Identification of the participant

Nationality: Spanish

Functions: Judge of the Administrative Supreme Court

Length of service: Twelve days

Identification of the exchange

Hosting jurisdiction/institution: Administrative Supreme Court of Finland

City: Helsinki

Country: Finland

Dates of the exchange: From Seventeenth to twenty ninth of september 2012
I. Programme of the exchange

I started the visit on September 17th and ended on September 29th, 2012.

On the 16th in the afternoon I was greeted at the airport by an official of the Supreme Administrative Court who was accompanied to the court a car with a driver. They took me to the hotel where I stay.

The next day I started the official visit. I was picked up at the hotel by the same people who welcomed me yesterday. Earlier I had an interview with the Secretary of the Tribunal, and immediately after the Chief Justice who invited me to attend a sitting of the Court in which elucidated the nature of civil litigation or excessive compensation that was common on. It seemed to be a problem in a labour relationship.

Subsequently, and in accordance with established program that accompanied, I have attended various court decisions. Some of them require the presence of at least 5 judges others is enough only three (admissions resources).

Regardless of this I visited various courts including quote: Supreme Court, Courts of Appeal, Insurance Court, Market Court, Administrative Courts and District Courts.

During the first week of my stay coincided with two other Spanish judges. We attended the various meetings.

In addition to the jurisdictional meetings we had a meeting with a company programming decisions and legal texts, highly interested in running this type of work in Spain. They seemed to be satisfied with the information we provide.
We met with members of the Ministry of Justice, who explained the work program of the legal rules that perform.

In jurisdictional visits I received enough information about Finland jurisdictional system, and will explain the aspects most relevant in my opinion.

II. The hosting institution

As I said, the essential core of my visit was to the Supreme Administrative Court.

I have attended the discussions of various issues. One of plenary and other smaller composition according matters were decided (admission appeals require only three judges) decisions on the merits five judges, who by the nature of the matter with it, may accompany, two experts that are integrated into the Court.

Regardless of this, thanks to the personal interest of a judge, who had previously been in Spain, I had an exchange of views with other judges of the Supreme Administrative Court, in addition to meeting the program specifically planned.

In regard to the means of work I was assigned an office to perform the tasks you need to do during my stay in the Court. The facilities are equipped to current transmission techniques and probably future.

III. El derecho del país de recepción

As I mentioned I was particularly struck by the integration of two experts Tribunal when the issues needs their opinion.

This integration of expert witnesses in court, quite exotic in my country provoke various reflections.
The first of these, the positive aspect of such intervention is derived. The positive aspects of this integration are clear.

However, this intervention does not stop create me doubts about its desirability. The first one, is who decides what resources that intervention and appeals against the decision of the inclusion of experts in a particular case as members of the court.

The second is whether the statutory scheme of the experts is not to the judges (and it seems that it is not) what are the guarantees of impartiality of those experts.

Third, what has real influence on the judicial decision of the first to speak.

In one of the hearings I attended I also was struck by the prevalence of privacy over the publicity in the process, which results in a scarce number oral public hearings.

IV. The comparative law aspect in your exchange

With regard to the similarities and differences between the processes of visited country and my country and its Substantive Law, I understand that although there is a common spirit base, the differences are very appreciable.

On the one hand, and on the procedure appear to be disparate conceptions. Duality formal parties, which is essential in our administrative process, I have the impression that he is very weak in the Finnish process. The formality of the Finnish administrative process seems very attenuated in contrast with Spanish process.

On the other hand, and in terms of Substantive Law but the subjective aspect of the administrative act (Administration Act) appears to be common, the material element that defines the administrative act, for us (privilege) Administration-exhorbitant, operates differently in Finnish law. This explains why in matters to us are civilians, in
Finnish law are Administrative law. (Problems of family law, at least in one of its many events).

**V. The European aspect of your exchange**

In discussions I attended was frequent reference to the European Court of Human Rights. Not many allusions I seem I heard about the doctrine and jurisprudence of the ECJ, a fact that surprised me.

**VI. The benefits of the exchange**

I have a feeling that as the lived experience, and although the discussions were held in Finnish, is priceless. I think the experience of seeing other judges elsewhere, with other backgrounds, and other principles themselves, is itself highly rewarding. If the European Union Project is held these meetings should be mandatory.

When specifying concrete scope for me and my acting court this visit may represent the difficulties are accentuated, because regardless of the wealth of experience, in itself, it is clear that the huge differences between us makes it very difficult to pinpoint specific positive aspects of the visit are derived.

**VII. Suggestions**

Maybe that is why they should establish a kind of protocol visits in which the interrelation and intercommunication were the axis of the visit.

That is, it would be a visitor not only a spectator but received communicate and real life and know the specific challenges in each jurisdiction produces the work site.
I- Programme of the exchange
Institutions you have visited, hearings, seminars/conferences you have attended, judges/prosecutors and other judicial staff you have met…
The aim here is not to detail each of the activities but to give an overview of the contents of the exchange.
If you have received a programme from the hosting institution, please provide a copy.

II- The hosting institution
Brief description of the hosting institution, its role within the court organisation of the host country, how it is functioning…

III- The law of the host country
With regard to the activities you took part in during the exchange, please develop one aspect of the host country’s national law that you were particularly interested in.

IV- The comparative law aspect in your exchange
What main similarities and differences could you observe between your own country and your host country in terms of organisation and judicial practice, substantial law..? Please develop.

V- The European aspect of your exchange
Did you have the opportunity to observe the implementation or references to Community instruments, the European Convention of Human Rights,...? Please develop.

VI- The benefits of the exchange
What were the benefits of your exchange? How can these benefits be useful in your judicial practice? Do you think your colleagues could benefit of the knowledge you acquired during your exchange? How?

VII- Suggestions
In your opinion, what aspects of the Exchange Programme could be improved? How?