Judicial review of complex factual evaluations
Kari Kuusiniemi, President, Supreme Administrative Court, Finland

ACA Seminar, Cologne, 3.12.2018
Points of view

- Environmental law
- The SAC of Finland
Environmental Law

- A multidisciplinary field of law
  - Environmental sciences (impacts), Technology, Economy

- Balancing of interests, solving of conflicts between different societal needs, private and public interests, etc.
SAC and Environmental Cases

- (Partly) specialized chamber
- Expert judges in cases concerning pollution control and water management → typically professors of technology or science
- Control on facts and law, reformatory competence, deep and broad control (Kontrolldichte)
Facts → decision on the legality of decisions

- The decision shall be based on valid evaluation on complex facts in the light of vague legal texts

- Case file ← decision of the (expert) authority, decision of the first instance court (with expert judges), materials produced by the applicant and its consultants (EIA etc)

- The role of expert judges in assessing the credibility and relevance of the materials → sphere of the administrative discretion ↔ amendments of the (permit) decision in a procedure between different parties, NGOs, state and municipal authorities guarding different public interests