution
☐ Statute
☐ Secondary legislation
☐ Other

The composition of the Supreme Administrative Court (e.g. the number of judges/the number and/or the composition of the chambers) is principally determined by: *

Please choose only one of the following:

☐ The Constitution
☐ Statute
☐ Secondary legislation
☐ Other

The determination of the members of the Supreme Administrative Court who are assigned to deal with a case is decided by: *

Please choose only one of the following:

☐ The President of the Court or the President of a relevant section or chamber of the Court
☐ By an automatic or random process determined in accordance with law or practice
☐ By a non-judicial court officer

Does the Supreme Administrative Court have the power to prioritize cases? *

Please choose only one of the following:

☐ Yes
☐ No

Who exercises this power? *
Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘123 [Q165]’ (Does the Supreme Administrative Court have the power to prioritize cases?)

Please write your answer here:

Where, whether for reasons of recusal, unavailability or otherwise, a judge initially assigned to deal with a particular case may no longer be in a position to act, is the decision on whether that judge should continue to deal with the case and/or a decision on which judge should act as replacement determined by: *

Please choose only one of the following:

- The President of the Court or the President of a relevant section or chamber of the Court
- By an automatic or random process determined in accordance with the rules of the Court
- By a non-judicial court officer

The rules or process by reference to which cases or matters are assigned either initially to members of the court or reassigned where necessary are to be principally found in: *

Please choose only one of the following:

- The Constitution
- Statute
- Secondary legislation (including Rules of Court)
- Measures adopted by the court itself
- There are no formal rules as such

Is the method by which such assignment occurs readily available to members of the public? *

Only answer this question if the following conditions are met:
Answer was 'Measures adopted by the court itself' at question ‘126 [Q168]’ (The rules or process by reference to which cases or matters are assigned either initially to members of the court or reassigned where necessary are to be principally found in:)  

Please choose only one of the following:

- Yes
- No

Is the method by which such assignment occurs readily available to members of the public? *
Only answer this question if the following conditions are met:
Answer was 'There are no formal rules as such' at question '126 [Q168]' (The rules or process by reference to which cases or matters are assigned either initially to members of the court or reassigned where necessary are to be principally found in:)

Please choose only one of the following:

☐ Yes
☐ No
The requirement of a court capable of rendering a decision

Are there any facts of the case exempted from the court’s review as a result of:

* Comment only when you choose an answer.

Please choose all that apply and provide a comment:

☐ The binding force of the civil or criminal court judgement

☐ A decision taken by the non-judicial authority

☐ An expert’s opinion

Please give an example of the choice you have made.

Does "binding interpretation of law" made by another court or any other authority (including Constitutional Tribunal) exist in your legal system? *

Please choose only one of the following:

☐ Yes

☐ No

Does the Supreme Administrative Court's interpretation of law made in an individual case have binding force upon judges of this court (in other cases than the case decided by the Supreme Administrative Court)? *

Please choose only one of the following:

☐ Yes

☐ No

Does the Supreme Administrative Court's interpretation of law made in an individual case have binding force upon judges of lower courts? *

Please choose only one of the following:

☐ Yes, in the same case

☐ Yes, in the same case and in other cases

☐ No

Does the Supreme Administrative Court have any power to issue a binding interpretation of law outside an individual case? (e.g. by resolution) *

Please choose only one of the following:

☐ Yes

☐ No

Is that interpretation of law binding for the judges of the lower courts? *
Is that interpretation of law binding for the judges of the Supreme Administrative Court? *

Is it possible to change that interpretation of law? *

Does the Supreme Administrative Court have any power to issue a binding interpretation of law inside an individual case? (e.g. "star decision", "landmark cases") *

Is that interpretation of law binding for the judges of the lower courts? *

Is that interpretation of law binding for the judges of the Supreme Administrative Court? *
Is it possible to change that interpretation of law? *

Only answer this question if the following conditions are met:
Answer was ‘Yes’ at question ‘137 [Q188]’ (Does the Supreme Administrative Court have any power to issue a binding interpretation of law inside an individual case? (e.g. "star decision", "landmark cases”))

Please choose only one of the following:

☐ Yes
☐ No

The Supreme Administrative Court has the power to: *

Please choose all that apply:

☐ Annul the decision of the lower court
☐ Annul the decision of the administrative body
☐ Replace the decision of the lower court
☐ Replace the decision of the administrative body
☐ to issue an injunction against the administrative body
☐ Decide on damages
☐ Impose penalties
☐ Other: ______________________

Please explain and give examples to the Supreme Administrative Court having the power to impose damages.

Only answer this question if the following conditions are met:
Answer was at question ‘141 [Q192]’ (The Supreme Administrative Court has the power to:)

Please write your answer here:
Please explain and give examples to the Supreme Administrative Court having the power to impose penalties.

Only answer this question if the following conditions are met:
Answer was at question '141 [Q192]' (The Supreme Administrative Court has the power to:)

Please write your answer here:
Public access to judgements

How are the judgements of the Supreme Administrative Court published? *

Please choose all that apply:

- Reading in open court
- Consultation at the office of the clerk of the court
- Printed collections
- Internet
- Newsletter
- RSS-feed
- Electronic notification to the parties
- Other: [ ]

Are there exceptions to public access to all judgements? *

Please choose only one of the following:

- Yes
- No

Are there decisions that are not published at all, due to: *

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '145 [Q201]' (Are there exceptions to public access to all judgements?)

Please choose all that apply:

- Public order
- International protection
- Minors
- Protection of private life
- Protection of classified information
- Commercial sensitivity
- Other: [ ]

Are there decisions that are only published after removal of all information that can lead to the identification of a party/of the parties? (i.e. "reduced publication") *

Only answer this question if the following conditions are met:
Answer was 'Yes' at question '145 [Q201]' (Are there exceptions to public access to all judgements?)

Please choose only one of the following:

- Yes
- No

Make a comment on your choice here: [ ]
If 'yes', please give examples.

**If a judgement is published, is the identity of the parties also published? * **

Please choose only one of the following:

- ☐ Yes
- ☐ No
- ☐ In certain cases

**In which cases is the decision anonymized? * **

*Only answer this question if the following conditions are met: Answer was 'In certain cases' at question '148 [Q204]' (If a judgement is published, is the identity of the parties also published?)*

Please choose all that apply:

- ☐ Public order
- ☐ International protection
- ☐ Minors
- ☐ Protection of private life
- ☐ Protection of classified information
- ☐ Commercial sensitivity
- ☐ Other: [ ]

**Is it possible to have a published judgement retracted/removed? (i.e. is there a "right to be forgotten") * **

Please choose only one of the following:

- ☐ Yes
- ☐ No
- ☐ In certain cases

Make a comment on your choice here:

[ ]
Can the data in the publicly accessible databanks of decisions of the Supreme Administrative Court be consulted using an organised system of search functions? *

Please choose all that apply:

- [ ] Yes, "Full text search"
- [ ] Yes, "Arborescence search"
- [ ] No
Submit your survey.
Thank you for completing this survey.