Identification of the participant
Nationality: Austrian
Function: Judge at the Austrian Supreme Administrative Court („Verwaltungsgerichtshof“)
Length of service: since 1 January 2004

Identification of the exchange
Hosting jurisdiction/institution: Korkeinhallinto-oikeus (Supreme Administrative Court of Finland)
City: Helsinki
Country: Finland

I. Programme of the exchange

The Finnish colleagues organised an exciting programme to become familiar with the Finnish judicial (and political) system.

The focus of the exchange was my stay at the Supreme Administrative Court of Finland, where I was provided with an office room of my own and access to the relevant electronic systems. I was introduced to the President of the Court and to all judges, who gave me the chance to participate in the sessions of the three Chambers and to hold individual conversations on a wide variety of issues as well. Although the discussions in the session took place in Finnish, there were no language problems to deal with, because my host took the effort to prepare English summaries of the cases on the agenda and I was always accompanied by a colleague to translate the most important parts of the discussions simultaneously.

Furthermore I visited the Ministry of Justice of Finland and got a broad overview of the Judicial Appointments in Finland, the development of the legislation on courts and judges and the judicial training. The official programme also included visits to the
Helsinki Legal Aid Office, the Finnish Supreme Court, the Administrative Courts of First Instance in Helsinki and Hämeenlinna, the (specialised) Labour and Market Court, the Finnish Parliament, the Office of the Ombudsman for Minorities (where I received - as I wished to highlight - a very convincing presentation on human trafficking) and, last but not least, the Finnish Migration Service.

Finally, aside from the official programme, I was warmly received by my new colleagues and could join in the social and cultural life of Helsinki (Jazz, Classical Concerts and Ice hockey!)

II- The hosting institution

The Supreme Administrative Court of Finland is situated in the centre of Helsinki and was founded in 1918. Under the Constitution of Finland, it is the court of last resort in administrative cases (in criminal and civil cases, the highest judicial powers are vested in the Supreme Court; the Finnish judicial system does not know a Constitutional Court). The Supreme Administrative Court decides on appeals against the judgements of six regional Administrative Courts (and – in addition – the Administrative Court of the autonomous Åland Islands), and the Market Court. Besides that, in some fields of law decisions of the Administrative authorities can be contested directly before the Supreme Administrative Court.

The judges of the Supreme Administrative Court include the President and twenty Justices, as well as a few temporary Justices. They decide in three different chambers, generally sitting with five judges (there are panels of three in some cases and enlarged panels, if the matter of judicial procedure is far-reaching or of major importance) and supported by about forty referendaries and forty other employees.

In 2013, the Supreme Administrative Court of Finland decided about 4,300 cases of which the largest shares were asylum- and migration cases (23%), cases of social welfare and health care (18.2%) and taxation cases (14.7%).
III- The law of the host country and the comparative law aspect in the exchange

It is of particular interest that in the Finnish (administrative) judicial system easy access to justice is carried out at a high level. The majority of categories of cases handled by the Supreme Administrative Court are not subject to the requirement of leave to appeal. Just as parties in proceedings before the lower administrative courts, appellants to the Supreme Administrative Court may not need to be represented by a lawyer. And it seemed to me that especially in comparison to the Austrian system, there are very few formal requirements to lodge an appeal even with the Supreme Administrative Court. Legal Aid is granted in an exemplary way and - as the leading public legal aid attorney at the Helsinki Legal Aid Office pointed out proudly - at the international level it is often referred to as one of the best in the world. This generous way to give people access to justice was particularly striking e.g. in the context of appeals against decisions by the Administrative authorities concerning basic education. The report on this topic I received at the Administrative Court of Hämeenlinna clearly indicated differences to Austrian conditions, for appellants in Finland seem to be much more prepared to challenge a decision of the Administrative authority in this context than in Austria.

However, easy access to justice also means a lot of work and a high burden on the courts. Therefore it did not surprise me that my Finnish colleagues were very interested to hear about the first experiences with the Austrian leave-to-appeal system („Revisionsmodell“) that was introduced at the beginning of 2014. Similar - but not so extensive - requirements are already in existence in the Finnish judicial system (e.g. in asylum and migration or taxation cases the Law provides that leave is required for appeal in the Supreme Administrative Court) and we discussed the advantages and disadvantages of a limited access to the Supreme Administrative Courts.

IV- The European aspect of the exchange

The question of the European aspect of a judge-exchange like the one at stake proved to be obvious. A major part of the discussions within the chamber-sessions I was allowed to observe addressed questions concerning European Law. It was amazing to see how the same questions relating to the interpretation of EU Law (e.g. legal questions of environmental
impactassessment) and European Human Rights Law (e.g. the principle of ne bis in idem) arise in all European Court-proceedings and it was a valuable experience to realize that the outcome of the interpretation – whether we like it or not – often depends on the different legal traditions in our countries.

V- The benefitsoftheexchange

The experience in a different jurisdiction allows for a fresh viewpoint on the administrative court system in the home country. In my opinion, it leads to a critical examination of your own perspectives and might in this way contribute to the harmonisation of European Law, ensuring its consistent application throughout the Union.

I benefited a lot from many informal conversations with the judges of the Supreme Administrative Court of Finland and from the presentations by all other Finnish participants of this exchange programme. My special thanks go to the President of the Supreme Administrative Court of Finland, who was a gracious host, and to the my contact person within the host jurisdiction, who did all the organisational work in a unique and exemplary manner and accompanied me as a perfect and helpful translator.

VI- Suggestions

I have no particular suggestions for the programme, because the Finnish colleagues did an excellent mix of variety and information. All my expectations were more than met and Finland is really worth a visit. With respect to the uncomplicated way, my Finnish colleagues handled the language barrier, I would suggest to think about opening the exchange programme in many other European countries (including my home country) to (at least English speaking) judges who do not know the native language.

SUMMARY
The exchange took place in the Supreme Administrative Court of Finland in Helsinki and lasted for two weeks (7 Sept 2014 – 20 Sept 2014). I had the opportunity to take part in all chamber-sessions of the Court and got a broad overview of the Finnish judicial and political system by way of a number of visits of various Finnish institutions. Thanks to the well-developed structure and the good preparation of this exchange by the Finnish colleagues, language barriers were not a problem at all. The exchange provided me with valuable first-hand experience of the work of the Supreme Administrative Court of Finland in particular and the Finnish legal system in general as well.