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

ACA-EUROPE

TRANSVERSAL ANALYSIS 2025

CONTRIBUTION TO THE EU JUSTICE SCOREBOARD

"THE ECONOMIC DIMENSION OF ADMINISTRATIVE COURT PROCEDURES – MAPPING OF COMPETENCES AND PROCEDURAL MECHANISMS AT THE LEVEL OF SUPREME ADMINISTRATIVE COURTS (SACS) FOR BUSINESS-RELATED PROCEDURES"

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ABSTRACT

The 2025 cross-sectional analysis highlights the central role of Supreme Administrative Courts ('SACs') in adjudicating business-related cases or cases of economic importance across Europe. While their core functions show strong convergence, differences remain in jurisdictional scope, institutional capacity, and procedural approaches.

Supreme Administrative Courts increasingly rely on tools such as interim relief, accelerated procedures, and digitalisation to manage complex cases, while judicial training and support mechanisms continue to evolve. At the same time, variations persist in access to justice, particularly regarding costs and legal aid for economic actors.

Overall, Supreme Administrative Courts are adapting to economic complexity mainly through procedural innovation, reflecting their growing role in ensuring both legal certainty and economic stability.

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LIST OF ABBREVIATIONS

ADR	Alternative Dispute Resolution
AI	Artificial Intelligence
Administrative Jurisdiction Division of the Council of State of the Netherlands	AJD
CJEU	Court of Justice of the European Union
FSMA	Financial Services and Markets Authority (Belgium)
GALA	General Administrative Law Act (the Netherlands)
SAC	Supreme Administrative Court
SMEs	Small- and Medium-sized Enterprises

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I. INTRODUCTION

1. In its action plan for 2022-2025, ACA-Europe has determined its annual operational activity to be the organisation of a cross-sectional analysis activity by its members, comprising the collection of data, analysis and conclusions in the domain of access to administrative justice. The purpose of the cross-sectional surveys is the collection, analysis, exchange and provision of information, good practices and recommendations.

2. In the past few years, the Association has familiarised itself with the concept of this analysis. The summary reports of these surveys can be consulted on the website of the Association (www.aca-europe.eu).

3. For 2025, the Board of ACA-Europe has chosen the following topic:

> *"The Economic Dimension of Administrative Court Procedures – Mapping of competences and procedural mechanisms at the level of Supreme Administrative Courts (SACs) for business-related procedures".*

4. This theme reflects a broader evolution within administrative justice. In recent years, administrative courts, and in particular Supreme Administrative Courts (SACs), have increasingly become central actors at the intersection of regulatory oversight and economic governance. Supreme Administrative Courts are regularly called upon to adjudicate disputes that have direct and often significant implications for businesses, including matters relating to taxation, public procurement, permits, environmental regulation, and intellectual property. As administrative decision-making grows more complex and economically consequential, the role of Supreme Administrative Courts in shaping legal certainty and the investment climate has correspondingly expanded.

What was once a relatively contained domain of judicial review has thus evolved into a key forum for resolving business-critical disputes. Companies, ranging from small and medium-sized enterprises ('SMEs') to large multinational corporations, increasingly engage in administrative litigation that may materially affect their operations, strategic investments, and compliance obligations. This development has heightened both the visibility of Supreme Administrative Courts and the expectations placed upon them. Courts are required to interpret complex and often technical regulatory frameworks, manage increasingly sophisticated litigation, and deliver timely, consistent, and predictable decisions that contribute to economic stability.

5. Against this background, the 2025 cross-sectional analysis seeks to map how Supreme Administrative Courts across Europe approach their role in business-related cases or cases of economic importance. Based on a questionnaire completed by members of ACA-Europe, this report provides a comparative overview of the competences, institutional frameworks, procedural instruments, and access-to-justice mechanisms that shape the handling of economically significant cases before Supreme Administrative Courts. Through a comparative lens, the initiative seeks to benchmark national practices, highlight innovation, and identify common challenges or structural gaps. This analytical exercise will offer valuable insights for judicial actors, policymakers, and the broader legal community.

Importantly, this initiative also builds on the cross-sectional analysis of 2015 conducted by ACA-Europe, titled "*access to administrative supreme courts and to their decisions*" which explored how administrative courts ensure effective judicial protection.[1]

Ten years on, the 2025 analysis revisits many of the foundational themes such as access to justice, procedural effectiveness, and institutional design, now viewed through the specific lens of business-related litigation.

Hence, the 2015 analysis served as a useful source of inspiration for developing the questionnaire, with its core questions recalibrated to address the challenges and needs faced by economic actors, particularly private businesses, in their interactions with administrative justice.

6. For the purposes of this analysis, the notion of "economic impact" refers to disputes that affect market access, investment, competition, operational conditions, or the financial viability of economic activities.

The analysis is structured around four main thematic areas.

First, it examines the scope of jurisdiction of Supreme Administrative Courts, identifying the types of business-related disputes that fall within their competence and the extent to which they directly affect market actors. The focus is on economic actors, i.e. private companies (including SMEs), self-employed professionals, and, for the purposes of this analysis, state-owned enterprises and public undertakings insofar as they operate on the market, while excluding public authorities acting in a sovereign capacity and individuals acting purely in their private sphere.

The analysis further considers whether SACs act as appellate courts or, in certain jurisdictions, as courts of first instance, and how such cases are admitted, filtered, and categorised. Particular attention is given to areas such as permits (including environmental, planning, and zoning authorisations), public concessions and procurement, taxation and customs,

1 Available here: Transversal-Analysis.pdf

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competition and intellectual property decisions, as well as administrative inaction affecting business interests.

Secondly, the report explores the institutional structure and degree of specialisation of Supreme Administrative Courts. It examines how these courts organise their internal functioning to handle complex and economically significant disputes, including through the establishment of specialised chambers or divisions, ad hoc formations, or expert panels. Attention is also paid to the role of targeted judicial training and the availability of technical and legal expertise in fields such as taxation, public procurement, environmental law, financial regulation, and European Union law. In certain jurisdictions, SACs may also act as courts of first instance in cases of particular economic sensitivity. This section further considers mechanisms for allocating and prioritising high-impact cases, as well as the institutional support structures that contribute to consistent and well-informed decision-making, building on the findings of the 2019 ACA cross-sectional analysis on the organisation of SACs.

Thirdly, the report analyses the procedural mechanisms available to SACs such as interim measures, including the suspension of administrative acts in urgent cases, procedural consolidation of similar or multiple claims, and preliminary reference procedures, both at the domestic level and before the Court of Justice of the European Union - which may contribute to reducing legal uncertainty and limiting economic disruption. It also examines the increasing use of digital case-management systems, including e-filing, automated case allocation, and tools for monitoring case duration. In some jurisdictions, alternative dispute resolution mechanisms, such as mediation or negotiated settlements, may also complement judicial proceedings.

Finally, the report addresses access to justice and cost-related aspects, including legal aid schemes, cost allocation rules, and financial guarantees, all of which may influence the willingness and ability of businesses, particularly SMEs, to engage in administrative proceedings. It also considers the broader economic impact of SAC decisions, which may, for example, result in the suspension or annulment of major projects or regulatory measures. In this context, particular attention is paid to the ways in which SACs balance effective legality review with considerations of economic continuity, including through the modulation of the temporal effects of judgements or the use of transitional arrangements.

7. The working group, tasked with drafting the questionnaire, analysis of the collected data and writing the report, consisted of Ms. Anne Bartnicki, Mr. Joris Casneuf, Mr. Jacek Chlebny, Mr. Geert Debersaques, Mr. Yves Gounin, Ms. Lenka Krupičková, Mr. Tuomas Kuokkanen, Ms. Anke Meskens, Mr. Eugenio Tagliasacchi, Ms. Suzana Tavares da Silva, Ms. Ariane Wiedmann and Mr. Seamus Woulfe.

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8. The questionnaire was distributed among ACA members on 15 December 2025, with a participation deadline set for 30 January 2026. We are pleased to report that no less than 31 members responded to the questionnaire.

II. SCOPE OF JURISDICTION OF SUPREME ADMINISTRATIVE COURTS IN BUSINESS-RELATED CASES OR CASES OF ECONOMIC IMPORTANCE

2.1. Introduction

9. This section examines the scope of jurisdiction of Supreme Administrative Courts ('SACs') in relation to business-related cases and cases of economic importance. It focuses on how such jurisdiction is defined, the criteria used to determine it, and the types of disputes that fall within its ambit.

As reflected in the questionnaire (Section A), Supreme Administrative Courts may be called upon to adjudicate a wide range of disputes affecting economic actors, including regulatory measures, public contracts, authorisations, and broader economic governance. The findings reveal both a high degree of convergence across jurisdictions and important variations in the criteria and limits of jurisdiction.

2.2. Competence of Supreme Administrative Courts to rule on business-related cases or cases of economic importance

2.2.1. General scope of jurisdiction

10. All surveyed courts reported that they are competent to rule on business-related cases or cases of economic importance. This confirms that business-related litigation forms an integral part of the jurisdiction of Supreme Administrative Courts across Europe.

2.2.2. Criteria for determining jurisdiction

11. The scope of jurisdiction of the courts depends on two criteria (organic and material), which may be applied either separately or cumulatively.

The Councils of State of Greece and France, as well as the Austrian Supreme Administrative Court and the Administrative Chamber of the Latvian Supreme Court, provide examples of a cumulative application of these two criteria: disputes fall within their jurisdiction where they involve at least one public authority (organic criterion) and relate to the performance of a public service function (material criterion).

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The Belgian Council of State refers to an interesting and restrictive application of the organic criterion: the mere fact that an appeal seeks the annulment of an administrative decision is not sufficient to establish the jurisdiction of the administrative courts. It is also necessary that "the true and direct subject-matter of the appeal" is not the recognition of a subjective right.

The types of disputes concerned are very broad. Examples include:

- The Supreme Administrative Court of Lithuania refers to tax litigation, energy disputes, economic regulation, and the use of European funds;
- The Luxembourg Administrative Court mentions three decisions relating to the construction of wind turbines, the building of an energy plant, and the award of a public contract.

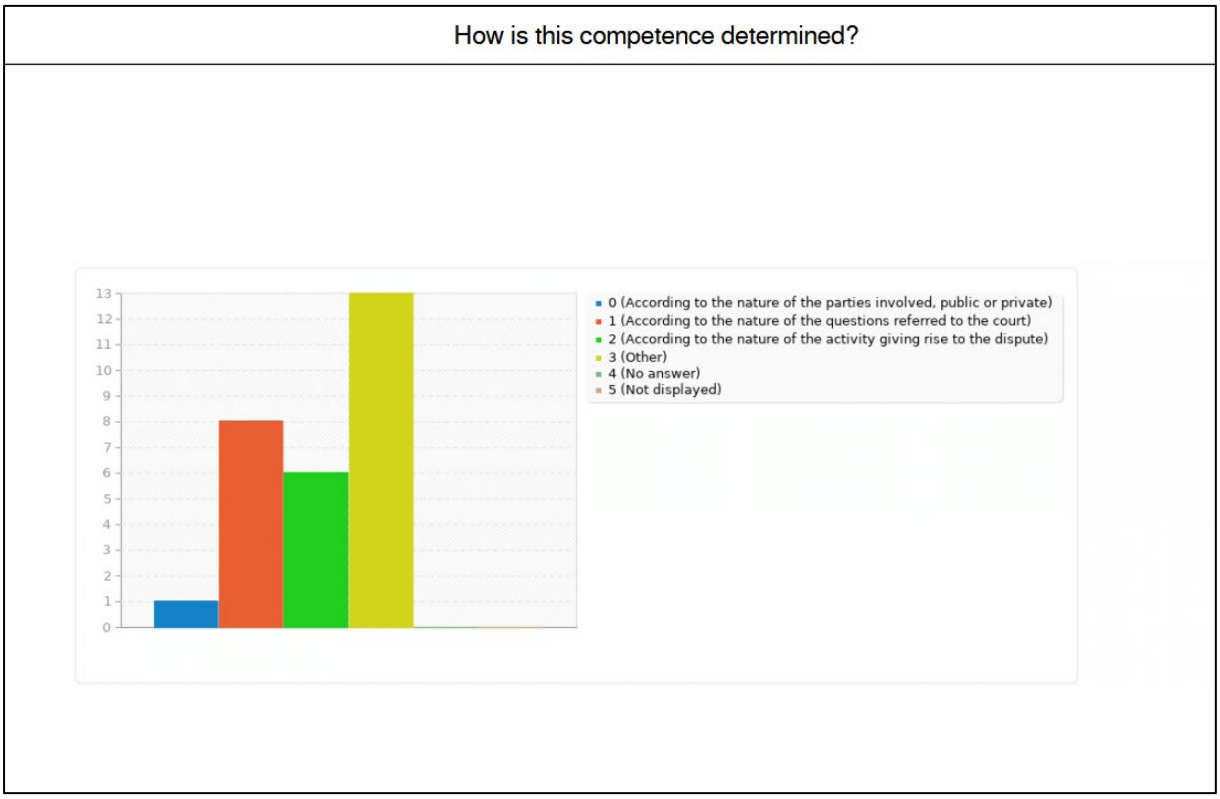

Figure 1: Overview of the criteria applied by jurisdictions to determine the competence of Supreme Administrative Courts in business-related cases or cases of economic impact

2.2.3. Material scope of competence

12. The range of disputes covered is broad and reflects the diversity of economic activity.

a. Measures by public authorities that restrict or prevent the exercise of economic activities

13. All jurisdictions are competent to rule on appeals brought by economic operators against measures adopted by public authorities that restrict or prevent the exercise of economic activities.[2]

b. Public contracts, public procurement and concessions

- *Public contracts*

14. A large majority of jurisdictions are competent to rule on public contracts. Only five are not: the Supreme Administrative Courts of Poland, Sweden and Austria, the Luxembourg Administrative Court, and the Dutch Council of State.

Among the Supreme Administrative Courts that are competent to deal with public contracts, most - such as the Councils of State of France and Greece - have jurisdiction over both the award and the performance of contracts. By contrast, the Councils of State of Italy and Türkiye and the Supreme Administrative Court of Slovakia, while competent for disputes relating to the award of contracts, are not competent for disputes relating to their performance. The jurisdiction of the Belgian Council of State is limited to unilateral administrative acts that are separable from the contract (for example, the decision awarding a contract).

- *Public procurement*

15. A large majority of jurisdictions are competent to rule on public procurement. Only six are not: the Polish Supreme Administrative Court, the German Federal Administrative Court, the Romanian High Court of Cassation and Justice, the Croatian Administrative Court, and the Councils of State of the Netherlands and Türkiye.

It is noteworthy that this list does not coincide with that of the previous question: certain institutions, such as the Luxembourg Administrative Court or the Swedish and Austrian administrative courts, are competent to deal with public procurement while not being competent to deal with public contracts. Conversely, the German Federal Administrative Court is competent to deal with public contracts but not with public procurement.

[2] Following the feedback round among members, the Estonian answer, which mistakenly indicated "no" in the survey, was corrected ex post, as Estonia does in fact have jurisdiction over such appeals, as illustrated in other answers. Consequently, the statistics relating to Question A4 may no longer be fully accurate.

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Among the institutions competent to deal with public procurement disputes, the same distinction can be observed between those competent:

- only for disputes relating to the award procedure (Belgium, Italy, Cyprus, Slovenia, Hungary, Luxembourg, Serbia, Estonia, Sweden, Finland), and
- those competent for disputes relating to both the award and the performance (France, Czech Republic, Greece, Spain).

The case of Lithuania is particularly noteworthy: the jurisdiction of the administrative courts is limited to contracts financed by European funds, and judicial review is confined to verifying that the use of those funds complies with the applicable rules.

- *Concessions*

16. Most member institutions acknowledge administrative jurisdiction over disputes concerning concessions of public services or public assets. Concessions represent an important instrument through which public authorities entrust private operators with the management of services of general economic interest or the exploitation of public resources.

In several jurisdictions administrative courts have broad competence covering both the award of the concession and supervisory acts affecting its implementation.

This is the case in jurisdictions such as France, Italy, Greece, Austria and Slovakia, where courts may review not only the legality of the selection procedure but also subsequent administrative decisions affecting the concession. In other jurisdictions administrative courts intervene only with regard to the administrative phase of the concession procedure, particularly the decision awarding the concession. Disputes concerning the contractual execution of the concession are instead attributed to civil courts. This distribution reflects the hybrid legal nature of concessions, which combine public-law procedures with contractual relations governed by private law.

It should nevertheless be noted that in certain legal systems administrative jurisdiction in this field is absent or significantly restricted, reflecting national institutional arrangements.

17. Where administrative courts have full jurisdiction, they may review all administrative acts adopted in the context of concession procedures, including supervisory measures and decisions affecting the continuation or termination of the concession.

Conversely, in jurisdictions following a dualist model administrative courts review only unilateral administrative acts connected to the concession procedure. Disputes concerning the contractual execution of the concession fall within civil jurisdiction. The Belgian Council of State illustrates this approach, as its jurisdiction is limited to administrative acts detachable from the contract, such as the decision awarding the concession.

This distinction highlights the diversity of national solutions in allocating jurisdiction in a field characterised by the coexistence of public-law and contractual elements.

c. Private operators exercising public functions

18. Several States recognize administrative jurisdiction over disputes involving private operators entrusted with the provision of public services under concession or authorisation, particularly where such operators exercise powers derived from public authority.

In these situations administrative courts may review acts adopted by such operators when these acts involve the exercise of public powers or regulatory prerogatives conferred by the public authority.

The private operator may thus be regarded, in functional terms, as acting within a framework of public authority and must comply with the legal rules governing the provision of public services.

However, this approach is not uniform. In other jurisdictions disputes involving such operators fall within civil jurisdiction unless the operator clearly exercises powers attributable to public authority. In practice, the boundary between administrative and civil jurisdiction may remain uncertain, particularly in cases involving mixed or hybrid activities combining contractual elements and the exercise of public powers.

d. Administrative authorisations for carrying out an economic activity

19. All courts are competent to rule on administrative authorisations required to carry out an economic activity. Almost all courts are therefore competent to deal with urban planning authorisations (except Türkiye, the Czech Republic, Sweden and Romania), commercial authorisations (except Cyprus and Romania), and health-related authorisations (except Türkiye, the Netherlands, Cyprus and Romania).

The examples of administrative authorisations are extremely diverse.

The French Council of State refers to building permits, authorisations for opening large retail outlets, the creation of hospital beds, and marketing authorisations for medicinal products.

The Belgian Council of State mentions authorisations for the marketing of certain products such as electronic cigarettes, licences for night shops, or the approval of slaughterhouses. The Dutch Council of State refers to licences for coffee shops (where the sale of cannabis for personal use is permitted).

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The Lithuanian Supreme Administrative Court mentions authorisations granted to banking institutions, the Luxembourg Administrative Court refers to authorisations for the construction of a service station, and the Swedish Supreme Administrative Court refers to taxi driver licences, among others.

The Finnish Supreme Administrative Court notes that the granting of a certificate of fitness to practise as a lawyer does not fall within the jurisdiction of the administrative courts but within that of the ordinary courts.

e. Economic regulation

20. Almost all jurisdictions, with the exception of the Serbian Administrative Court, are competent to rule on disputes relating to economic regulation.

f. Price regulation and sector-specific disputes

21. Almost all jurisdictions, with the exception of the Supreme Administrative Courts of Poland and the Czech Republic and the Dutch Council of State, are competent to rule on appeals relating to price regulation imposed on private operators managing essential services (energy, telecommunications, water).

These appeals concern tariff decisions adopted by administrations or independent regulatory authorities. They relate to the tariffs themselves, their categories, or their calculation methods. For example, the Belgian Council of State refers to reductions granted for the installation of renewable energy sources.

The Greek Council of State refers to its jurisdiction, at cassation level, over sanctions imposed by a regulatory authority on a private operator. However, Greek administrative courts are not competent to rule on the tariffs of operators.

The Austrian Supreme Administrative Court refers to the specific situation in Austria, where consumer prices for energy and telecommunications are not regulated.

The Slovenian Supreme Court distinguishes between the regulatory framework for determining prices, which constitutes administrative acts, and the tariffs themselves, which fall within private law.

The Administrative Court of Cologne (Germany) has jurisdiction at first instance over applications for annulment of administrative acts of the Federal Network Agency within the scope of the Telecommunications Act, in particular decisions concerning undertakings with

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significant market power. The German Federal Administrative Court rules at second and final instance.

g. Regulatory sanctions

22. Across the surveyed institutions, the competence of administrative courts to review pecuniary sanctions imposed on private enterprises by economic regulatory authorities is widely recognized, although not universal.
In most jurisdictions the administrative judge verifies both the legality and the proportionality of the sanction. This is notably the case in several European legal systems such as Italy, France, Austria and Slovakia, where courts may assess whether the sanction corresponds to the seriousness of the infringement and complies with the principle of proportionality.

Such sanctions typically arise in highly regulated economic sectors, including competition law, telecommunications, energy markets, financial regulation and environmental protection. Judicial review therefore plays a key role in ensuring that regulatory authorities exercise their sanctioning powers in accordance with the principles of legality, proportionality and due process.

In other jurisdictions the scope of review is more limited and concerns only the legality of the sanctioning decision, without allowing the court to modify the amount of the sanction imposed by the regulatory authority. In a small number of systems sanctioning regimes may partly fall within criminal or quasi-criminal frameworks, which can lead to the involvement of ordinary courts.
Despite these variations, the comparative overview shows that judicial review of regulatory sanctions is widely recognized as an essential safeguard for economic operators.

23. Where administrative courts are competent to review sanctions, the intensity of judicial review varies between jurisdictions. In some systems administrative courts exercise full jurisdiction and may modify or reduce sanctions that appear disproportionate, thereby ensuring that regulatory authorities do not impose penalties exceeding what is necessary to achieve the regulatory objective.

In other jurisdictions the court limits its intervention to reviewing the legality of the administrative decision and does not reassess the amount of the penalty imposed. This difference reflects broader variations in the balance between administrative discretion and judicial control within national administrative justice systems, as well as different constitutional traditions regarding the role of courts in reviewing administrative sanctions.

The classification of certain legal systems can be complex.

For instance, while Austrian courts are reported to review proportionality, the sources are not explicit as to whether this extends to a full power to modify the amount of the sanction, thereby illustrating the nuances of this distinction. Austria clarifies that Austrian administrative courts do indeed have full power to modify or reduce the amount of the sanction, limited only by the principle of *reformatio in peius*.

h. Intellectual property

24. Administrative jurisdiction in intellectual property matters is often limited to the review of administrative acts adopted by intellectual property authorities, although this approach is not uniform across jurisdictions. Administrative courts therefore examine decisions relating to the registration, refusal or cancellation of intellectual property rights issued by competent public bodies, such as patent or trademark offices.

Substantive disputes between private parties concerning the enforcement of intellectual property rights, such as infringement actions or damages claims, fall within civil jurisdiction. Administrative courts intervene only where the dispute concerns the legality of administrative acts affecting the recognition or validity of intellectual property rights. Their role is therefore primarily limited to reviewing the exercise of regulatory powers by administrative authorities.

i. Employment-related jurisdiction, jurisdiction related to labour conditions and collective redundancies

- *Employment-related jurisdiction*

25. Employment-related jurisdiction varies significantly among the surveyed legal systems. In many jurisdictions administrative courts are competent primarily for disputes involving public employment relationships governed by public law. In these cases, courts review administrative decisions concerning recruitment procedures, disciplinary measures or the termination of employment involving public servants.

Such disputes typically concern the legality of administrative acts affecting the status of public employees. By contrast, disputes arising from employment relationships between private employers and employees generally fall within the jurisdiction of labour or civil courts.

Administrative jurisdiction therefore arises only where the dispute concerns an administrative act affecting employment status rather than a contractual employment relationship.

- *Enforcement measures relating to labour regulation*

26. In some jurisdictions administrative courts may also review administrative enforcement measures relating to labour regulation. This may include sanctions imposed by labour

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inspectorates or administrative decisions concerning occupational health and safety. These cases arise where labour legislation entrusts regulatory authorities with supervisory powers affecting employers or economic operators.

However, contractual disputes between employers and employees remain outside administrative jurisdiction.

- *Collective redundancies*

27. Administrative jurisdiction may arise in the context of collective redundancies where the procedure involves administrative authorisations or regulatory oversight. In jurisdictions such as Italy and France administrative courts may review decisions approving restructuring plans or supervising employment protection mechanisms introduced in situations of economic restructuring.

In other legal systems administrative courts intervene only when sanctions are imposed for failure to comply with statutory procedural obligations relating to redundancy procedures. Their role is therefore limited to reviewing the legality of administrative enforcement measures rather than adjudicating the employment relationship itself.

j. Public financing and exclusion from funding

28. Administrative courts generally have jurisdiction to review the legality of administrative acts excluding enterprises from national or European public financing schemes, although the procedural frameworks and intensity of review may differ.

These disputes arise where public authorities determine whether an enterprise satisfies the eligibility criteria for receiving public funds or complies with the conditions governing the allocation of financial support. Judicial review ensures that such decisions respect the principles of legality, transparency and equal treatment and provides effective protection for economic operators affected by exclusion from funding programs.

Given the growing importance of national and European financial support mechanisms for economic development, this area of administrative litigation has become increasingly significant.

III. INSTITUTIONAL STRUCTURE AND SPECIALISATION OF SUPREME ADMINISTRATIVE COURTS IN BUSINESS-RELATED CASES OR CASES OF ECONOMIC IMPORTANCE

3.1. Introduction

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29. This section relates to the topic how Supreme Administrative Courts are institutionally equipped to handle the complexity of economic disputes. The analysis focuses on the issues of internal organisation, training of judges, assignment and prioritisation of business-related cases or cases of economic importance.

3.2. Specialisation of judges

30. Regarding internal organisation, it is first necessary to define the role that the Supreme Administrative Courts play in relation to the business-related cases and cases of economic importance.

If your court deals with business-related cases or cases of economic importance, it acts...

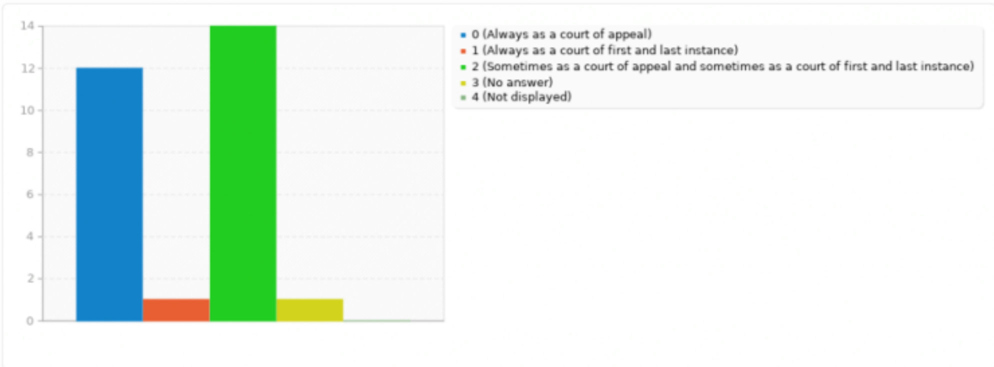

Figure 2: Role of courts in business-cases and cases of economic importance, indicating whether they function primarily as courts of appeal, courts of first and last instance, or both

According to the study, more than half of them (51,72%) act sometimes as a court of appeal and sometimes as a court of first and last instance.

The explanations given by those Member States show that they act as a court of first and last instance either in cases concerning acts (decisions, regulations) issued by selected state bodies (Bulgaria, France, Lithuania, Portugal, Sweden, Türkiye) or concerning enumerated fields of law (Croatia, Germany, the Netherlands), while some Member States combine both approaches (Finland) and some Member States differentiate according to the nature of the proceedings, i.e. whether it is an annulment proceeding or a cassation proceeding (Belgium, Greece). In Finland, it is further possible to seek leave to bring the tax case directly to the SAC instead of a lower-level Administrative Court if there is a need for a precedent in the question which is in issue.

However, a significant number of the respondents acts always as a court of appeal (41,38%). Only Serbia stated that it always acts as a court of first and last instance, and Cyprus did not answer this question.

31. Fourteen out of 29 respondents (48,28%) stated that there aren't specialised chambers or thematic divisions for business-related cases or cases of economic importance in their court. Such specialised chambers or thematic divisions exist in the case of eight respondents (27,59%). Six respondents (20,69%) reported that they sometimes do have such specialised chambers or thematic divisions.

The explanations given by respondents who don't have specialised chambers for business-related cases or cases of economic importance show that they have specialised chambers either for just some fields of business-related law (Croatia, Greece and Hungary) or that the existing (other) specialised chambers deal with more fields of law than just business-related cases (Bulgaria, the Netherlands).

Finland and Slovakia explained that there are no specialised chambers as such. However, specialisation is taken into consideration in the general allocation of cases between the current chambers of their courts. In Romania, intellectual property and commercial disputes are not heard by the Administrative and Tax Chamber of the High Court of Cassation and Justice, but by the Civil Chambers.

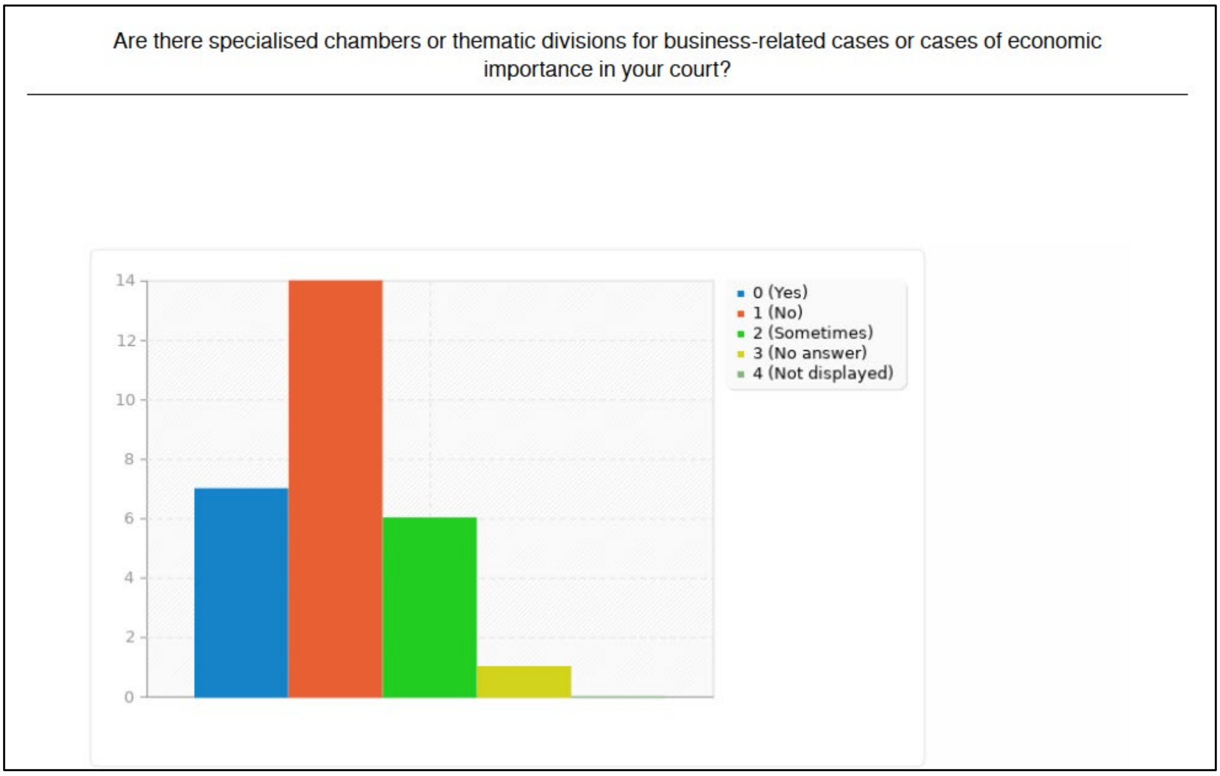

Figure 3: Availability of specialised chambers or thematic divisions for business-related or economically significant cases within courts

Furthermore, only three out of 29 respondents (10,34%) reported that there are special rules regarding the case assignment to individual judges for business-related cases or cases of economic importance (Estonia, Finland and Latvia). The explanations given by these respondents show that the specialisation, experience and expertise of the individual judge are relevant factors for the assignment of a case.

3.3. Training of judges

32. Sixteen out of 29 respondents (55,17%) gave a positive answer to the question of whether their court provides any training for judges. Moreover, a further eight respondents (27,59%) stated that their court partially provides such training for judges. Only five respondents (17,24%) answered this question negatively (Denmark, Germany, Hungary, Portugal and Sweden). Hungary however specified that training for judges is organised by specialised institutes (the National Office for the Judiciary and the Hungarian Academy of Justice).

33. Regarding those who responded "partially", the respondents explained that judges have the possibility to participate in training courses (co-)organised by both public (specialised judicial training institutes, universities) and /or private actors (professional associations, commercial agencies). Lithuania and Romania added that the judges may also participate in international training activities.

34. Regarding the question of whether training is provided internally, externally, or both, approximately two thirds of respondents who receive some training stated that it is provided externally (65,52%) and almost the same proportion confirmed that it is provided internally (62,07%). Five institutions reported that training is provided solely internally (France, Norway, Poland, Spain and Türkiye), while the opposite (only externally) is the case in six jurisdictions (Austria, Belgium, Croatia, Greece, Romania and Slovenia). In the vast majority of institutions (13) training is carried out in both ways.

Out of the 24 institutions that provide training to their judges, more than half of them (13) stated that the training also includes specific non-legal skills such as technical matters, financial matters, or other business-related matters. The answers further show that training is not predominantly (17 respondents) limited to or intended for certain (groups of) judges. This is the case in only seven institutions (Finland, France, Greece, Lithuania, Poland, the Netherlands and Türkiye). These institutions further clarified that judges (must, may or should) attend training according to their specialisation or areas of interest.

3.4. Assistance to judges

35. The majority of courts (75,86%) stated that the judges have the opportunity to be provided with more assistance in order to deal with business-related cases or cases of economic importance. Seven courts (24,14%) reported that this possibility does not exist in their respective legal system.

Amongst the additional internal measures of assistance available, "Research legal assistance" (legal research assistance) proved to be the most prevalent (55,17%), followed by "Access to specialised databases or knowledge platforms" (41,38%), "Administrative assistance" (37,93%), "List of external experts who can be appointed if necessary" (24,14%) as well as "Additional judges" (20,69%). Less common are the additional measures of "Access to AI-tools" (17,24%) and "Expert panels" (13,79%) and "Assistance of an individual expert" (13,79%). Only rarely do courts opt for the additional measures of "Dedicated technical staff" (6,90%) and "Advisory committees" (3,45%).

Making use of the category of "Other" (27,59%) several Courts (Finland, Luxembourg, Norway, the Netherlands, and Türkiye) emphasised that they have the possibility to appoint an expert and thus request an expert opinion. Estonia noted that a judge can request a training on a certain topic. Hungary pointed out that, if the nature of the case so warrants, up to two

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members of the Curia´s five-strong panel may be professional judges from the Civil Section and the Economic Section.

3.5. Special intern mechanisms and legal tools regarding business-related cases and cases of economic impact

36. The majority of the courts (55,17%) stated not having any internal mechanism to restructure its chambers or staffing to manage increased business-related cases or cases of economic importance. Of the courts that reported having such a mechanism (41,38 %) roughly a third have already applied it in practice (34,48%).

Twenty-one courts (72,41%) stated not having a legal tool to act as a court of first instance for large-scale or urgent cases, while five courts (17,24%) reported that they have such a tool at their disposal.

37. At the same time, 21 courts (72,41%) stated that they have a legal tool to fast-track business-related cases or cases of economic importance. Eight courts (27,59%) reported that they do not possess such a tool. Out of the 21 courts having a fast-tracking tool 14 courts (48,28%) stated that its use is limited to certain categories of cases, while seven courts (24,14%) reported that its use is unlimited.

Seven courts (Belgium, Croatia, Estonia, Italy, Sweden, Greece and Türkiye) highlighted the area of public procurement for fast-tracking cases.[3] In Croatia, administrative public procurement disputes must be resolved in 30 days following the filing of the complaint. In Estonia, the deadline is 45 days for the administrative court, the SAC has, when adjudicating public procurement cases, followed that time-frame.

Fast-tracking also occurs in cases concerning infrastructure projects (Belgium, Italy, Germany and the Netherlands), particularly in the area of energy transition (Belgium and Germany). In Serbia, cases that are marked as “urgent” and “particularly urgent” in accordance with the Court Rules of Procedure are to be fast-tracked, with the "protection of competition" given as an example.

Fast-tracking is also used in certain fiscal cases (Poland) or in cases concerning decisions by certain financial institutions (Belgium). In Bulgaria, cases falling under the Concessions Act, the Energy Act and Competition Act are to be fast-tracked. In Italy the "shortened procedure" is applied in cases concerning measures by the Independent Authorities.

[3] Following the feedback round among members, Greece pointed out that it also has a possibility to fast-track public procurement cases.

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IV. PROCEDURAL TOOLS AVAILABLE TO SUPREME ADMINISTRATIVE COURTS TO ENHANCE EFFICIENCY IN HANDLING BUSINESS-RELATED CASES OR CASES OF ECONOMIC IMPORTANCE

4.1. Introduction

38. This section examines the procedural instruments available to Supreme Administrative Courts for handling business-related cases or cases of economic importance. It focuses on mechanisms designed to ensure efficiency, consistency, and timely decision-making, while limiting legal uncertainty and potential economic disruption. These include, in particular, interim measures such as the suspension of administrative acts in urgent cases, procedural consolidation of similar or multiple claims, and preliminary reference procedures, both at the domestic level and before the Court of Justice of the European Union.

The section also considers the growing use of digital case-management systems, including e-filing, automated case allocation, and tools for monitoring case duration. In some jurisdictions, alternative dispute resolution mechanisms, such as mediation or negotiated settlements, may further complement judicial proceedings.

4.2. Consolidation of cases in business-related cases or cases of economic importance

39. Twenty-three out of 29 jurisdictions (79,3%) answered that the Supreme Administrative Court in their country has the power to consolidate multiple appeals into a single proceeding, including in similar or mass claims. Five jurisdictions (17,2%) reported that the SAC in their jurisdiction does not have the power to do so. Only France did not answer the above question.

40. As regards the way in which consolidation may be initiated, practice differs. In six jurisdictions (20,6%) consolidation can be ordered only *ex officio*. In another 16 jurisdictions (55,1%) consolidation can be ordered both *ex officio* and upon application. One country did not answer the above question.

Only one jurisdiction reported that consolidation requires the consent of the parties, while in 21 jurisdictions consent is not required. This suggests that, in the majority of jurisdictions, consolidation is primarily treated as a case-management instrument at the disposal of the court.

41. The survey further confirms that mechanisms for consolidation or joint examination or similar business-related cases or cases of economic importance are widely used to enhance efficiency and coherence in the case law of the Supreme Administrative Courts.

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No less than 20 jurisdictions (68,9%) indicated that their Supreme Administrative Court has mechanisms for consolidation or joint examination of similar business-related cases or cases of economic importance to enhance efficiency and consistency of case law, while in seven jurisdictions (24,1%) there are no such mechanisms.

42. In all categories of cases, in 17 jurisdictions (58,6%) mechanisms for consolidation or joint examination of similar business-related cases or cases of economic importance to enhance efficiency and consistency of case law are discretionary, while in one country they are mandatory.

In specific categories of cases, in one country mechanisms for consolidation or joint examination of similar business-related cases or cases of economic importance to enhance efficiency and consistency of case law are discretionary, while in four jurisdictions (13,7%) they are mandatory.

4.3. Special procedures in business-related cases or cases of economic importance

4.3.1. Accelerated procedures in business-related cases or cases of economic importance

43. Almost half of the respondent jurisdictions reported that their procedural framework allows business-related cases or cases of economic importance to be dealt with under an accelerated procedure.

Moreover, 14 jurisdictions (48,2%) reported that procedural provisions governing SAC proceedings allow business-related cases or cases of economic importance to be handled in an accelerated procedure. Thirteen jurisdictions (44,8%) reported that no such procedural provisions exist. France and Norway did not answer the question.

44. These accelerated procedures apply above all in public procurement and concessions disputes, but also, in a smaller number of jurisdictions, in taxation matters, permits cases, competition law, investment control, financial regulation, and certain infrastructure or privatisation disputes.

To be specific, in nine jurisdictions (23%), such a procedure applies in public procurement cases, three jurisdictions (7%) indicate that it applies in taxation cases, six jurisdictions (15%) indicate that it applies in permits cases, and nine jurisdictions (23%) indicate that it applies in concessions cases. Other categories of cases not listed in the form were indicated by 12 jurisdictions (30%).

Public procurement cases are the category most frequently associated with accelerated treatment, followed by concessions and permits. In addition, several jurisdictions pointed to other categories not expressly listed in the questionnaire.

Greece has indicated that in urgent cases or exceptional circumstances, as well as in special procedures that explicitly provide for the direct introduction of a case for hearing (see, for example, Article 22 of Law 4864/2021 on strategic investments or competition matters), an act appointing a rapporteur and setting a hearing date is issued (see Article 20A of Presidential Decree 18/1989, added by Law 5119/2024). Furthermore, if the case has not been heard within a period exceeding 24 months from the date of the appeal, either party may submit a request for the proceedings to be expedited (see Article 33A of Presidential Decree 18/1989). In any case, public procurement cases are given priority in judicial review proceedings aimed at suspending and annulling the contested act (Article 372 of Law No. 4412/2016).

Türkiye pointed to disputes concerning privatization which fall within the jurisdiction of its Chamber.

Belgium pointed to litigation concerning financial sector regulation.

Italy has indicated that the simplified procedure referred to in Article 119 of the Code of Administrative
Procedure applies to a wide range of matters, including, for example:
(a) measures relating to procedures for the award of public contracts for works, services, and supplies, as well as measures relating to the admission or exclusion of sports clubs or associations from professional competitions or measures affecting participation in professional competitions, except in the cases specified in Article 120 et seq;
(b) measures adopted by independent administrative bodies, excluding measures relating to the employment relationship with their own employees;
(b-bis) measures adopted by the National Cybersecurity Agency;
(c) measures concerning privatization procedures or the disposal of public enterprises or assets, as well as measures concerning the creation, modification, or liquidation of companies, enterprises, and institutions by local authorities;
(c-bis) measures adopted in the exercise of special powers (Golden Power) in relation to activities of strategic importance in the defence and national security sectors and in the energy, transport, and communications sectors;
(d) measures concerning appointments adopted following a resolution of the Council of Ministers;
(e) measures concerning the dissolution of local government bodies and measures related to their creation and functioning;

(f) measures relating to occupation and expropriation procedures for areas designated for the execution of public works or public utility, and measures for the expropriation of inventions adopted pursuant to the Industrial Property Code; and more.

The Netherlands indicated that Article 8.2.3 of GALA concerns expedited proceedings. Pursuant to Article 8:52 GALA, which forms part of Article 8.2.3, the AJD may, in all matters within its jurisdiction, upon application by a party or on its own motion, determine that the matter be heard on an expedited basis if the matter is urgent. The previous Crisis and Recovery Act, which still applies to many cases pending before the AJD under the transitional provisions of the Environment and Spatial Planning Act, in Article 1.6(1) recognized Article 8.2.3 of the GALA as applicable by law to large infrastructure and spatial projects, and in Article 1.6(2) provided that an appeal against such a decision would in principle be considered inadmissible if the grounds for appeal were not immediately stated in the notice of appeal, and in Article 1.6(3) it provided that the decision must be taken by within six months of the expiry of the time limit for lodging an appeal. Article 16.86 of the Environmental Protection and Spatial Planning Act states that an appeal against a so-called project decision will, as a rule, be considered inadmissible if the grounds for the appeal were not immediately stated in the notice of appeal. Article 16.87 of the Environmental Protection and Spatial Planning Act provides that the AJD shall decide on appeals against a project decision within six months of receiving a response to the appeal.

The Czech Republic has indicated that there is no specific "fast track" procedure provided for in law exclusively for economic or commercial cases. This means that any case may be given priority if the presiding judge considers it urgent and the relevant statutory requirements are met.

The Slovak Code of Administrative Procedure does not generally provide for expedited proceedings, but in certain types of proceedings the law specifies the time limit within which the court must decide the case. With regard to cases related to economic activity, this procedure applies to cases in the field of competition law.

Hungary has indicated that the general rules apply in all cases, including the above-mentioned cases.

Lithuania pointed to issues concerning investment control.

Luxembourg pointed out that, by way of exception, mention could be made of disputes concerning the exchange of information in tax matters, which are dealt with within shorter than usual procedural and adjudication time limits. These shortened time limits are provided for in order to ensure that information is exchanged as quickly as possible.

Estonia indicated that requests for provisional measures are also dealt with promptly.

The German Code of Administrative Court Procedure in Section 87c para 1 stipulates that proceedings in accordance with Section 50 para 1 no. 6 of the Code of Administrative Court Procedure are to be executed with priority and expedited. This includes big infrastructure projects, i.e. railway tracks, federal waterways, extra-high voltage transmission lines, offshore windfarms, magnetic suspension trains, federal highways as well as projects to construct and connect terminals for importing hydrogen and derivatives thereof. Proceedings are to be particularly prioritised concerning projects where a federal statute determines that they are in the overriding public interest. According to Section 87c para 2 of the Code of Administrative Court the presiding judge or reporting judge, in the proceedings designated in para 1, is to summon the parties concerned in suitable cases to attend an early initial hearing in order to discuss the facts and the dispute, and in order to try and bring about an amicable resolution of the legal dispute. In the event that no such amicable resolution is reached at this hearing, the presiding or reporting judge discusses with the parties concerned the further stages of the proceedings, and the potential setting of a date for the oral hearing.

45. In practice, accelerated procedures take a variety of forms.

Greece has indicated that in urgent cases or exceptional circumstances, as well as in special procedures that explicitly provide for the direct introduction of a case for hearing (see, for example, Article 22 of Law 4864/2021 on strategic investments or competition matters), an act appointing a rapporteur and setting a hearing date is issued (see Article 20A of Presidential Decree 18/1989, added by Law 5119/2024). Furthermore, if the case has not been heard within a period exceeding 24 months from the date of the appeal, either party may submit a request for the proceedings to be expedited (see Article 33A of Presidential Decree 18/1989). In any case, public procurement cases are given priority in judicial review proceedings aimed at suspending and annulling the contested act (Article 372 of Law No. 4412/2016).

Türkiye indicated that under this procedure, with regard to public procurement disputes: the time limits for bringing an action and submitting a response to the action are limited; the case file is completed after one response to the action has been submitted, and the ruling must be issued within a shorter and fixed time limit compared to the general court procedure. All procedural steps related to the investigation are carried out on an expedited basis. There is no intermediate appeal stage in these cases, and decisions are referred directly to the Council of State for appeal. With certain exceptions, in these cases the Chamber is not limited to overturning the decision, but may rule on the merits of the case, replacing the lower court, and such a decision is final. Privatisation cases are heard by our Chamber as a court of first instance, and the same procedures apply to such cases. Upon appeal against these decisions,

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the plenary session of the Chambers of Administrative Law may issue a decision in place of our Chamber.

The Belgian Council of State applies three special procedures enabling priority consideration of certain disputes of a commercial nature or of economic importance. The first of these concerns the examination of appeals against decisions on the award of public contracts. Article 15 of the Law of 17 June 2013 on justification, information and remedies in public procurement [...] stipulates that requests for suspension must be submitted as a matter of urgency, while specifying that the decision may be suspended “without the need to provide evidence of urgency”. This specific situation constitutes a derogation from the normal procedure for suspension requests.

The second concerns the examination of cases of overriding public interest (IPS). These cases are identified by Article 101/1 of the coordinated laws on the Council of State and by Article 2 of the Royal Decree of 21 July 2023 'determining matters of public interest and the possible organisational measures for these cases within the meaning of Article 101/1, paragraph 2, of the laws on the Council of State, coordinated on 12 January 1973.

These generally concern permits, authorisations and plans relating to major facilities and infrastructure in the field of energy transition.

To ensure the rapid processing of these cases, which must in principle be dealt with within 15 months, the College of Heads of the Council of State has adopted an organisational measure allowing the chamber hearing such a case to decide, by order, that the time limits available to the parties to file their procedural documents will be reduced.

Finally, the Royal Decree of 15 May 2003 'regulating the accelerated procedure in the event of appeals to the Council of State against certain decisions of the Banking and Financial Commission (now the FSMA) establishes a specific procedure for handling appeals against certain decisions of the FSMA (Financial Services and Markets Authority) and the National Bank of Belgium.

This procedure is characterised by binding procedural deadlines for the Council of State (transmission of the application to the opposing party, filing of the auditor's report and setting of the hearing date), a reduced deadline for the filing of the response by the opposing party and the absence of an exchange of final briefs by the parties after the auditor's report has been communicated.

In Latvia, in matters concerning public procurement, administrative acts may be appealed to the Administrative Court, which hears the case with a panel of three judges. In public procurement cases, an appeal may be lodged directly by way of cassation to the Administrative Division of the Supreme Court. This means that in these types of cases there is no intermediate appeal. A similar procedure applies to cases related to public-private partnerships (concession agreements). Similarly, a party may appeal against a decision of the Competition Council (e.g. a decision on a merger of market participants) to the Provincial

Administrative Court, which hears the case as a court of first instance composed of three judges. The decision of the Provincial Administrative Court may be appealed by way of cassation to the Administrative Division of the Supreme Court.

In Italy, the effectiveness of judicial protection in the economic sphere is guaranteed by the synergy between Article 119 of the Code of Administrative Procedure, which introduces a general summary procedure based on halving almost all procedural deadlines for strategic sectors (independent authorities, energy, infrastructure), and Article 120 of the Code of Administrative Procedure, which extends this acceleration to the public procurement and concessions sector. The latter provision establishes an even more rigorous system.

In the Netherlands, in the context of the procedure set out in Article 8:52 of the GALA, the time limits for, among other things, the submission of documents are shortened, the case is referred to court more quickly, and the decision is issued within a shorter period of time. Article 8:53 GALA provides that if, during the hearing, the AJD considers that the case is not sufficiently urgent to justify expedited consideration or that the case requires ordinary proceedings, the AJD shall decide that the case will continue to be considered in the ordinary manner.

In the Czech Republic, the Supreme Administrative Court considers cases in the order in which they are received, with a few statutory exceptions. However, the President of the Chamber may give priority to (any) case for 'urgent reasons' in accordance with Section 56(1) of the Code of Administrative Justice.

In Slovakia, pursuant to Article 458 of the Administrative Procedure Code, the Supreme Administrative Court is required to examine cassation appeals against administrative court rulings concerning decisions of the Antimonopoly Office within 90 days. Pursuant to Article 464 of the Administrative Procedure Code, when the Supreme Administrative Court, as a cassation court, rules on a cassation appeal in a similar case that has already been the subject of proceedings before the cassation court, it may only refer in the grounds for its decision to a similar decision, part of which it includes in the grounds. This procedure can significantly speed up the proceedings.

The Spanish Administrative Procedure Act provides for the possibility of suspending similar cases until a judgement is issued, thereby issuing a joint decision applicable to all of them.

In Hungary, if the president of the Curia orders expedited proceedings, the adjudicating panel sets the earliest possible date for the hearing and decides on the merits of the case.

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In Lithuania, there are no specific procedural rules that apply exclusively to cases related to economic activity or cases of economic importance.
However, expedited proceedings may result from statutory time limits set by the legislature, for example in proceedings concerning investment disputes, including cases concerning the compatibility of investments with national security.
In other cases, related to economic activity, statutory time limits apply only to specific procedural issues (such as court authorisations or interim measures) and not to the examination of the case as a whole.
Furthermore, in accordance with the rules on the allocation of cases and the formation of panels of the Supreme Administrative Court of Lithuania, approved by the President of the Supreme Administrative Court, administrative cases may be assigned on a priority basis by way of a reasoned decision of the President of the Administrative Court.
This may be due to the nature of the legal relationship, considerations of public interest, the stage of the proceedings, their specific nature, the effectiveness of the proceedings and other special circumstances.

The Luxembourg administrative court does not have general procedures for dealing with economic or financial disputes under an expedited procedure. In accordance with the organisation of the administrative judiciary, only the president of the administrative court (the court of first instance) may order extraordinary measures (postponement of enforcement) or adopt protective measures.

In Estonia, a case concerning public procurement or concessions must be decided by an administrative court within 45 days of the complaint being lodged. Although this provision only regulates proceedings before the court of first instance (and not before the Supreme Administrative Court), in practice the Supreme Administrative Court, when adjudicating cases concerning public procurement, follows the principle that the duration of the proceedings should fall within this timeframe. Disputes in this category are given priority.

In Germany, according to Section 87c para 2 of the Code of Administrative Court Procedure the presiding judge or reporting judge, in the proceedings designated in para 1, is to summon the parties concerned in suitable cases to attend an early initial hearing in order to discuss the facts and the dispute, and in order to bring about an amicable resolution of the legal dispute. In the event that no amicable resolution of the legal dispute is reached at this hearing, the presiding judge or reporting judge discusses with the parties concerned the further stages of the proceedings, and the potential setting of a date for the oral hearing.

4.3.2. Simplified procedures in business-related cases or cases of economic importance

46. Simplified procedures appear to be less common than accelerated ones. Only five jurisdictions (17,2%) reported that procedural provisions governing SAC proceedings allow business-related cases or cases of economic importance to be examined in a simplified procedure. Twenty-two jurisdictions (75,8%) reported that no such procedural provisions exist, and two jurisdictions did not respond to the question.

47. Where they do exist, simplified procedures generally apply only in limited situations.

In some jurisdictions, they concern specific categories such as public procurement (in one country), licences (in one country), concessions (in two country), or particular regulatory disputes.

For instance, Belgium indicated that the Financial Services and Markets Authority ('FSMA')-procedure set out in the Royal Decree of 15 May 2003[4], could be considered simplified in relation to the ordinary procedure, as it does not allow the parties to submit final pleadings in response to the auditor's report.

The Netherlands indicated that section 8.2.4 of the GALA concerns the simplified procedure. Pursuant to Article 8:54 of the GALA, the AJD may, in all cases pending before it, until the parties are summoned to appear at a hearing, close the investigation if there is no need to continue the investigation because: the AJD is manifestly incompetent; the appeal is manifestly inadmissible; the appeal is manifestly unfounded, or; the appeal is manifestly well-founded. It should be noted that this procedure, by its nature, does not apply to complex, non-obvious cases. Pursuant to Article 8:57 GALA, in all cases within its jurisdiction, the AJD may decide to omit a hearing if none of the parties, after being informed of their right to be heard at a hearing, has stated (within a reasonable time limit set by the AJD) that it wishes to exercise its right to be heard. It should be noted that this procedure is less suitable for complex cases.

In Estonia, simplified proceedings may technically be used in any case, regardless of category, provided that the interference with the right claimed by the claimant is minor. If the protected interest can be valued in monetary terms, the interference is considered minor if its value does not exceed EUR 1,000. Thus, although the simplified procedure may theoretically be used in disputes relating to economic activity, such disputes do not have a significant economic impact.

[4] Royal Decree of 15 may 2003 laying down the rules for the accelerated procedure in appeals before the Council of State against certain decisions of the Financial Services and Markets Authority, i.e. the Banking and FInance Commission in Belgium ('FSMA').

In the Bulgarian system, the rule is that administrative acts, including those affecting economic interests, are subject to judicial review under Article 145 et seq. The Code of Administrative Procedure provides for normal court proceedings without accelerated deadlines for challenging administrative acts and requires the court to issue a ruling within one month of the conclusion of the case. Expedited proceedings under various substantive law provisions are explicitly regulated, e.g. proceedings in competition cases, proceedings in environmental cases. This also applies to the Electronic Communications Act and the Waste Management Act in proceedings under Article 201 of the Energy Act, etc.

In Germany, these are general provisions applying to all types of procedures. According to Section 84 para 1 of the German Code of Administrative Court Procedure the court may rule by means of a summary decision without an oral hearing if the case does not show any particular factual or legal difficulties, and if the facts have been clarified. The parties concerned are heard in advance. The provisions regarding judgements apply accordingly. According to Section 84 para 2 no. 5 of the German Code of Administrative Court Procedure the parties concerned may, within one month of service of the summary decision, request an oral hearing if an appeal is not available. According to Section 101 para 2 of the German Code of Administrative Court Procedure the court may rule without an oral hearing with the consent of the parties concerned.

4.3. Interim measures in business-related cases or cases of economic importance

48. One of the clearest findings of the survey concerns the availability of interim relief. Interim measures are available in SAC proceedings in 26 jurisdictions, while Luxembourg reported that they are not available. Norway did not respond to this question.[5] Interim protection therefore appears to be a standard feature of SAC litigation in business-related cases or cases of economic importance across Europe.
France clarifies that it is possible, in general and not only in economic matters, to obtain an order from the court suspending an administrative decision or ordering any useful measure in urgent interim proceedings.

The interim relief judge may intervene in three situations where urgency exists:

- where there is a serious doubt as to the legality of an administrative decision, the judge may order its suspension until the dispute has been decided on the merits;
- where there is a serious and manifestly unlawful infringement of a fundamental freedom, the interim relief judge may order all measures necessary to preserve that freedom on a provisional basis;

[5] Although France had not answered this question in the questionnaire, it later rectified this during the feedback round of the cross-sectional analysis.

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- finally, subsidiarily, the judge may order any useful measures in response to an unlawful situation that cannot be resolved through either of the two interim relief procedures mentioned above.

  These interim relief procedures account for 25% of all cases decided by the administrative courts (courts of first instance), across all subject matters.

49. The most widely available form of interim relief is the suspension of an administrative act, which is possible in 25 jurisdictions (86,2%). Seventeen jurisdictions (58,6%) also reported that SACs may impose obligations by way of interim measures, while nine jurisdictions (31%) indicated that SACs may suspend the application of provisions or law, and the same number reported the possibility of granting rights on an interim basis. In 22 jurisdictions (75,8%), interim measures may be applied across all categories of business-related cases or cases of economic importance.

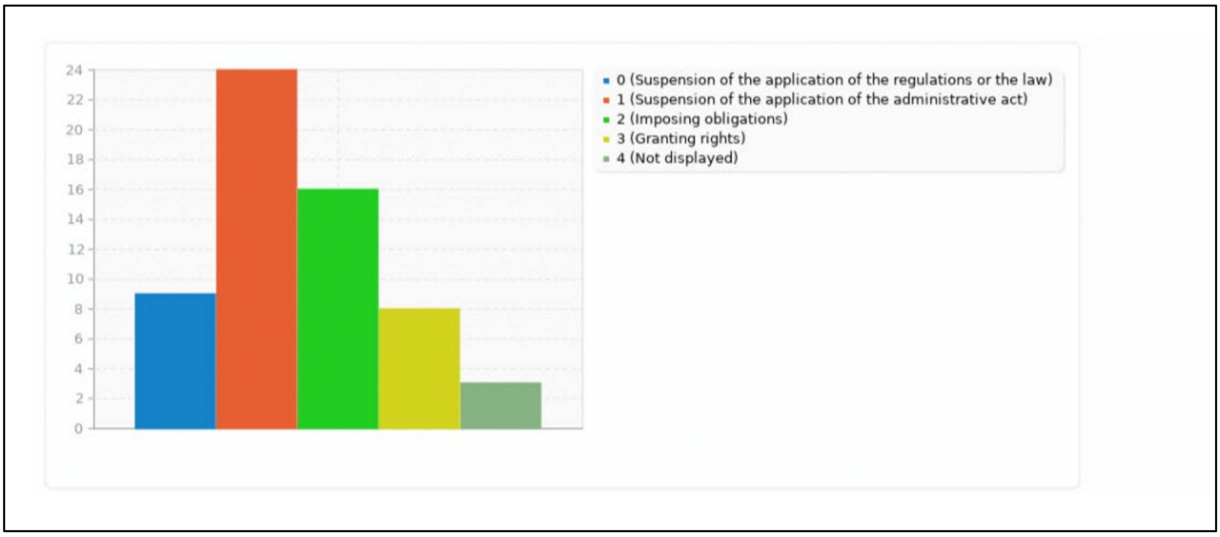

Figure 4: Categories of interim measures available among SACs

This can be illustrated by a number of national practices.

In Greece, the possibility of issuing a decision to suspend enforcement or ordering interim measures is provided for in the context of an action for annulment (in relation to individual administrative acts and, exceptionally, in relation to regulatory acts) or even in appeal proceedings. It is not provided for in cassation proceedings.

In Türkiye, suspension of enforcement may be granted in cases concerning annulment. However, interim measures may not be granted in cases concerning full jurisdiction (damages) or in disputes arising solely from the performance of administrative contracts, as no specific administrative act is the subject of the proceedings.

In the Netherlands, in principle, in all matters falling within the jurisdiction of the AJD, the judge for interim measures may take measures such as suspension of enforcement and imposition of obligations, provided that an appeal has also been lodged in the main proceedings. The granting of rights is not possible in the literal sense, but the AJD may rule that the applicant must be treated provisionally as if they had a specific right.

50. The conditions for granting interim measures show a high degree of convergence, although the legal formulations differ. Risk of serious harm is the most commonly cited criterion, being a prerequisite in 24 of the surveyed institutions (82,7%), followed by a balancing of interests (72,4%) and urgency (62%).

Furthermore, in a number of jurisdictions, additional requirements apply.

In Poland, an additional condition is that the effects of a decision are difficult to reverse.

In Türkiye, the action must be clearly unlawful and there must be a risk of damage that would be difficult or impossible to remedy.

In Latvia, the application of interim measures is based on two cumulative criteria. Firstly, the court must find that, if interim measures are not applied, significant damage or loss may occur, and that preventing or compensating for such damage or loss would be significantly difficult or would require disproportionate resources (*subjective criterion*). Secondly, the court must find that the contested decision is prima facie unlawful (*objective criterion*). If either of the criteria - subjective or objective - is not met, the application for interim measures must be rejected.

In Italy, an additional condition is the probable validity of the appeal (*fumus boni iuris*), and in the Netherlands, a preliminary assessment of legality.

In the Czech Republic, the suspensive effect of a cassation appeal cannot cause damage to third parties. Pursuant to Article 38(1) of the Code of Administrative Justice, if a request to initiate proceedings has been filed and it is necessary to temporarily adjust the situation of the parties due to the threat of serious damage, the court may, upon request, impose a protective measure on the parties consisting in the performance, refraining from performance or tolerating something. For the same reasons, the court may also impose such an obligation on a third party if it is justified. Pursuant to Article 73(1) of the Code of Administrative Procedure, at the request of the claimant and after hearing the defendant's statement, the court shall grant suspensive effect to the complaint if the execution or other legal effects of the decision would cause the claimant disproportionately greater damage than that which could arise for other persons as a result of granting suspensive effect, and if this is not contrary to an important public interest.

In Slovakia, two conditions must be met for a cassation appeal to have suspensive effect: (1) There must be a risk of serious harm, and (2) the granting of suspensive effect would not be contrary to the public interest.

In Hungary, based on the principle of proportionality, the court considers, from the perspective of the public interest and all parties, whether the failure to provide immediate legal protection would cause more serious harm than would result from providing immediate legal protection.

In Ireland, the principles of urgency, risk of serious harm, and balance of interests apply in the Supreme Court, but these are filtered through the Court's appellate function, not at first instance. Interim relief before the Supreme Court is exceptional, ancillary, and protective in nature. It is granted not for the immediate resolution of disputes, but to ensure that the Court's final decision can have real and effective legal effects. The courts apply a structured and well-established set of criteria when assessing applications for interim relief, such as injunctions.
These criteria guide courts in determining whether urgent protective measures should be granted before a full hearing on the merits of the case.
The first criterion is whether there is a “serious issue to be determined.” This means that the applicant must demonstrate that the claim is not frivolous, malicious, or wholly without merit. This does not require the applicant to prove that they will ultimately succeed, but there must be a compelling legal issue that justifies a full hearing by the court.
This threshold was expressed by the Supreme Court in the case ‘Campus Oil v Minister for Industry and Energy (No. 2) [1983] IR 88’ and has been adapted in subsequent case law (Merck Sharp & Dohme Corp v Clonmel Healthcare Ltd [2019] IESC 65).
Second, the applicant must demonstrate a risk of irreparable harm if interim relief is not granted. For instance, in the case ‘Gerard Dowling and Others v Minister for Finance and Others [2013] IESC 37’, the Supreme Court noted that “[i]*t is only when even a very short period of notice would run the risk of irreparable harm occurring that it is appropriate for a court to make an interim order*.”.
The third key consideration is the balance of convenience. The court assesses which party would suffer greater harm from the granting or refusal of the interim measure. This requires weighing the potential injury to the applicant against the potential disruption or cost to the respondent. As reaffirmed in ‘Okunade v. Minister for Justice [2012] IESC 49’, this principle requires a holistic assessment of the circumstances, including urgency, proportionality, and consequences.

In Lithuania, interim measures to secure a claim may also be applied in cases where it is necessary to temporarily regulate a situation related to disputed legal relations.

In Serbia, pursuant to Article 23 of the Administrative Disputes Act (Official Gazette of the Republic of Serbia, No. 111/2009), "at the request of the plaintiff, the court may postpone the execution of a final administrative act that has been decided on the merits of the administrative case until the court issues a ruling if the execution would cause damage to the plaintiff that would be difficult to repair and if the postponement is not contrary to the public interest or would not cause greater or irreparable damage to the opposing party or interested party. Exceptionally, parties to administrative proceedings may request the court to postpone the execution of an administrative act even before filing a lawsuit in urgent cases and in the event of an appeal that, according to the law, does not have a suspensive effect and the appeal proceedings are not concluded.".

In Finland, the main criterion for granting interim relief is whether enforcement would render the appeal useless.

In Romania, the essential conditions for suspending an administrative act, according to Administrative Litigation Law No. 554/2004, are: the existence of a well-founded case that raises serious doubts about the legality of the act and the prevention of imminent harm to the injured party. Imminent harm means future and foreseeable material damage or, as the case may be, foreseeable serious disruption to the functioning of a public authority or public service. These conditions must be met simultaneously, and the request must be addressed urgently. The claim for suspension may be submitted after a prior complaint has been filed before the public authority that issued the act or before the higher authority, and it is also mandatory to lodge an action for the annulment of the administrative act whose suspension has been requested.

In Germany, according to section 80 para 5 sentence 1 of the Code of Administrative Court Procedure the court dealing with the main case may, on request, completely or partly order or restitute the suspensive effect of an action against an administrative act. This is based on a preliminary examination of the prospects of success in the main proceedings. If the factual and legal situation cannot be fully established during the temporary relief proceedings, the decision shall be based on a weighing of the parties' interests, with the aim of preventing any factual prejudice to the main proceedings. According to section 123 para 1 sentence 1, the court may, on request, make an interim order in relation to the subject-matter of the dispute, even prior to the lodging of an action, if the danger exists that the enforcement of a right of the plaintiff could be prevented or considerably impeded by means of an alteration of the existing state. According to section 123 para 1 sentence 2, interim orders are also permissible to settle an interim condition in relation to a contentious legal relationship if this regulation

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appears necessary, above all with ongoing legal relationships, in order to avert major disadvantages or prevent imminent force, or for other reasons. According to section 123 para 5, the provisions contained in para 1 do not apply to cases falling under section 80.

51. As regards the initiative for granting interim measures, 18 jurisdictions (62%) indicated that interim measures are applied only upon application, while in eight jurisdictions (27,5%) they are applied both *ex officio* and upon application.

52. In 17 jurisdictions (58,6%), interim measures remain in force until the conclusion of the proceedings, although several jurisdictions (31%) allow for shorter or otherwise tailored periods depending on the nature of the measure and the circumstances of the case.

For example, in Türkiye, the duration of interim measures varies depending on the intended effect. Therefore, while suspension of an administrative act will generally apply until the substantive proceedings are concluded, an interim measure, such as an obligation for an educational institution to allow a student to participate in an examination session, will only apply for the time necessary to achieve the intended effect.

In Ireland, when the Supreme Court grants interim relief in cases affecting economic or regulatory rights, it may order that the relief lasts until the conclusion of the court proceedings, preserving the status quo until a final judgement can be rendered. Alternatively, it may grant relief for a specific period where immediate protection is required but a permanent suspension of the administrative act is unnecessary or disproportionate.

In Lithuania, interim measures are granted for the duration of the proceedings and remain in force depending on the outcome of the case. Where the claim is dismissed, the interim measures remain in effect until the court decision becomes final. Where the claim is upheld, the interim measures remain in force until the court decision is executed.

In Finland, under the Act on Administrative Judicial Procedure, the court shall determine until what period the order on interim relief is valid.

In Romania, specifically, the court may order the suspension of the contested administrative act until the final resolution of the case for annulment of the contested administrative act.

In Germany, interim measures usually are granted until the conclusion of the court proceedings, with the exception of time bound applications for interim measures.

53. In 25 jurisdictions (86,2%) the applied interim measures can be revoked, while in Serbia they can't be revoked. In most of the systems where revocation is possible, the applied interim measures can be revoked only *ex officio* in two jurisdictions (6,8%), only upon application in nine jurisdictions (31%), and both *ex officio* and upon application in 14 respondent jurisdictions (48,2%).

54. The survey reveals that interim relief is not systematically linked to additional financial burdens. In eight jurisdictions (27,5%) the granting of interim measures is linked to costs, whereas in 17 jurisdictions (58,6%) it is not. Cyprus did not answer this question.

Similarly, only three jurisdictions (10,3%) reported that the granting of interim measures is linked to requirement to provide a financial guarantee, but in 21 jurisdictions (72,4%) it is not.

More broadly, six jurisdictions (20,6%) stated that financial securities or guarantees may be required in relation to interim measures, while in 18 jurisdictions (62%) they are not. National examples show that such requirements may take the form of fixed deposits, case-specific bonds, bank guarantees, surety insurance, or security ordered by the court where interim relief may produce irreversible consequences.

In Latvia, according to Article 124(5) of the Administrative Procedure Law, a security deposit in the amount of EUR 15 shall be paid for a request for interim measure.

In Italy, Article 55 para. 2 of the Code of Administrative Trial establishes that "[t]he granting or denial of the injunction cannot be subordinated to security where the interlocutory application relates to fundamental human rights or other assets of primary constitutional import. The measure that imposes the security indicates the object, the means to provide it and the deadline within which it is to be performed".

In Denmark, financial securities or guarantees are required in cases regarding prohibitions and injunctions, but not for questions regarding the suspensive effect of appealing to the Danish Supreme Court. It should be noted that the question of financial securities or guarantees in principle is a matter for the lower court.

In Spain, bank guarantee, surety insurance, cash deposit, or equivalent security are required.

In Bulgaria, for preliminary enforcement to be allowed under Article 167(2) of the Administrative Procedure Code in cases where it could cause significant or irreparable harm, the party must be required by the court to provide a cash guarantee, the amount of which is also determined by the court. According to Article 60(1) of the Administrative Procedure Code, the administrative authority requires a guarantee.

In Romania, according to the general rule provided by Administrative Litigation Law No. 554/2004, no financial guarantee is required for the suspension of an administrative act. However, special regulations, such as those governing the suspension of tax acts, have additionally regulated the condition of paying a security deposit. The High Court of Cassation and Justice does not directly order the establishment of security deposits, given its competence as an appellate court.

At the same time, exemptions to the requirement to provide financial security or guarantees in connection with interim measures are available in four jurisdictions (13,7%), namely in Latvia, Italy, Denmark and Bulgaria.

In Latvia, according to Article 129.2 of the Administrative Procedure Law, a security deposit is not payable by persons who are exempt from the payment of the state fee. In addition, upon the request of a natural person and having regard to their financial situation, the court may fully or partially exempt them from the payment of the security deposit. When taking a decision, the court shall take into account the manner in which other applications, complaints, or requests submitted by that person have been treated by the administrative court during the previous three years.

In Italy, Article 55 para. 2 of the Code of Administrative Trial establishments "The granting or denial of the injunction cannot be subordinated to security where the interlocutory application relates to fundamental human rights or other assets of primary constitutional import. The measure that imposes the security indicates the object, the means to provide it and the deadline within which it is to be performed".

In Denmark, it is for the court to decide whether financial securities are required. Financial securities cannot be required if the plaintiff has proven to the court´s satisfaction that the conditions for granting interim measures are met.

Finally, in Bulgaria under Article 390(4) of the Civil Procedure Code, which is applicable to administrative court proceedings pursuant to Article 144 of the Administrative Procedure Code, the state, state institutions and medical institutions referred to in Article 5, paragraph 1 of Medical-Treatment Facilities Act shall be exempt from providing security. According to Article 391(1) of the Civil Procedure Code and Article 144 of the Administrative Procedure Code, security for the claim may be granted if it would otherwise be difficult or impossible for the claimant to exercise their rights under the decision, and if the claim is supported by convincing written evidence or a guarantee is provided in an amount determined by the court in accordance with Articles 180 and 181 of the Obligations and Contracts Act.

4.4. The use of digitalisation, artificial intelligence and data-management in business-related cases or cases of economic importance

4.4.1. Digital case-management tools in business-related cases or cases of economic importance

55. Digitalisation is by now a prominent feature of SAC proceedings in business-related cases or cases of economic importance. In 24 jurisdictions (79,3%) SAC uses digital tools in business-related cases or cases of economic importance, while in four jurisdictions (13,7%) it does not.

56. E-filing is the most widespread tool, used in 23 jurisdictions (79,3%), followed closely by digital case-management systems in 22 jurisdictions (75,8%). Automated case allocation is used in nine jurisdictions (31%), and dashboards for monitoring case flow or duration in seven jurisdictions (24,1%).

The following national examples highlight the diversity of approaches.

In Italy, since 2017, the 'electronic administrative trial' has been adopted for all first and second instance administrative proceedings, also for those without specific economic importance.

In the Netherlands, digital hearings and meetings are held using MS Teams.

In Hungary, the same digital tools are available in business-related cases and cases of economic importance as in any other case before the Curia. No differentiation is made.

In Serbia, Article 49 par. 1 of the Court Rules of Procedure defines the assignment of cases so that, in order to ensure an equal workload for all the judges in the court, newly received cases are first classified by urgency, type of procedure, or legal area, and then assigned, according to the astronomical calculation of the time of receipt, by the method of random assignment of judges in cases, in accordance with the established Annual Work Schedule.

In Romania, electronic submission involves the transmission and registration of documents in electronic format, including proof of payment of the court stamp duty. In addition, there is also a digital tool called the electronic file, an application that allows the parties to the case to view the documents in the file in electronic format and allows the court to communicate the procedural documents in electronic format. Other available digital tools include legislative programs that allow access to documentation resources, along with legislation and case-law.

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E-filing is applied in all categories of business-related administrative cases in 21 jurisdictions (72,4%), while digital case management applies across all such categories in 20 jurisdictions.

Automated case allocation is applied in all categories of business-related administrative cases in seven jurisdictions (24,1%) and only in specific categories of business-related administrative cases in one country.
Greece clarified that automated allocation does not apply to public procurement or strategic investments, as these types of disputes do not follow the general rules (concerning prior review by a committee before the case is heard in chambers), but rather an exceptional procedure.
Dashboards are applied in all categories of business-related administrative cases in six jurisdictions (20,6%). In the Netherlands, these tools are applied when necessitated by circumstances.
Other digital tools in business-related cases or cases of economic importance are used in one country.

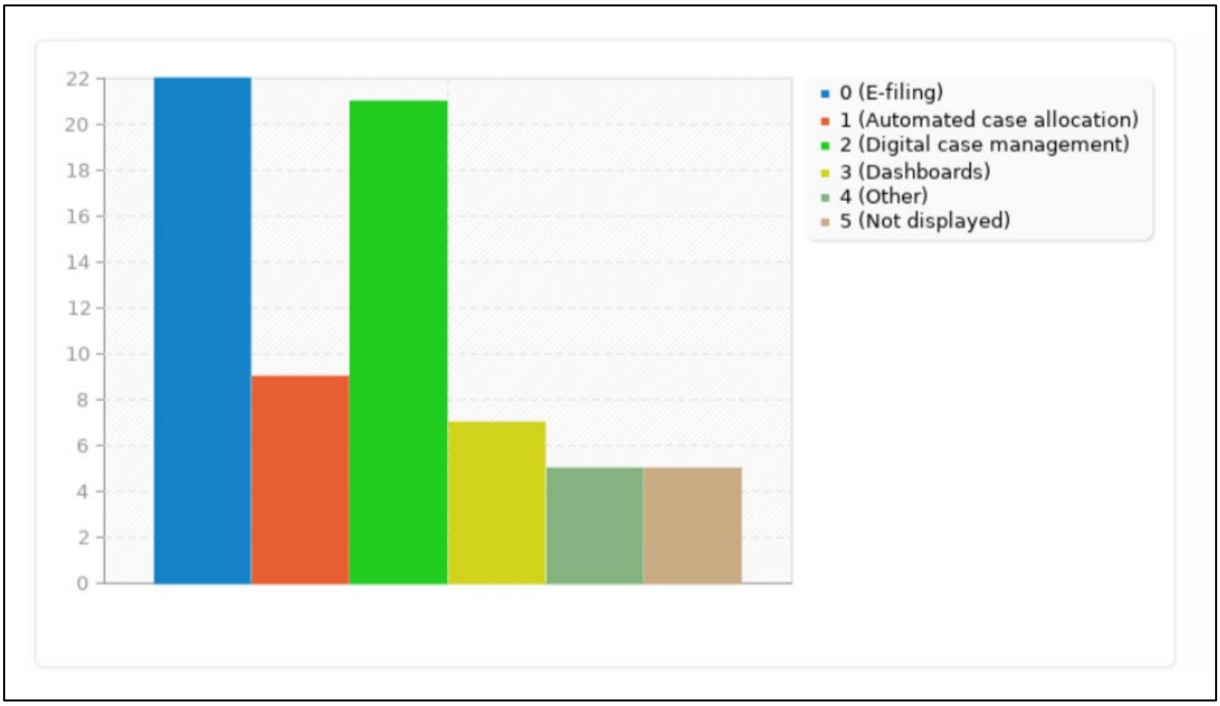

Figure 5: use of digital tools

4.4.2. Artificial Intelligence and data analytics in business-related cases or cases of economic importance

57. The use of artificial intelligence and data analytics remains limited. Artificial intelligence or data analytics tools are used in the SAC to assist in the management of business related cases or cases of economic importance in four jurisdictions (13,7%) and they aren't used in 23 jurisdictions (79,3%).

The reported uses are essentially supportive rather than adjudicative.

In Türkiye, in the UYAP (National Judiciary Network Project) system, all cases are registered electronically and classified according to specific codes. Upon the filing of a case, an estimated time frame for its completion is communicated to the parties.

In Latvia, the SAC has access to certain AI tools, such as translation and writing assistants (DeepL Translator and DeepL Write) and a natural language processing model (ChatGPT). However, these tools are used primarily to support translation, drafting, and language-related tasks and are not specifically applied to the management of business-related cases or cases of economic importance, such as case classification or the prediction of case duration.

In Italy, artificial intelligence applications are currently used in support of judicial and administrative activities within the Business Intelligence and Artificial Intelligence Platform of the Administrative Justice system, which has been developed internally by the Administration and is intended for widespread deployment across all judicial offices. AI applications perform an exclusively auxiliary and supportive function and do not in any way affect the decision-making activity of judges. In particular, the implemented use cases concern: the identification of similar or related appeals, with a view to optimizing work organisation and preventing inconsistent decisions; advanced case-law research, based on semantic relationships rather than solely on keyword searches; the extraction and visualization of statutory and case-law references contained in pleadings and other submissions, and; support for the anonymization of decisions, without prejudice to verification and validation by the Registry Offices. All AI tools are trained exclusively on internal data, are integrated with the Administrative Justice Information System, and are designed in accordance with a strict governance framework ensuring traceability, human oversight and the integrity of processes. The use of generative AI systems for the drafting of texts or for decision-making purposes is expressly excluded.

In Slovenia, data on case flow and the duration of proceedings are collected on an ongoing basis and reported in the Annual Report of the Supreme Court, which is publicly available on the Supreme Court's website.

58. At the same time, several jurisdictions reported plans to introduce new tools. Digital tools in business-related cases or cases of economic importance are planned for introduction in six jurisdictions (20,6%), while 12 jurisdictions (41,3%) have no such plans.

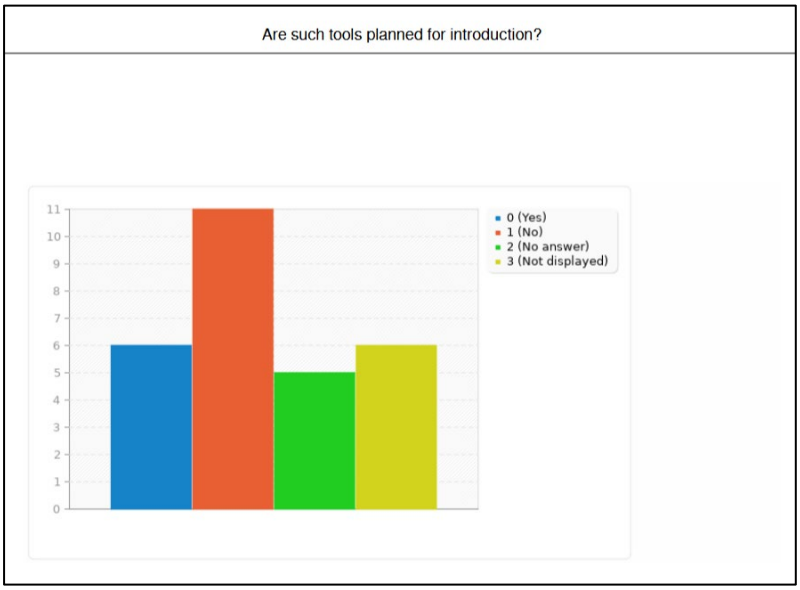

Figure 6: Introduction of AI tools in the near future

Several clarifications were provided by respondent jurisdictions indicating that digital or AI-related tools are under consideration or in preparation. In jurisdictions where no concrete projects currently exist, ongoing experimentation or internal reflection was nevertheless reported.
In the Netherlands, for now the use of AI is explicitly prohibited in the AJD. However, an internal working group at the AJD is investigating the possibilities of AI. In this context, the participants will work on controlled experimentation with generative AI.

In Slovakia, the Supreme Administrative Court of the Slovak Republic is planning to introduce an AI powered search engine and case management system, which can help to improve workflow and productivity of judicial clerks, and it can help with identifying relevant case law and helps with case law unification.

In Estonia, a new digital case file platform is currently in beta testing phase that includes an AI tool that can generate summaries of individual documents in a digital case file and answer questions based on these documents. However, said tool has a data-processing capacity limit, so it cannot answer questions based on all documents in a digital file, but only one document at a time. An AI based tool to translate documents is also in beta testing phase on digital case file platforms. Tools that are planned for introduction further down the line include an AI tool that performs an initial review of an incoming document (examining, for example, who submitted the document, whether the submitter has the right of representation, whether the document was submitted on time, whether the court fee has been paid, etc.). These are tasks that are currently carried out by a secretary, but which could in principle be automated to a certain extent.

In Bulgaria, the classification of cases and the prediction of their duration are taken into account.

In Finland at the moment, there are no concrete projects or plans related to the use of AI in case management. However, different options and potential use cases are being considered and investigated. In addition, Microsoft Power BI reporting tool is currently in use regarding visualization of certain statistical data retrieved from the electronic case management system.

In Romania, modernizing/optimizing the use of digital technologies to improve the administration of justice is one of the objectives included in the Strategy for the Development of the Judiciary and Justice as a Public Service 2025 - 2029 and the related action plan, in accordance with the provisions of Government Decision No. 390/16/04/2025. Among the lines of action aimed at digital transformation, we mention the adoption and integration of new approaches (electronic signature/electronic seal) and technologies (voice-to-text conversion, artificial intelligence/anonymization, electronic archiving) into IT solution platforms.

4.5. Preliminary reference procedures in business-related cases or cases of economic importance

59. Preliminary reference mechanisms also form part of the procedural landscape relevant to business-related litigation.

The legal systems of 18 jurisdictions (62%) provide for a “preliminary reference” mechanism that can enhance the efficiency of SAC proceedings in business-related cases or cases of economic importance, but in nine jurisdictions (31%) the legal system doesn't provide such mechanism. Two jurisdictions did not answer this question.

At a national level, a “preliminary reference” mechanism exists in seven jurisdictions (24,1%), and all seven reported that it has been applied in practice. Eleven jurisdictions (37,9%) do not have such a mechanism.

A preliminary reference mechanism to the Court of Justice of the European Union is, unsurprisingly, more widespread: 17 jurisdictions (58,6%) reported that such references are used.

4.6. Alternative Dispute Resolution in business-related cases or cases of economic importance

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60. Alternative dispute resolution ('ADR') mechanisms appear to be available *in SAC proceedings in business-related cases or cases of economic importance* only in a minority of SAC systems.

Are alternative dispute resolution (ADR) mechanisms available in SAC proceedings in business-related cases or cases of economic importance, such as:

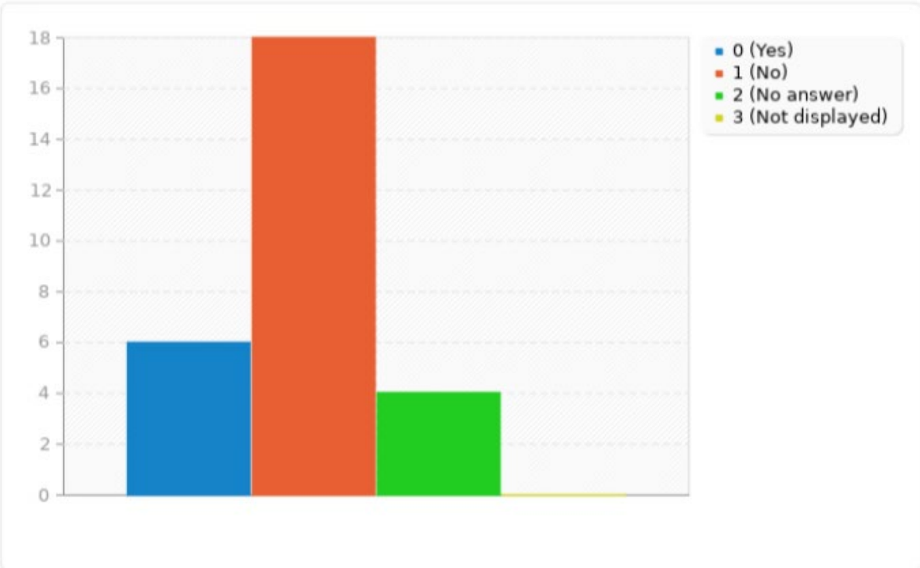

Figure 7: Use of Alternative Dispute Resolution

61. Mediation is available in SAC proceedings in business-related cases or cases of economic importance in seven jurisdictions (24,1%) and it is not used in 18 jurisdictions (62%). Four jurisdictions (13,7%) did not answer this question.

62. Conciliation is available in SAC proceedings in business-related cases or cases of economic importance in seven jurisdictions (24,1%) and it is not used in 18 jurisdictions (62%). Four jurisdictions (13,7%) did not answer this question.

63. Other alternative dispute resolution ('ADR') mechanisms are available in SAC proceedings for business-related or economically important cases in six jurisdictions (20,6%), but they are not available in 13 jurisdictions (44,8%). Ten jurisdictions (34,4%) did not answer this question.

In Greece, arbitration is available under Article 176 of Law 4412/2016 and Article 63 of Law 4413/2016.

In Italy, arbitration is available only in limited cases; Article 12 of the Code of Administrative Trial establishes that disputes concerning subjective rights assigned to the jurisdiction of the administrative judge can be resolved through formal arbitration under the law pursuant to Articles 806 and following the Code of Civil Procedure.

In Cyprus, arbitration can be used in respect of public contracts.

In Croatia, the parties are allowed to make a court settlement (as in any other dispute), but this has yet to occur.

Under the Law on Administrative Proceedings of the Republic of Lithuania, the court may, by way of a ruling, adjourn the examination of a case where the dispute is referred to judicial mediation, or where the parties to the dispute require time to conduct negotiations with a view to concluding a settlement agreement, as well as in other necessary cases. Accordingly, the parties may also seek an amicable resolution of the dispute through negotiations.

In Luxembourg, although conciliation is not explicitly provided for in the procedure before the Administrative Court, the judges sitting there regularly resort to it in order to find a reasonable agreement between the parties. The Court also conducts site visits to observe firsthand certain disputes, particularly those related to urban planning that may affect one or more economic operators. It is even during these site visits that the Court, depending on the circumstances, attempts to conciliate the parties.

4.7. Security for the costs of an appeal in business-related cases or cases of economic importance

64. In two jurisdictions (6,8%), the SAC has the power to order an appellant to provide security for the costs of an appeal in business-related cases or cases of economic importance, while in 24 jurisdictions (82,7%) it does not. Three jurisdictions (10,3%) did not answer the question.

V. ACCESS TO JUSTICE AND ECONOMIC IMPACT OF SUPREME ADMINISTRATIVE COURT DECISIONS RELATING TO BUSINESS-RELATED CASES OR CASES OF ECONOMIC IMPORTANCE

5.1. Introduction

65. This section examines the conditions under which economic actors, particularly small and medium-sized enterprises ('SMEs'), are able to access administrative justice before Supreme Administrative Courts ('SACs'), as well as the broader economic impact of SAC decisions in business-related cases or cases of economic impact.

It focuses, first, on the legal and practical factors that shape access to justice, including cost structures, the availability of legal aid, procedural requirements, and financial guarantees. Particular attention is given to the extent to which such factors may facilitate or hinder access to judicial review, especially for smaller market participants.

Secondly, the section considers the economic implications of SAC decisions. Judicial rulings in administrative matters may have significant consequences for economic activity, including the suspension or annulment of major projects, regulatory measures, or market authorisations. In this context, the analysis explores how SACs balance the requirements of effective legality review with considerations of economic continuity and stability, including through techniques such as the modulation of the temporal effects of judgments or the use of transitional arrangements.

By addressing both access to justice and the economic effects of judicial decision-making, this section aims to provide a comprehensive understanding of the role of SACs in ensuring not only effective legal protection, but also a predictable and economically responsive system of administrative justice.

5.2. Legal costs involved in legal proceedings

66. Across almost all respondent jurisdictions, court fees constitute a standard component of legal proceedings. Of the 29 jurisdictions that responded to the survey, 28 recognise court fees as general legal proceeding costs.[6] The only exception is Sweden, which has no court fees.

67. With regard to the costs of legal assistance (counselling), these are recognised as general legal proceeding costs in 26 jurisdictions, with the exceptions of Sweden (as there are no court fees there), Türkiye and Cyprus (where legal assistance is not included in legal proceeding costs).
Translation and interpretation costs, however, are not as widespread. Twenty jurisdictions (Poland, Belgium, Latvia, Portugal, The Netherlands, Czech Republic, Austria, Denmark, Slovenia, Croatia, Hungary, Ireland, Lithuania, Luxembourg, Serbia, Estonia, Bulgaria, Finland,

[6] Greece clarified during the feedback round that, in addition to procedural costs, a stamp duty is also payable in Greece. The amount is fixed and depends on the category of the case.

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Romania, Germany) include them in legal proceeding costs, but the other nine (France, Türkiye, Italy, Denmark, Cyprus, Slovenia, Norway and Sweden) do not.[7]

This is also the case for witness compensation costs, which only 20 (Belgium, Latvia, Portugal, The Netherlands, Czech Republic, Austria, Denmark, Slovakia, Slovenia, Croatia, Hungary, Ireland, Lithuania, Luxembourg, Serbia, Estonia, Bulgaria, Finland, Romania and Germany) out of 29 jurisdictions recognise as legal costs.
In France, Poland, Türkiye, Italy, Cyprus, Greece, Spain, Norway and Sweden, the costs of witness compensation are not included in the costs of legal proceedings.

There are also only 22 jurisdictions that include expert opinions in legal proceedings costs (France, Türkiye, Belgium, Latvia, Italy, Portugal, The Netherlands, Czech Republic, Denmark, Slovakia, Slovenia, Croatia, Hungary, Ireland, Lithuania, Luxembourg, Serbia, Estonia, Bulgaria, Finland, Romania and Germany).
Ten jurisdictions indicated that other costs should likewise be included in the legal proceedings costs.

What legal costs can be involved in legal proceedings in your court?

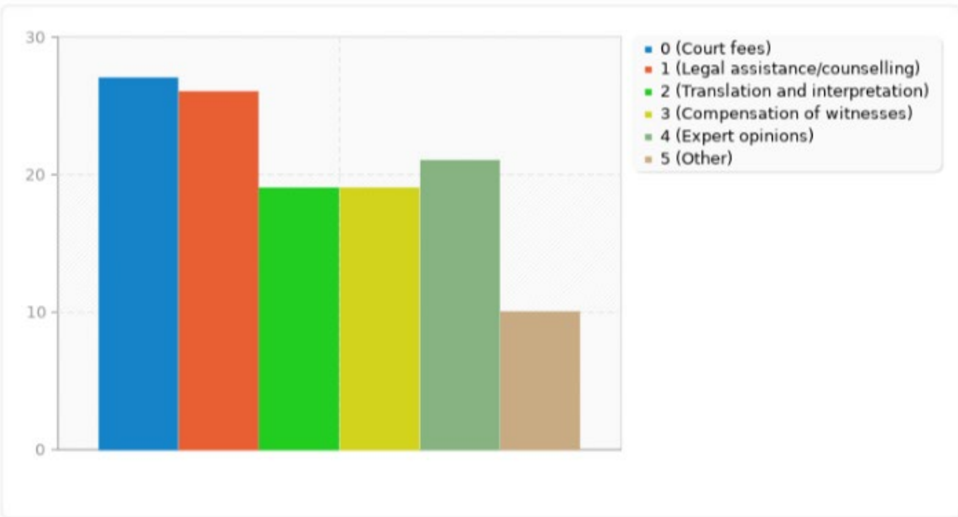

Figure 8: Categories of costs in legal proceedings

[7] During the feedback round of the 2025 cross-sectional analysis, Austria clarified that In Austria, translation and interpretation costs are also considered legal costs.

68. With regard to 'other costs', seven jurisdictions (The Netherlands, Czech Republic, Austria, Lithuania, Estonia, Finland and Romania) explicitly state that the law includes the expenses (e.g. travel and accommodation costs) incurred by the parties (and not only the witnesses) in attending the trial in the costs of legal proceedings. The Netherlands, the Czech Republic and Finland also include compensation for lost working time when attending a hearing in the costs of legal proceedings.

In this regard, Hungary emphasises that, as the Supreme Court is exclusively a court of cassation, no evidence is ever produced. Therefore, the costs of legal proceedings do not include expenses relating to parties, witnesses, or expert opinions.
In the case of Slovakia, costs are not classified for the purposes of legal proceedings. The only criterion is that the expense must be proven and justified, and incurred for the purpose of exercising or defending a right in court.

5.3. Allocation of costs and fee structures

69. With the exception of Latvia, all jurisdictions have the power to order the losing party to pay the costs incurred by the opposing party.

70. Legal fees are typically determined by law, often through fixed amounts.

Almost all jurisdictions report that legal proceeding fees are determined by law. In Belgium, this regulation dates back to the 'Decree of the Regent' ('Arrêté du Régent') of 1948.

Fees in administrative court are set at fixed amounts in 11 jurisdictions (Greece, Belgium, Latvia, Italy, the Netherlands, Germany, Slovenia, Hungary, Bulgaria, Czech Republic and Romania).[8]

As such, the Czech Republic clarified that the court fee for proceedings before the Supreme Administrative Court (as well as regional administrative courts) is a fixed amount established by law. The fee for filing a cassation complaint is set at CZK 5,000 (approximately EUR 206).

71. Only eight jurisdictions (France, Denmark, Ireland, Luxembourg, Norway, Sweden, and Finland) have indicated that there are no statutory caps or fee limits in place for SAC cases.

72. However, even in the absence of explicit statutory caps, several jurisdictions achieve comparable outcomes through indirect mechanisms. These include limits linked to the value

8

of the dispute, rules ensuring that appeal fees do not exceed those applicable at first instance, and judicial discretion to reduce fees where they would otherwise be disproportionate.

Türkiye and Serbia note that fees in their jurisdictions may differ for voluntary jurisdiction proceedings (e.g. proceedings relating to the State's civil liability). It is noted by three jurisdictions (Greece and Latvia[9]) that these fees may vary depending on the number of acts performed in the SAC's intervention. In other words, the amount may differ depending on whether the case involves only written documentation or also includes hearings.

Poland recalls that the law recognises certain exemptions from fee payment, such as in matters relating to unemployment status or public employment issues.
Only two jurisdictions (Spain and Slovakia) expressly state that there are statutory caps or fee limits. However, this objective can also be considered to have been achieved indirectly in other cases, such as when the appeal costs half the amount of the initial decision (Poland), or when the fee charged for the appeal cannot exceed that charged for the initial decision (Estonia), or where the law stipulates that the amount in dispute shall not exceed €30 million (unless a lower maximum value is specified), and where court fees are calculated based on the amount in dispute (Germany). Hungary indicates that the Court may reduce the amount of the fee if it is considered disproportionate.
Reductions in fees related to the fulfilment of public policy objectives are offered by two jurisdictions, as is the case in Slovakia when digital channels are used by applicants, where a 20% reduction is offered, and in Portugal, where an incentive for procedural pending is offered, in which those fees are reduced and partially refunded in cases such as confession or settlement in the proceedings.
Some jurisdictions also refer to the power to adjust the amount payable by the losing party to the winning party, based on criteria such as the complexity of the dispute (as in Italy) or certain objective circumstances (as in Lithuania).

5.4. Application of a public legal aid scheme

5.4.1. Scope of application

73. Legal aid is widely available in administrative proceedings, although its scope varies.

Only two jurisdictions (Cyprus and Sweden) do not provide legal aid for individuals.

However, access for legal persons is significantly more limited. Only seven jurisdictions (Poland, Türkiye, Belgium, Portugal, the Czech Republic, Austria and Denmark) include

[9] Austria clarified during the feedback round of the 2025 cross-sectional analysis that the fee for the proceedings before the Supreme Administrative Court in Austria is fixed (similar to para. 69 above).

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corporations and companies (including small and medium-sized enterprises) in their legal aid schemes, regardless of whether the companies are national, EU or non-EU. Of these jurisdictions, Türkiye restricts this benefit to domestic corporations and companies.

A larger number of jurisdictions provide legal aid to entrepreneurs, reflecting a broader understanding of economic actors in need of support. Thirteen jurisdictions (France, Poland, Türkiye, Belgium, Portugal, the Netherlands, the Czech Republic, Austria, Denmark, Greece, Norway, Estonia and Finland) currently include entrepreneurs in their legal aid schemes.

There are also six jurisdictions (Italy, Portugal, the Czech Republic, Greece, Spain and Sweden) that recognise that legal aid may be extended to other categories.

Figure 9: Personal scope of qualification for public legal aid schemes

5.4.2. Conditions for qualifying for the public legal aid scheme

74. It is evident that all jurisdictions stipulate the necessity of demonstrating insufficient financial means as a prerequisite for an applicant to qualify for legal aid, whether in a court of law or before an administrative body (Croatia, Hungary), whether before or during legal proceedings.

Almost all jurisdictions include the following benefits in their legislation: a reduction or exemption from court fees; the appointment of a lawyer free of charge (Poland, Belgium, Portugal, Czech Republic, Romania); partial payment of legal representation costs (Poland). Whether the applicant is granted full or partial legal aid will depend on the evidence they can provide to demonstrate their need for such public support. Belgium considers that this requirement should be presumed to apply in the case of prisoners and foreign nationals who are in the process of regularising their status in the country.

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Some jurisdictions (Netherlands, Czech Republic, Hungary, Finland) explicitly refer to both income and property when assessing applicants' financial situations. To be eligible for legal aid in Slovenia, your monthly income must not exceed twice the minimum wage, and your assets and those of your family must not exceed 48 times the minimum monthly wage.
Some jurisdictions limit this support to their own nationals, while others extend it to residents and stateless persons (Serbia). Belgium goes further, also including foreigners covered by international treaties providing for this type of support, as well as citizens of Council of Europe and European Union member states, among the beneficiaries of legal aid.

Certain jurisdictions include aspects related to the proceedings when deciding whether to grant or deny legal aid. Latvia and Lithuania, for example, considers not only the applicant's financial situation, but also the complexity and relevance of the case. Austria, Germany and Slovakia indicate that a manifestly unfounded claim may be grounds for refusing legal aid. Slovakia refers to trivial matters as the reason for this refusal. Ireland believes that only a small number of people can access legal aid before the SAC, since cases must be eligible for a decision in that court.

States that also consider the possibility of providing legal aid to companies require them to prove that they are in financial need of such aid (Greece, Portugal). Some states (Portugal) impose restrictions on the types of legal aid that can be granted to legal entities. Others (Denmark) require that the legal aid sought be directly related to their business activity. In addition to demonstrating financial difficulty and having their registered office in the country or in another EU or EEA country, applicants must show that failing to take action or submit a defence in proceedings would be contrary to the public interest (Germany). The Estonian Supreme Court indicates that, while there is no explicit provision preventing the granting of legal aid to entrepreneurs, the provision of state legal aid is unlikely in practice, since under Estonian law state legal aid is not granted if the dispute is related to the applicant’s business and does not affect rights unrelated to their business. Lithuania notes with great interest that, as stated in the ECtHR judgement in the case *Urbšienė and Urbšys v. Lithuania* , the refusal of legal aid to legal persons established in a European country must be based on arguments that do not jeopardise access to justice.

5.5. Consideration of the broader economic effects in judicial decision-making

75. Thirteen member institutions (Belgium, Latvia, Italy, Netherlands, Czech Republic, Slovakia, Cyprus, Greece, Croatia, Hungary, Lithuania, Norway andEstonia) gave a positive answer to the question of whether their court can consider the broader economic effects of its decision when delivering it. Thirteen replied in the negative (Poland, Türkiye, Portugal, Austria, Denmark, Slovenia, Ireland, Luxembourg, Serbia, Sweden, Bulgaria, Finland, and Germany).

76. The member institutions that replied in the affirmative provided various details and general comments.

In Greece, it is possible, in accordance with Article 50, paragraphs 3a and 3b of Presidential Decree 18/1989 (added in 2014), to limit the retroactive effect of annulment rulings or to postpone the publication of such rulings, in order, on the one hand, to avoid any surprises for the applicants and, on the other hand, to preserve the State's budgetary balance.

Belgium stated that Article 14 of the coordinated laws on the Council of State (Belgium Council of State) allows the judge to modulate the effects of the annulment of an administrative act. As examples of the application of Article 14, Belgium referred to two judgements by the Council of State (judgement no. 252.484 of 20 December 2021 and judgement no. 255.508 of 17 January 2023). In addition, Belgium referred to Articles 15 and 47 of the Law of 17 June 2013 relating to the justification, information and remedies in matters of public procurement.

In Latvia, the administrative court does not in general base its decisions on broader economic outcomes or effects in the abstract sense. Under the Administrative Procedure Law, courts in administrative matters are mandated to assess the lawfulness of administrative acts and action. However, in certain cases − especially in competition law, regulatory decisions, or market-related disputes − evidence about economic effects may be relevant to determine whether a specific legal standard has been met.

In Italy, the administrative judge is sometimes required to evaluate the economic repercussions of their decisions. Through the balancing of interests in precautionary proceedings and the application of Articles 121 and 122 Code of Administrative Trial in procurement matters, the judge assesses whether the annulment of an act might cause disproportionate prejudice to the public interest or the continuity of essential services.

The Netherlands stated that the Administrative Jurisdiction Division of the Council of State, the AJD, can consider the broader economic effects of its decision if such assessment is part of the legal criteria that regulate the administrative decision, or if the administrative decision depends on a weighing of interests, provided these effects are a relevant interest. In all circumstances, the judicial review is confined to a review of legality and proportionality. As an example, the Netherlands referred to the ruling of 29 May 2019 by the AJD, ECLI:NL:RVS:2019:1603, on the so-called Programmatic Approach to Nitrogen.

The Czech Republic clarified that even though the court may take economic consequences into account in its decision, its approach is rather conservative. As examples, the Czech

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Republic referred to two cases by the SAC: case No. 1 Afs 76/2013-57 on the impact of the solar tax on electricity producers and to the case No. 4 Ads 120/2009 - 88 concerning a legislative error where the formula for calculating employer social security contributions was temporarily missing from the law.

Slovakia stated that the administrative court can, at the plaintiff's request, modify the amount of the penalty if this sanction is disproportionate to the nature of the act or would result in the liquidation of the plaintiff. This decision may be reviewed by the Supreme Administrative Court. While the Supreme Administrative Court cannot modify the amount of the sanction by its own decision, it can as a court of cassation annul and return the decision of the administrative court. The Supreme Administrative Court commented on the application of sanction moderation in the legal rule in case.

According to Norway, economic and other consequences may be relevant when determining the legal questions of a case. Cyprus stated that the national court considers the broader economic effects if the matter involves public interests, and the issue is raised before the court by a party. Croatia mentioned that the judges are always aware of the broader effects of the decision (not only economic effects).

Romania pointed out that in principle the court rules within the limits of its jurisdiction.

Hungary stated that in cassation proceedings, the Curia conducts an admissibility proceeding before examining the merits of the case, one aspect of which is the social significance of the legal issue raised. In this connection, the broader economic impact of the case can also be assessed. In Lithuania, the court may, when relevant, take into account the broader economic effects of its decision as part of the assessment of proportionality, public interest, or the impact of administrative measures, while remaining bound by the applicable legal framework and the scope of the dispute.

Estonia clarified that the procedural law does not grant the court a general right to take public interest (including broader economic effects) into account when making a judgment (with the exception of granting interim relief). The court may only review the legality of the actions of administrative authorities, not their economic expediency. Only in situations where the legal provision obliges the administrative authority to assess the economic impact of its decision can the SAC, during a review of legality, evaluate whether the authority has adhered to the rules of discretion in assessing the economic impact, for example, by taking all relevant factors into account.

5.6. Consideration of third-party or market-wide impact in judicial decision-making

77. About two thirds of the member institutions (68,97 %) gave a negative answer to the question of whether their court consider third-party or market-wide impact in its reasoning.

78. The group of institutions (Italy, Czech Republic, Croatia, Hungary, Ireland, Lithuania and Luxembourg) which replied positively explained how their court can consider such impact in its reasoning.

In Italy, the Council of State consistently integrates the assessment of impacts on third parties and the market into its legal reasoning. For example, through the balancing of interests provided for by Art. 55 Code of Administrative Trial, the judge may require the provision of a security or guarantee to ensure that the execution (or suspension) of a measure does not cause irreversible economic harm.

In the Czech Republic, the court may consider the impact on third parties or the market as a whole in its reasoning. In case No. 10 As 95/2025-325, the SAC reviewed a request to pause the public procurement for the Dukovany nuclear power plant expansion.

In Lithuania, the court may take into account third-party or market-wide impact insofar as it forms part of the assessment of proportionality, public interest, or the systemic effects of the contested administrative measure, while remaining within the scope of the dispute and judicial review.

Croatia stated that the third party whose legal interests can be affected by the Court's decision, must be involved in the procedure (*ex officio*).

In Hungary, the economic weight and market share of the company concerned are factors to be taken into account in relation to certain economic penalties when determining the amount of the penalty, as specified by law.

Ireland stated that the Supreme Court may consider third-party or market-wide impacts, but only indirectly and as part of assessing legality, fairness, or proportionality. The Court does not act as a market regulator; rather, it takes these broader effects into account to ensure that its orders are practical, proportionate, and do not cause unintended harm beyond the parties before it.

Luxembourg specified that the repercussions on the entire market can only be considered by the Administrative Court if these repercussions have been raised by the parties.

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5.7. Judicial responsiveness to economic disruption or market effects

79. Courts can apply various means to limit economic disruption or market effects. Regarding different options, three member institutions (Latvia, Denmark and Bulgaria) referred to phased judgments, three member institutions (Latvia, Denmark and Greece) to conditional judgments and 10 member institutions (Belgium, Latvia, Italy, Czech Republic, Denmark, Slovenia, Ireland, Luxembourg) to transitional judgments.

In addition, 10 member institutions (the Netherlands, Czech Republic, Slovakia, Greece, Spain, Croatia, Hungary, Luxembourg, Finland, and Romania) reported that their court can apply other means, as set out in the table below.

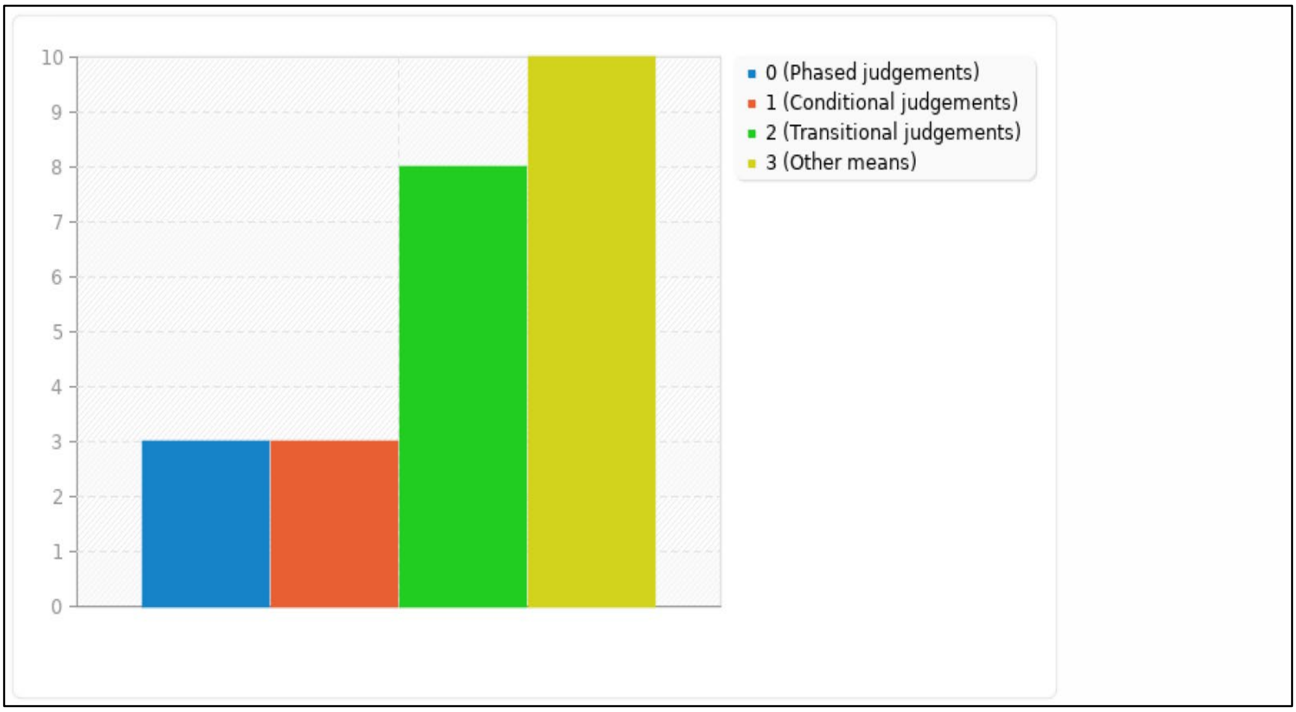

Figure 10: Techniques for SACs to limit economic disruption or market effects

80. The institutions that referred to other means provided further details.

In Greece, it is possible, in accordance with Article 50, paragraphs 3a and 3b of Presidential Decree 18/1989 (added in 2014), to limit the retroactive effect of annulment rulings or to postpone the publication of such rulings.

The Netherlands stated that the Administrative Jurisdiction Division of the Council of State, the AJD, can issue an interim judgment, ordering the administrative authority to remedy a defect in the contested decision. The final judgment will then assess whether the defect has actually been remedied. The AJD can also annul a decision while maintaining the legal consequences. Furthermore, the AJD can oblige the administrative body to take a new decision in accordance with the judgment. Under certain circumstances, the AJD can also issue a new decision or part of the decision to replace the annulled administrative decision.

The Czech Republic reported that neither an action nor a cassation complaint in administrative justice has suspensive effect by law. The temporal effects of a decision can typically be adjusted by a resolution on suspensive effect and the imposition of a preliminary measure. However, it is not possible to postpone the enforceability of a decision on a cassation complaint. The court only rarely decides to postpone the effectiveness of its decision. An example of this is case No. 8 Ao 2/2022-53, in which the court ruled on a proposal to repeal a measure of general nature regulating the conditions for retail operations during the pandemic.

In Hungary, if justified by the protection of public interest, legal certainty or particularly important interests of the persons affected by the judgment, the court shall quash the administrative act with precise indication of the date of its expiry, rather than quashing it with retroactive effect from the date of notification. Preliminary enforceability: the court may, *ex officio* (if stipulated by law) or upon request, declare its decision to be provisionally enforceable in accordance with the rules on immediate legal protection. This measure may be linked to the provision of security.

Luxembourg indicated that, following a 2019 judgment of the Constitutional Court, administrative courts are empowered to modulate the effects of their decisions, particularly in relation to regulatory administrative acts. Such modulation may also be applied in cases where the Administrative Court has referred a question concerning the constitutionality of a law to the Constitutional Court.

In Finland, the court that annuls a decision on the basis of the Administrative Judicial Procedure Act may at the same time order a continued compliance with the annulled decision until a new decision is made in the matter, or until the decision of the court is final or the court considering the matter otherwise orders. However, this provision is of a general application and not specifically related to the aim of limiting economic disruption or market effects.

Romania reported that as a general rule, the court may, as appropriate, annul the administrative act in whole or in part, order the public authority to issue an administrative act, release another document, or perform a specific administrative operation. It should be noted that the court will also rule on compensation for material and moral damages caused, if the claimant has requested this. The court may also set, by its ruling, an execution deadline, at the request of the interested party.

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5.8. Possibilities of non-enforcement of a Supreme Administrative Court judgement, e.g. in cases of exceptional circumstances or overriding public interest

81. The vast majority of surveyed institutions (89,66 %) stated that their legal system does not recognize legitimate reasons for not enforcing a SAC judgement.

However, a small number of member institutions provide for exceptions. Moreover, Belgium, Portugal and Croatia reported that their legal system recognizes such a possibility.

In Belgium, the mechanism for maintaining the effects of annulled acts, results in a form of non-application of the annulment ruling, since the Council of State may decide to maintain certain effects of the annulled act for the period it determines. When the maintenance of effects applies to the period prior to the annulment ruling, it must be considered definitive, the effects of the annulled act being definitively maintained for the past. Conversely, when the Council of State decides to maintain certain effects for the future, it does so only for the period it specifies. In this sense, the effects of the annulled act are provisionally maintained for the future. As an example, Belgium mentions judgement no. 142.753 of 1 April 2005, which annulled a decree concerning the profession of land surveyor.[10]

Portugal reported that the Public Administration may invoke legitimate grounds for non-enforcement (Articles 163 and 175 of the Code of Procedure for Administrative Courts) if enforcement would be impossible or would cause serious harm to the public interest, resulting in compensation. This exception must be invoked immediately after the judgment becomes final. Administrative procedural law expressly permits the invocation of two types of legitimate grounds for non-enforcement: absolute impossibility (natural cause) and exceptional harm to the public interest (administrative cause). The impossibility must be definitive, not temporary (such as that resulting from financial constraints), and it must not be culpable; that is to say, it must not result from facts for which the Administration is responsible.

In administrative procedural law, it is also possible to modify the subject matter of the proceedings. For example, if it is found that the plaintiff's claim is well-founded, but that satisfaction of their interests is wholly or partly prevented by a situation of absolute impossibility, or if the defendant demonstrates that fulfilment of their duties would cause exceptional damage to the public interest, the court will issue a decision recognising the plaintiff's right. This decision will also recognise the circumstance preventing the issuance of the requested ruling and the plaintiff's right to compensation for this fact. The court will then

[10] Available here (in Dutch) : https://www.raadvst-consetat.be/Arresten/142000/700/142753-vert.pdf#xml=http://www.raadvst-consetat.be/apps/dtsearch/getpdf.asp?DocId=9129&Index=c%3a%5csoftware%5cdtsearch%5cindex%5carrets%5fnl%5c&HitCount=1&hits=1443+&03162720263112

invite the parties to agree on the amount of compensation due. If no agreement is reached, the plaintiff may request a judicial determination of the compensation due.

Croatia stated that non-enforcement of a judgment can be justified by various reasons, and that it is judge-dependent.

VI. CONCLUSION

82. The 2025 cross-sectional analysis titled "*The Economic Dimension of Administrative Court Procedures – Mapping of competences and procedural mechanisms at the level of Supreme Administrative Courts (SACs) for business-related procedures or cases of economic importance"* confirms that Supreme Administrative Courts ('SACs') across Europe play a central and evolving role in the adjudication of business-related cases or cases of economic importance. The findings demonstrate both a strong degree of convergence in core judicial functions and significant diversity in how jurisdictions organise, structure, and exercise this role.

83. From the perspective of competence, the survey shows that SACs are systematically involved in business-related cases or cases of economic importance across all responding jurisdictions. Their jurisdiction covers a broad spectrum of economically relevant disputes, including permits, concessions, public procurement, taxation, intellectual property, and cases of administrative inaction affecting businesses. While this confirms the central role of SACs in economic governance, important differences remain in how these competences are defined, particularly in hybrid areas and in the delineation between administrative and civil jurisdiction, such as concessions or intellectual property.

84. Secondly, as regards levels of specialisation, the analysis shows that courts increasingly recognise the need to adapt to the technical and multidisciplinary nature of economic disputes. Various forms of specialisation have emerged, including dedicated chambers, targeted judicial training, and access to expert support. Judicial training is widely available and often extends beyond purely legal knowledge to encompass economic, financial, or sector-specific expertise.

Most courts also provide support to judges, primarily through legal research assistance and access to specialised databases. However, more advanced tools such as expert panels or artificial intelligence remain less developed. In many systems, expertise continues to rely on external resources rather than fully institutionalised internal structures, and only a limited number of courts are equipped to handle complex business cases at first instance.

With regard to procedural efficiency, the survey shows that Supreme Administrative Courts across Europe have developed a broad range of tools to manage business-related cases or cases of economic importance. Consolidation or joint examination of similar cases is widely available and constitutes an important instrument for dealing with repetitive or mass claims, thereby enhancing both procedural economy and consistency of case law.

Accelerated procedures are also used in a significant number of member institutions, particularly in areas such as public procurement, concessions, infrastructure, and financial regulation, whereas simplified procedures remain comparatively rare. Interim relief, especially the suspension of administrative acts, is almost universally available and represents a key safeguard against irreversible harm in economically sensitive disputes.

A particularly noteworthy finding concerns the handling of mass or repetitive litigation. A large majority of Supreme Administrative jurisdictions (79,3%) have the power to consolidate multiple appeals into a single proceeding, including in similar or mass claims. In most jurisdictions, this mechanism is conceived as a case-management tool at the disposal of the court, typically exercisable *ex officio* or upon application, and only exceptionally dependent on party consent. More broadly, mechanisms for consolidation or joint examination are available in over two-thirds of the surveyed jurisdictions, most often on a discretionary basis. These findings underline the central role of consolidation in reducing duplication, ensuring coherence in case law, and enabling courts to respond effectively to large volumes of economically similar disputes.

The survey further highlights the growing importance of digitalisation in supporting procedural efficiency. Widely used tools include e-filing and digital case-management systems, as well as functionalities such as electronic case classification, estimation of case duration, semantic case-law research, identification of similar appeals, anonymisation of decisions, and statistical monitoring of case flow. Some jurisdictions, Italy in particular, have developed more advanced internal systems supporting organisational and research tasks, while explicitly excluding the use of generative AI for judicial drafting or decision-making.

At the same time, more advanced tools such as artificial intelligence is not commonly used. Where AI is used, its role is primarily auxiliary and limited to administrative or analytical functions.

85. With regard to costs and access to justice, the survey reveals both convergence and divergence across jurisdictions. Court fees and cost-allocation mechanisms are generally well established, but their structure and practical impact vary considerably. While legal aid schemes are widely available for individuals, access for businesses, particularly SMEs, remains more limited. At the same time, a growing number of jurisdictions extend legal aid to

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entrepreneurs and, in some cases, to other categories of economic actors, reflecting a broader understanding of access to justice in an economic context.

Although only a minority of jurisdictions provide explicit statutory caps on judicial costs, comparable effects are often achieved through indirect mechanisms, such as proportionality rules or judicial discretion to reduce fees. These variations may have a significant impact on the ability of economic actors to access SAC proceedings.

86. Beyond these structural elements, the analysis also highlights a broader evolution in the role of Supreme Administrative Courts. Courts are increasingly confronted with disputes that carry significant economic implications, and many have developed techniques such as the modulation of effects, transitional arrangements, or balancing of interests to mitigate disruptive consequences. While judicial review remains centred on legality, these practices reflect a growing awareness of the wider economic context in which Supreme Administrative Courts operate.

Taken together, the findings show that Supreme Administrative Courts are progressively adapting to the demands of economically significant litigation. This adaptation is primarily procedural, relying on tools such as interim relief, fast-tracking, and digitalisation, rather than on comprehensive organisational reform. At the same time, differences in institutional capacity, access to justice, and the use of advanced tools suggest that further convergence may be beneficial.

In conclusion, Supreme Administrative Courts across Europe appear broadly equipped to address the challenges of business-related administrative litigation, but important variations remain in how this role is structured and implemented.

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