Functions of Supreme Administrative Courts

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The Facts...

Some of the main characteristics of Supreme Administrative Courts:

- best legal knowledge,
- most experienced judges,
- highest level of independence,

alas...

- limited capacity in numbers of judges and staff,
- functionally adapted to solving questions of law and not (less) of fact.
The Possibilities...

Possible functions of the Supreme Administrative Court:

• as a first instance court (e.g. regarding disputes in national elections),
• as a court of (first) appeal (no limit of access, broad examination of legality)
• as court of last instance, ruling on points of law (revision proceedings, special permission to use this remedy. limited examination of legality).
Positive aspects of adequate assignment of tasks to Supreme Administrative Court:

• efficient system of establishing legal precedents and resolution of difficult legal issues in administrative law,
• consistent and coherent application of administrative law by all the courts and administrative bodies,
• strengthening the rule of law and independent judicial review of administrative action.
Or Dysfunctions...

Negative outcomes of dysfunctional assignment of tasks to a Supreme Administrative Court:

- overburdening of the Supreme Administrative Court,
- inequality of parties resulting from differences in:
  - access to the Supreme Administrative Court and/or
  - dealing with cases (e.g. in Slovenia - „urgent“ matters or time-frames for decision making).
- violation of the obligation to reach a final decision in reasonable time (Art. 6. ECHR).