



Section A: SCOPE OF JURISDICTION IN BUSINESS-RELATED CASES

This section examines which business-related cases or cases of economic importance fall under the jurisdiction of Supreme Administrative Courts (SACs) and how such cases are defined and classified. The focus is on economic actors - private companies (including SMEs), self-employed professionals, and, for this questionnaire, state-owned enterprises and public undertakings insofar as they operate on the market. Public authorities acting in a sovereign capacity and individuals acting purely in their private sphere are excluded.

“Economic impact” refers to disputes that affect market access, investment, competition, operational conditions, or the financial viability of economic activities.

SACs may address such matters as appellate courts or, in some jurisdictions, as courts of first instance. Understanding how these cases are admitted, filtered, and categorized helps clarify the role of SACs in economic governance.

Relevant procedures include permits (environmental, planning, zoning), public concessions, public procurement, taxation and customs, intellectual property and competition decisions, and administrative inaction affecting business interests.

A1.

Is your court competent to rule on disputes that have an economic impact?

Yes ☐

No ☐

A2.

How is this competence determined?

According to the nature of the parties involved, public or private ☐

According to the nature of the questions referred to the court ☐

According to the nature of the activity giving rise to the dispute ☐

Other ☐

Other

A3.

Please illustrate.



A4.

Is your jurisdiction competent to rule on appeals made by economic operators against measures (e.g. prohibitions) adopted by the public authorities that limit or prevent the conduct of economic activities, the obtaining of permits or participation in public procurement contracts?

Yes ☐
No ☐

A5.

Is your jurisdiction competent to rule on public contracts?

Yes ☐
No ☐

A6.

Please specify in which cases a public contract can be considered to fall under the jurisdiction of the administrative court?

In matters relating to award ☐

In matters relating to performance ☐

Other ☐

Other

A7.

Is your jurisdiction competent to rule on public procurement contracts?

Yes ☐
No ☐



A8.

Please state in which cases a public procurement contract can be considered to fall under the jurisdiction of the administrative court?

In matters relating to award ☐

In matters relating to performance ☐

Other ☐

Other

A9.

Is your jurisdiction competent to rule on the administrative authorisations required to carry on an economic activity?

Yes ☐

No ☐

A10.

If 'YES':

Urban planning authorisation ☐

Commercial authorisation ☐

Health authorisation ☐

A11.

Please give some examples.



A12.

Is your court competent to rule on disputes relating to economic regulation (i.e. to rule on the legality of acts carried out by public authorities to regulate certain markets, or on disputes involving their potential liability)?

Yes ☐

No ☐

A13.

Is your jurisdiction competent to rule on appeals relating to the price regulation imposed upon private managers of essential services (energy, telecommunications, water)?

Yes ☐

No ☐

A14.

Please specify:

A15.

Is your jurisdiction also competent to rule on the legality and proportionality of pecuniary sanctions imposed by the economic regulatory authorities upon private enterprises for breaches of regulations?

Yes ☐

No ☐

A16.

Please specify:



A17.

**Is your court competent to rule on disputes relating to concessions
(i.e. the act whereby a local authority empowers a private person to
manage a public service or asset)?**

Yes ☐

No ☐

A18. For all or for some?

For all disputes relating to concessions ☐

For some disputes relating to concessions ☐

A19.

Please explain.

A20.

**Is your court competent to rule on disputes relating to intellectual
property?**

Yes ☐

No ☐

A21.

Please specify in which context.

In the context of disputes relating to infringement (trademarks, patents, copyrights). ☐

In the context of disputes relating to the validity, protection, or ownership of intellectual property rights. ☐

In the context of disputes relating to licences, assignments, or contracts involving intellectual property rights. ☐

In the context of disputes relating to the unauthorised use or commercial exploitation of protected works. ☐

Other ☐

Other



A22.

Is your court competent to rule on employment?

Yes ☐

No ☐

A23.

	Private enterprises	Private enterprises exercising a public function	Public enterprises (state-owned enterprises, public undertakings)
Individual disputes relating to the employment contract (formation, performance, termination).	☐	☐	☐
Disputes relating to disciplinary dismissal or dismissal for personal reasons.	☐	☐	☐
Individual disputes relating to the employment contract (formation, performance, termination).	☐	☐	☐
Disputes relating to economic dismissal, including review of the actual economic grounds invoked by the employer (eg economic difficulties, technological changes, reorganisation, cessation of activity).	☐	☐	☐
Disputes relating to working conditions (pay, working time, leave, mobility).	☐	☐	☐
Disputes relating to health and safety at work.	☐	☐	☐
Disputes relating to collective labour relations (trade unions, professional elections, collective agreements).	☐	☐	☐
Other disputes falling under employment law (to be specified)	☐	☐	☐

A24.

Please specify what “other disputes falling under employment law”.



A25.

Please specify in which cases and explain your functions, particularly with regard to reviewing the legality of administrative decisions concerning the authorisation of redundancies or the validation of employment protection plans.

A26.

Is your court competent to rule on actions taken against private persons responsible for providing an industrial and commercial public service?

Yes ☐

No ☐

A27.

Is your jurisdiction competent to rule on the legality of administrative actions that exclude an enterprise from the benefits of national or European public financing (not constituting State aid)?

Yes ☐

No ☐



Section B: INSTITUTIONAL STRUCTURE AND SPECIALIZATION

This section focuses, like the rest of the questionnaire, exclusively on Supreme Administrative Courts (SACs) and examines how they are organized to handle economically relevant, complex, and technically demanding business-related cases or cases of economic importance. The aim is to understand how SACs structure their internal work to manage disputes that have significant implications for market access, investment decisions, major infrastructure projects, regulatory compliance, or broader economic governance.

Specialisation within SACs may take different forms - such as dedicated chambers, thematic divisions, ad hoc panels, or expert panels - and is often supported by targeted judicial training in areas like tax, procurement, environmental regulation, or financial and EU-regulatory matters. In some jurisdictions, SACs may also hear economically sensitive cases in first instance, particularly when the technical complexity or public impact is high.

The questionnaire explores SAC-specific organizational choices, including mechanisms for allocating and prioritising high-impact cases, access to technical and legal expertise, and the institutional support structures that sustain specialization and coherent decision-making. Building on the 2019 ACA cross-sectional analysis on SAC organization, this section looks specifically at how SACs equip themselves for the demands of business-related and economically significant litigation.

B1.

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

Always as a court of appeal

☐

Always as a court of first and last instance

☐

Sometimes as a court of appeal and sometimes as a court of first and last instance

☐

B2.

Please explain.

B3.

Are there specialised chambers or thematic divisions for business-related cases or cases of economic importance in your court?

Yes

☐

No

☐

Sometimes

☐

**B4.****Please explain.****B5.**

Are there any special rules regarding the case assignment to individual judges for business-related cases or cases of economic importance (based on their case-load, backlog, experience etc.)?

Yes ☐No ☐**B6.****Please specify.****B7.**

Does your court provide any training for judges?

Yes ☐No ☐Partially ☐**B8.****Please specify.**



B9.

How is the training carried out?

Internally (in-house training) ☐

Externally (training agencies, universities etc.) ☐

B10.

Does the training include specific non-legal skills such as technical matters, financial matters, or other business-related matters?

Yes ☐

No ☐

B11.

Is the training limited to or intended for certain (groups of) judges?

Yes ☐

No ☐

B12.

Please explain.

B13.

Do the judges have the opportunity to be provided with more assistance in order to deal with business-related cases or cases of economic importance?

Yes ☐

No ☐

B14.

Please specify available internal measures of assistance.

Research legal assistance ☐

Administrative assistance ☐

Additional judges ☐

Expert panels ☐



Advisory committees ☐

Access to specialised databases or knowledge platforms ☐

Access to AI-tools ☐

Dedicated technical staff ☐

List of external experts who can be appointed if necessary ☐

Assistance of an individual expert ☐

Other ☐

Other

B15.

Are there any internal mechanism to restructure its chambers or staffing to manage increased business-related cases or cases of economic importance?

Yes ☐

No ☐

B16.

Has your court already applied such a mechanism?

Yes ☐

No ☐

B17.

Does your court have a legal tool to act as a court of first instance for large-scale or urgent cases?

Yes ☐

No ☐

B18.

Does your court have a legal tool to fast-track (prioritize) business-related cases or cases of economic importance?

Yes ☐

No ☐



B19.

Is the use of such a legal tool limited to certain categories of cases?

Yes ☐

No ☐

B20. Please explain.

Section C: PROCEDURAL TOOLS TO ENHANCE EFFICIENCY

Supreme Administrative Courts (SACs) dispose of procedural tools to streamline business-related cases or cases of economic importance and mitigate risks of disruption. These tools include the granting of interim measures, such as the suspension of administrative acts in urgent cases; procedural consolidation, which allows similar or multiple claims to be handled together to ensure consistency and efficiency; preliminary reference mechanisms, both domestic and to the CJEU; and the use of digital case-management systems, including e-filing, automated case triage, and dashboards for monitoring case duration. In some instances, alternative dispute resolution mechanisms, such as mediation or negotiated settlements, may also be available.. This section examines how SACs organize these procedural mechanisms in order to manage business cases effectively.

C1.

Does the SAC in your country have the power to consolidate multiple appeals into a single proceeding (e.g., in similar or mass claims)?

Yes ☐

No ☐

C2.

Consolidation can be ordered:

Only ex officio ☐

Only upon application ☐

Both ex officio and upon application ☐

C3.

Does consolidation require the parties' consent?

Yes ☐

No ☐



C4.

Are there procedural provisions governing SAC proceedings allowing business-related cases or cases of economic importance in an accelerated procedure?

Yes ☐

No ☐

C5.

Please indicate in which categories of cases such a procedure applies:

Public procurement ☐

Taxation ☐

Permits ☐

Concessions ☐

Other ☐

C6.

Please explain in which other categories.

C7.

Please explain how such a procedure operates.

C8.

Are there procedural provisions governing SAC proceedings allowing business-related cases or cases of economic importance in a simplified procedure?

Yes ☐

No ☐



C9.

Please indicate in which categories of cases such a procedure applies:

Public procurement ☐

Taxation ☐

Permits ☐

Concessions ☐

Other ☐

C10.

Please explain in which other categories.

C11.

Are interim measures (e.g. suspension of an administrative act) available in SAC proceedings in business-related cases or cases of economic importance?

Yes ☐

No ☐

C12.

Are any of the following interim measures available in your SAC in such cases:

Suspension of the application of the regulations or the law ☐

Suspension of the application of the administrative act ☐

Imposing obligations ☐

Granting rights ☐

C13.

Please indicate in which categories of cases:

In all categories of cases ☐

In specific categories of cases ☐



C14.

Please explain.

C15.

Please indicate under what conditions interim measures are granted.

Urgency ☐

Risk of serious harm ☐

Balance of interests ☐

Other ☐

Other

C16.

Granting of interim measures is linked to costs.

Yes ☐

No ☐

C17.

Granting of interim measures is linked to requirement to provide a financial guarantee.

Yes ☐

No ☐

C18.

Interim measures are applied.

Only ex officio ☐

Only upon application ☐

Both ex officio and upon application ☐



C19.

For what period are interim measures granted:

Until the conclusion of the court proceedings

☐

For the time specified by the court: please explain

☐
☒

For the time specified by the court: please explain

C20.

Can the applied interim measures be revoked?

Yes

☐

No

☐

C21.

The applied interim measures can be revoked?

Only ex officio

☐

Only upon application

☐

Both ex officio and upon application

☐

C22.

Financial securities or guarantees are required for interim measures in your court?

Yes

☐

No

☐

C23. Please explain.



C24.

Are there exemptions available from requiring financial securities or guarantees in relation to interim measures in your court?

Yes ☐

No ☐

C25.

Please explain in what kind of circumstances exemptions could be available.

C26.

Does your SAC have mechanisms for consolidation or joint examination of similar business-related cases or cases of economic importance to enhance efficiency and consistency of case law?

Yes ☐

No ☐

C27.

Please indicate whether such mechanisms are:

	Mandatory	Discretionary
In all categories cases	☐	☐
In specific categories of cases	☐	☐

C28.

Does your SAC use digital tools in business-related cases or cases of economic importance?

Yes ☐

No ☐

C29.

Please specify.

E-filing ☐



Automated case allocation ☐

Digital case management ☐

Dashboards ☐

Other ☐

Other

C30.

These tools are applied.

In all categories
of business-
related
administrative
cases

In specific
categories of
business-related
administrative
cases

E-Filing ☐ ☐

Automated case allocation ☐ ☐

Digital case management ☐ ☐

Dashboards ☐ ☐

{ C29_other } ☐ ☐

C31.

Please indicate in which specific categories.

C32.

Are artificial intelligence or data analytics tools used in your SAC to assist in the management of business-related cases or cases of economic importance (e.g., case classification, prediction of case duration)?

Yes ☐

No ☐



C33.

Please specify.

C34.

Are such tools planned for introduction?

Yes ☐

No ☐

C35.

Please explain which tools are planned for introduction.

C36. Does your legal system provide for a “preliminary reference” mechanism that can enhance the efficiency of SAC proceedings in business-related cases?

Yes ☐

No ☐

C37.

A national “preliminary reference” mechanism?

Yes ☐

No ☐

C38.

Has it been applied?

Yes ☐

No ☐



C39.

Is there a plan to introduce such a mechanism to enhance the consistency of case law?

Yes ☐

No ☐

C40.

A “preliminary reference” mechanism to the CJEU?

Yes ☐

No ☐

C41.

Has it been applied?

Yes ☐

No ☐

C42.

Is there a plan to introduce such a mechanism to enhance the consistency of case law?

Yes ☐

No ☐

C43.

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

	Yes	No
Mediation	☐	☐
Conciliation	☐	☐
Other	☐	☐

**C44.****Please explain what other.****C45.**

Does your SAC have the power to order an appellant to provide security for the costs of an appeal in business-related cases or cases of economic importance?

Yes ☐No ☐

Section D: ACCESS TO JUSTICE AND ECONOMIC IMPACT OF SAC DECISIONS

This section addresses how economic actors—particularly SMEs—gain access to justice in administrative litigation. Focus lies on cost structures, legal aid, and procedural design. Excessive fees or financial guarantees can act as a barrier to review, especially for SMEs. Conversely, simplified access mechanisms can foster legal certainty and compliance.

Also of interest is the economic impact of SAC decisions. Rulings may result in the suspension or annulment of large-scale projects. Understanding how SACs balance legality review with economic continuity (e.g. phased effects, transitional judgments) is key to assessing judicial responsiveness to market effects.

D1. What legal costs can be involved in legal proceedings in your court?

Court fees ☐Legal assistance/counselling ☐Translation and interpretation ☐Compensation of witnesses ☐Expert opinions ☐Other ☐



D2. Please explain what other.

D3.

Does your court have a power to order the losing party to pay the costs incurred by the opposing party?

Yes ☐

No ☐

D4. Are there statutory caps or fee limits for SAC cases?

Yes ☐

No ☐

D5.

Please explain.

D6.

Who may qualify for public legal aid scheme in your court?

Company: an organization that sells goods or services in order to make money

Corporation: a large company or group of companies that is controlled together as a single organization

Entrepreneurs: a person who starts or organizes a business company, especially one involving risk

Individuals ☐

Companies (including small and medium-sized-enterprises ('SMEs')) - legal entities with nationality of their own Member State ☐

Companies (including SMEs) - legal entities with an EU nationality other than that of their own Member State ☐

Companies (including SMEs) - legal entities with non-EU nationality ☐

Corporations ☐

Entrepreneurs ☐

Other ☐



D7. Please specify under which conditions:

D8.

Can your court consider the broader economic effects of its decision when delivering it?

Yes ☐

No ☐

D9.

Please explain and provide examples.

D10.

Does your court consider third-party or market-wide impact in its reasoning?

Not court fees, but including financial instruments, securities or guarantees, such as, non-exhaustively, cautio iudicatum solvi, corporate guarantees required from a party to ensure that a court judgment can be satisfied (e.g. for civil-party claims), bonds or sureties in immigration or enforcement proceedings, or other financial obligations affecting companies or sectors.

Yes ☐

No ☐

D11. Please explain.



D12.

In order to limit economic disruption or market effects, can your court apply:

Phased judgement: A judgment whose legal effects are introduced in stages over time, rather than all at once. The court specifies different dates for different parts of the ruling to take effect. E.g. maintaining the effects of the decision in stages over time.

Conditional judgement: A judgment that ties its legal effect to specific conditions being fulfilled. The ruling may only take effect if the legislature or an authority fails to act, or it may be suspended until corrective measures are adopted. E.g. a judgment that only takes effect if the administration fails to take corrective measures within a set period.

Transitional judgements: A judgment that temporarily preserves certain legal or economic arrangements even though they are ultimately declared unlawful, to avoid serious disruption. The court allows a period during which the old rules continue to apply while stakeholders adjust. E.g. allowing parties a period to remedy or adjust their situation before the judgment fully applies.

Phased judgements ☐

Conditional judgements ☐

Transitional judgements ☐

Other means ☐

D13. Please explain.

D14.

Does your legal system recognise legitimate reasons for not enforcing a SAC judgement, such as (non-exhaustively), exceptional circumstances or overriding public interest?

E.g. exceptional circumstances or overriding public interest may justify non-enforcement. In Belgium, for instance, the Constitutional Court accepts exceptional circumstances or compelling reasons of general interest, the Council of State allows intervention at the level of final judgments for public interest or special reasons, ensuring acquired rights are not affected while granting certain benefits.

Yes ☐

No ☐

D15.

Is this non-enforcement temporary or permanent?

Yes ☐

No ☐



D16.

Please explain.