
Dimension économique des procédures devant les cours administratives suprêmes

Results

Survey 541145

Number of records in this query:	29
Total records in survey:	29
Percentage of total:	100.00%

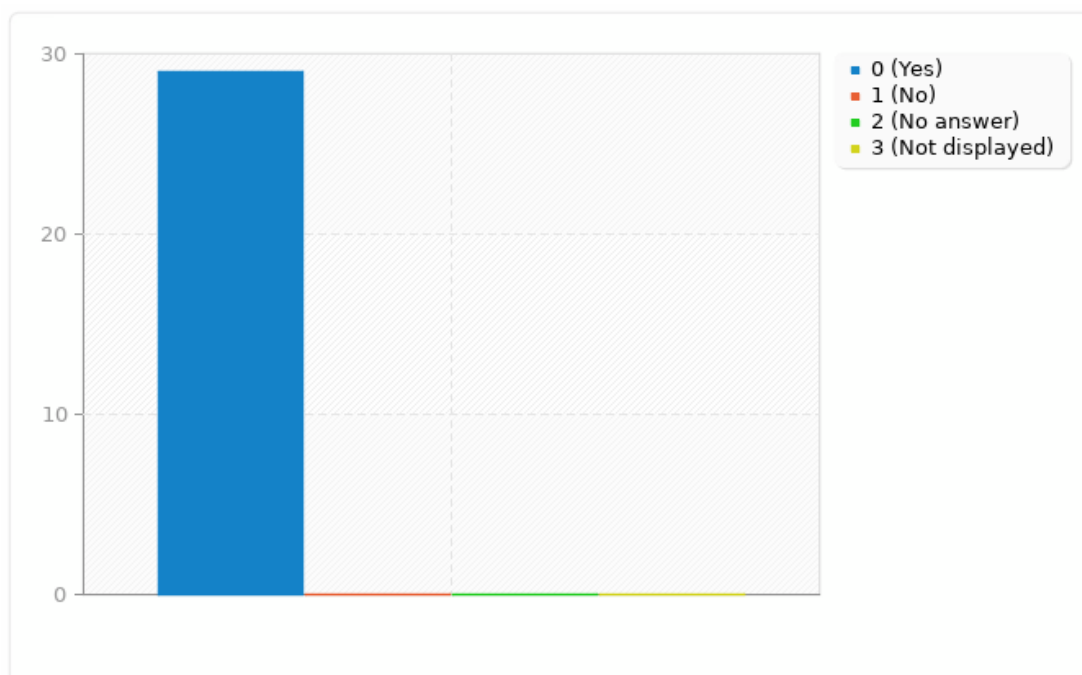
Summary for A1

Votre cour est-elle compétente pour statuer sur des contentieux à caractère commercial ou présentant un intérêt économique ?

Answer	Count	Percentage
Yes (Y)	29	100.00%
No (N)	0	0.00%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for A1

Votre cour est-elle compétente pour statuer sur des contentieux à caractère commercial ou présentant un intérêt économique ?



Summary for A2

Comment cette compétence est-elle déterminée ?

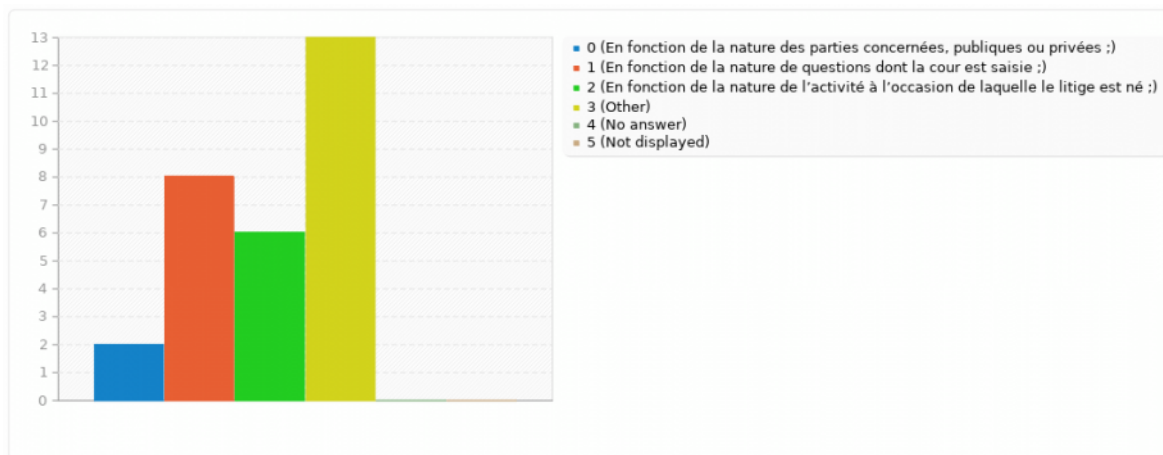
Answer	Count	Percentage
En fonction de la nature des parties concernées, publiques ou privées ; (A1)	2	6.90%
En fonction de la nature de questions dont la cour est saisie ; (A2)	8	27.59%
En fonction de la nature de l'activité à l'occasion de laquelle le litige est né ; (A3)	6	20.69%
Other	13	44.83%
No answer	0	0.00%
Not displayed	0	0.00%

ID	Response
1	Tout à la fois en fonction de la nature de la personne concernée mais aussi, selon les hypothèses, en fonction de la nature de l'activité
5	The competence of the Department of Administrative Cases of the Supreme Court of Latvia (SAC) is based on the public-law nature of the dispute and the legal issues involved. It depends on whether a public authority acted in the exercise of public power, whether the case concerns administrative law questions, and whether the dispute arises from an administrative activity.
9	There is no specific determination; it depends on whether the issue falls under administrative and tax law.
10	The competence is determined according to the administrative decision ("order") involved.
11	The Supreme Administrative Court (SAC) considers cassation complaints relating to the protection of public subjective rights in administrative proceedings. Administrative matters may have an economic impact (e.g. public procurements) or may not (e.g. right of access to information). However, the economic impact does not influence the court's or the judicial chamber's jurisdiction or competence. The court's competence is generally determined by the nature of the rights being protected, i.e. whether they are public or private. The nature of these rights is also reflected in the status of the parties and the legal issues adjudicated by the court.
12	All three of the aforementioned answers are correct for the Austrian Supreme Administrative Court (SAC).
15	Please see below
21	In these types of disputes, the Curia acts as a forum for extraordinary remedy in cassation cases.
24	En droit luxembourgeois, le contentieux administratif est un contentieux objectif. La compétence matérielle des juridictions administratives est ainsi déterminée par la nature de l'acte qui est contesté par les parties. La Constitution luxembourgeoise reconnaît l'existence de deux ordres juridictionnels dont les compétences sont organisées comme suit : les juridictions de l'ordre judiciaire ont compétence générale en toute matière tandis que les juridictions administratives disposent d'attributions dites particulières (Constitution révisée 2023, art. 98). Ces attributions spécifiques sont prévues par la loi (Constitution révisée 2023, art. 99). En ce qui concerne les actes qui peuvent faire l'objet d'un recours devant les juridictions administratives, la loi modifiée du 7 novembre 1996 portant organisation des juridictions de l'ordre administratif distingue deux types d'actes administratifs : les décisions administratives individuelles et les actes administratifs à caractère réglementaire.
26	The Supreme Court of Norway has general jurisdiction.
30	Depending on whether the dispute involves the exercise of public power
31	The administrative and tax litigation chamber of the High Court of Cassation and Justice has jurisdiction to rule on administrative disputes, which may also include disputes with significant economic impact. The court's jurisdiction is determined by the legal nature of the contested act, the status of the parties involved, or the subject matter of the dispute. The substantive jurisdiction of the administrative and tax and litigation chamber of the High Court of Cassation and Justice is established mainly in accordance with the provisions of Article 10(1) of the Administrative Litigation Law No. 554/2004, but also with other special legal provisions that expressly provide for the jurisdiction of the administrative court in various matters either as an appellate court or as a court of first instance in cases provided by law. Thus, according to the general rule, the HCCJ deals with appeals against decisions handed down by courts of appeal concerning administrative acts that cannot be assessed in monetary terms issued by central public authorities or those concerning taxes and duties, contributions, customs duties,

and their accessories exceeding 3,000,000 lei (approximately 600,000 euros), being therefore relevant for establishing jurisdiction, as the case may be, either the rank of the authority or the value threshold. It should also be noted that, in accordance with the provisions of Article 126(3) of the Romanian Constitution, the High Court of Cassation and Justice ensures the uniform interpretation and application of the law by the judicial courts. In order to achieve the goal of preventing and resolving divergences in case-law, the law has provided the High Court with two mechanisms for unifying judicial practice, namely: - the appeal in the interest of the law, regulated in Articles 514-518 of the Code of Civil Procedure, respectively: - the referral for a preliminary ruling on questions of law, as regulated by the provisions of Articles 519-521 of the Code of Civil Procedure. In this respect, the appeal in the interest of the law represents the procedural mechanism for unifying judicial practice, which gives expression to the constitutional role of the supreme court in ensuring the uniform interpretation and application of the law by all courts. Furthermore, referring a matter for a preliminary ruling to resolve questions of law is the procedural mechanism for preventing the emergence of inconsistent judicial practice. The decisions of the supreme court in these cases are binding on the courts, and the legal issues subject to review and interpretation by the High Court of Cassation and Justice may concern any matter, as long as the conditions of admissibility specific to the two mechanisms are met (regardless of whether the issue concerns matters over which the HCCJ does not generally have jurisdiction). Therefore, regulations with economic impact, as indicated in the introductory section, may also be subject to uniform interpretation and application of the law.

Summary for A2

Comment cette compétence est-elle déterminée ?



Summary for A3

Veuillez illustrer.

Answer	Count	Percentage
Answer	26	89.66%
No answer	3	10.34%
Not displayed	0	0.00%

ID	Response
1	Si est contestée une décision d'un personne publique dans l'exercice de ses missions de service public ou une mesure prise par une personne privée chargée d'une mission de service public et faisant usage de prérogatives de puissances publiques, notre juridiction est compétente. Elle est également compétente pour connaître des actions en responsabilité à raison de ces actes ou de comportements fautifs de ces personnes.
2	The competence of the Supreme Administrative Court of Poland on disputes that have an economic impact derives from the Act of 30 August 2002 – Law on Proceedings before Administrative Courts (Journal of Laws of the Republic of Poland (2024, item 935, consolidated text, as amended). According to its art. 3 (1) and (2), administrative courts shall exercise review of the activity of public administration and use the methods specified by statute. The review of the activity of public administration by administrative courts shall include adjudicating on appeals in cases against, among others, administrative decisions, written interpretations of tax law issued in individual cases, local enactments issued by local government authorities and territorial agencies of government administration. As long as the questions referred to the Supreme Administrative Court concern the public-law legality of administrative action, the Court remains competent, even when the case has an economic impact.
18	La compétence est aussi déterminée en fonction de la nature de l'activité à l'occasion de laquelle le litige est né. Les deux critères (personne morale de droit public et activité visant l'intérêt général) sont appliqués cumulativement. Ce contentieux administratif, dont connaît le Conseil d'État (ainsi que les tribunaux administratifs et cour administratives d'appel), se distingue en contentieux d'annulation [en premier et dernier ressort ou en appel: ce sont les cas des permis (environnement, urbanisme, zonage), de l'inaction administrative affectant les intérêts commerciaux et.c.] et en contentieux de pleine juridiction (en cassation: ce sont les cas des concessions publiques et des marchés publics en matière d'exécution, de la fiscalité et des douanes, des décisions en matière de concurrence et.c.). En plus, conformément à l'article 372 de la loi 4442/2016, les litiges découlant de la passation de contrats de concession de travaux ou de services et de marchés publics, mis en œuvre sous forme de Partenariats Public-Privé (PPP), relèvent de la compétence du Conseil d'État. De même, les litiges résultant de la passation de marchés publics entrant dans le champ d'application des Directives 2014/24/UE et 2014/25/UE, dont la valeur estimée est supérieure à quinze millions (15.000.000) d'euros, sont jugés par le Conseil d'État et ça indépendamment de la nature des personnes concernées.
3	Our Chamber falls within resolving lawsuits and appeal applications arising from privatization, protection of competition, public accounting standards, and public procurement legislation, as well as administrative contracts concluded through concession procedures, and acts, actions and administrative contracts related to telecommunications, capital, banking, energy, radio-television, tobacco-alcohol, and sugar markets/sectors.
4	Le Conseil d'État jouit d'une compétence subsidiaire pour contrôler les actes adoptés par les autorités administratives. Le caractère subsidiaire de cette compétence découle de la formulation même de l'article 14, § 1er, 1° des lois coordonnées sur le Conseil d'État, qui dispose que le Conseil d'État est compétent "[s]i le contentieux n'est pas attribué par la loi à une autre juridiction". Ainsi, la loi peut explicitement attribuer à d'autres juridictions - judiciaires ou administratives - les litiges portant pourtant sur des actes administratifs adoptés par des autorités administratives. La compétence du Conseil d'État est également limitée par la théorie "de l'objet véritable et

direct du recours" qui repose sur une interprétation bien établie de l'article 144 de la Constitution par la Cour de cassation. Selon cette théorie, le Conseil d'État est sans juridiction lorsque, sous couvert d'un recours en annulation, le demandeur sollicite en réalité la reconnaissance d'un droit subjectif correspondant à une compétence liée dans le chef de l'administration. Il en va ainsi lorsque l'autorité administrative ne dispose d'aucune marge d'appréciation et doit, dès que les conditions légales ou réglementaires sont remplies, appliquer la norme et prendre la décision prescrite par celle-ci.

En revanche, en ce qui concerne les recours portés contre des marchés publics, la compétence du Conseil d'État est déterminée en fonction de la nature publique ou privée de l'autorité adjudicatrice. Cette condition d'attribution de compétence est la conséquence des articles 24 et 56 de la loi du 17 juin 2013 'relative à la motivation, à l'information et aux voies de recours en matière de marchés publics, de certains marchés de travaux, de fournitures et de services et de concessions' qui disposent que l'instance de recours compétente est le Conseil d'État "lorsque l'autorité adjudicatrice est une autorité visée à l'article 14, § 1^{er}, des lois coordonnées sur le Conseil d'État" alors qu'il s'agit du juge judiciaire "lorsque l'autorité adjudicatrice n'est pas une autorité visée à l'article 14, § 1^{er}, des lois coordonnées sur le Conseil d'État." Par conséquent, le Conseil d'État n'est compétent que si l'autorité adjudicatrice est une autorité administrative.

5 Public procurement dispute. A company challenges a decision of a public authority in a public procurement procedure. The dispute concerns an administrative act by a public authority, so it falls under jurisdiction of administrative court and may reach the SAC on legal issues.

Tax assessment case. A business disputes a tax authority's decision imposing additional tax. The case arises from an administrative activity (taxation) and raises administrative law questions, so the SAC may review it in cassation.

Environmental permit for a factory. A company challenges the refusal of an environmental permit. The refusal is an administrative decision affecting business activity, so the SAC may rule on points of law related to the permit procedure.

Purely private contract dispute. Two companies disagree over a commercial contract, with no public authority involved. This is a private-law dispute, not an administrative one, so the SAC is not competent to rule this case, even if the financial stakes are high.

6 All the elements mentioned above influence the jurisdiction of the administrative judge over matters with an economic impact. First and foremost, the public nature (or public participation) of certain major economic activities is significant, as is the role of large-scale public service concessionaires. Furthermore, the nature of the issue itself is undoubtedly relevant, particularly regarding those critical matters over which the administrative judge exercises exclusive jurisdiction. Finally, there are fields where administrative activity directly affects market dynamics and competition; examples include market regulation (such as appeals against sanctions or regulations issued by Independent Authorities, like the AGCM for Antitrust or ARERA for energy), as well as public procurement and concessions.

9 The Supreme Administrative Court mainly hears exceptional appeals against decisions of the Central Administrative Courts (appeal courts). In the case of the tax law chamber, it also hears ordinary appeals when only a question of law is at issue. Exceptionally, it also hears ordinary appeals in the administrative law chamber when the appeal is limited to a question of law. There may be an appeal per saltum from the first instance to the Supreme Administrative Court in these cases. This ensures that Portugal has only one ordinary appeal route for administrative and tax disputes, speeding up proceedings regardless of the subject matter of the dispute.

Administrative and tax courts have jurisdiction over legal relationships that are regulated by administrative law. Examples include fundamental rights and interests that are legally protected in the context of legal-administrative and tax relationships; supervision of the legality of administrative acts; interpretation, validity and enforcement of administrative contracts; public employment; and the contractual and non-contractual civil liability of administrative entities.

For example, if the case concerns an industrial investment relating to water supply or waste collection services, the Supreme Administrative Court would never have jurisdiction, as consumer legal relationships involving essential services do not fall within the administrative courts' jurisdiction (judgment of the Court of Conflicts of 25 June 2025, case no. 015/25.6YFLSB-CP).

Otherwise, if an investor holds securities managed by a banking institution that has been subject to a bank resolution measure, and they sue the bank and the resolution authority for not having access to their capital without questioning the legality of the resolution authority's

actions, jurisdiction lies with the civil courts (judgment of the Court of Conflicts of 7 February 2024, case no. 016/23).

The Supreme Administrative Court also has jurisdiction to hear disputes concerning the legality of administrative acts performed by higher state entities and bodies at first instance. These include the President of the Republic, the Assembly of the Republic and its President, the Council of Ministers, the Prime Minister, the Constitutional Court, the Supreme Administrative Court, the Court of Auditors, the Superior Council of National Defence, the Superior Council of Administrative and Tax Courts and its President, the Prosecutor General of the Republic and the Superior Council of the Public Prosecution Service. On 25 January 2024, the Supreme Administrative Court ruled (case no. 02614/23.1BELSB) that this competence extends beyond the core functions of these entities to include ancillary activities such as public procurement.

10 Article 8.1 of the Dutch General Administrative Law Act (GALA) provides that an interested party may lodge an appeal against a decision ("order") with the administrative court. Article 8.6 (1) GALA provides that the appeal may be lodged with the District Court, unless another administrative court has jurisdiction pursuant to Chapter 2 of the Competence Regulation on Administrative Jurisdiction attached to the GALA.

Article 2 of this regulation provides that an appeal against a decision taken on the basis of a provision referred to in this article may be lodged with the Administrative Jurisdiction Division of the Council of State (AJD) in first and only instance. As far as is relevant here, this involves:

- environmental plans and permits on the basis of the Environment and Planning Act,
- decisions on the basis of the Nuclear Energy Act,
- decisions (formerly concessions) under the Mining Act,
- decisions of the Dutch Emission Authority based on Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council,
- measures against financial institutions under the Financial Supervision Act,
- decisions on the basis of the Aviation Act,
- decisions under the Offshore Wind Energy Act.

In addition, pursuant to Article 8:104 (1) of the GALA, an interested party and the administrative body may lodge an appeal against a decision of the District Court. Pursuant to Article 8:105 (1) GALA, the appeal is lodged with the AJD, unless another higher appeal court has jurisdiction pursuant to Chapter 4 of the Competence Regulation on Administrative Jurisdiction. Main examples of cases in which the appeal is lodged with the AJD involve: market stall permits, operating licenses for tour boat companies, gaming arcades, catering establishments and coffeeshops [selling soft drugs], and employment permits and fines under the Foreign Nationals Employment Act.

11 To illustrate cases with an economic impact, the SAC recently dealt with the taxation of non-forced prostitution (case No. 22 Afs 24/2025-48) or with public procurement for a new metro line in Prague (case No. 9 As 243/2023-126). To illustrate a case without economic impact in the sense of this analysis, the SAC considered a cassation complaint regarding access to information about the operations of Turów Mine (Polish coal mine, case No. 8 As 85/2025-62). In all these cases, the competence of the SAC was based on the same provisions.

12 The administrative courts, and thus also the SAC as the highest instance of administrative jurisdiction, are responsible for reviewing the legality of authority decisions and other acts of sovereign administration on the one hand, and certain aspects of private sector administration, such as public procurement, on the other. In this sense, the competence of the SAC is determined, on the one hand, by the parties involved (at least one of which is a state authority or a private institution entrusted with public functions) and, on the other hand, by the nature of the activity giving rise to the dispute and the question referred to the court.

15 To assess the jurisdiction of the administrative court, it is decisive to establish a vertical element within the administrative legal relationship. The manifestation of this vertical element is the existence of a decision or measure issued against a natural or legal person, by which a public authority imposes an obligation, grants an entitlement, or declares the existence of a legal status. A decision in a business-related case may, for instance, involve the imposition of a sanction for a breach of competition rules, the granting of an investment services license, or a decision by a tax administrator whereby a tax is assessed for a taxpayer. The Supreme Administrative Court usually decides as a court of cassation and it reviews the decisions of (first instance) administrative courts. It decides as the court of the first instance in some cases concerning political rights and in disciplinary proceedings.

16 The Supreme Constitutional Court's main task is the preservation of the constitutional order,

through the interpretation of the Constitution and the safeguard of the Rule of Law.

The Supreme Constitutional Court has, among other powers, exclusive jurisdiction to decide in a final and conclusive way on every matter concerning Articles 137 to 151 of the Constitution, such as:

Recourses concerning conflict or questioning of authority or competence, raised between any organs or authorities of the Republic (Article 139).

Referrals by the President of the Republic for an opinion in relation to the constitutionality of bills, before they come into force, including bills with an economic impact (Article 140).

Referrals by other Courts for a preliminary ruling regarding the constitutionality of a law, which has already been enacted and is already in force, including laws with an economic impact (Article 144).

The Supreme Constitutional Court, in a case provided by law, where an appeal is referred before it by the Court of Appeal, shall have jurisdiction, as a law may provide, to determine on such appeal and the Court of Appeal, in any other case, shall have jurisdiction to determine on an appeal made against a decision of an Administrative Court having exclusive jurisdiction to decide in the first instance on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person, exercising any executive or administrative authority is contrary to any of the provisions of this Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person. Additionally, the Supreme Constitutional Court shall have jurisdiction to determine, in a case provided for by law and as a law may prescribe, on a decision given by the Court of Appeal on an appeal pending before it against a decision of an Administrative Court (Article 146(1)).

The Supreme Constitutional Court is competent to rule on disputes that have an economic impact under its jurisdictions in points ii, iii and iv above and in these jurisdictions the Supreme Constitutional Court is empowered to answer questions of fact. However, even under these jurisdictions, the Court functions as a revisional Court and cannot go into the merits of a finding of technical nature nor it can substitute the findings of the administrative body decision with its own, except in tax and asylum cases. Nevertheless, the Court will annul the decision of an administrative body, concerning technical matters, if it is satisfied that:

- (a) it violates one or more constitutional provisions and or
- (b) it is not in accordance with the law and or
- (c) the administrative body acted in excess or abuse of powers and or
- (d) the administrative body acted under misconception of fact or law and or
- (e) did not examine the factual basis of the case thoroughly.

The most common disputes / administrative decisions that have an economic impact and for which the Supreme Constitutional Court is competent to rule on are listed below:

Public procurement contracts / Tenders

Cancellation or annulment of tenders / Exclusion of entities from public tenders / Blacklisting entities from future tenders

Business licensing / Profession licensing / Refusal of registration in regulated professions /

Disciplinary decisions against regulated professionals

Taxation

Imposition of duties / Imposition of penalties

Administrative fines / Regulatory sanctions

Planning permissions / Imposition of planning conditions

Zoning and land-use decisions
Decisions of the Commission for the Protection of Competition
Social insurance benefits and allowances / Administrative acts involving state aid

The above also answer question B1 below.

- | | |
|----|--|
| 19 | Considering the subject matter and the competent jurisdictional order |
| 17 | Administrative dispute proceedings are intended to ensure judicial review of the legality of decisions and actions of public authorities. Such review presupposes the existence of an object of review, namely an administrative act, an individual act, or an action of a public authority. In the absence of such an object, judicial review in administrative dispute proceedings is not possible. Furthermore, judicial protection of the rights and legal interests of individuals and organisations against decisions and actions of public authorities is ensured in administrative disputes only where no other form of judicial protection is provided by law. |
| 20 | If an economic activity is related to any administrative law matter, it is the competence of administrative courts. |
| 21 | review of a fine imposed by the competition authority, fine imposed by the market surveillance authority, public procurement matters |
| 22 | The Supreme Court is the court of final appeal in all matters of law and also the final arbiter of constitutional issues. The Constitution of Ireland provides for the establishment of three "Superior Courts" of Ireland, each with competence in all areas of law, including civil law, criminal law, administrative law and constitutional issues. Pursuant to Article 34.4.1 of the Constitution of Ireland, the Court of Appeal has appellate jurisdiction from all decisions of the High Court. Article 34.5 of the Constitution provides for an appeal from a decision of the Supreme Court if the Supreme Court is satisfied that matter of "general public importance" or it is "necessary in the interests of justice" that there be an appeal. The Constitution also provides for a direct appeal from the High Court to the Supreme Court in exceptional circumstances. |

Administrative proceedings in the Irish courts are based on a procedure of judicial review whereby a party may challenge the validity of an administrative act of a public body. There are no specialised administrative courts in Ireland. The High Court, which considers judicial review proceedings at first instance, the Court of Appeal and the Supreme Court are courts of general jurisdiction.

Accordingly, all cases of economic importance fall under the jurisdiction of the Supreme Court of Ireland, so long as the Supreme Court is satisfied that there is a matter of "general public importance" or it is "necessary in the interests of justice" that there be an appeal.

The case of *TD v Minister for Education* [2001] 4 IR 259 illustrates that economic or budgetary implications do not deprive the courts of jurisdiction, but they do inform the scope and form of the remedies that courts may legitimately grant. The case arose from the State's acknowledged failure to provide adequate education and care to a group of severely disadvantaged children, many of whom were in the care of the health authorities and exhibited serious behavioural difficulties. There was no dispute that the children's constitutional and statutory rights to education had been breached over a prolonged period.

At first instance, the High Court, having found continuing and systemic failures by the State, made mandatory and supervisory orders directing the Minister for Education and other State bodies to put in place specific educational facilities and arrangements for the children, and to report back to the court on progress. These orders were designed to ensure that the children's rights were effectively vindicated and that the State's obligations were met in practice, rather than merely acknowledged in principle.

On appeal, the Supreme Court accepted the gravity of the State's failures and did not resile from the finding that the children's constitutional rights had been breached. The central issue before the Court, was not whether rights existed or had been violated, but whether the courts were constitutionally entitled to retain an ongoing supervisory role over the Executive in order to ensure compliance with those rights.

The Supreme Court held that the High Court had exceeded the limits of judicial power, holding that the judiciary generally does not have the power to direct mandatory orders at the government to enforce positive constitutional rights. While the courts are competent to declare that constitutional rights have been infringed, and to grant appropriate relief to vindicate those rights, they are not entitled to assume a continuing managerial or supervisory

function over how the Executive organises and allocates public resources. Such an approach, the Court held, would blur the constitutional separation of powers by drawing the judiciary into the day-to-day administration of public services.

Keane CJ, delivering the principal judgment, emphasised that decisions concerning the deployment of resources, the design of public services, and the prioritisation of competing social needs fall primarily within the remit of the political branches. Even where constitutional rights are engaged, the courts must be careful not to trespass into the domain of policy-making or administration. The fact that the State's failures had serious and ongoing consequences for vulnerable children did not justify a departure from this constitutional boundary.

Accordingly, the Supreme Court allowed the appeal in part and set aside the High Court's supervisory and mandatory orders. The Court confined the appropriate judicial response to declaratory relief, affirming the existence and breach of the children's constitutional rights, while leaving the means of compliance to the Executive and the Oireachtas.

23

1. Tax and Customs Cases

– disputes concerning assessed taxes, late payment interest, or penalties (VAT, corporate income tax, etc.);

Economic impact: direct financial impact on businesses or the state budget.

2. Supervision of Economic Operators

– disputes concerning decisions of supervisory authorities (fines, restrictions on activities, revocation of licences);

Economic impact: impact on financial market stability and the activities of economic operators.

3. Energy Cases

– disputes concerning pricing and tariff regulation.

Economic impact: impact on both service providers and consumers.

4. National and European Union Funding Cases

– disputes concerning financial corrections or recovery of aid.

Economic impact: impact on specific economic sectors or regions.

24

Pour illustrer les compétences de la Cour administrative du Luxembourg, nous retenons trois affaires portant sur des actes administratifs variés afin de témoigner de la diversité des recours qui peuvent être portés devant elle dès lors qu'un acte administratif est contesté :

- un arrêt de 2024 dans lequel la Cour a été saisie d'une affaire en matière d'établissements classés et portant plus particulièrement sur l'installation d'éoliennes sur le territoire de la commune luxembourgeoise du Lac de Haute-Sûre, commune frontalière de la Belgique. Dans cette affaire, la commune belge de Bastogne a introduit un recours devant la Cour administrative pour contester la décision par laquelle le ministre luxembourgeois de l'Environnement, du Climat et du Développement durable a délivré à un opérateur économique privé une autorisation d'exploitation d'un parc éolien sur le territoire de la commune luxembourgeoise précitée (Cour adm., 6 juin 2024, n° 49942C du rôle) ;

- un arrêt de 2023 en matière de marchés publics dans lequel un soumissionnaire a contesté la décision d'adjudication d'un marché public accordé à un autre opérateur économique et portant sur l'exploitation de services de transports publics de diverses lignes locales (Cour adm., 9 mars 2023, n° 48020C du rôle) ;

- un arrêt de 2021 dans lequel une association sans but lucratif a contesté l'autorisation de procéder à la construction, à l'aménagement et à l'exploitation d'une centrale énergétique (trigénération biomasse) accordée par le ministre du Travail, de l'Emploi et de l'Economie sociale à un opérateur économique privé (Cour adm., 4 février 2021, n° 45110C du rôle).

27

Administrative courts have jurisdiction over disputes arising in public law relationships unless a different procedure has been provided by the law. Decisive is the legal relationship between the parties to the proceedings. As a general rule, a dispute is considered public law in nature if one party is a bearer of public authority and is acting in a capacity in which private law persons cannot act. For example, if the public authority adopts a spatial plan, disputes arising from it are considered public law disputes, because private-law persons lack the competence to adopt spatial plan. By contrast, if in the course of implementing the plan, the public authority constructs a building that is hazardous and causes damage to another party, the resulting dispute concerning compensation for damage falls within the sphere of private law. In this context, from the perspective of a breach of the obligations of a building owner, it is irrelevant whether the building belongs to the public authority or to a private individual.

- 28 The jurisdiction of the administrative courts is first and foremost determined by the nature of the question concerned. A decision taken by a public body - normally an administrative authority - may be appealed against by a private or legal person affected by the decision, if the decision adversely affects the interests of that person. If the decision is overturned by a court of first instance, the decision-making body normally has the right to appeal against that ruling. Furthermore, the court's jurisdiction is to a large extent also determined by the nature of the parties involved. A public body is usually the decision-making body with regard to the appealed decision, and that party will appear in the court of first instance as a defendant (a accusatorial two-party process). In certain cases, however, an act of law may transfer public decision-making powers to a private body, and the decisions taken by that private body are usually appealable to the administrative courts. As a general rule, the complainant in the court is a private person. But occasionally the addressee of a decision is a public authorities, and in such a case the authority may lodge an appeal against the decision and appear as complainant.
- 29 According to the nature of the parties involved:
The parties involved in court proceedings under the Administrative Procedure Code, before the administrative courts of first instance and the Supreme Administrative Court are: the authorities that issued the contested administrative act or committed unlawful act or omission, as well as the addressee of the act. In some cases, third parties who have rights arising from the administration's actions or omissions may also participate as interested parties.
The economic effect of judicial acts issued in administrative cases applies to both natural and legal persons.
Administrative justice, and in particular the jurisdiction of the Supreme Administrative Court, deals with legal disputes with an economic impact within the legal sphere of public and private commercial companies.
These companies are typically registered under Bulgarian commercial law, but they may also be registered in an EU Member State or a third country. To be parties in administrative disputes, they must generally be legal entities. Their economic rights are protected by the resolution of these disputes, as set out in Article 19 of the Constitution of the Republic of Bulgaria, which states that the Bulgarian economy is based on free enterprise. This covers the right to undertake any economic activity that is not prohibited, provided that it is carried out in conditions of free and fair competition, with free access to the market and the free exchange of goods. It also covers the freedom and independence of each economic entity to determine its market behavior within the framework of the law and good commercial practice. In cases where the administration infringes their economic rights and legitimate interests, it is particularly important for the parties to the dispute to have access to justice.
According to the nature of the questions referred to the court:
Effective access to justice and respect for the rule of law at national level are crucial for protecting rights that affect individuals' substantive and economic interests, promoting accountability and maintaining the integrity and legitimacy of the Bulgarian legal system. Protecting economic rights at a national level also impacts trade and the EU's internal market because it enables EU citizens, as well as companies, to exercise their fundamental freedoms. This helps create an EU-wide society that respects democratic values and human rights, and promotes a culture of justice and fairness. The nature of the legal disputes examined by administrative courts that have an economic effect on those affected by the act is another relevant criterion for answering the raised question. These disputes relate to areas such as energy, transport, environmental protection, public health, telecommunications, social policy, economic and social cohesion, and consumer and competition protection.
- 30 The SAC is competent 1) to hear appeals against administrative decisions and 2) to solve matters of administrative litigation (Administrative Judicial Procedure Act 808/2019, Sections 6 and 20). Thus,
1) the SAC may rule on disputes that concern issues subject to an administrative decision (such as planning permits, taxation, various authorisations);
2) the SAC may rule on administrative disputes (hallintoriita) that concern liabilities or interests governed by public law (eg recovery of subsidies acquired unduly by economic operators). It is also competent to rule on disputes arising from administrative contracts (hallintosopimus, ie contracts concerning the performance of a public administrative duty or relating to the exercise of public authority). Such contracts may concern the outsourcing of eg postal services, insurances, different sorts of inspections eg in the traffic sector, or healthcare and education services, to private parties; the conditions attached to an economic benefit conferred to an economic operator (eg certain agricultural subsidies); or contract-based limitations on use of property (eg certain forms of environmental protection).
- 31 In the case of actions seeking the annulment or suspension of regulatory acts/authorizations/licenses issued by public authorities, the rank of the central or local

authority is taken into account, and in the case of disputes concerning the annulment of tax/customs acts, the value criterion is to be applied, as indicated above.

Disputes with significant economic impact that fall within the jurisdiction of the administrative and tax litigation chamber of the High Court of Cassation and Justice usually concern challenges to administrative acts issued in the following areas of activity:

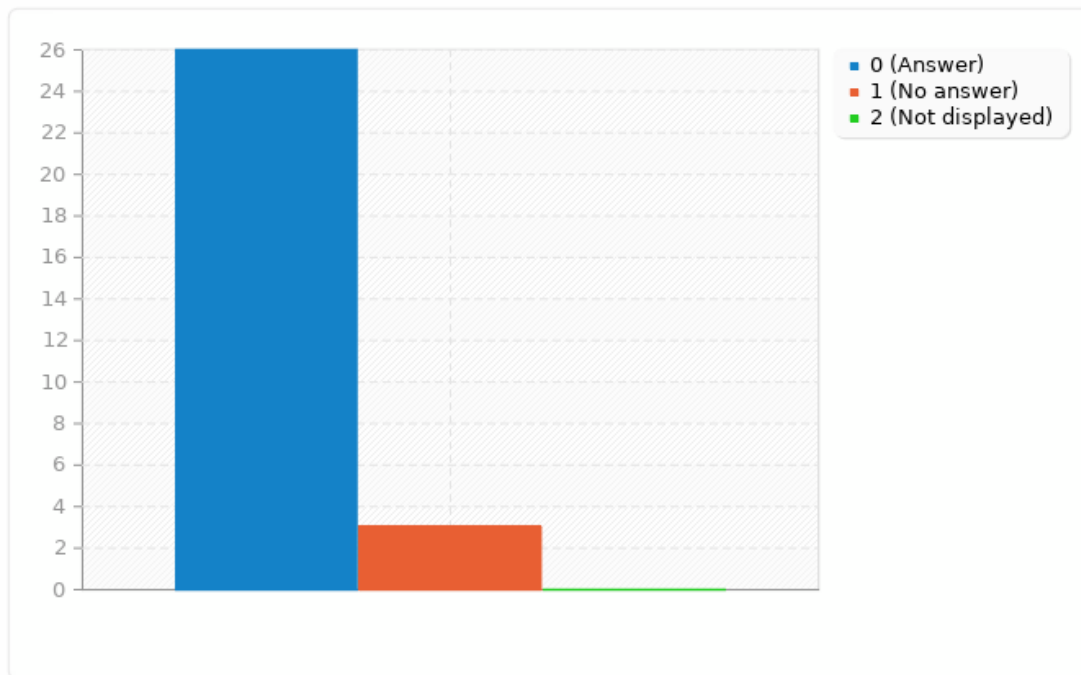
- in matters of competition (disputes concerning the legality of acts issued by the Competition Council establishing and sanctioning anti-competitive practices and breaches of the specific rules of the free market, such as price fixing, market sharing, boycott, abuse of dominant position, mergers, state aid, etc.);
- in matters of budgetary claims resulting from irregularities in the obtainment and use of public/European funds;
- in the field of authorisation and supervision of financial activities (the activity of insurance and reinsurance companies, capital market, private pensions);
- establishing the legal framework for activities in the electricity sector (acts issued by the National Energy Regulatory Authority);
- establishing the legal framework for regulatory activity in the field of communications (acts issued by the National Authority for Administration and Regulation in Communications);
- in tax matters, concerning documents issued by the competent authorities for the purpose of establishing taxes and duties, such as: corporate income tax, micro-enterprise income tax, income tax, value added tax, excise duties, mandatory social contributions, special taxes (contribution for financing certain health related expenses - claw-back tax, contribution to the Environmental Fund), etc.

32 Section 40 para 1 of the German Code of Administrative Court Procedure stipulates that recourse to the administrative courts may be had in all public-law disputes of a non-constitutional nature insofar as the disputes are not explicitly allocated to another court by a federal statute.

According to the so-called "modified subject theory" a legal norm belongs to the sphere of public law if it exclusively entitles or obligates a public authority. Any dispute arising from its application is therefore a public-law-dispute.

Summary for A3

Veillez illustrer.



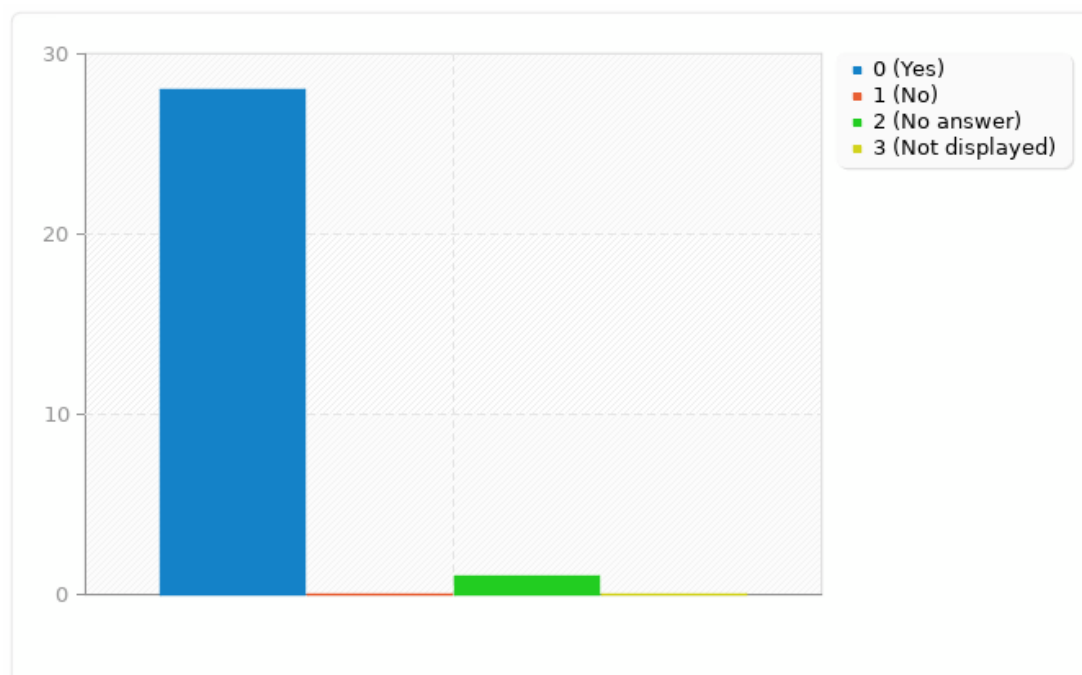
Summary for A4

Votre juridiction est-elle compétente pour statuer sur les recours formés par des opérateurs économiques contre des mesures (par exemple, des interdictions) adoptées par les autorités publiques ayant un effet limitant ou empêchant l'exercice d'activités économiques, l'obtention d'autorisations ou la participation à des marchés publics ?

Answer	Count	Percentage
Yes (Y)	28	96.55%
No (N)	0	0.00%
No answer	1	3.45%
Not displayed	0	0.00%

Summary for A4

Votre juridiction est-elle compétente pour statuer sur les recours formés par des opérateurs économiques contre des mesures (par exemple, des interdictions) adoptées par les autorités publiques ayant un effet limitant ou empêchant l'exercice d'activités économiques, l'obtention d'autorisations ou la participation à des marchés publics ?



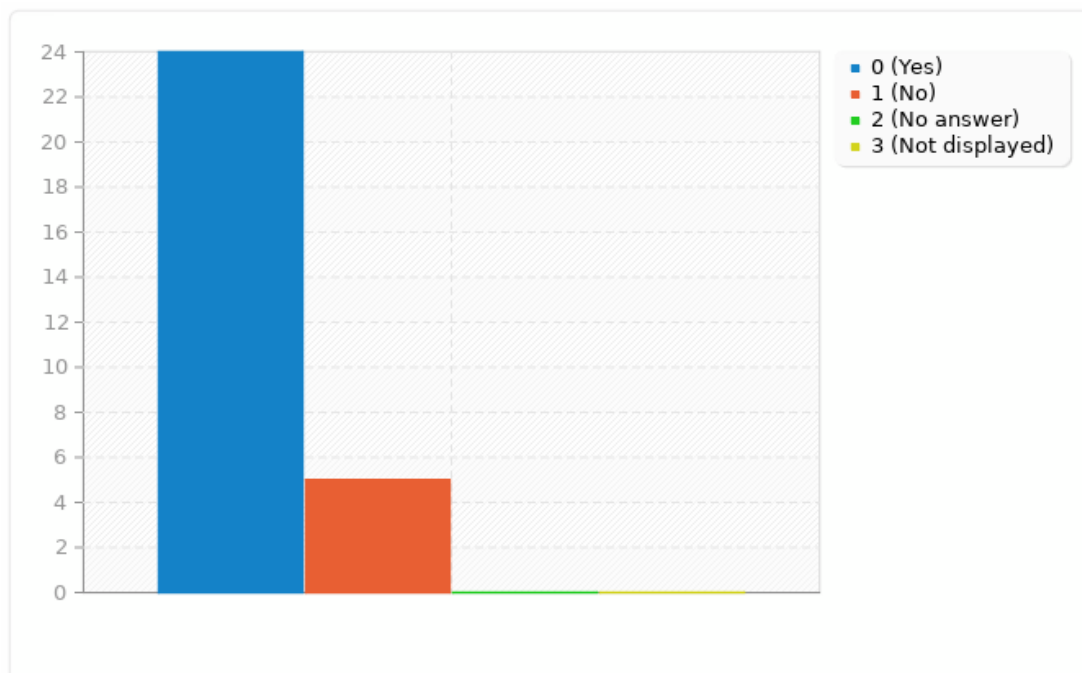
Summary for A5

Votre juridiction est-elle compétente pour statuer sur les contrats publics ?

Answer	Count	Percentage
Yes (Y)	24	82.76%
No (N)	5	17.24%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for A5

Votre juridiction est-elle compétente pour statuer sur les contrats publics ?



Summary for A6

Veillez indiquer dans quels cas un contrat public peut être considéré comme relevant de la juridiction administrative ?

Answer	Count	Percentage
En matière de passation (A1)	4	13.79%
En matière d'exécution (A2)	1	3.45%
Other	18	62.07%
No answer	1	3.45%
Not displayed	5	17.24%

ID	Response
1	En matière de passation ET d'exécution
18	En matière de passation et en matière d'exécution
3	In the Turkish legal system, contracts to which the administration is a party are classified into two sub-categories, namely administrative contracts and private law contracts of the administration. For instance, contracts concluded pursuant to the general public procurement legislation are regarded as private law contracts and disputes arising from the performance of such contracts fall within the jurisdiction of the judicial courts, whereas disputes relating to the procurement (tender) procedure fall within the jurisdiction of the administrative courts. Moreover, where a contract is characterised as an administrative contract, disputes relating to all stages thereof fall within the jurisdiction of the administrative courts. Examples of administrative contracts include concession agreements, electricity market system usage agreements, and water usage right agreements.
4	La compétence du Conseil d'État est limitée aux actes administratifs unilatéraux détachables du contrat. La théorie de l'acte administratif unilatéral détachable du contrat est une construction jurisprudentielle permettant d'extraire, de la phase de conclusion d'un contrat public, certains actes unilatéraux (par exemple la décision d'attribution) pour les soumettre au recours en annulation devant le Conseil d'État, alors même que le contrat en lui-même est un acte bilatéral qui échappe à sa compétence.
5	According to Article 103(3) of the Administrative Procedure Law, the administrative court establishes whether a public law contract grants certain rights or imposes obligations on a participant in the administrative process; it also establishes the contract's compliance with legal norms, its validity, and the correctness of its execution.
6	Jurisdiction over public contracts disputes belongs to the Administrative Court for the entire public tendering phase prior to the signing of the contract, including challenges to calls for tenders, exclusions, and awards as expressions of authoritative power, whereas once the contract is signed, jurisdiction generally shifts to the Ordinary Court for disputes regarding the performance of the legal relationship on equal terms, except for specific cases of exclusive administrative jurisdiction such as disputes over price revision or the declaration of contract ineffectiveness following the annulment of the award.
9	only when public contracts are classified as administrative contracts. Administrative contracts are those in which at least one of the parties is a public contractor, and which fall into one of the following categories: (a) Contracts that are classified as administrative under Part III of the Portuguese Public Contracts Code, the law, or the will of the parties, or that are subject to substantive public law; (b) contracts whose subject matter is subject to administrative action, and other contracts concerning the exercise of public powers; (c) Contracts that confer special rights on the co-contractor over public property or the exercise of the public contractor's functions; (d) Contracts that the law subjects, or allows to be subjected, to a formation procedure governed by public law rules, in which the performance of the counterparty may condition or replace the performance of the public contractor's duties in a relevant manner.
11	In the Czech Republic, conflicts arising from public contracts are initially dealt with by administrative authorities. Decisions made by these authorities can then be contested in administrative courts. Matters relating to both the award and the performance of public contracts fall under the jurisdiction of administrative courts.
15	Public contracts may be the basis for an administrative decision. The administrative court may consider contracts as a preliminary question when reviewing the decision. Disputes concerning the performance of public law contracts are usually adjudicated by courts in civil proceedings. In administrative court proceedings, public law contracts may be relevant if a

decision was issued in connection with them through the exercise of the authority's public power, thereby determining the rights and obligations of a subject. For instance, in resolutions Case No. 1 KO 8/2018 and 1 KO 10/2018, the competence chamber of the Supreme Court of the Slovak Republic examined the characterisation of providing a contribution to cover the costs of a sheltered workshop based on a specifically concluded agreement. It characterized this agreement as a so-called public contract^{kvali}, stating that for the enforcement of claims arising therefrom, it is decisive whether public law or private law elements prevail. Specifically, it must be determined whether the obligations can be enforced through the issuance of an individual administrative act or via private law institutes. In the Case No. 5Sfk/101/2022 of the Supreme Administrative Court, the plaintiff entered into an agreement with the Ministry of Education, Science, Research and Sport of the Slovak Republic regarding the provision of a non-repayable financial contribution for the implementation of the Medical University Science Park project in Košice. Based on an ex-post audit report, irregularities were uncovered, and the plaintiff subsequently received a letter from the Ministry containing a report on the identified irregularity along with a request for the refund of the funds. The plaintiff filed an action with the Regional Court in administrative court proceedings, seeking a review of the contested administrative acts. The Regional Court rejected the action on the grounds that the contested acts constituted merely a call for voluntary performance of a notified (rather than imposed) obligation based on established (though merely alleged) facts. The contested administrative acts did not definitively bind the plaintiff to return the funds, nor was a final and effective decision issued that would mandate such a refund. The Supreme Administrative Court dismissed the plaintiff's cassation complaint, upholding the Regional Court's decision.

- | | |
|----|--|
| 19 | Any matter concerning public procurement |
| 20 | If it is proscribed by a substantive law. |
| 21 | Matters relating to administrative contractual relationships are adjudicated by an administrative court and, in the event of cassation proceedings, by the Curia. In the claim, it is possible to seek compensation for damages caused in connection with an administrative contractual relationship and to order the payment of grievance award. |
| 22 | Administrative proceedings in the Irish courts are based on a procedure of judicial review whereby a party may challenge the validity of an administrative act of a public body. There are no specialised administrative courts in Ireland. The High Court, which considers judicial review proceedings at first instance, the Court of Appeal and the Supreme Court are courts of general jurisdiction. Accordingly, all cases of economic importance fall under the jurisdiction of the Supreme Court of Ireland, so long as the Supreme Court is satisfied that there is a matter of "general public importance" or it is "necessary in the interests of justice" that there be an appeal. |
| 25 | Public contract falls indirectly under the jurisdiction of the Administrative Court – against the administrative act which precedes or conditions the public contract. In line with the Article 228. para. 3 and 4. of the Law on Public Procurement ("Official Gazette of the Republic of Serbia" No. 91/2019 and 92/2023), the administrative dispute is initiated against decisions of the Republic Commission for Protection of Rights in Public Procurement Procedures, as well as in cases when "the Republic Commission for Protection of Rights in Public Procurement Procedures has not made a decision within the time limits set forth in Article 227 of this Law". The Administrative Court decides in the phase before concluding the contract, i.e. on legality of decisions of the Republic Commission for Protection of Rights in Public Procurement Procedures. The disputes arising from contracts enjoy civil law protection, and property law disputes are resolved within the civil proceedings for which courts of general jurisdiction are competent. In line with the Law on Organization of the Courts ("Official Gazette of the Republic of Serbia" No. 10/2023) and the Law on Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Offices ("Official Gazette of the Republic of Serbia" No. 101/2013), disputes between economic entities which arise from public contracts fall under the jurisdiction of commercial courts, while the Administrative Court is competent for protection of rights in public procurement procedures (claims against the decisions of the Republic Commission). In line with the Article 60, par. 3 of the Law on Public-Private Partnerships and Concessions ("Official Gazette of the Republic of Serbia", No. 88 from November 24, 2011, No. 15 from February 25, 2016 and No. 104 from December 23, 2016), „if the parties have not agreed dispute resolution by arbitration, the courts of the Republic of Serbia have exclusive jurisdiction“. |
| 26 | The Supreme Court of Norway is not solely an administrative court. It has general jurisdiction and rules on cases in all areas of law. |
| 30 | In matters relating to award and in matters relating to performance. Insofar as 'public contract' refers to any and all contracts made by public authorities, the SAC is competent only in regard to such public contracts that involve the use of public power and that thus are considered to be governed by public law. All aspects of such contracts (award, performance, |

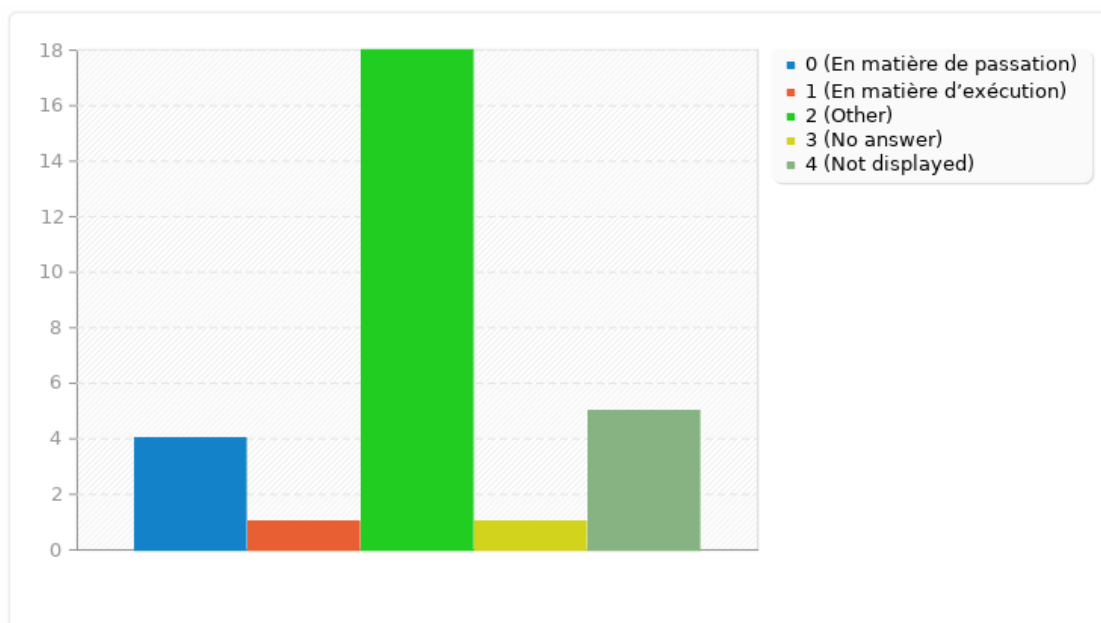
termination etc) fall within the SAC's jurisdiction. In contrast, contracts concluded between public and private actors that are purely private in character do not fall within the SAC's jurisdiction at all.

31 Specifically with regard to administrative contracts, the administrative litigation instance has jurisdiction to hear disputes arising in the stages prior to the conclusion of an administrative contract, as well as any disputes related to the conclusion of the administrative contract, including disputes concerning the annulment of an administrative contract. To the extent that such disputes are dealt with on the merits by the courts of appeal, the High Court of Cassation and Justice will have jurisdiction to rule on the appeal. Disputes arising from the performance of administrative contracts fall within the jurisdiction of the ordinary civil courts.

32 According to Section 54 of the German Administrative Procedure Act a legal relationship under public law may be constituted, amended or annulled by agreement (agreement under public law) in so far as this is not contrary to legal provision. In particular, the authority may, instead of issuing an administrative act, conclude an agreement under public law with the person to whom it would otherwise direct the administrative act.

Summary for A6

Veillez indiquer dans quels cas un contrat public peut être considéré comme relevant de la juridiction administrative ?



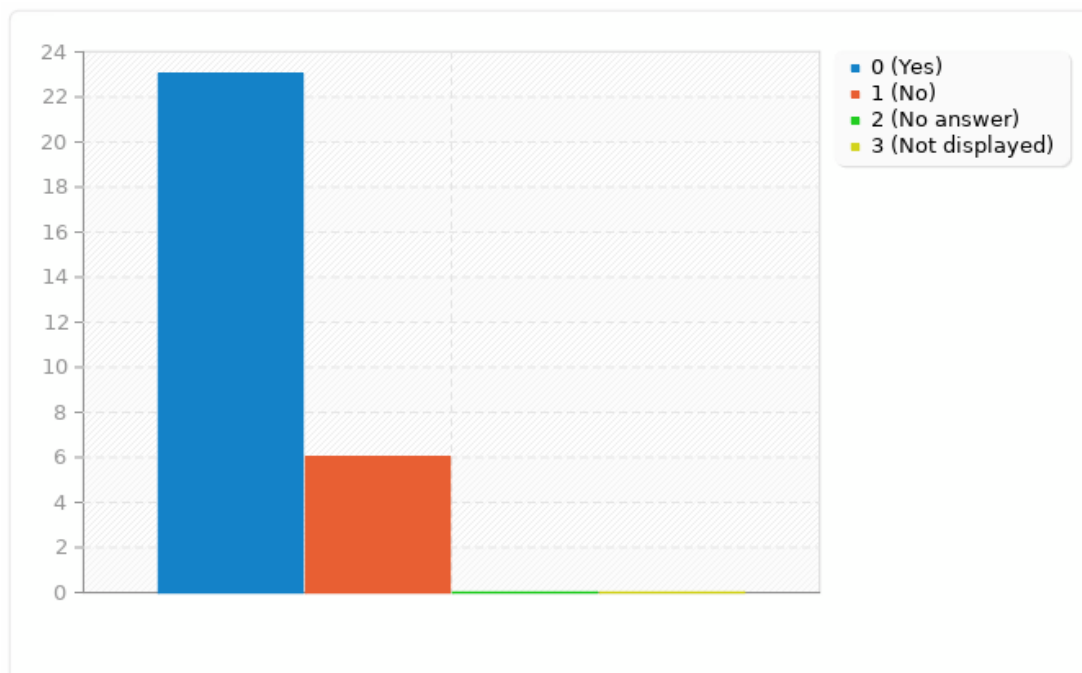
Summary for A7

Votre juridiction est-elle compétente pour statuer sur les marchés public?

Answer	Count	Percentage
Yes (Y)	23	79.31%
No (N)	6	20.69%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for A7

Votre juridiction est-elle compétente pour statuer sur les marchés public?



Summary for A8

Veillez indiquer dans quels cas un marché public peut être considéré comme relevant de la juridiction administrative ?

Answer	Count	Percentage
En matière de passation (A1)	8	27.59%
En matière d'exécution (A2)	0	0.00%
Other	14	48.28%
No answer	1	3.45%
Not displayed	6	20.69%

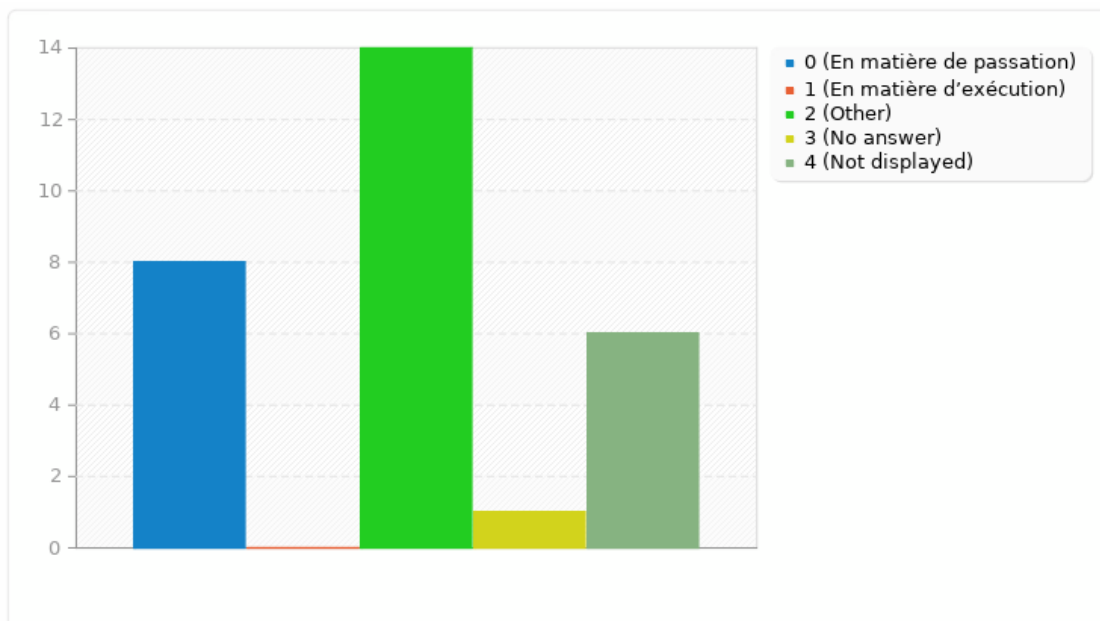
ID	Response
1	En matière de passation ET d'exécution
18	En matière de passation et en matière d'exécution
5	According to Article 73(1)(2) of the Public Procurement Law, it is provided that an application may be submitted to the administrative court to declare a public procurement contract or framework agreement invalid, to amend or annul its provisions, or to shorten the term of a public procurement contract or framework agreement.
6	Jurisdiction over public procurement disputes belongs to the Administrative Court for the entire public tendering phase prior to the signing of the contract, including challenges to calls for tenders, exclusions, and awards as expressions of authoritative power, whereas once the contract is signed, jurisdiction generally shifts to the Ordinary Court for disputes regarding the performance of the legal relationship on equal terms, except for specific cases of exclusive administrative jurisdiction such as disputes over price revision or the declaration of contract ineffectiveness following the annulment of the award.
9	only when public contracts are classified as administrative contracts (see A6 above)
11	Matters relating to both the award and the performance of public procurement contracts fall under the jurisdiction of Czech administrative courts.
15	Public procurement contracts may be the basis for an administrative decision. The administrative court may consider contracts as a preliminary question when reviewing the decision. In connection with public procurement contracts, we distinguish between objection proceedings and decisions on the imposition of a fine. The Supreme Administrative Court may adjudicate in connection with a public procurement contract if it reviews a decision of an administrative court in which the subject of a judicial review was an authority's decision. It also holds that a decision must have been issued through the exercise of the authority's public power, by which it determined the rights and obligations of a subject. According to a decision of the Administrative Division of the Supreme Court of the Slovak Republic, audit reports and their minutes are considered merely background material for potential sanctions if they do not impose rights or obligations [6Sžfk/15/2018]. These acts are preliminary and not subject to judicial review unless the administrative authority follows the legally prescribed procedure and imposes a sanction based on the audit findings. Proceedings for the determination of the invalidity of a contract, concession contract, or framework agreement constitute civil dispute proceedings.
19	Any matter concerning public procurement
21	In public procurement matters, the jurisdiction of administrative and civil courts is sharply divided. The Curia acts as a cassation court in cases that challenge decisions issued by the Public Procurement Arbitration Committee. These cases typically concern violations of the procedural rules set out in the Public Procurement Act. Where the decision indirectly affects the conclusion or invalidity of the contract, administrative courts and, thus, the Curia's Administrative Chamber may also act within the framework of extraordinary remedies, while civil law claims relating to the performance of contracts are adjudicated by courts dealing with civil matters.
22	Administrative proceedings in the Irish courts are based on a procedure of judicial review whereby a party may challenge the validity of an administrative act of a public body. There are no specialised administrative courts in Ireland. The High Court, which considers judicial review proceedings at first instance, the Court of Appeal and the Supreme Court are courts of general jurisdiction. Accordingly, all cases of economic importance fall under the jurisdiction of the Supreme Court of Ireland, so long as the Supreme Court is satisfied that there is a matter of "general public importance" or it is "necessary in the interests of justice" that there be an appeal.

- 23 Administrative courts do not rule on public procurement contracts. Their jurisdiction is limited to public procurement supervision and to national and EU public funding cases, where procurement-related issues may arise incidentally. Public procurement contracts are reviewed by the Supreme Administrative Court of Lithuania only insofar as they are concluded in the context of projects financed by EU funds and only for the purpose of verifying whether the EU funding was used in compliance with the rules governing the administration of such funding.
- 24 Le droit luxembourgeois ne connaît pas la notion de contrat public telle qu'elle peut exister dans d'autres Etats. Au Luxembourg, la juridiction administrative est, en principe et sauf exception prévue par la loi, uniquement compétente en matière de passation de contrats. C'est par exemple le cas classique des marchés publics où la juridiction administrative est uniquement appelée à contrôler la décision d'attribution du marché qui est à qualifier d'acte administratif unilatéral et qui relève pleinement de la compétence matérielle de la Cour administrative. Cependant, dès lors qu'il s'agit de l'exécution d'un contrat, y compris lorsque celui-ci concerne une personne de droit public, les éventuels litiges découlant du contrat conclu entre la puissance publique et l'opérateur privé relèvent de la compétence exclusive des juridictions judiciaires. En effet, cette séparation de compétence s'explique par le fait que les droits civils relèvent des attributions reconnues aux juridictions de l'ordre civil. On notera qu'il existe une loi spéciale portant sur les recours en matière de marchés publics (Loi modifiée du 10 novembre 2010 instituant les recours en matière de marchés publics). En matière de marchés publics, la juridiction administrative est uniquement compétente pour contrôler la procédure de passation du marché et plus particulièrement l'avis de passation par lequel l'autorité publique décide l'attribution d'un ou de plusieurs marchés publics.
- 26 See above.
- 29 In Bulgaria, review of public procurement contracts is multi-stage and includes administrative (preliminary) and judicial (subsequent) review. This is mainly exercised by the Commission for the Protection of Competition (CPC) and the Supreme Administrative Court (SAC). The aim is to ensure transparency, competition, equal treatment and non-discrimination throughout the entire procurement process, from announcement to conclusion and execution of the contract, in accordance with the Public Procurement Act. Participants may lodge complaints with the CPC against all acts, decisions and actions of the contracting authority (e.g. announcements, documentation, ranking decisions and refusal to conclude a contract). The CPC may impose a suspension of the procedure until the dispute is resolved, in order to prevent irreparable damage. Pursuant to Article 11 of the Public Procurement Act, the acts of public procurement contracting authorities adopted in connection with public procurement procedures are administrative acts. Regarding challenges of contracts, the general view is that neither the CPC nor the SAC can rule on the nullity or validity of a public procurement contract; only the civil court can do so under the Civil Procedure Code. This argument is derived from Article 120 of the Public Procurement Act. Article 120 of the Public Procurement Act refers unresolved issues related to the conclusion, performance and termination of public procurement contracts to the Commercial Act and the Obligations and Contracts Act. This does not limit the regulation of relations between the parties after the contract has been amended solely to Article 116 of the Public Procurement Act, which regulates specific cases of amendment to a public procurement contract. In a case of a legal dispute, the CPC cannot declare a public procurement contract 'null and void'. The legal relations arising from the public procurement contract are civil law relations, not administrative ones, since the contract is not of an administrative nature, as it is defined for other specific contract according to § 1, item 1 of the Additional Provisions of the Law on the Management of Funds from the European Structural and Investment Funds (LMFESIF). However, the contract between the Managing Authority and the beneficiary for non-repayable financial assistance, based on the LMFESIF, is administrative (§ 1, item 1) and subject to appeal under the Administrative Procedure Code (APC). The connection between this contract and the public procurement contract in that the beneficiary of non-repayable financial assistance determines the contractor by conducting a public procurement procedure in accordance with the Public Procurement Act. Therefore, the relationship between the Managing Authority and the beneficiary regarding the provision of non-repayable financial assistance is governed by the LMFESIF, while the relationship between the beneficiary (the contracting authority) and the contractor for project activities is governed by the civil law provisions. The LMFESIF does not contain provisions governing relations between the contracting authority and the contractor with regard to the implementation of the activity that is the subject of the public procurement contract (Ruling No. 37 of 16/09/2020 on Administrative Case No. 27/2020, five-judge panel of the Supreme Administrative Court). Strictly speaking a public procurement contract is not a classic administrative contract, but rather a mixed contract with elements of public and private law. It has the characteristics of a bilateral, compensatory and commutative contract (i.e. civil/commercial law), but is subject to the specific rules of the Public Procurement Act

(PPA) due to public interest and the involvement of an administrative body. This brings it closer to public law relations, but does not make it an administrative contract; rather, it is a public law deal.. Amendments to a public procurement contract that has already been concluded are only permissible in exceptional cases. The current Public Procurement Act contains significantly different provisions for amending a concluded public procurement contract than the repealed 2004 law. This is due to the transposition of the provisions of Directives 2014/24/EU and 2014/25/EU. The Public Procurement Act does not explicitly prohibit amending an existing contract. This prohibition is inferred by argument from the contrary interpretation of Article 116(1) of the Public Procurement Act.

Summary for A8

Veillez indiquer dans quels cas un marché public peut être considéré comme relevant de la juridiction administrative ?



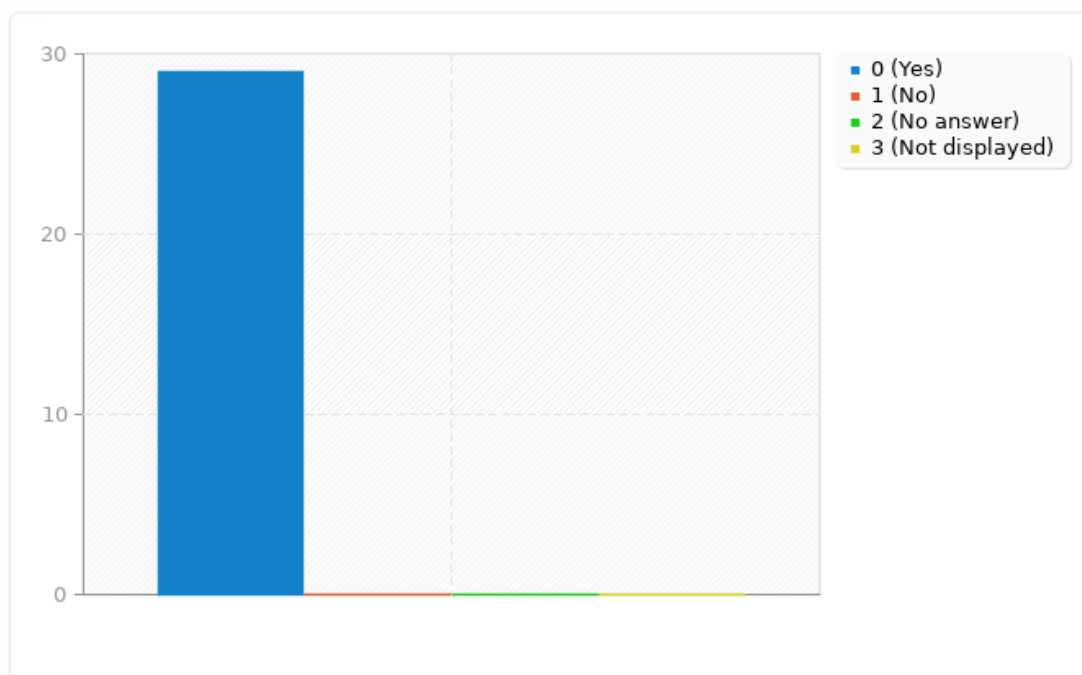
Summary for A9

Votre juridiction est-elle compétente pour statuer sur les autorisations administratives nécessaires pour exercer une activité économique ?

Answer	Count	Percentage
Yes (Y)	29	100.00%
No (N)	0	0.00%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for A9

Votre juridiction est-elle compétente pour statuer sur les autorisations administratives nécessaires pour exercer une activité économique ?



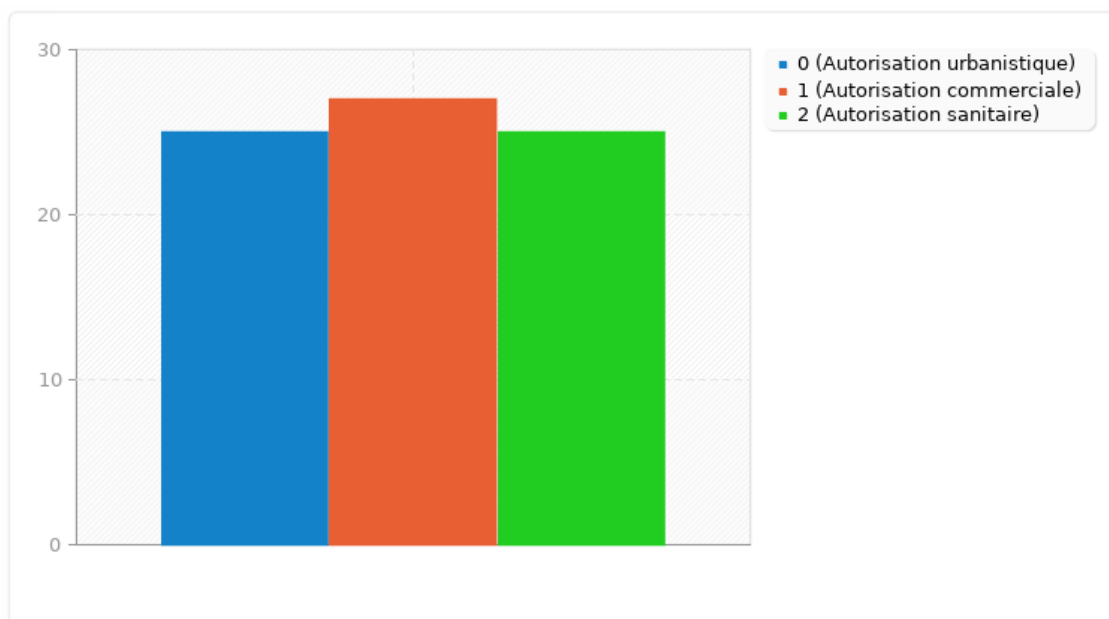
Summary for A10

Si 'OUI'

Answer	Count	Percentage
Autorisation urbanistique (SQ001)	25	86.21%
Autorisation commerciale (SQ002)	27	93.10%
Autorisation sanitaire (SQ003)	25	86.21%

Summary for A10

Si 'OUI'



Summary for A11

Veillez donner quelques exemples.

Answer	Count	Percentage
Answer	26	89.66%
No answer	3	10.34%
Not displayed	0	0.00%

ID	Response
1	permis de construire ou d'aménager Autorisation d'exploitation de grande surfaces commerciales Ouverture de Lits ou d'équipements sanitaires en matière hospitalière, autorisation de mise sur le marché de médicaments
2	Urban planning authorisation: Decision on a building permit; Decision on approval of a construction design; Decision on determining the location of a public purpose investment - e.g., roads, electric line, schools. Commercial authorisation: Concession for: trading in fuels or energy, for mining minerals, for the protection of persons and property. License to sell alcoholic beverages Transport license (road transport of persons or goods). Health authorisation: Permit to operate a public pharmacy; Permit to place medicinal products on the market
18	Les autorisations relevant du régime urbanistique et environnemental sont jugées par le Conseil d'État en premier et dernier ressort. Les permis de construire, ainsi que les affaires liés à l'autorisation d'une activité professionnelle ou commerciale sont jugés en appel par le Conseil d'État, tandis que les litiges relatifs soit aux sanctions liées à l'activité professionnelle, soit aux établissements d'intérêt sanitaire sont jugés en cassation par le Conseil d'État.
3	Our Chamber falls within resolving disputes regarding documents such as permits, licenses, and certificates granted for activities to be carried out in the markets and sectors specified in Article A.3, such as dealership licenses or distributor licenses granted for operating in the petroleum market, or production licenses granted for operating in the electricity market.
4	En ce qui concerne les autorisations urbanistiques, le Conseil d'État est notamment compétent pour connaître des recours dirigés contre les permis d'urbanisme, quel que soit leur objet, ainsi que sur les autorisations environnementales nécessaires à l'exercice d'une activité ("permis d'environnement). Le Conseil d'État est également compétent pour connaître des recours concernant l'octroi ou le refus de nombreuses autorisations commerciales édictées par les différentes autorités du pays : mise sur le marché de médicaments et de produits phytosanitaires, autorisation préalable pour l'ouverture d'un établissement HORECA ou d'une agence de paris sportifs, autorisation d'ouverture de magasins de nuit, autorisation de commercialisation de certains produits comme les cigarettes électroniques,... Enfin, le Conseil d'État connaît de certains recours concernant des normes sanitaires. À titre d'exemples, on peut mentionner les recours contre les retraits d'agrément des maisons de repos ou encore les décisions de l'Agence fédérale pour la sécurité de la chaîne alimentaire (AFSCA) qui concernent la mise sur le marché de produits alimentaires, des mesures d'euthanasie d'animaux ou encore l'agrément d'abattoirs.
5	1. Urban planning authorization. A company wants to build a small shopping center on a plot of land. The municipality denies the building permit, claiming the land is zoned only for residential use. The company believes the denial is unlawful and takes the case to the administrative court. In such case the administrative court examines whether the municipality acted according to the law, whether zoning rules were applied correctly, and whether the

applicant's rights were respected.

2. Commercial authorization. An entrepreneur applies for a license to open a cafe. The local authority refuses, citing incomplete documentation. The applicant argues that the documents were sufficient under the law and challenges the refusal in court. In this case the administrative court checks if the authority followed proper procedures and applied the law correctly in granting or refusing the commercial license.

3. Health authorization. A pharmacy wants to operate in a new location, but the health authority rejects the application, claiming the area already has enough pharmacies. The business contests the decision. In this case the administrative court assesses whether the health authority acted within the law, whether the criteria for approving or rejecting the license were applied correctly, and whether the business's rights were considered.

6 The Court exercises jurisdiction over disputes concerning authorizations with economic value whenever a private party challenges the exercise of discretionary power by the Public Administration, as occurs in the construction sector regarding the challenge of denied building permits or authorizations granted to third parties that impair property value, in the commercial licensing sector regarding the denial of licenses or failure to comply with territorial planning criteria for large-scale retail facilities, and in the healthcare sector regarding the accreditation procedures for private facilities or the allocation of regional budgets.

9 In order to set up an agri-food industry in an urban area, the Land Use Plan (Municipal Master Plan) must allow for this in the relevant area. If the industry is to be located in a rural area, a special plan (protected area plans) or a sectoral instrument (legal regime for agricultural reserves) must not prohibit such an establishment. Construction of industrial buildings is subject to a licence from the Legal Regime for Urbanisation and Construction (Decree-Law No. 555/99 of 16 December). Industrial facilities are licensed under the Responsible Industry System regime (Decree-Law No. 169/2012 of 1 August).

For an agri-food industry such as a milk processing plant, the industrial licensing procedure must also include authorisation from the Directorate-General for Food and Veterinary Affairs under Regulation (EC) No. 852/2004.

In a ruling dated 8 June 2000 (case no. 043952), the Supreme Administrative Court considered that, although locating a bakery was valid, if licensing the construction of the facility was found invalid, this invalidity would transfer to the industrial licence.

In some cases, investors request prior information on the feasibility of installing an industrial unit. In a ruling dated 11 December 2003 (case no. 1523/03), the Supreme Administrative Court ruled that, when the information states that the licence depends on conditions such as authorisation from neighbours, civil liability for frustrated expectations does not arise if the subsequent licence is appealed.

10 -environmental plans and permits on the basis of the Environment and Planning Act,
-decisions on the basis of the Nuclear Energy Act,
-decisions (formerly concessions) under the Mining Act,
-decisions of the Dutch Emission Authority based on Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council,
-measures against financial institutions under the Financial Supervision Act,
-decisions on the basis of the Aviation Act,
-decisions under the Offshore Wind Energy Act,
-market stall permits,
-operating licenses for tour boat companies,
-operating licences for gaming arcades,
-operating licences for catering establishments,
-operating licences for coffeeshops [selling soft drugs],
-employment permits and fines under the Foreign Nationals Employment Act.

11 The SAC frequently deals with commercial authorisations (e. g. case No. 5 As 311/2022-17 regarding authorization to sell spirits or case No. 3 As 230/2022-28 regarding authorization to work as a security guard at Chateau Austerlitz). It also occasionally deals with decisions made by the Ministry of Health regarding health authorisation. For example, in recent years, the SAC has issued decisions regarding authorisation to work as a midwife providing home care (case No. 2 As 241/2022-74) and authorisation for a pharmaceutical professional to work in a pharmacy (case No. 7 As 135/2023-41).

12 Urban planning: E.g. the Vienna Building Act (Bauordnung für Wien) establishes the legal framework governing urban planning authorisation procedures in Vienna. It stipulates the

categories of construction projects subject to building permits and specifies the substantive and procedural criteria under which such permits are to be granted by the competent authority. The Vienna Building Act also contains provisions regulating the preparation, designation, and adoption of land-use plans (zoning plans) by the public authorities. Commercial authorisation: The Trade Regulation Act (Gewerbeordnung 1994) regulates the exercise of self-employed commercial activities in Austria. It determines e.g. the circumstances under which a trade is subject to mandatory registration and delineates the evidentiary and qualification requirements to be satisfied by the applicant. Health authorisation: The Federal Act on Hospitals and Health Resorts (Bundesgesetz über Krankenanstalten und Kuranstalten) provides the legal basis for the establishment, operation, and organisational structure of hospitals and health resorts in Austria. In particular, it defines the concept of a hospital and lays down the legal and administrative requirements for the granting of the relevant licenses. Also, the Medicinal Products Act (Arzneimittelgesetz) regulates the legal classification of medicinal products and prescribes the conditions under which such products may be manufactured, authorised and placed on the market. The SAC rules over these fields of law as last instance court.

- 15 Administrative courts review specific decisions, such as a building authority's decision on a construction project or decisions concerning public health issued by the Public Health Authority or a Regional Public Health Authority.
In connection with the urban plan, we consider it necessary to mention that, pursuant to Act No. 200/2022 Coll. on Urban Planning, a municipality's urban plan and a zonal urban plan, including their amendments and supplements, are approved by the municipality along with a generally binding ordinance declaring their binding parts.
An action seeking a declaration of non-compliance of a generally binding ordinance of a municipality, city, city district, or self-governing region with the law may be filed by a prosecutor if their protest was not granted (natural or legal persons may submit a petition to the prosecutor's office). In this type of proceeding, the concerned public may also act as a plaintiff if they claim that the generally binding ordinance has violated the public interest in the field of environmental protection.
A municipal council resolution approving a urban plan cannot be considered an individual administrative act; similarly, a generally binding ordinance is not one either, as it is a normative legal act adopted by a municipal body to address fundamental issues concerning the municipality as a whole, or its residents specifically, or to regulate legal relations arising and implemented within its territory. (Case No. 5Sžo/232/2010 Supreme Administrative Court of the Slovak Republic).
The Business Register and proceedings related thereto are not within the jurisdiction of the Supreme Administrative Court or the administrative courts.
- 19 Urban development action plan
- 17 Review of building permits, permits to perform health-care activity, review concerning revocation/withdrawal of a licence (e. g. detective licence, transport operator licence, ...), review of the legality of a decision defining the commercial area of a pharmacy, etc.
- 21 A significant portion of commercial activities must be reported, and if they require a license, the Curia shall act as a cassation court in related matters.
The provision of health services is subject to an operating license, on which the competent authority issues a decision. If it goes through a judicial review process, administrative courts shall act, and, in the case of extraordinary remedies, the Curia shall take action.
- 22 Dellway Investments Ltd v NAMA [2011] IESC 14 is an example of the Supreme Court's authority on procedural fairness in administrative decision-making, particularly where a public authority's decision has serious economic and property consequences.

The case arose in the context of the establishment of the National Asset Management Agency (NAMA) following the financial crisis. Under the statutory scheme, NAMA was empowered to acquire certain bank loans, a decision which could profoundly affect the financial position, reputation, and commercial prospects of borrowers whose loans were transferred.

Dellway Investments Ltd and related companies were borrowers whose loans were proposed for acquisition by NAMA. They challenged the decision-making process, arguing that they had been denied fair procedures. In particular, they contended that they were not given adequate notice of the proposed acquisition, nor a meaningful opportunity to make representations before a decision was taken that would significantly affect their economic and property interests.

The High Court rejected the challenge, holding that the statutory framework did not require

NAMA to afford borrowers a right to be heard before deciding to acquire loans. The borrowers appealed to the Supreme Court.

The Supreme Court allowed the appeal. The Court held that where a decision of a public body is capable of having serious adverse effects on a person's rights, property, or interests, the requirements of fair procedures are engaged, unless clearly excluded by statute.

The Court emphasised even though the borrowers were not formally parties to the acquisition transaction, the decision could materially affect their property rights, commercial standing, and ability to conduct business. The seriousness of those consequences triggered a constitutional duty to afford fair procedures.

Crucially, the Court rejected the argument that procedural fairness was displaced by the economic urgency or complexity of the NAMA scheme. The Court therefore declared that Dellway and the related companies were entitled to be informed of the proposed acquisition and to have an opportunity to make representations before a final decision was taken, subject to the practical constraints of the statutory scheme.

The significance of Dellway is the principle that administrative decisions with serious economic impact are fully justiciable, and that procedural fairness is a constitutional requirement even in areas involving complex financial regulation and urgent public policy objectives. The case is an affirmation that economic significance does not dilute judicial competence; rather, it reinforces the need for lawful and fair decision-making by public authorities.

23 The Supreme Administrative Court of Lithuania examines cases concerning decisions made by authorities responsible for state supervision of spatial planning during the spatial planning procedures. These disputes cover almost all stages of the planning process – primarily disputes regarding the refusal of competent authorities to initiate the preparation, amendment or adjustment of spatial planning documents.

The Court also examines complaints regarding the annulment of permits to carry out economic activities in the field of financial market supervision and other areas of supervision of business entities' activities. It hears disputes concerning the refusal to issue a permit to carry out concentrations in the field of competition supervision. In the field of environmental protection, it examines disputes concerning mandatory orders for a company's branch not to carry out activities without a valid Integrated Pollution Prevention and Control (IPPC) permit issued in the prescribed manner.

In the field of healthcare, the Court examines disputes related to pharmaceutical activities and the annulment of the validity of permits for parallel import of medicinal products; as well as disputes concerning the procedure for issuing a permit (hygiene passport) to a natural person who does not have a license and certificate, prohibiting them from practicing healthcare.

24 Il existe de nombreux cas pour lesquels la Cour administrative peut être saisie de litiges résultant d'autorisations nécessaires pour l'exercice d'une activité :

- autorisation urbanistique :

o demande d'autorisation de construire une station-service (Cour adm., 22 juin 2017, n° 39142C du rôle)

- autorisation sanitaire :

o autorisation de mise sur le marché de produits phytopharmaceutiques (Cour adm., 30 mars 2023, n° 47873C du rôle)

- autorisation économique

o autorisation d'établissement pour l'activité de conseil économique (Cour adm., 3 décembre 2024, n° 50533C du rôle)

25 The Administrative Court decides on the administrative authorizations which are necessary for the performance of economic activities through the assessment of legality of administrative act in which the facts, on the basis of which the application of the law is grounded, are determined based on those administrative authorizations serving as a proof of fulfillment of the conditions for the performance of a certain economic activity (for example: license for execution of works, license for authorized designers (contractors), license of the Energy Agency of the Republic of Serbia, etc.). These authorizations are most commonly set as a condition for participation in the public procurement procedure (in relation to the exclusion grounds defined under the Article 111 of the Law on Public Procurement) and they

vary depending on the subject of the public procurement. The authorizations which are not necessary must not be required, because that would constitute a discriminatory condition.

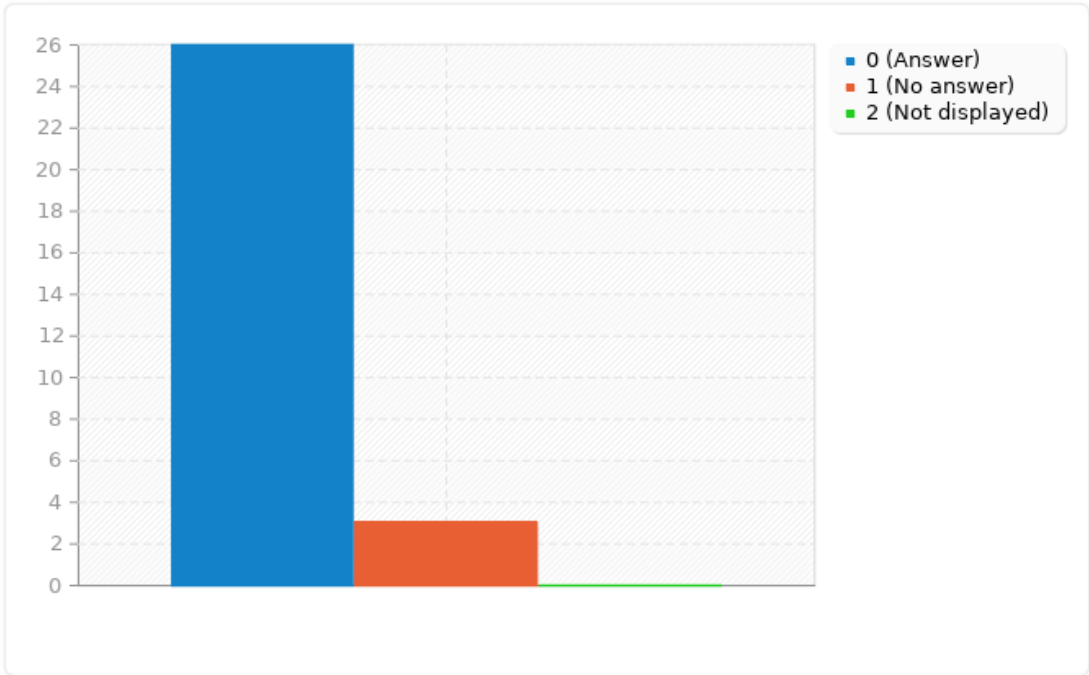
- 26 The Supreme Court of Norway has general jurisdictions and rules on cases in all areas of law.
- 27 Administrative courts resolve disputes over public authorities granting and refusal to grant various activity licenses and permits that are required to commence an economic activity. Activity licenses are often required in the following sectors: provision of health services, operation of pharmacies, provision of financial and insurance services, public transport services, broadcasting and media services, manufacture and sale of alcohol, tobacco and other regulated goods, food production and processing, providing gambling services, veterinary services, security services etc. Non sector specific permits that economic actors apply for in connection with providing their goods and services include spatial plans, building authorisations and environmental permits. SAC has jurisdiction to review the legality of issuing such licenses and permits.
- 28 For instance, license to drive a taxi, license to perform duties as a medical doctor, market license to sell liquor, license to provide dental care, license to provide certain financial services.
- 29 Examples:
Following the repeal of Article 216 of the Spatial Development Act (SDA, State Gazette No. 25/2019), decisions on building permits, including refusals, can now be appealed directly to the court. The competent court depends on which authority is responsible for issuing the building permit. Generally, the relevant administrative court at the location of the immovable property is responsible, and the Supreme Administrative Court acts as the court of cassation. However, if the refusal is issued by the Minister of Regional Development and Public Works, the Supreme Administrative Court acts as the court of first instance. According to Article 215 of the Spatial Development Act, individual administrative acts under this Act, refusals to issue them and administrative acts by which they are revoked or upheld concerning urban planning issues, may be appealed before the relevant administrative court at the location of the real estate. Acts and refusals by the Minister of Regional Development and Public Works, the Minister of Defence and the Minister of the Interior shall be appealed to the Supreme Administrative Court.
By Decision No. 14 of 15 October 2020 on Constitutional Case No. 2 of 2020, published in State Gazette No. 92 of 27 October 2020, the Constitutional Court of the Republic of Bulgaria declared the provision of Article 215, paragraph 6 of the Spatial Development Act unconstitutional. According to this provision, general development plans and their amendments were not subject to judicial review.
According to Article 53, paragraphs 1 and 3 of the Excise Duties and Tax Warehouses Act, the Customs Agency director has the power to terminate a commercial company's licence to carry out a specific commercial activity — namely, to manage a tax warehouse for the storage of excise goods. The Administrative Court considers this to be a sanction against the commercial company. Following the established practice of the Court of Justice of the European Union, the Court assesses its legality and, more specifically, its compliance with substantive law. It finds that, in order to be materially lawful, the principle of proportionality must be observed and it must not exceed what is appropriate and necessary to achieve the legitimate objectives pursued by this legal regulation. To assess the punitive nature of the administrative act issued, the court proceeds from the CJEU established practice, according to which three criteria are relevant. The first is the legal classification of the infringement under domestic law; the second, the nature of the infringement itself; and the third, the severity of the sanction that may be imposed on the person concerned.
Orders imposing sanctions on medical-treatment facilities include the termination of an administrative contract with the National Health Insurance Fund, in cases where a medical institution has violated the mandatory requirements of the Health Insurance Act and the National Framework Agreement for the relevant calendar year. Decisions of the first-instance administrative courts on these matters are subject to cassation review by the Supreme administrative court.
- 30 In the majority of cases, authorisations required to carry out economic activity are awarded through an administrative decision and thus fall within the SAC's competence. Such is the case for all urban planning authorisations and virtually all commercial, health, and safety authorisations. A notable exception among commercial authorisations are admissions to bar for attorneys which are assigned to general courts and fall outside the SAC's jurisdiction.
- 31 In essence, the examples provided in question A.10 are excluded from the jurisdiction of the High Court of Cassation and Justice, given that they are typically issued by local public authorities and, in this case, disputes are not dealt with on appeal by the High Court of

Cassation and Justice. However, for environmental permits in the energy sector, telecommunications, permits to market certain medicines, tax warehouse permits in connection with the sale of excise goods, the HCCJ may have jurisdiction as the appellate court in cases where these types of disputes have been settled on the merits by the courts of appeal (taking into account either the rank of the authority that issued the contested authorization/act, the value criterion, or other special regulations, as the case may be).

32 Planning approval decision
Restaurant permit
Licence to practice medicine

Summary for A11

Veillez donner quelques exemples.



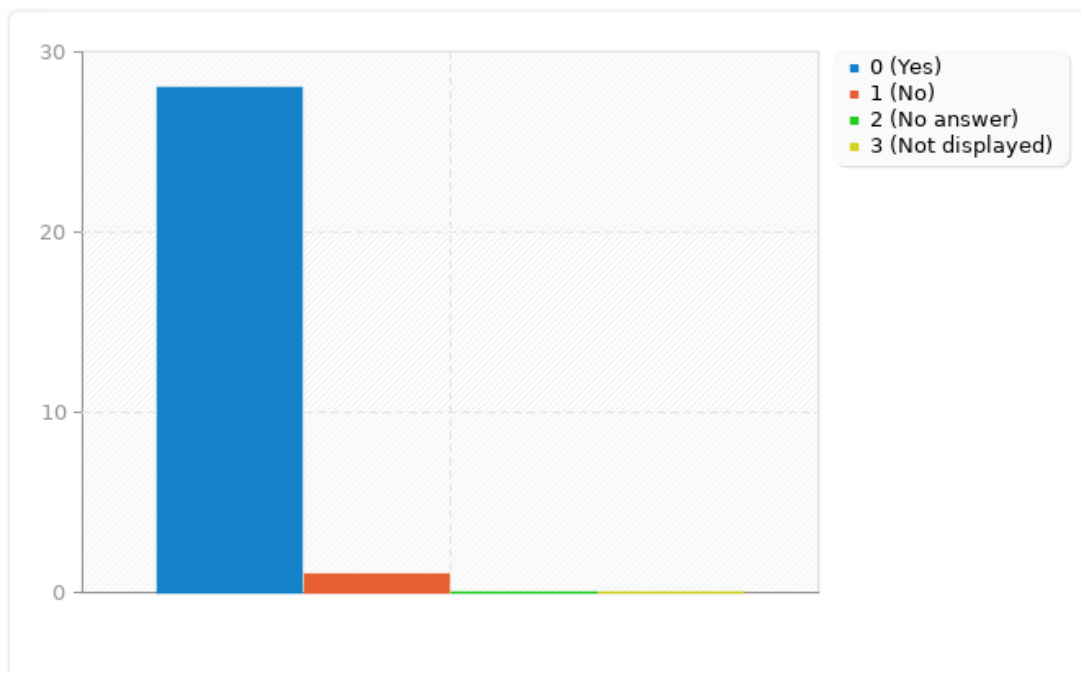
Summary for A12

Votre tribunal est-il compétent pour statuer sur les litiges relatifs à la réglementation économique (c'est-à-dire pour connaître de la légalité des actes des autorités publiques visant à réglementer certains marchés ou des litiges mettant en cause leur responsabilité) ?

Answer	Count	Percentage
Yes (Y)	28	96.55%
No (N)	1	3.45%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for A12

Votre tribunal est-il compétent pour statuer sur les litiges relatifs à la réglementation économique (c'est-à-dire pour connaître de la légalité des actes des autorités publiques visant à réglementer certains marchés ou des litiges mettant en cause leur responsabilité) ?



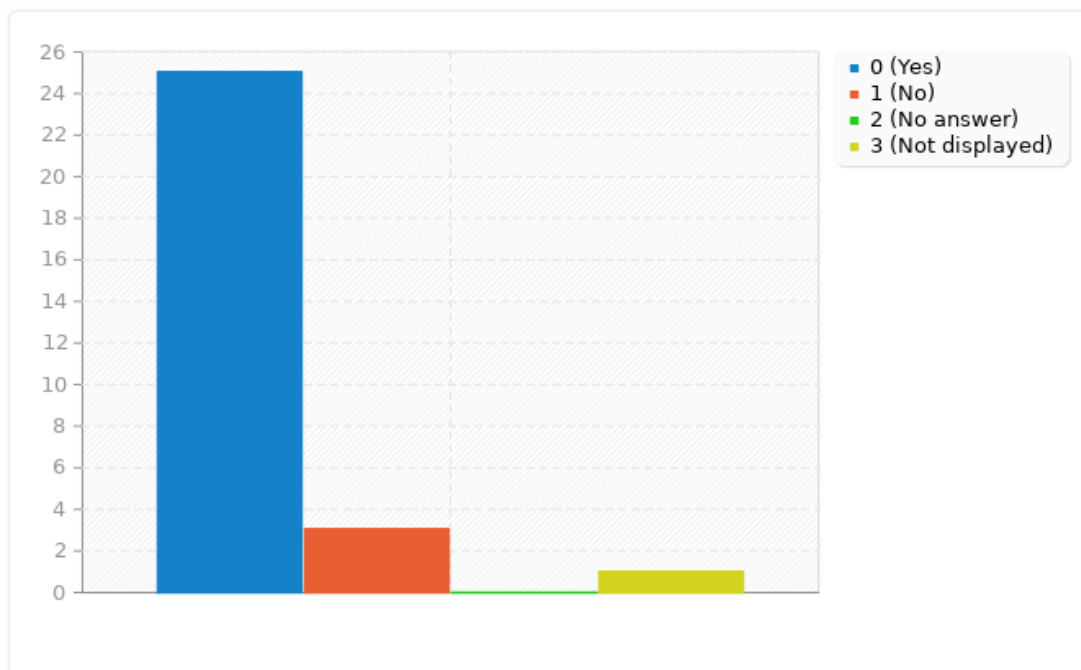
Summary for A13

Votre juridiction est-elle compétente pour statuer sur les recours liés à la réglementation tarifaire imposée aux gestionnaires privés de services essentiels (énergie, télécommunications, eau) ?

Answer	Count	Percentage
Yes (Y)	25	86.21%
No (N)	3	10.34%
No answer	0	0.00%
Not displayed	1	3.45%

Summary for A13

Votre juridiction est-elle compétente pour statuer sur les recours liés à la réglementation tarifaire imposée aux gestionnaires privés de services essentiels (énergie, télécommunications, eau) ?



Summary for A14

Merci de préciser.

Answer	Count	Percentage
Answer	24	82.76%
No answer	1	3.45%
Not displayed	4	13.79%

ID	Response
1	contrôle des décisions prises par les autorités de régulation
18	Le Conseil d'État est compétent pour statuer sur la légalité des actes des autorités publiques (y compris les autorités administratives indépendantes) visant à réglementer les marchés, car en principe il s'agit d'actes réglementaires relevant de sa compétence exclusive. Il connaît également des sanctions infligées aux opérateurs de services essentiels imposés par l'Administration par la voie du recours en cassation. Étant donné que les opérateurs des services essentiels sont des entreprises publiques (c'est à dire de personnes privées), les tarifs qu'elles imposent sont régis par le droit privé.
3	Our Chamber is competent to rule on cases brought against tariffs set by regulatory authorities, for example, in the energy and telecommunications markets.
4	Le Conseil d'État a déjà eu à connaître de recours dirigés contre des actes réglementaires encadrant la tarification du gaz, de l'électricité, et des sources d'énergie renouvelable. À titre d'exemples on peut mentionner : - le recours porté contre l'arrêté royal du 2 septembre 2008 'relatif aux règles en matière de fixation et de contrôle du revenu total et de la marge bénéficiaire équitable, de la structure tarifaire générale, du solde entre les coûts et les recettes et des principes de base et procédures en matière de proposition et d'approbation des tarifs, du rapport et de la maîtrise des coûts par les gestionnaires des réseaux de distribution de gaz naturel' (arrêt 199.527 du 15 janvier 2010) ; - les recours dirigés contre l'arrêté du Gouvernement wallon du 24 septembre 2020 'établissant une catégorie de client protégé conjoncturel en électricité et en gaz dans le cadre de la crise-Covid 19' et ses modifications (arrêts 262.761, 262.762 et 262.763 du 26 mars 2025) ; - les nombreux recours introduits par des fournisseurs d'énergie et des particuliers pour contester la méthode de calcul des certificats verts ou aides octroyés pour l'installation de sources d'énergie renouvelables (par exemple, arrêts 237.861 du 30 mars 2017 et 260.840 du 30 septembre 2024).
5	Decisions (administrative acts) of the Sabiedrisko pakalpojumu regulēšanas komisija (SPRK / Public Utilities Commission) setting or approving tariffs and price-related regulatory actions are administrative acts. Affected parties (regulated entities) can challenge those acts in the administrative court as unlawful or incorrect.
9	The Supreme Administrative Court has jurisdiction over appeals relating to judicial decisions on price regulations imposed on private operators of essential services, provided that these regulations result from administrative acts or decisions made by independent regulatory authorities. Typically, price regulation for essential services stems from tariff regulations, and administrative courts have jurisdiction to hear cases questioning the legality of such rules, even when they are technical in nature. It is more doubtful, however, whether administrative courts can be competent to hear government decisions adopted in the form of regulations that impose limits or alter the tariff rules approved by independent regulatory authorities. An example of this occurred in Portugal with the measures implementing Decree-Law No. 237-B/2006 of 18 December, which, contrary to European law, established the tariff deficit mechanism in the electricity sector.
12	In Austria, end user tariffs for energy and telecommunications services are currently not regulated, however, social tariffs with regard to energy prices will be introduced in April 2026. Network fees for electricity and natural gas networks are regulated by the regulatory authority for energy and e.g. also in the telecommunications sector interconnection fees can be

determined by the telecommunications regulatory authority if the parties cannot reach an agreement.

An exceptional possibility to determine end user prices is contained in sec. 108 para. 1 of the Telecommunications Act 2021 (Telekommunikationsgesetz 2021) for universal service offerings; however, the regulatory authority has not made use of this possibility in recent years.

Water supply is generally provided by local authorities which also set the rates for water usage. Decisions of these authorities can all be challenged before the SAC as court of last resort.

- | | |
|---|---|
| 14 | The Danish Supreme Court is not only a SAC, but is also the final appeal instance for other cases such as civil and criminal cases. The judicial control encompasses all administrative bodies, regardless of their designation and activities, and all functions of the administrative bodies, i.e. not only cases in which a formal decision has been made. Judicial review of administrative decisions, etc. may occur in all types of cases handled by the courts, including civil proceedings, criminal proceedings, enforcement proceedings etc. |
| 15 | The Supreme Administrative Court of the Slovak Republic has the jurisdiction to review decisions of administrative courts concerning decisions issued by public authorities in the given field (such as the Regulatory Office for Network Industries, the Regulatory Authority for Electronic Communications and Postal Services, or the Antimonopoly Office of the Slovak Republic). Within the administrative justice system, the court examines whether these authorities acted in compliance with the law during price regulation and other proceedings. |
| 16 | it has jurisdiction provided the issue covers competition matter. |
| 19 | Fee for the special use of local public domain by electricity supply companies |
| 17 | The determination of costs of essential services as such (payed by the consumers) is considered a matter of private law, falling outside the jurisdiction of administrative courts. If however there is an administrative decision by a regulatory authority (e. g. in energy or telecommunications) imposing a certain framework for determination of prices by the managers of these services, it can be examined in judicial review. |
| 20 | If a price regulation is imposed by regulatory authority, that regulation can be a subject to the administrative law dispute (subjective or objective law dispute). |
| 21 | In the case of disputes affecting consumer protection and competition authorities. |
| 22 | Administrative proceedings in the Irish courts are based on a procedure of judicial review whereby a party may challenge the validity of an administrative act of a public body. There are no specialised administrative courts in Ireland. The High Court, which considers judicial review proceedings at first instance, the Court of Appeal and the Supreme Court are courts of general jurisdiction. |
| <p>Accordingly, all cases of economic importance fall under the jurisdiction of the Supreme Court of Ireland, so long as the Supreme Court is satisfied that there is a matter of "general public importance" or it is "necessary in the interests of justice" that there be an appeal.</p> | |
| 23 | In the field of energy, the Court rules on the decisions of the National Energy Regulatory Council that adjust the additional component of the natural gas transmission price for natural gas supply security; on the legality of setting the additional component of the liquefied natural gas price intended for the development of the liquefied natural gas terminal; on the publication of prices in the gas sector; on the setting of upper limits for electricity prices; and on the legality of a unilaterally set temporary component of heat prices. In a normative case, the Supreme Administrative Court of Lithuania has ruled on the compliance of the Heat Price Setting Methodology approved by the National Price and Energy Control Commission with higher-ranking legal acts. |
| 24 | N/A |
| <p>Conformément à la séparation opérée par la Constitution luxembourgeoise, cette compétence relève des juridictions judiciaires étant donné qu'il s'agit d'un contentieux d'exécution du contrat.</p> | |
| 26 | The Supreme Court of Norway has general jurisdictions and rules on cases in all areas of law. |
| 27 | If an administrative act has been issued that contains an obligation to comply with price regulation as set out in the law, the economic actor may file a complaint with the administrative court and therefore to SAC as a court of third instance. SAC is competent to assess whether such administrative act is lawful and, if necessary, to annul it. For example, in its judgment of 12 December 2017 in case no. 3-11-1355, the Administrative Chamber of the Supreme Court of Estonia resolved a dispute concerning price regulation on drinking water. The law provided that the price of drinking water supplied through a public water supply system must be set based on the principles laid down in the law (cost-based, reasonable and observing the principle of equal treatment), and that the water undertaking must obtain |

approval of the price from the Competition Authority. The Competition Authority refused to approve the water undertaking's application for approval of the water price and required the price to be brought into compliance with the law. The water undertaking filed a complaint against the Competition Authority's decision, but the SAC ruled that the decision was lawful regarding that issue.

28 For instance, cases concerning tariffs on the use of electric energy network services.

29 Under the Energy Act, market relations for the production and purchase of electricity are under specific rules that establish a framework for freedom of contract in public interest. In Bulgaria, the Energy and Water Regulatory Commission is authorized to regulate prices in cases specified in the Energy Act. This includes setting the base value of electricity per 1 MWh for domestic end customers for the relevant regulatory period and determining the component of the end supplier's price relating to the supply of electricity to household end customers.
Furthermore, if the Commission establishes that there is competition, the prices of energy, natural gas and services provided by energy companies are not subject to its regulatory powers. This creates conditions for free price negotiation under market conditions for the relevant activity in the energy sector. The Commission determines the component of the end supplier's price relating to the supply of electricity to household customers through a universal service.

When exercising its price regulatory powers, the Commission is guided by the principles set out in Articles 23, 24 and 31 of the Energy Act. These include promoting the development of a competitive, secure and environmentally sustainable internal market for electricity and natural gas within the European Union; ensuring balance between energy companies and customers; and ensuring equality between different categories of energy companies and customers. However, the Commission does not regulate all prices on the energy market, only those expressly specified in Article 30 of the Energy Act. When exercising its price regulation powers, the Energy and Water Regulatory Commission may apply different regulatory methods, set performance indicators for energy companies and establish comparability indicators. The Commission works with two main methods of setting prices. When considering legal disputes relating to the EWRC's price policy, the Supreme Administrative Court applies the established practice of the Court of Justice of the European Union. Regarding price regulation, the EWRC has the right to impose coercive administrative measures on private legal entities. Pursuant to Article 201 of the Energy Act, the EWRC exercises this power ex officio, rather than at the request of another legal entity. According to Article 203 of the Energy Act, decisions to impose coercive measures can be appealed to the commission or the Minister of Energy, and then to the Administrative Court in Sofia, in accordance with the Administrative Procedure Code. Appeals must be made within 14 days of notification and are subject to immediate enforcement; they also have no suspensive effect. Decisions of the administrative courts are subject to cassation review before the Supreme Administrative Court. The most common cassation objections by companies against which the coercive administrative measure has been issued relate to non-compliance with the principles of proportionality and necessity in the issuance of the coercive administrative measures.

Additionally, the principle of freedom of contract does not apply to legal relations concerning the purchase of electricity produced from renewable sources, since the primary terms and conditions of such contracts are legally mandated. The prices at which producers sell electricity to the public or end supplier are not subject to free negotiation but are instead regulated by the Energy and Water Regulatory Commission (EWRC).

Telecommunications regulation is the process through which government agencies (such as the Bulgarian Communications Regulation Commission, or CRC) establish rules to control the sector and ensure competition, consumer protection, quality services and the development of electronic communications. This covers mobile and fixed services, the internet and postal services, and is in accordance with national legislation.

In Bulgaria, the CRC is responsible for enforcing telecoms laws and supervising the telecoms market. The legality of the CRC's administrative acts is also subject to judicial review.

30 The SAC is competent to rule on appeals relating to price regulation and other market regulation carried out through administrative decisions by the competent authorities in the markets for electricity, natural gas and telecommunications (see Act on Supervision of Electricity and Natural Gas Markets, 590/2013; Act on Electronic Communications Services, 917/2014).

The SAC is not competent to rule on the legality of market regulation imposed through legislation, nor on disputes relating to public authorities' liability.

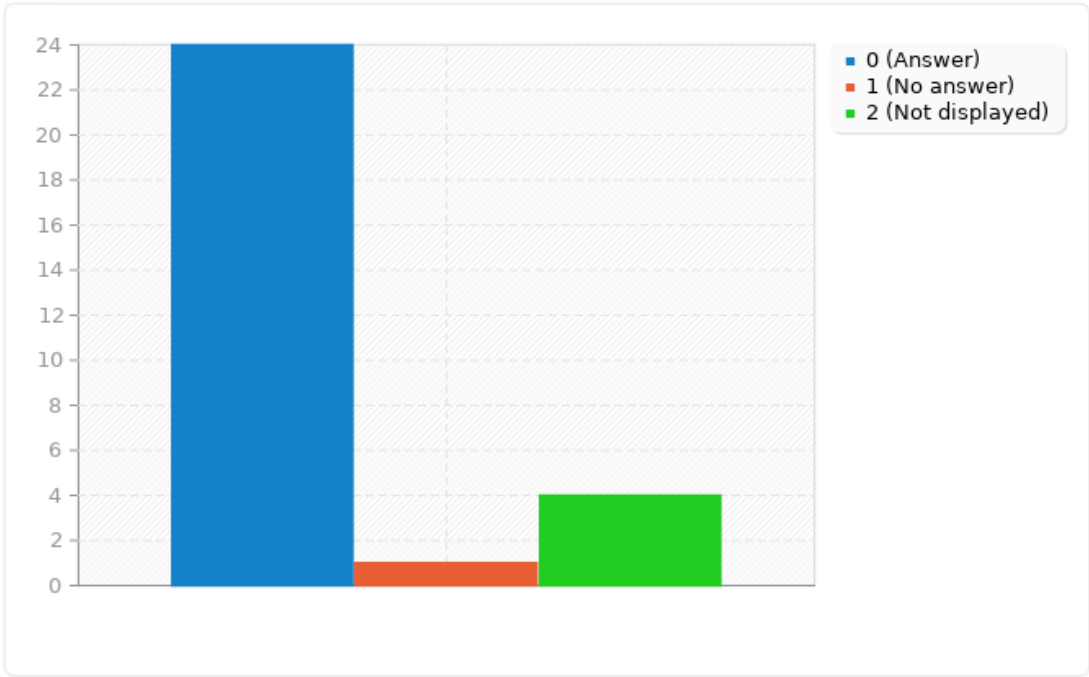
31 With regard to the jurisdiction of the High Court of Cassation and Justice (HCCJ) to deal with these types of challenges, we would like to point out that the time limit for challenging in this

situation is to be considered a remedy, specifically, we refer to the appeal lodged against the court decision issued by the court of appeal insofar as the disputed administrative act was issued by a central public authority in the exercise of public power, in order to organize the enforcement of the law or the actual enforcement of the law. The aspects of ordinary law concerning the jurisdiction of the administrative and tax litigation chamber of the High Court of Cassation and Justice are fully applicable to disputes concerning the legality of administrative acts relating to reference prices or the methods of setting prices. Specific examples include administrative acts issued by the National Energy Regulatory Authority, acts issued by the National Authority for Administration and Regulation in Communications, etc.

32 The administrative court of Cologne is competent to decide on actions against administrative acts of the Federal Network Agency in the field of the Telecommunications Act, especially administrative acts issued against undertakings that have significant power on the relevant market. The Federal Administrative Court acts as a court of second and last instance (Section 217 para 3 of the German Telecommunications Act combined with Section 135 Sentence 1 of the German Code of Administrative Court Procedure).

Summary for A14

Merci de préciser.



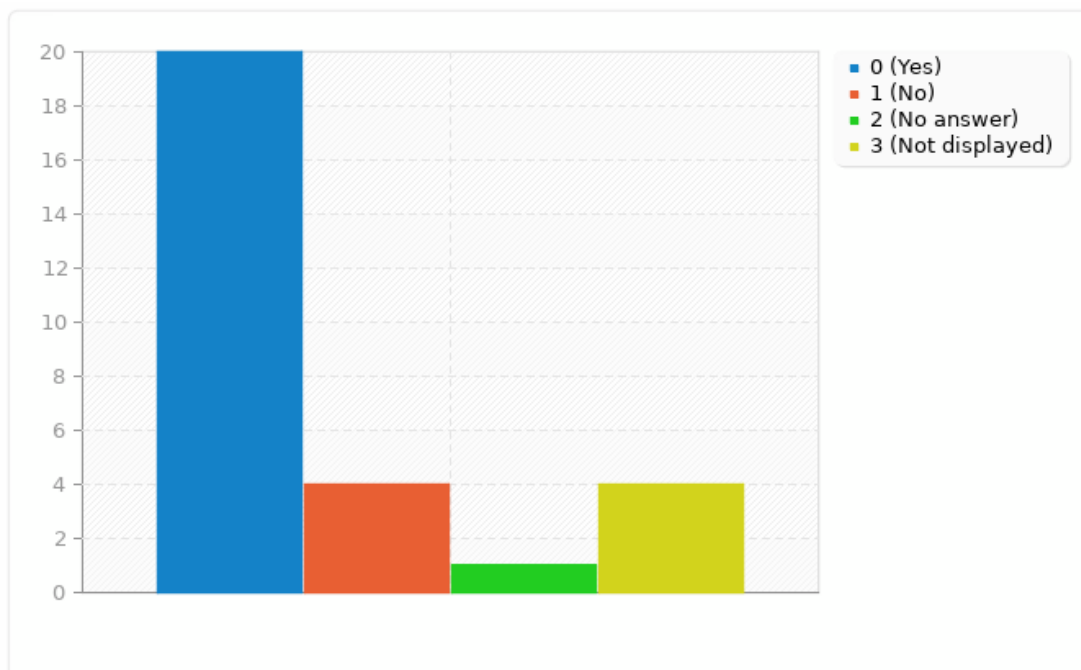
Summary for A15

Votre juridiction est-elle aussi compétente pour statuer sur la légalité et la proportionnalité des sanctions pécuniaires imposées par les autorités de régulation économique aux entreprises privées pour violation de la réglementation ?

Answer	Count	Percentage
Yes (Y)	20	68.97%
No (N)	4	13.79%
No answer	1	3.45%
Not displayed	4	13.79%

Summary for A15

Votre juridiction est-elle aussi compétente pour statuer sur la légalité et la proportionnalité des sanctions pécuniaires imposées par les autorités de régulation économique aux entreprises privées pour violation de la réglementation ?



Summary for A16

Merci de préciser :

Answer	Count	Percentage
Answer	20	68.97%
No answer	0	0.00%
Not displayed	9	31.03%

ID	Response
1	Contrôle de toutes les sanctions, dont leur proportionnalité, prises par les autorités de régulations ou les ministres
18	Presque tous les litiges relatifs à l'imposition d'une amende par l'Administration et qui relèvent du contentieux de pleine juridiction sont jugés en cassation par le Conseil d'État, à l'exception des amendes infligées par les autorités administratives indépendantes, qui sont jugées par le Conseil d'État en premier et dernier ressort par la voie du recours pour excès de pouvoir.
3	Our Chamber is competent to rule on administrative fines imposed by relevant organizations on undertakings operating in the sectors and markets within its jurisdiction, as well as on financial obligations prescribed for them, and takes the principle of proportionality into consideration during its judicial review.
4	Le Conseil d'État est notamment compétent pour se prononcer sur la régularité des amendes administratives infligées aux fournisseurs d'énergie par le Vlaamse Regulator van de Elektriciteits- en Gasmarkt (VREG) (par exemple, arrêt 259.737 du 15 mai 2024).
6	Yes, the Italian Administrative Court has jurisdiction over the legality and proportionality of pecuniary sanctions imposed by independent regulatory authorities. In these cases, the court exercises what is known as full jurisdiction, that allows the Administrative Judge to go beyond a mere review of the act's legitimacy.
12	All regulatory authorities can monitor and enforce compliance with regulatory acts, but not all regulatory authorities can issue fines. For example, for audiovisual media, KommAustria may conduct proceedings concerning administrative offences based on different regulations (see sec. 2 KommAustria Act; KommAustria-Gesetz). In addition, in certain policy fields regulatory authorities can also act to recover unjustified enrichments which resulted from breaches of regulations. For public service broadcasting, the decision to recover unjustified enrichments is taken by the regulatory authority for broadcasting. In both cases, the decisions of the authorities can ultimately be challenged at the SAC).
14	The Danish Supreme Court is not only a SAC, but is also the final appeal instance for other cases such as civil and criminal cases. The judicial control encompasses all administrative bodies, regardless of their designation and activities, and all functions of the administrative bodies, i.e. not only cases in which a formal decision has been made. Judicial review of administrative decisions, etc. may occur in all types of cases handled by the courts, including civil proceedings, criminal proceedings, enforcement proceedings etc.
15	An administrative court may review the legality of an imposed sanction. The administrative court may also apply sanction moderation; specifically, based on the results of the evidence taken by the court and upon the plaintiff's motion, it may, through a judgment: a) change the type or amount of the sanction, even if the public authority did not exceed the legal framework of administrative discretion when imposing it, provided that the sanction is disproportionate to the nature of the act or would have a devastating effect on the plaintiff, b) refrain from imposing the sanction if the purpose of administrative punishment can be achieved through the hearing of the case itself. The Supreme Administrative Court reviews the legality of the administrative court's decision. In proceedings on a cassation complaint, within the judicial review of a administrative court's judgment that exercised the power of moderation, the Supreme Administrative Court does not possess an analogous power to that of the administrative court and cannot replace the administrative court's judicial discretion regarding the moderation of the fine amount with its own (Case No. 6 Asan/14/2017 (R 65/2018)).
19	Unfair conduct in the recurrent company with reference to the provisions of section 2 of Article 15 of Law 3/1991 of 10 January on Unfair Competition, in relation to the First Additional Provision of Order ITC 1659/2009 of 22 June, consisting of 'the transfer to the free market of customers not entitled to the last resort tariff (TUR), who were being temporarily

	supplied by ENDESA, without obtaining the consumer's express consent as required by sectoral regulations
20	Such sanctions usually falls within the administrative law matter.
21	These types of cases typically end up before the Curia in the framework of consumer protection matters and in the process of extraordinary remedy.
22	Administrative proceedings in the Irish courts are based on a procedure of judicial review whereby a party may challenge the validity of an administrative act of a public body. There are no specialised administrative courts in Ireland. The High Court, which considers judicial review proceedings at first instance, the Court of Appeal and the Supreme Court are courts of general jurisdiction. Accordingly, all cases of economic importance fall under the jurisdiction of the Supreme Court of Ireland, so long as the Supreme Court is satisfied that there is a matter of "general public importance" or it is "necessary in the interests of justice" that there be an appeal.
23	The Supreme Administrative Court of Lithuania is competent to rule on the legality and proportionality of pecuniary sanctions imposed by economic regulatory authorities on private enterprises for breaches of regulations in areas such as financial markets, competition, gambling, lotteries, tobacco and alcohol control, and similar fields.
24	La Cour administrative est compétente pour statuer sur la légalité et la proportionnalité de diverses sanctions pécuniaires imposées par des autorités de régulation à des opérateurs économiques. Nous pouvons citer : - les sanctions administratives infligées par la Commission nationale pour la protection des données (CNPd) en cas de violation du règlement général sur la protection des données (RGPD). La Cour administrative du Luxembourg est actuellement saisie d'un appel introduit par un géant américain de l'e-commerce qui conteste l'amende de plus de 700 million d'euros qui lui a été infligée par la CNPD pour non-respect du RGPD ; - les sanctions administratives infligées par le Conseil de la Concurrence du fait de pratiques tarifaires jugées anticoncurrentielles à l'encontre d'un opérateur dans le secteur des télécommunications (Cour adm., 1er juin 2017, n° 38930C) ; - les sanctions administratives infligées par l'Inspection du Travail et des Mines en matière d'amende administrative à un opérateur économique du fait de plusieurs infractions à la législation sur la sécurité et la santé au travail (Cour adm., 11 mars 2021, n° 45231C du rôle).
26	The Supreme Court of Norway has general jurisdictions and rules on cases in all areas of law.
27	Regulatory authorities generally have the right to oversee whether companies comply with the requirements laid down by law (state supervision). If an economic actor fail to comply with statutory requirements, the supervisory authority has the right to issue an administrative act ordering compliance. If an economic actor does not comply with such administrative act, the supervisory authority may apply a coercive measure to ensure compliance. For this purpose, a non-compliance levy may be imposed (a requirement to pay a certain sum to the state). When imposing the non-compliance levy, the principle of proportionality must be observed. Administrative courts including SAC have jurisdiction to assess its proportionality. It is important that the coercive measure is not legally considered a punitive measure or a sanction! By contrast, if an economic actor is fined (a punitive measure for the breach of law), administrative courts including SAC lack jurisdiction to review it.
28	For instance, administrative sanctions imposed on companies with regard to EU regulations, such as the Data Protection Authority's sanctions in accordance with the General Data Protection Regulation and the Swedish Financial Supervisory Authority's sanctions on institutes in the financial market. Another example is sanctions imposed by the Swedish Work Environment Authority on companies with regard to bad conditions in the working environment.
29	The pecuniary sanctions imposed by regulatory authorities on private enterprises in Bulgaria are substantial. There is an explicit provision — Article 323f. (new, State Gazette No. 99 of 2025) —part of the Electronic Communications Act — which states that intermediary service providers who violate an obligation set out in Regulation (EU) 2022/2065 shall be subject to a fine of up to 6% of their annual income, or a financial penalty of up to 6% of their global annual turnover in the previous financial year. These fines can be challenged before the First Instance Administrative Court, whose judgment can be appealed before the Supreme Administrative Court.

Fines and property sanctions under this section shall be imposed by the relevant authority, as defined in Article 323g, paragraph 2 of the Electronic Communications Act, without a statement of administrative violation being drawn up. If appealed under the Administrative Procedure Code the Supreme Administrative Court is a court of cassation.

In the Value Added Tax Act, Chapter Twenty-Six, "Compulsory administrative measures and administrative penalties" violations of this law by natural and legal persons are listed. Natural persons are subject to fines, while legal persons are subject to property sanctions. For example, according to Article 180, paragraph 1 of the Value Added Tax Act, a registered person who is obliged to charge tax but fails to do so within the time limits provided for in the law shall be punished with a fine for individuals who are not traders, or a property sanction for legal entities and sole traders, in an amount equal to the uncharged tax, but not less than 500 BGN.

In the event of a repeat violation, the amount of the fine or property sanction shall be double the amount of the unpaid tax, but not less than BGN 1,000. According to Article 178, paragraph 1, a person liable for tax under this law who is required to submit an application for registration or termination of registration within the time limits established by this law, but fails to do so, shall be fined – if the person is not a trader, or be subject to a property sanction – if the person is a legal entity or sole trader, in an amount ranging from BGN 500 to BGN 5,000. Fines and property sanctions shall be imposed by the tax administration /National Revenue Agency/.

To establish violations of the Competition Protection Act, the Competition Protection Commission can impose property sanctions, periodic sanctions and fines. In accordance with the principle of proportionality, the amounts of these sanctions and fines should not exceed what is necessary to effectively punish the offender and achieve a sufficiently strong deterrent effect. The Commission for the Protection of Competition determines the specific amount of the sanction in accordance with its adopted Methodology, which is published in the State Gazette.

When determining the sanction, the severity and duration of the infringement, as well as any mitigating or aggravating circumstances, are taken into account. The amount imposed may not exceed the maximum limit specified in Article 100 of the Competition Protection Act, as the Commission can impose a financial penalty of up to 10 per cent of an enterprise's or association of enterprises' total turnover for the previous financial year for violations specified in this provision.

In cases where the Commission for the Protection of Competition establishes an infringement under Article 101 or 102 of the Treaty on the Functioning of the European Union, or under national law, and imposes sanctions, the national administrative court shall review whether the Commission lawfully determined the amount of the penalty and stated reasons for individualizing it, and whether these reasons correspond to the evidence in the administrative file.

If the court deems that the penalty has been unlawfully determined as excessive, it has the authority to reduce the amount. The reverse hypothesis is not admissible in view of the principle of *reformatio in peius*.

Chapter 24 of the Energy Act contains numerous provisions related to administrative penalties, specifying the violations of this Act, the fines imposed on natural persons, and the sanctions imposed on legal entities for breaching the requirements of the Energy Act. These fines and sanctions are imposed by the Energy and Water Regulatory Commission or duly authorised officials. Energy companies are the most frequent violators of the provisions of the Energy Act.

In Chapter Six of the Investment Promotion Act a national mechanism is in place to screen foreign direct investments related to security or public order, in accordance with Regulation (EU) 2019/452. This mechanism regulates direct foreign investment by a foreign investor. The law contains a legal definition of 'foreign investor'. Foreign investors are also subject to administrative penalties for failing to comply with their obligations under this law. A foreign investor under Chapter Six may be fined or subject to a property sanction amounting to 5 percent of the investment's value, but no less than BGN 50,000, if they provide inaccurate, incomplete or misleading information in an application for authorization of a foreign direct investment; make a direct foreign investment without a permit issued under the terms of this law; or make a direct foreign investment in violation of the terms of a conditional permit issued under Article 27e, paragraph 2, item 2 of the law. Penalty orders shall be issued by specially authorized officials. These orders are subject to judicial review under the Administrative Offences and Penalties Act. In this situation, the Supreme Administrative Court is not competent to rule on such cases. Instead, the lower administrative court acts as a court of cassation.

The SAC is competent to rule on the legality of administrative penalty payments imposed by public authorities through administrative decisions. Such sanctions are applicable in various

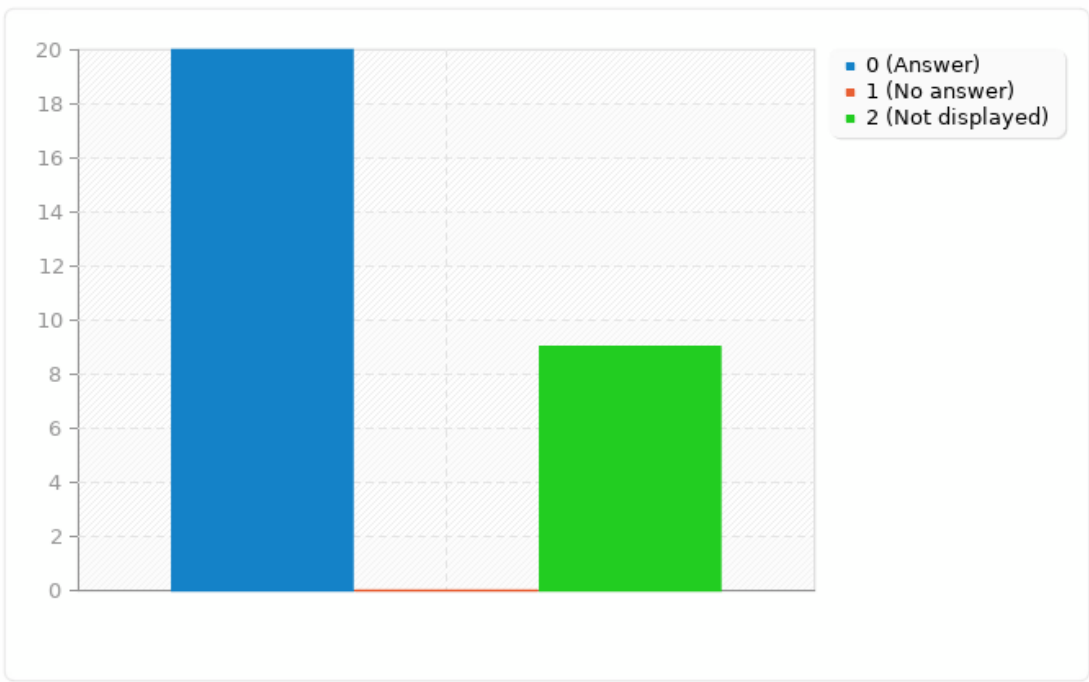
fields of economic activity, such as eg taxation, data protection, posting employees, cyber security, pilotage, transport of dangerous goods etc.

In addition, the SAC is competent to rule on the legality of penalty payments imposed by the Market Court in the field of competition law. Such payments may be imposed for restrictions of competition (Competition Act, 948/2011); breaches of consumer protection (Act 566/2020), food market regulation (Food Market Act, 1121/2018), or provisions on the marketing of gambling games (Lotteries Act, 1147/2001); as well as for telecommunication companies acting in breach of their market duties (Act on Electronic Communications Services, 917/2014).

31 The clarifications in point A.14 are also applicable, with the mention that the contested administrative sanctioning act is an individual administrative act targeting a specific private entity. In this regard, we note that the acts issued by the national regulatory authorities may also establish financial penalties, with the administrative and tax litigation chamber of the High Court of Cassation and Justice conducting, as part of its judicial review, an analysis of the legality of the penalty, including from the perspective of the proportionality of the amount of the penalty.

Summary for A16

Merci de préciser :



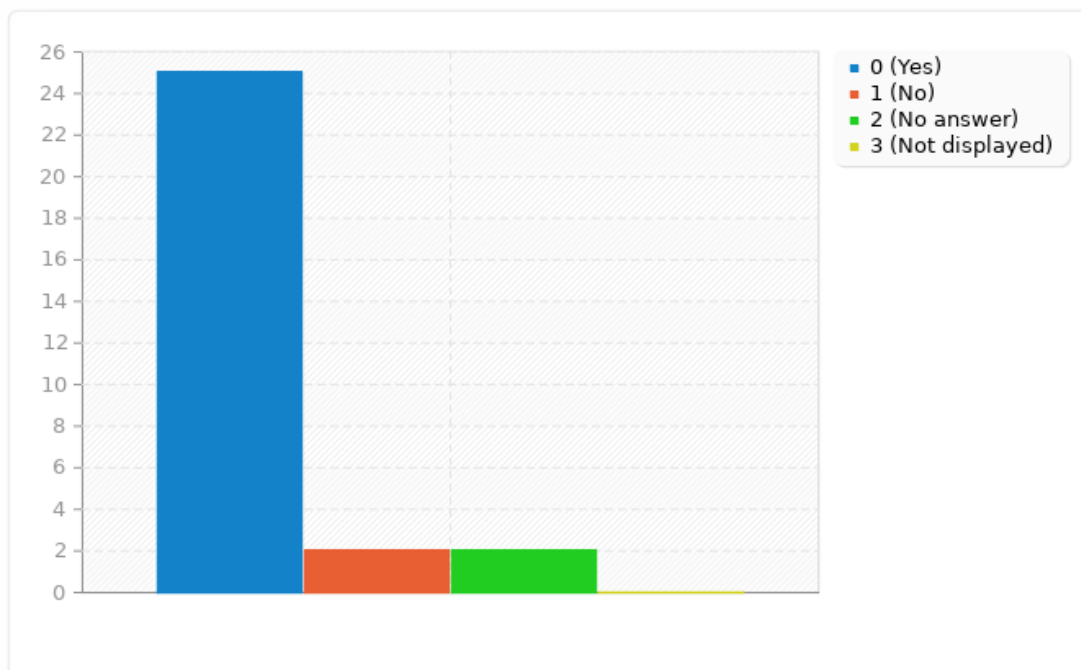
Summary for A17

Votre cour est-il compétent pour statuer sur les litiges relatifs aux concessions (c'est-à-dire l'acte par lequel une collectivité donne à une personne privée le pouvoir de gérer un service ou un bien public) ?

Answer	Count	Percentage
Yes (Y)	25	86.21%
No (N)	2	6.90%
No answer	2	6.90%
Not displayed	0	0.00%

Summary for A17

Votre cour est-il compétent pour statuer sur les litiges relatifs aux concessions (c'est-à-dire l'acte par lequel une collectivité donne à une personne privée le pouvoir de gérer un service ou un bien public) ?



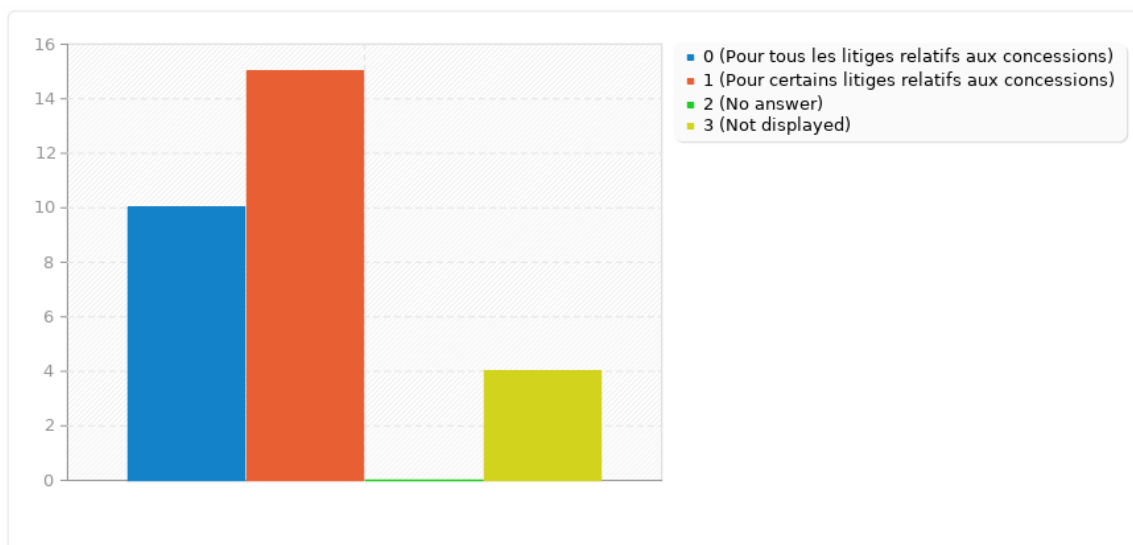
Summary for A18

Pour tous ou pour certains ?

Answer	Count	Percentage
Pour tous les litiges relatifs aux concessions (A1)	10	34.48%
Pour certains litiges relatifs aux concessions (A2)	15	51.72%
No answer	0	0.00%
Not displayed	4	13.79%

Summary for A18

Pour tous ou pour certains ?



Summary for A19

Veillez expliquer.

Answer	Count	Percentage
Answer	15	51.72%
No answer	0	0.00%
Not displayed	14	48.28%

ID	Response
2	Administrative courts are competent to rule on disputes concerning only the legality of the concession award. That is, when the dispute concerns: the decision or act of a public authority selecting the concessionaire, exclusion of an operator, refusal to grant a concession, annulment of the concession procedure, breach of transparency, equality, or competition rules. These acts are: public-law acts, adopted in the exercise of public authority (imperium), subject to judicial review of legality.
4	De la même manière que pour les marchés publics, le Conseil d'État n'est compétent qu'en ce qui concerne les litiges relatifs à la passation des concessions. Le contentieux de leur exécution est de la compétence des juridictions de l'ordre judiciaire.
5	According to Article 31.1(1)(2) of the Public-Private Partnership Law, the administrative court examines an application to recognize a concession agreement as invalid, to amend or annul its provisions, or to shorten the term of a concession agreement.
6	Pursuant to Art. 133, paragraph 1, of the Code of Administrative Trial, the following fall under the exclusive jurisdiction of the administrative court: "b) disputes relating to acts and measures relating to transactions concerning the concession of public assets, with the exception of disputes concerning compensation, royalties and other fees, and those attributed to the public water courts and the Superior Court of Public Waters; c) disputes in the field of public services related to public service concessions, except those relating to compensation, royalties and other charges, or relating to measures adopted by the public administration or the operator of a public service in an administrative procedure, or again relating to the award of a public service, and the supervision and control of the operator, as well as related to supervision of the credit, insurance and securities market, pharmaceutical services, transport, telecommunications and public utilities;"
9	In Portugal, it is common practice for concession contracts to include arbitration clauses. This means that any disputes arising during the performance of the contract, including those concerning its interpretation, must be submitted to ad hoc administrative arbitration. These 'ad hoc arbitration tribunals' are recognised in general terms by Article 209(2) of the Portuguese Constitution, and the idea that they are equally legitimate and useful in resolving disputes governed by administrative law has spread through legal doctrine, even though their regime is not that of administrative procedural law, but rather that of voluntary arbitration law (Law No. 63/2011 of 14 December, which corresponds to the legal regime for commercial arbitration). Indeed, when the Portuguese state, the International Monetary Fund, the European Commission and the European Central Bank signed the memorandum of understanding in May 2011, the aim was to balance public accounts and increase competitiveness in Portugal — a necessary condition for the €78 billion loan. Through the Memorandum of Economic and Financial Policies, they introduced arbitration in tax to the country, the legal regime of which is set out in Decree-Law No. 10/2011 of 20 January. Regarding tax arbitration, since its inception, the legislator has provided for an appeal to standardise case law. This is the responsibility of the Plenary of the Tax Litigation Chamber of the Supreme Administrative Court, and aims to neutralise contradictory decisions, whether between arbitration and the higher administrative courts or between arbitration decisions themselves. Until recently, administrative arbitration constituted an autonomous and almost secret 'case law' (decisions were not published), but it has recently seen the establishment of an appeal to the Administrative Litigation Chamber of the Supreme Administrative Court for review, alongside an appeal for the standardisation of case law similar to that in force in tax arbitration.
10	The Administrative Jurisdiction Division is competent to rule on disputes relating to production licences (formerly concessions) under the Mining Act.

- 11 The SAC decides on cases relating to concessions (e.g. public auctions, public transport, water infrastructure and waste management) where the activity of an administrative authority could have infringed public subjective rights. This could include reviewing the granting of concessions or deciding on sanctions for poor performance. More specifically, in case No. 3 As 41/2025-37, a suspension of a concession to provide public auctions due to repeated violations of the Public Auctions Act was reviewed. However, civil courts decide on some disputes, such as payment disputes relating to concessions, unjust enrichment, and damages stemming from poor performance of the concession.
- 15 Proceedings for the determination of the invalidity of a contract, concession contract, or framework agreement constitute civil dispute proceedings.
An example of where an administrative court has the jurisdiction to adjudicate in connection with a concession is a situation where a public authority identifies a breach of law subsumable under one of the statutory definitions of administrative offenses and issues a decision on a sanction. This decision is subject to review by an administrative court. In such a case, the court also examines the nature of the breach as a preliminary issue.
- 17 Many concessions are awarded by the administrative bodies in a form of an administrative act and can therefore be challenged in administrative court. There are also a number of exceptions to the rule, where the legal remedy is foreseen in a different procedure, mainly performed by the National Authority for Revision of Public Procurement (a specialised tribunal), where the judicial review is limited.
- 21 If a dispute concerns a concession contract that is classified as an administrative contract, the Curia may take action.
- 24 En principe, la juridiction administrative est compétente pour contrôler l'acte par lequel une concession a été accordée à un opérateur économique. L'exécution du contrat prévoyant les conditions et modalités de la concession échappe toutefois à la compétence de la juridiction administrative.
- 27 SAC has jurisdiction to resolve disputes concerning the conclusion of a concession agreement, but not disputes concerning its performance.
- 29 The Supreme Administrative Court has jurisdiction to rule on disputes relating to the granting of concessions.
The main law governing this matter is the Concessions Act, published in the State Gazette (No. 96, 1 December 2017) and effective as of 2 January 2018. The Act regulates public-private partnerships, whereby an economic operator performs construction or provides services through a concession upon assignment by a contracting authority and/or a contracting entity. The Act regulates public-private partnerships in which an economic operator performs construction or provides services through a construction or service concession, upon assignment by a contracting authority and/or a contracting entity. The law applies to any construction or service concession, regardless of whether its value is greater than or equal to the equivalent European threshold set out in a European Commission regulation adopted under Article 9 of Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94/1 of 28 March 2014).
Under this law, concessions fall into one of three categories depending on their subject matter: construction concessions, service concessions, and concessions for the use of public state or municipal property. The first two types are explicitly regulated as public-private partnerships, whereby a public authority entrusts an economic operator with construction or service provision. In return, the economic operator has the right to operate the construction or provide the service, and to receive income from it, while assuming the operational risk.
Concessions for underground resources and mineral water extraction remain outside the scope of the new Concessions Act, and will continue to be granted and implemented under the terms and conditions of the Underground Resources Act and Water Act respectively. Certain types of construction activities and services are also excluded from the Act's scope, as listed exhaustively in an annex to the Act. (Articles 25–26). Examples of such exceptions include activities and services relating to defense and security, legal services, conciliation and arbitration services, and the acquisition or rental of land, existing buildings or other real estate, or rights relating to them, regardless of the financial means. Contracts relating to the provision or operation of public electronic communications networks, or the provision of one or more public electronic communications services, are also excluded. Under these laws, the Supreme Administrative Court has jurisdiction to act as a court of first instance or a court of cassation.
According to Article 154(3) of the Concessions Act, any issues relating to the conclusion, performance, amendment or termination of a concession agreement that remains unresolved shall be governed by the relevant provisions of the Commercial Act or the Obligations and Contracts Act. Disputes relating to the conclusion, performance, amendment or termination of a concession contract shall be settled by a court in accordance with the Civil Procedure

Code, except in cases referred to in paragraph 3. Paragraph 3 states that the parties may agree that all or certain disputes shall be settled by an arbitral tribunal.

Under Article 156 of the Concessions Act, decisions made by the concessionaire regarding the selection process, as well as decisions made by the commission to exclude candidates from a competitive negotiation or dialogue procedure, are subject to appeal under this chapter. Decisions under paragraph 1 shall be appealed to the Commission for the Protection of Competition regarding their legality. The actions or omissions of the concessionaire that impede access to or participation in the procedure for determining the concessionaire shall also be subject to appeal before the Commission for the Protection of Competition.

According to Article 178 of the Concessions Act, the decision of the Commission for the Protection of Competition can be appealed to a three-person panel of the Supreme Administrative Court within 14 days of notification to the relevant parties. The SAC shall rule on the appeal within one month of receiving it, and its decision shall be final. The SAC may also act as a court of cassation in the event of a dispute concerning a concession if the subject of the dispute is a decision of the administrative court of first instance.

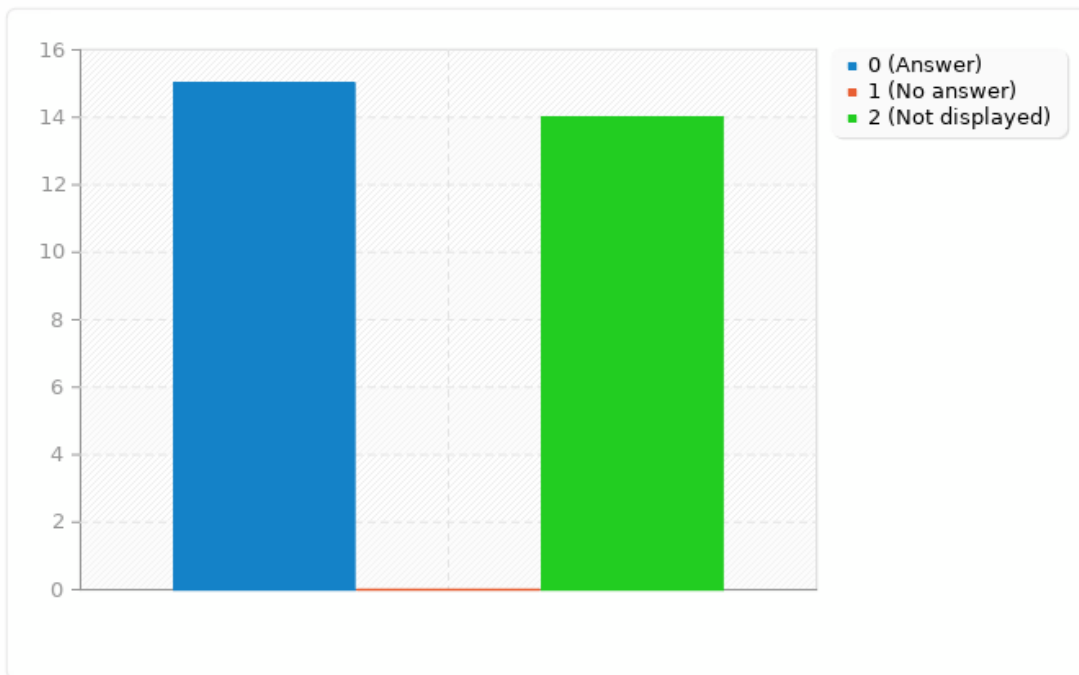
However, the administrative court does not have jurisdiction to rule on disputes concerning the conclusion, performance, amendment or termination of a concession agreement, as these are civil matters. Claims for the annulment or amendment of a concession agreement are examined by the civil courts.

31 According to the Administrative Code, disputes arising in connection with the assignment, conclusion, execution, modification, and termination of concession contracts for public property, as well as those concerning the award of damages, shall be settled in accordance with the provisions of the legislation on administrative litigation. In the practice of the High Court of Cassation and Justice, disputes have been settled concerning, among other things, the annulment of concession contracts for the exploitation of agricultural land, non-agricultural land, and fishery facilities, concession agreements for oil exploration, development, and exploitation areas, or the exploitation of sand and gravel resources. However, according to Law No. 101/2016 on remedies and appeals in the field of public procurement contracts, sectoral contracts, and works and services concession contracts, as well as on the organization and functioning of the National Council for the Settlement of Appeals, lower courts have jurisdiction over disputes concerning works and services concession contracts.

32 The administrative court of Cologne is competent to decide on actions against administrative acts of the Federal Network Agency concerning the frequency allocation. The Federal Administrative Court acts as a court of second and last instance (Section 217 para 3 of the German Telecommunications Act combined with Section 135 Sentence 1 of the German Code of Administrative Court Procedure).

Summary for A19

Veillez expliquer.



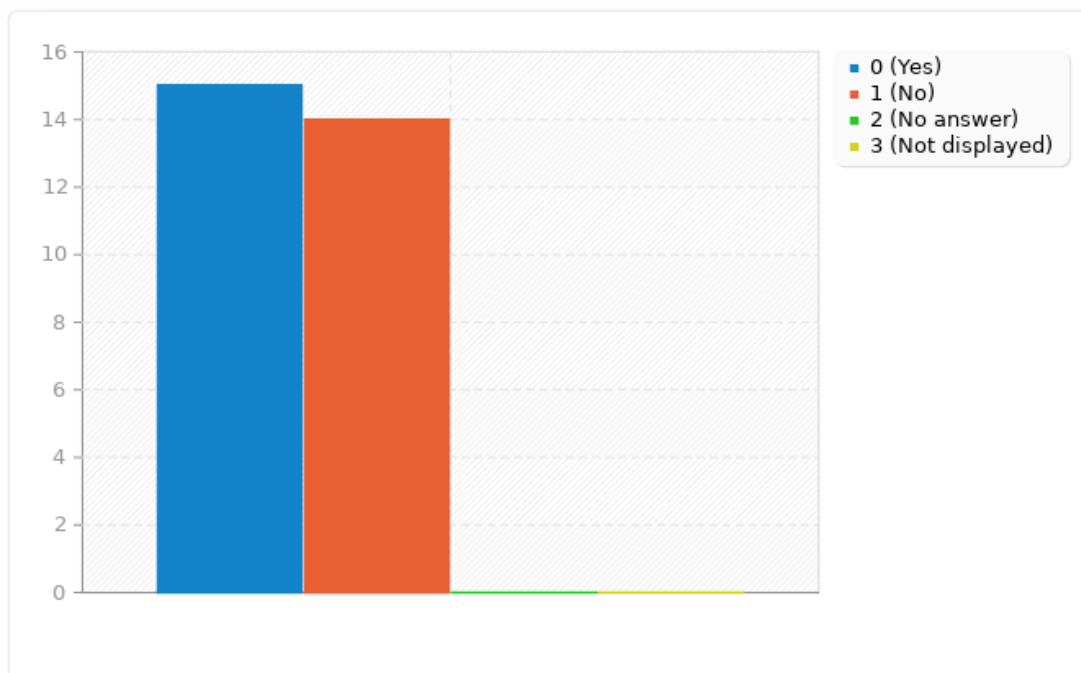
Summary for A20

Votre cour est-il compétent pour statuer sur les litiges relatifs à la propriété intellectuelle ?

Answer	Count	Percentage
Yes (Y)	15	51.72%
No (N)	14	48.28%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for A20

Votre cour est-il compétent pour statuer sur les litiges relatifs à la propriété intellectuelle ?



Summary for A21

Veuillez préciser dans quel contexte.

Answer	Count	Percentage
Dans le cadre de litiges relatifs à la contrefaçon (marques, brevets, droits d'auteur). (AO01)	2	6.90%
Dans le cadre de litiges relatifs à la validité, à la protection ou à la propriété des droits de propriété intellectuelle. (AO02)	2	6.90%
Dans le cadre de litiges relatifs à des licences, cessions ou contrats impliquant des droits de propriété intellectuelle. (AO03)	0	0.00%
Dans le cadre de litiges relatifs à l'utilisation non autorisée ou à l'exploitation commerciale d'œuvres protégées. (AO04)	0	0.00%
Other	10	34.48%
No answer	1	3.45%
Not displayed	14	48.28%

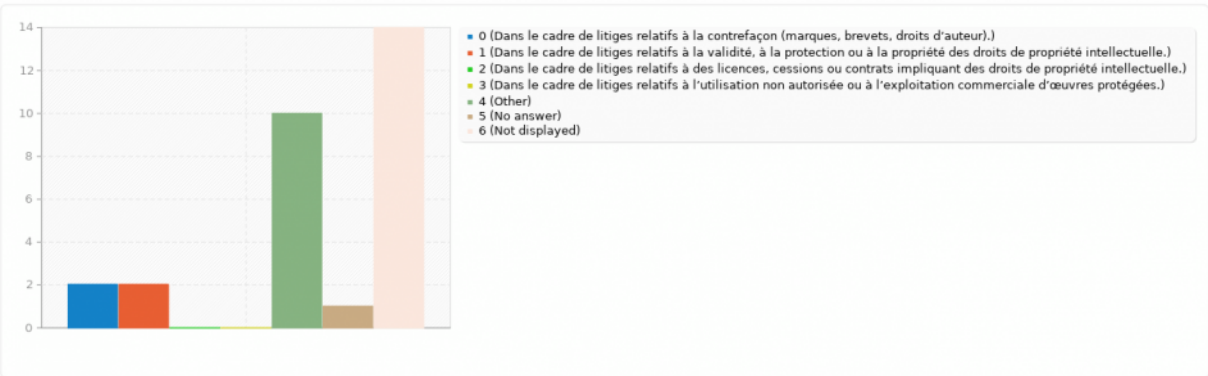
ID	Response
2	The Supreme Administrative Court of Poland is competent to rule on disputes relating to industrial property, i.e. trademarks, inventions, utility models, industrial designs, graphic elements, topographies of integrated circuits in terms of validity and protection, when the case is an effect of the activity of public administration.
4	La compétence du Conseil d'État vaut surtout à l'égard des actes réglementaires qui fixent le cadre normatif en matière de propriété intellectuelle. Les différents individuels relatifs à l'application de ce cadre normatif relèvent quant à eux des cours et tribunaux de l'ordre judiciaire.
6	Jurisdiction over intellectual and industrial property matters primarily belongs to the ordinary courts, which rule through specialized business sections on all disputes concerning the validity, ownership, or infringement of trademarks, patents, and copyrights. However the administrative court intervenes when the dispute does not directly concern the subjective right of exclusivity, but rather the legitimacy of an authoritative measure issued by the public administration, as occurs in challenges against Antitrust Authority sanctions for unfair commercial practices or in proceedings regarding the right of access to tender documents where the administration must balance the duty of transparency with the protection of the technical and trade secrets of the participating companies.
11	Czech administrative courts in the field of intellectual property review the legality of decisions made by the Industrial Property Office, typically in matters relating to the registration, rejection or cancellation of trademarks and patents, their validity and protection. Civil courts, on the other hand, deal with private law disputes between parties, such as the infringement of industrial rights, the determination of authorship or claims under the Copyright Act. Civil courts are also responsible for deciding on compensation for damages, unjust enrichment for unauthorised use of a work and disputes arising from licence agreements.
15	The answer 'In the context of disputes relating to infringement (trademarks, patents, copyrights)' is also applicable. Individual claims related to the protection of intellectual property rights may be asserted in court through civil proceedings via various actions, such as a declaratory action (e.g., to determine whether a given person is the author of a work), an injunction (e.g., for the infringer to refrain from interfering with intellectual property rights), a removal action (to remedy the consequences of an intellectual property right infringement), a claim for damages, or a claim for the recovery of unjust enrichment. Administrative law protection is ensured by, for example, customs authorities, the Slovak Trade Inspection, or the Industrial Property Office of the Slovak Republic. Within the measures for the protection of intellectual property, customs authorities are authorized, upon fulfillment of statutory conditions, to suspend the release of goods suspected of infringing intellectual property, to seize such goods, or to destroy them. Customs authorities also adjudicate offenses and other administrative torts in the area of intellectual property rights violations concerning goods on the domestic market or goods under customs supervision. Through its internal market inspections, the Slovak Trade Inspection monitors compliance with intellectual property rights that are significant from the perspective of consumer protection. The jurisdiction of an administrative court is established if a decision was issued through the exercise of a public authority's sovereign power, by which it determined the rights and obligations of a subject. For instance, the Trademark Act divides jurisdiction over trademark issues between the courts and the Industrial Property Office of the Slovak Republic. A dispute as to whether a

registered trademark is confusingly similar to a trademark with an earlier priority right, or whether it is registered for similar services as a trademark with an earlier priority right, falls within the jurisdiction of the Industrial Property Office of the Slovak Republic (NSS SR 1MObdov/22/2008). This decision by the Industrial Property Office of the Slovak Republic is subsequently subject to judicial review by an administrative court.

16	In case a matter of constitutionality of a statute is raised or it violates competition rules.
17	Administrative disputes arise when the case concerns the legality of an administrative decision issued by the Slovenian Intellectual Property Office. For example, a refusal or grant of a patent, trademark, or design; decisions on registration, renewal, or lapse of industrial property rights.
22	Administrative proceedings in the Irish courts are based on a procedure of judicial review whereby a party may challenge the validity of an administrative act of a public body. There are no specialised administrative courts in Ireland. The High Court, which considers judicial review proceedings at first instance, the Court of Appeal and the Supreme Court are courts of general jurisdiction. Accordingly, all cases of economic importance fall under the jurisdiction of the Supreme Court of Ireland, so long as the Supreme Court is satisfied that there is a matter of “general public importance” or it is “necessary in the interests of justice” that there be an appeal.
25	Jurisdiction of the Administrative Court is limited and linked to the administrative acts issued by the authorities responsible for the protection of the intellectual property rights, while the property law disputes and breaches of the intellectual property law are resolved before commercial courts and courts of general jurisdiction in the civil procedure. The Administrative Court is not competent to decide on civil law protection.
26	All of the above. The Supreme Court of Norway has general jurisdiction and rules on cases in all areas of law.

Summary for A21

Veillez préciser dans quel contexte.



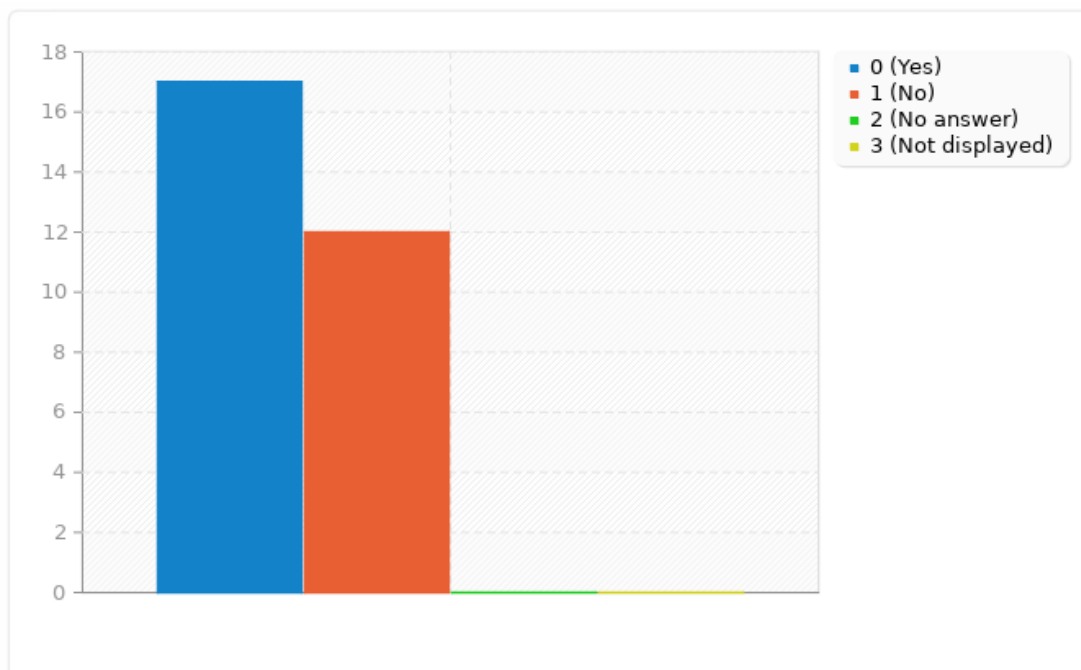
Summary for A22

Votre cour est-il compétent pour connaitre du droit du travail ?

Answer	Count	Percentage
Yes (Y)	17	58.62%
No (N)	12	41.38%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for A22

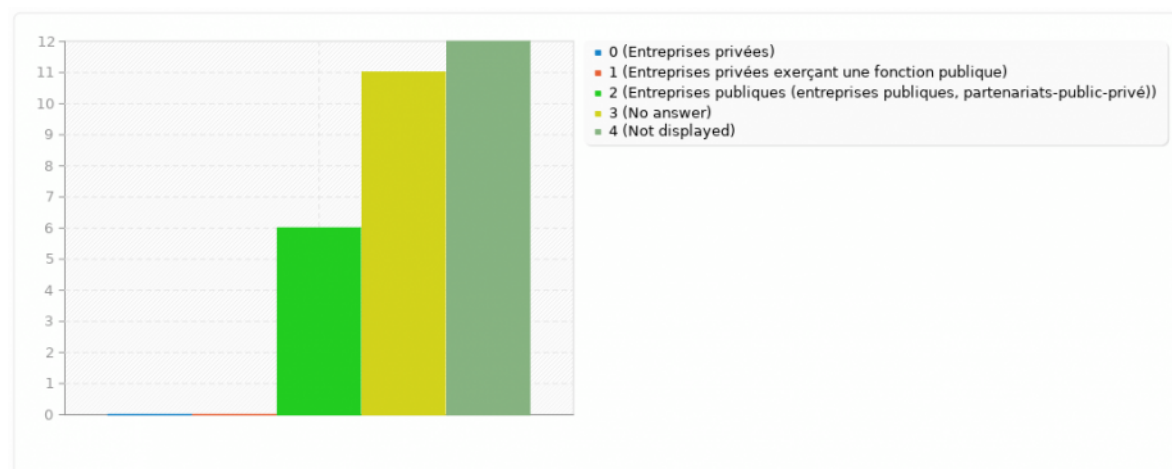
Votre cour est-il compétent pour connaitre du droit du travail ?



Summary for A23(SQ001)[Litiges spécifiques relatifs à un contrat de travail (formation, exécution, résiliation).]

Answer	Count	Percentage
Entreprises privées (AO01)	0	0.00%
Entreprises privées exerçant une fonction publique (AO02)	0	0.00%
Entreprises publiques (entreprises publiques, partenariats-public-privé) (AO03)	6	20.69%
No answer	11	37.93%
Not displayed	12	41.38%

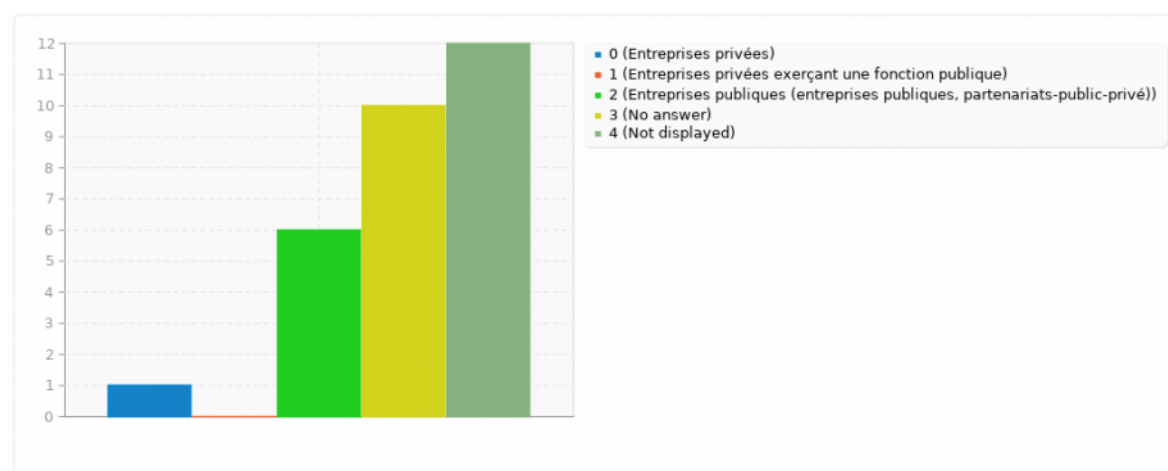
Summary for A23(SQ001)[Litiges spécifiques relatifs à un contrat de travail (formation, exécution, résiliation).]



Summary for A23(SQ002)[Litiges relatifs au licenciement disciplinaire ou au licenciement pour motif personnel.]

Answer	Count	Percentage
Entreprises privées (AO01)	1	3.45%
Entreprises privées exerçant une fonction publique (AO02)	0	0.00%
Entreprises publiques (entreprises publiques, partenariats-public-privé) (AO03)	6	20.69%
No answer	10	34.48%
Not displayed	12	41.38%

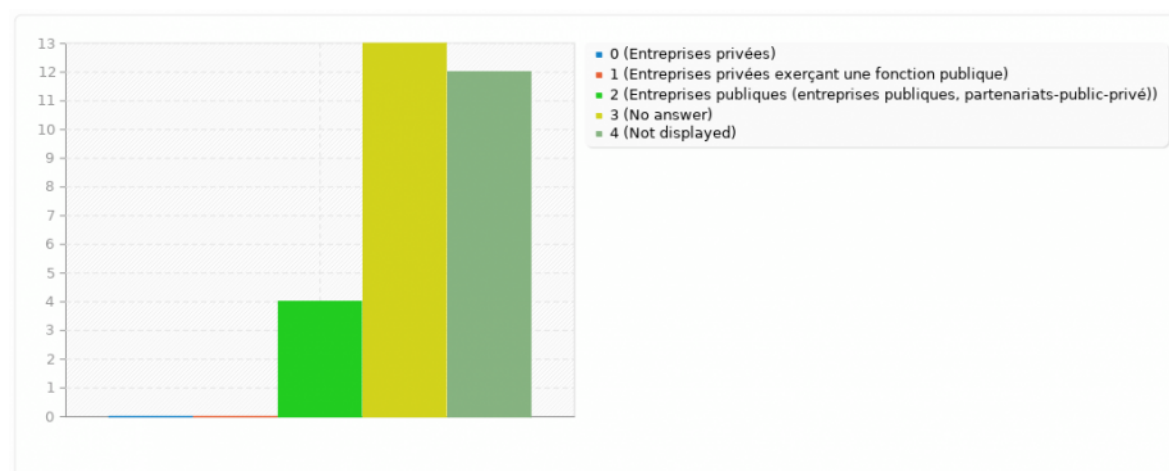
Summary for A23(SQ002)[Litiges relatifs au licenciement disciplinaire ou au licenciement pour motif personnel.]



Summary for A23(SQ003)[Litiges spécifiques relatifs à un contrat de travail (formation, exécution, résiliation).]

Answer	Count	Percentage
Entreprises privées (AO01)	0	0.00%
Entreprises privées exerçant une fonction publique (AO02)	0	0.00%
Entreprises publiques (entreprises publiques, partenariats-public-privé) (AO03)	4	13.79%
No answer	13	44.83%
Not displayed	12	41.38%

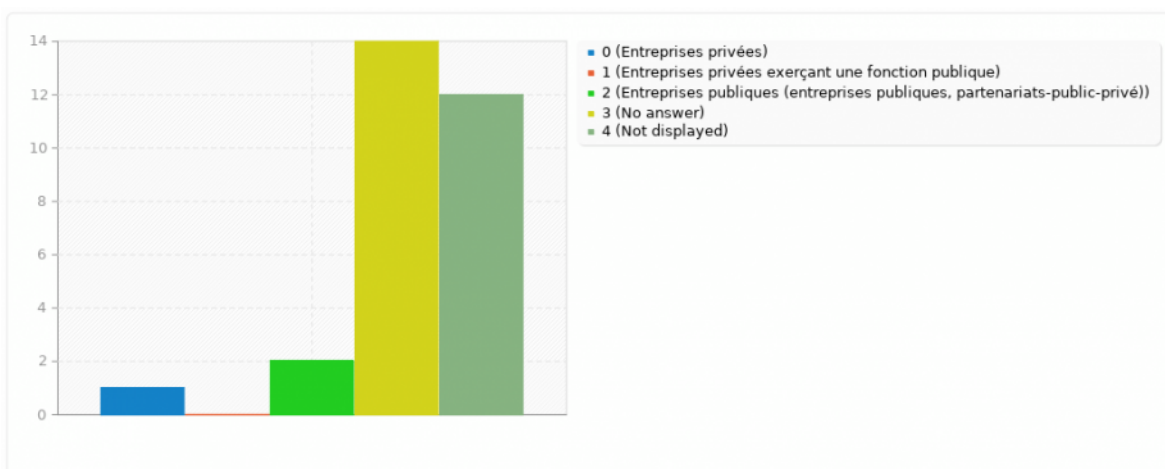
Summary for A23(SQ003)[Litiges spécifiques relatifs à un contrat de travail (formation, exécution, résiliation).]



Summary for A23(SQ004)[Litiges relatifs au licenciement économique, y compris l'examen des motifs économiques réels invoqués par l'employeur (par exemple, difficultés économiques, changements technologiques, réorganisation, cessation d'activité).]

Answer	Count	Percentage
Entreprises privées (AO01)	1	3.45%
Entreprises privées exerçant une fonction publique (AO02)	0	0.00%
Entreprises publiques (entreprises publiques, partenariats-public-privé) (AO03)	2	6.90%
No answer	14	48.28%
Not displayed	12	41.38%

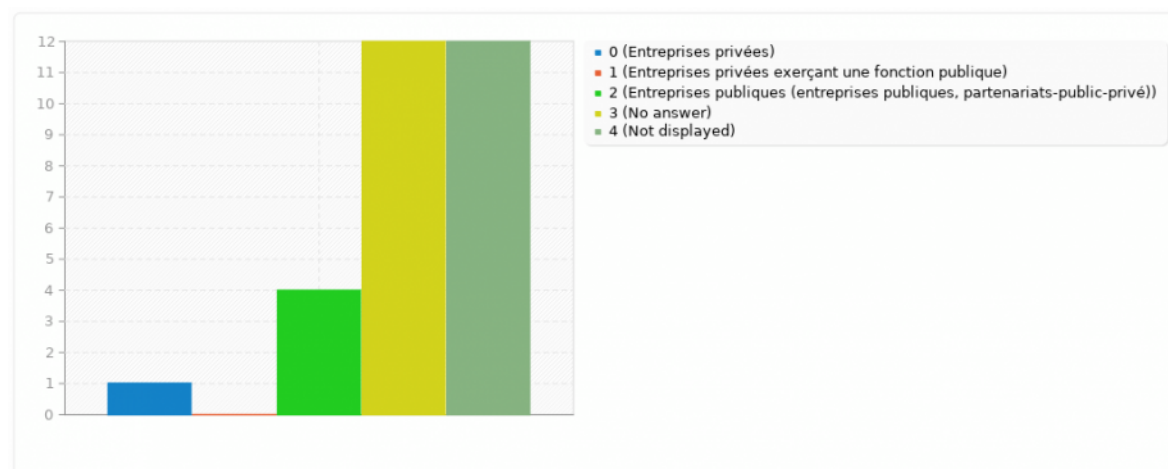
Summary for A23(SQ004)[Litiges relatifs au licenciement économique, y compris l'examen des motifs économiques réels invoqués par l'employeur (par exemple, difficultés économiques, changements technologiques, réorganisation, cessation d'activité).]



Summary for A23(SQ005)[Litiges relatifs aux conditions de travail (rémunération, temps de travail, congés, mobilité).]

Answer	Count	Percentage
Entreprises privées (AO01)	1	3.45%
Entreprises privées exerçant une fonction publique (AO02)	0	0.00%
Entreprises publiques (entreprises publiques, partenariats-public-privé) (AO03)	4	13.79%
No answer	12	41.38%
Not displayed	12	41.38%

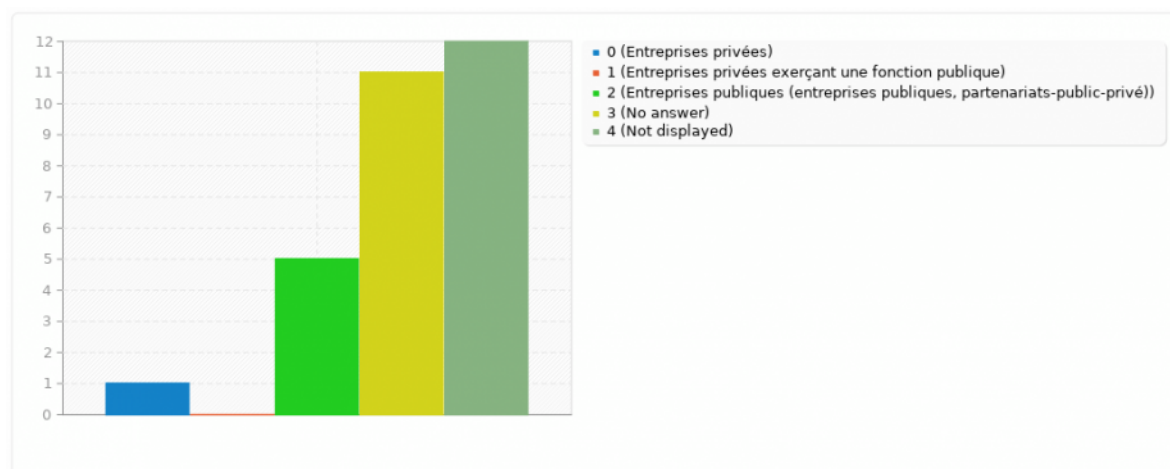
Summary for A23(SQ005)[Litiges relatifs aux conditions de travail (rémunération, temps de travail, congés, mobilité).]



Summary for A23(SQ006)[Litiges relatifs à la santé et à la sécurité au travail.]

Answer	Count	Percentage
Entreprises privées (AO01)	1	3.45%
Entreprises privées exerçant une fonction publique (AO02)	0	0.00%
Entreprises publiques (entreprises publiques, partenariats-public-privé) (AO03)	5	17.24%
No answer	11	37.93%
Not displayed	12	41.38%

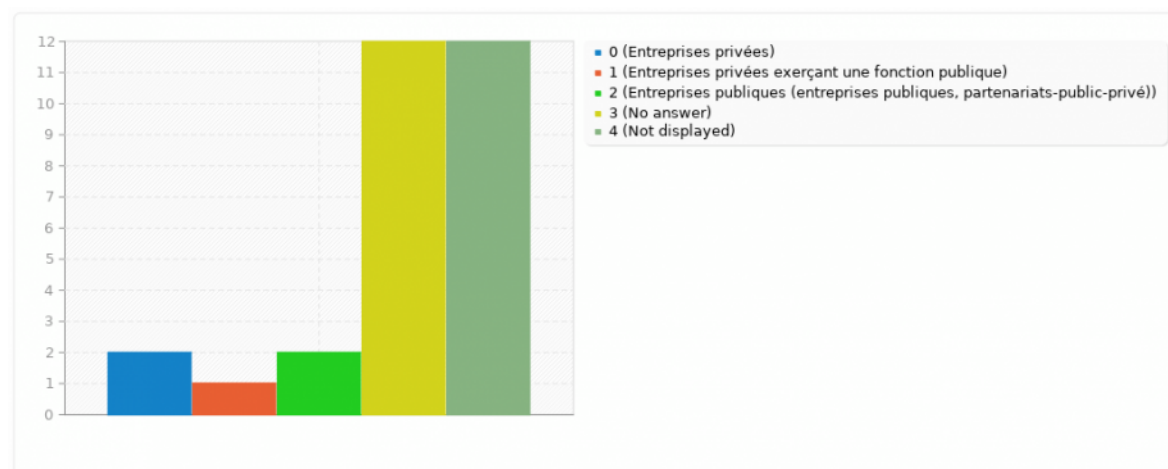
Summary for A23(SQ006)[Litiges relatifs à la santé et à la sécurité au travail.]



Summary for A23(SQ007)[Litiges relatifs aux relations collectives de travail (syndicats, élections professionnelles, conventions collectives).]

Answer	Count	Percentage
Entreprises privées (AO01)	2	6.90%
Entreprises privées exerçant une fonction publique (AO02)	1	3.45%
Entreprises publiques (entreprises publiques, partenariats-public-privé) (AO03)	2	6.90%
No answer	12	41.38%
Not displayed	12	41.38%

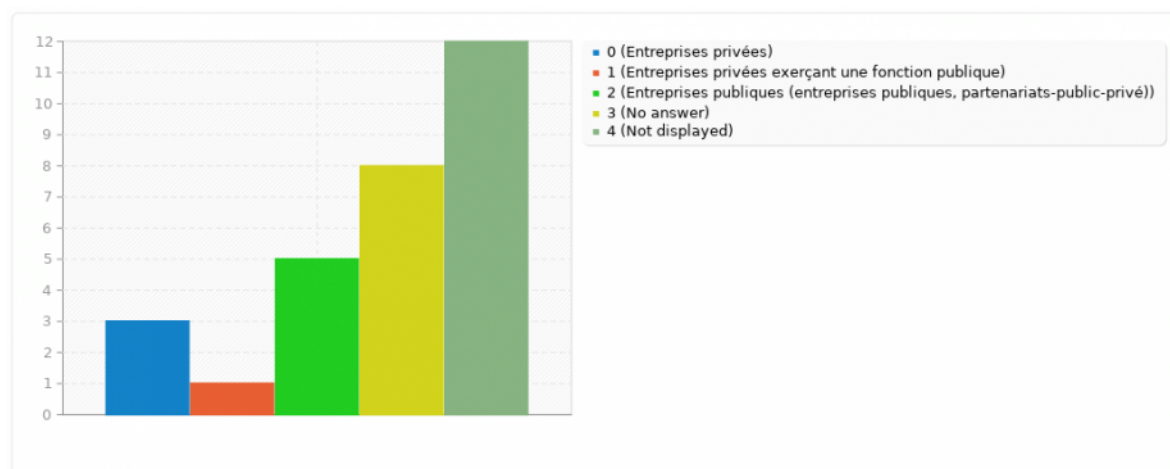
Summary for A23(SQ007)[Litiges relatifs aux relations collectives de travail (syndicats, élections professionnelles, conventions collectives).]



Summary for A23(SQ009)[Autres litiges relevant du droit du travail (à préciser).]

Answer	Count	Percentage
Entreprises privées (AO01)	3	10.34%
Entreprises privées exerçant une fonction publique (AO02)	1	3.45%
Entreprises publiques (entreprises publiques, partenariats-public-privé) (AO03)	5	17.24%
No answer	8	27.59%
Not displayed	12	41.38%

Summary for A23(SQ009)[Autres litiges relevant du droit du travail (à préciser).]



Summary for A24

Veuillez préciser ce que vous entendez par « autres litiges relevant du droit du travail ».

Answer	Count	Percentage
Answer	9	31.03%
No answer	0	0.00%
Not displayed	20	68.97%

ID	Response
18	Le Conseil d'État ne dispose pas de la compétence pour juger les litiges relatifs au recrutement ou au parcours professionnel des employés des personnes morales de droit privé qui exercent une fonction publique, ces litiges relevant de la compétence de la cour administrative d'appel en premier et dernier ressort. Il peut toutefois être saisi de litiges relevant du droit du travail (concernant soit les conditions de travail, soit la santé et la sécurité au travail au sein des entreprises publiques), à condition qu'il s'agisse d'un acte réglementaire relevant de sa compétence exclusive.
6	Public employment is divided into privatized personnel, whose relationship is governed by civil law and collective bargaining agreements, and non-privatized personnel, who remain under a public law regime; consequently, jurisdiction is split between the ordinary court acting as a labor judge, which handles disputes concerning contractualized staff regarding the management of the individual employment relationship, and the administrative court, which retains competence over public competitive recruitment procedures for all employees and holds exclusive jurisdiction over the entire employment relationship of personnel under public law status, such as judges, military personnel, and university professors, who remain regulated by public law norms due to the institutional functions they perform.
9	The Supreme Administrative Court only hears disputes concerning public service employment contracts within its administrative jurisdiction. These contracts are governed by the General Law on Public Service Employment (Law No. 35/2014 of 20 June). Administrative courts no longer have jurisdiction over disputes concerning employment contracts governed by the Labour Code (Law No. 7/2009 of 12 February), even if they are concluded by administrative entities (judgment of the Court of Conflicts of 18 June 2025, case no. 0150/25.0BESNT).
11	The SAC also reviews decisions regarding service relationships under the Service Act (covering state employees, police, army, etc.). In the case of state employees, the termination of service (e.g. due to the abolition of a post for organizational reasons) is carried out through a formal administrative decision. The SAC is competent to review the legality of such decisions, ensuring that the legal conditions for the termination of the service relationship were met. Regarding the area of working conditions and occupational safety, administrative courts review the legality of interventions taken by supervisory bodies (e.g. fines imposed by Labour Inspectorates for violations of statutory standards). In contrast, civil courts handle individual private-law disputes between employees and employers, such as claims for unpaid overtime, failure to provide protective equipment or damages.
12	The Austrian SAC is competent to rule on disputes relating to health and safety at work for private enterprises, private enterprises exercising a public function, and public enterprises. It also has jurisdiction over disputes relating to the employment in case of public enterprises and within private enterprises where this is provided for by statute. In case of the privatisation of the public-sector it can be stipulated that federal public service law (e.g. Civil Service Law Act 1979; Beamten-Dienstrechtsgesetz 1979) continues to apply to the existing employees. In such employment-law disputes, the SAC has jurisdiction as the court of last instance.
15	Administrative courts do not review private law disputes or other private law matters that fall under the jurisdiction of courts in civil proceedings. This includes the majority of labor law disputes. Relationships arising from the state service of a professional soldier pursuant to Act No. 281/2015 Coll. cannot be considered private law matters due to their nature. The service relationship is, and has always been, characterized as an institute of public law. This relationship does not arise from a contract but through a sovereign act of a service authority, and it differs significantly from an employment relationship, which, conversely, is a typical

private law relationship with equal standing of the parties. This is also reflected in the legislation concerning the commencement, modification, course, and termination of state service, as well as related matters (Case No. 1 KO/2/2019)

In connection with disputes relating to disciplinary dismissal or dismissal for personal reasons – the Supreme Administrative Court adjudicates on the disciplinary liability of judges, prosecutors, and, if so provided by law, other persons.

22

Administrative proceedings in the Irish courts are based on a procedure of judicial review whereby a party may challenge the validity of an administrative act of a public body. There are no specialised administrative courts in Ireland. The High Court, which considers judicial review proceedings at first instance, the Court of Appeal and the Supreme Court are courts of general jurisdiction.

Accordingly, all cases of economic importance fall under the jurisdiction of the Supreme Court of Ireland, so long as the Supreme Court is satisfied that there is a matter of “general public importance” or it is “necessary in the interests of justice” that there be an appeal.

24

De manière générale, la juridiction administrative est compétente pour connaître du contentieux de la fonction publique (rémunérations, discipline, licenciements, etc.). Ce contentieux ne s’applique pas uniquement aux fonctionnaires, mais concerne également les employés dits publics (un régime intermédiaire entre le fonctionnaire et le salarié dans le secteur privé). Il convient de noter que la juridiction administrative a été saisie ces dernières années de litiges particuliers portant, par exemple, sur :

- le refus par l’Agence pour le développement de l’emploi (ADEM) de faire droit à une demande de dispense en vue de la création d’entreprise en faveur d’une personne bénéficiant d’indemnités de chômage (Cour adm., 12 novembre 2024, n° 50924C)

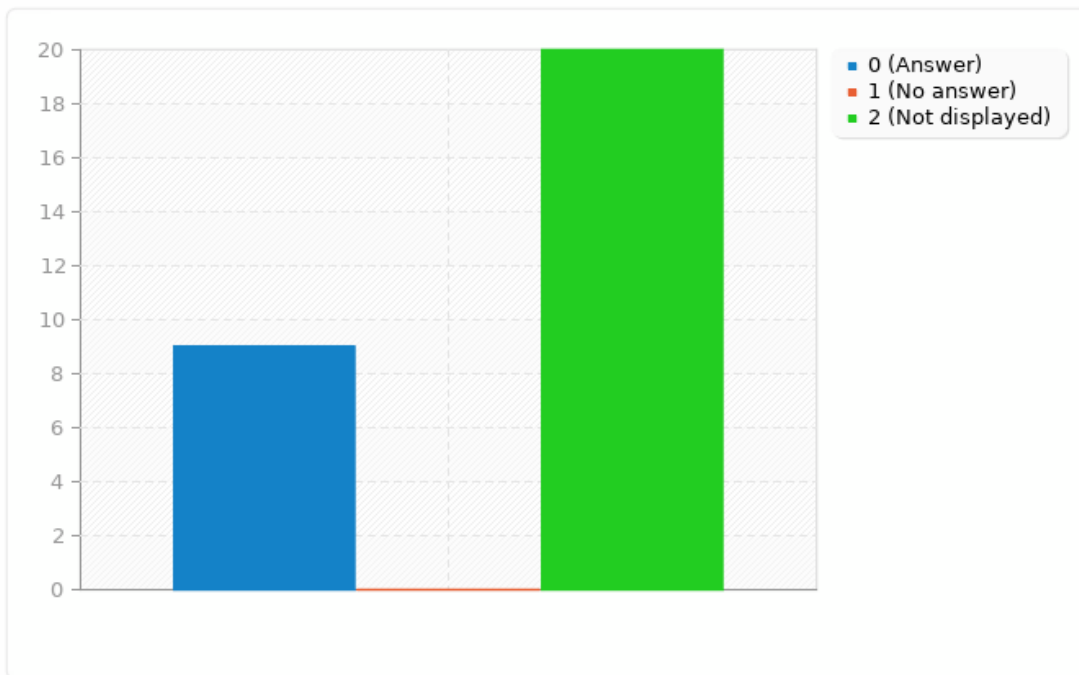
- le refus du ministre de l’Economie de faire droit à une demande rétroactive de chômage partiel pour un opérateur économique ayant introduit une demande de plan de redressement (Cour adm., 16 avril 2024, n° 49905C).

30

Disputes involving an administrative decision concerning employment matters (see question A25) as regards all three options in the last alternative (it was possible to choose only one option): Private enterprises, Private enterprises exercising a public function and Public enterprises (state-owned enterprises, public undertakings).

Summary for A24

Veillez préciser ce que vous entendez par « autres litiges relevant du droit du travail ».



Summary for A25

Merci de précisez dans quels cas en développant votre office en particulier dans le contrôle de légalité des décisions administratives portant autorisation de licenciements économiques ou validation de plan de sauvegarde à l'emploi.

Answer	Count	Percentage
Answer	16	55.17%
No answer	1	3.45%
Not displayed	12	41.38%

ID	Response
1	Le juge administratif contrôle la légalité des autorisations de licenciement des salariés protégés (représentants élus ou délégués syndicaux) Il contrôle également la légalité des plan de sauvegarde de l'emploi concernant les entreprises en difficulté Le juge administratif connaît également du contentieux portant sur la désignation des organisations représentatives des salariés le juge administratif est compétent pour connaître des contestations dirigées contre les actes portant extension des conventions collectives Enfin, il est compétent pour connaître des décrets, arrêtés ministériels et préfectoraux portant sur le droit du travail
2	The SAC of Poland is competent in public-law employment matters, when the case concerns employment in the public sector and only in terms of legality, i.e.: 1. Cases concerning employment based on an administrative act, e.g.: appointment or nomination to public service, decision to establish, refuse to establish, or terminate an employment relationship. Examples: - civil service, - police, border guard, - state fire service, - army, - prison service, - state or local government officials employed on the basis of appointment. The dispute concerns the legality of an administrative decision, so an appeal may be lodged in the regional administrative court. 2. Cases concerning access to public employment (recruitment stage): refusal to admit to service, negative recruitment results, violation of recruitment rules (equality, transparency), provided that the decision is of a public law nature. 3. Cases concerning unemployment, i.e. status of unemployed person, unemployment benefits. 4. Cases concerning employment of foreigners.
18	Tel était, par exemple, le cas des licenciements collectifs soumis à l'approbation du Ministre du Travail, avant que cette approbation ne soit jugée contraire au droit européen (CE 1786/2019 à la suite de l'arrêt de la CJUE du 21.12.2016, C-201/15).
4	En ce qui concerne les litiges spécifiques relatifs à un contrat de travail, la compétence du Conseil d'État se limite aux actes administratifs à portée individuelle "détachables" de la conclusion du contrat de travail. Dans les autres matières listées à la question A.23, la compétence du Conseil d'État est limitée aux actes réglementaires qui fixent les règles en matière de conditions de travail, de sécurité et de santé au travail et aux règles qui concernent la réglementation des relations collectives de travail. Les litiges individuels relatifs à l'application concrète de ce cadre réglementaire relèvent quant à eux des cours et tribunaux de l'ordre judiciaire.
6	In the field of managing employment crises, the jurisdiction of the administrative court does not concern the validity of individual redundancies, but rather the legality of the authoritative measures through which the State intervenes in the market, as occurs in the extraordinary administration procedures of large companies in crisis where the judge reviews ministerial decrees approving restructuring plans or authorizations for the sale of business assets, and it extends to the review of the lawfulness of decrees granting strategic social safety nets, verifying that the administration has complied with legal requirements and the standards of proportionality in balancing the protection of employment levels with the needs for production continuity.
9	These matters fall outside the administrative court's jurisdiction.
11	In the Czech Republic, there is no system in which a regulatory body (e.g. the Labour Office)

authorises redundancies or validates employment protection plans for employees in a private law relationship. Mass layoffs are a private law process regulated by the Labour Code, and disputes regarding their validity are dealt with by civil courts. The employer only has an obligation to notify the Labour Office. The SAC could possibly review administrative sanction for failing to fulfill this notification obligation.

12 Employment protection plans regarding termination: Pursuant to sec. 45a of the Labour Market Promotion Act (Arbeitsmarktförderungsgesetz), an employer intending to dismiss a significant number of employees must submit a written notification to the competent regional office of the Public Employment Service (Regionale Geschäftsstelle des Arbeitsmarktservice) prior to the terminations taking effect. This matter, however, falls under the jurisdiction of the civil courts.

14 Employment protection plans regarding safety and health regulations: The administrative courts (and thus also the SAC) are responsible for employee protection which is intended to ensure the safety and health of employees. The labour inspectorate (Arbeitsinspektorat) as the first instance competent authority monitors and supports compliance with regulations. The Danish Supreme Court is not only a SAC, but is also the final appeal instance for other cases such as civil and criminal cases. The judicial control encompasses all administrative bodies, regardless of their designation and activities, and all functions of the administrative bodies, i.e. not only cases in which a formal decision has been made. Judicial review of administrative decisions, etc. may occur in all types of cases handled by the courts, including civil proceedings, criminal proceedings, enforcement proceedings etc.

In the judicial review of administrative decisions, the court ensures that authorities act within the limits of the law.

15 The Labour Code contains provisions and conditions for collective redundancy. These include, for instance, the obligation to inform employee representatives about the reasons for the collective redundancy, as well as the number and structure of employees whose employment is to be terminated. After consulting the collective redundancy with employee representatives, the employer is obliged to deliver written information on the outcome of the consultation to the Office of Labour, Social Affairs and Family. For a breach of any of these obligations, the Labour Inspection may impose a fine on the employer. An administrative court has the jurisdiction to review the decision on such a fine. The Supreme Administrative Court may subsequently annul the administrative court's decision in cassation proceedings.

21 These matters do not fall within the jurisdiction of the administrative court; the employer is only required to notify the state employment agency. All related legal disputes fall within the jurisdiction of labour courts.

22 Administrative proceedings in the Irish courts are based on a procedure of judicial review whereby a party may challenge the validity of an administrative act of a public body. There are no specialised administrative courts in Ireland. The High Court, which considers judicial review proceedings at first instance, the Court of Appeal and the Supreme Court are courts of general jurisdiction.

Accordingly, all cases of economic importance fall under the jurisdiction of the Supreme Court of Ireland, so long as the Supreme Court is satisfied that there is a matter of "general public importance" or it is "necessary in the interests of justice" that there be an appeal.

24 Il convient de noter que contrairement à un opérateur privé, l'Etat ne peut recourir à des licenciements économiques ou autres plans de sauvegarde de l'emploi, de telle sorte que la juridiction administrative n'est pas saisie de telles affaires.

26 The Supreme Court of Norway has general jurisdiction and rules on disputes in all areas of employment law, except disputes between parties to collective agreements concerning the existence, interpretation and validity of the collective agreement. The Labour Court of Norway has jurisdiction on disputes regarding the latter.

29 According to the Civil Servants Act, administrative courts only hear disputes relating to the termination of employment contracts between civil servants and administrative bodies. This is because the establishment, performance, amendment and termination of such relationships are considered administrative matters (see Articles 9 and 108 of the Civil Servants Act). The redundancy of a civil servant also results in the termination of the employment relationship. Termination can only take place on the grounds specified in law. According to Article 106(2) of the Civil Servants Act, the appointing authority may terminate the employment relationship with one month's notice in the event of redundancy. According to case law of the Supreme Administrative Court, whether the redundancy is appropriate is not part of the judicial review of legality. This review only examines whether the factual grounds for redundancy under Article 106(1)(2) of the Civil Servants Act have been met, and whether the redundancy was

carried out in accordance with the statutory procedure and by the competent authority. The relevant administrative court of first instance is the competent court to examine disputes arising in connection with this specific hypothesis of termination of employment. The lower administrative court's decision is subject to cassation review by the Supreme Administrative Court under the procedure of Article 208 et seq. of the Administrative Procedure Code.

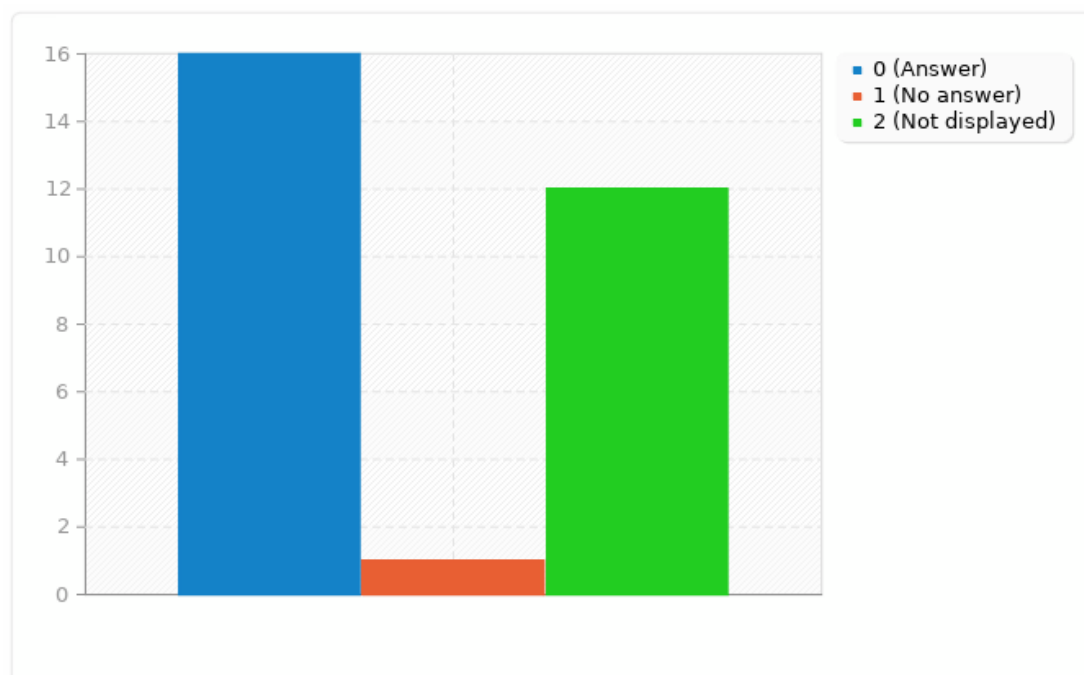
30

The SAC is competent to review the legality of administrative decisions taken by employment protection authorities on employers' compliance with employment protection legislation (including employer duties relating to safety, work-hour records, providing information to employees, occupational health, and anti-discrimination). It also hears eg cases concerning administrative decisions on subsidies to employers (eg pay subsidies). It does not, however, have competence to hear disputes between employers and employees touching upon these or any other issues, regardless of whether the employer is a private or a public body. (The SAC hears occupational disputes between the state and municipalities and public servants; this, however, is deemed to fall outside the scope of this survey.)

Through extraordinary appeal, the SAC may also review decisions on wage guarantees (paid to employees in case their employers default as a result of insolvency), excluding in situations that involve a dispute over the existence of the wage claim between the employer and employee.

Summary for A25

Merci de précisez dans quels cas en développant votre office en particulier dans le contrôle de légalité des décisions administratives portant autorisation de licenciements économiques ou validation de plan de sauvegarde à l'emploi.



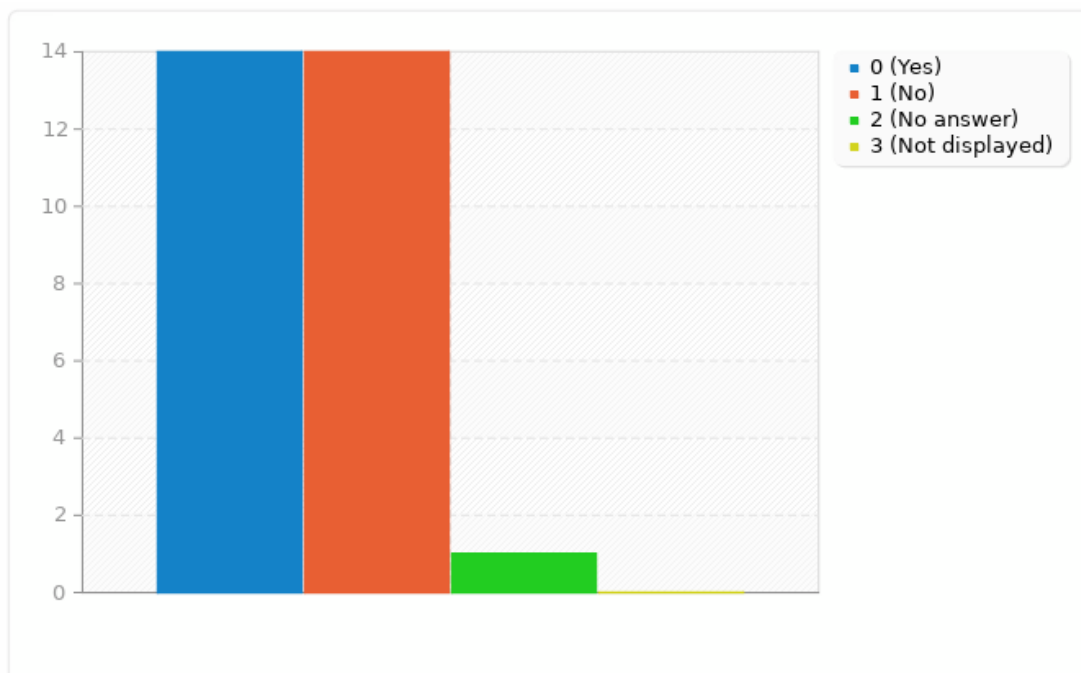
Summary for A26

Votre cour est-il compétent pour connaitre d'action dirigée contre des personnes privées chargées d'un service public industriel et commercial ?

Answer	Count	Percentage
Yes (Y)	14	48.28%
No (N)	14	48.28%
No answer	1	3.45%
Not displayed	0	0.00%

Summary for A26

Votre cour est-il compétent pour connaitre d'action dirigée contre des personnes privées chargées d'un service public industriel et commercial ?



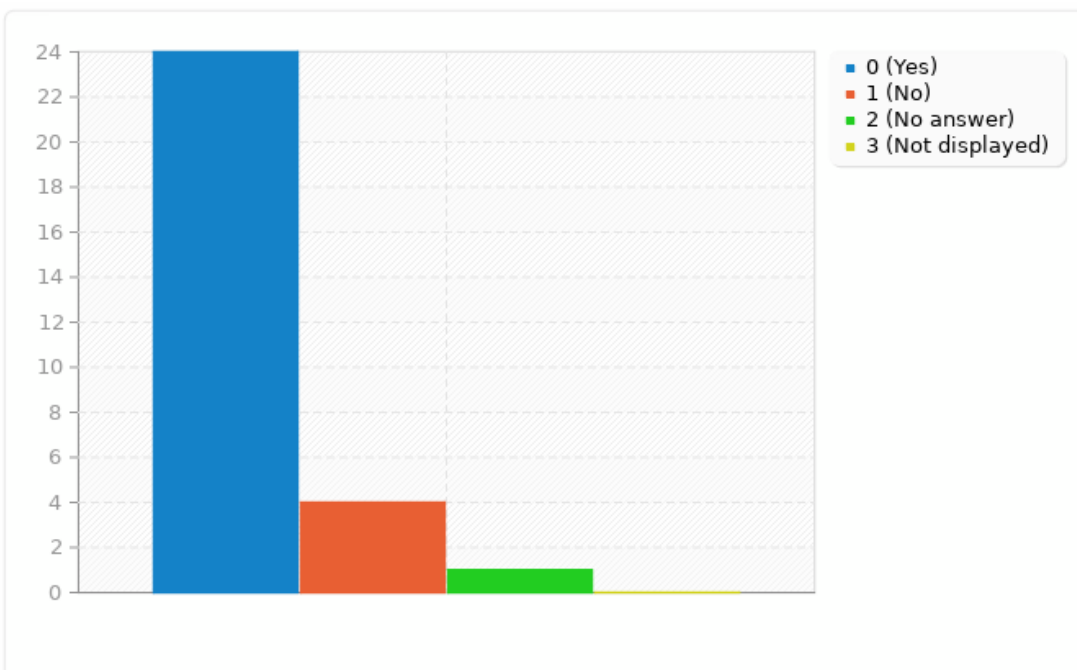
Summary for A27

Votre juridiction est-elle compétente pour statuer sur la légalité des actes administratifs qui exclut une entreprise des avantages du financement public national ou européen (ne constituant pas une aide d'État) ?

Answer	Count	Percentage
Yes (Y)	24	82.76%
No (N)	4	13.79%
No answer	1	3.45%
Not displayed	0	0.00%

Summary for A27

Votre juridiction est-elle compétente pour statuer sur la légalité des actes administratifs qui exclut une entreprise des avantages du financement public national ou européen (ne constituant pas une aide d'État) ?



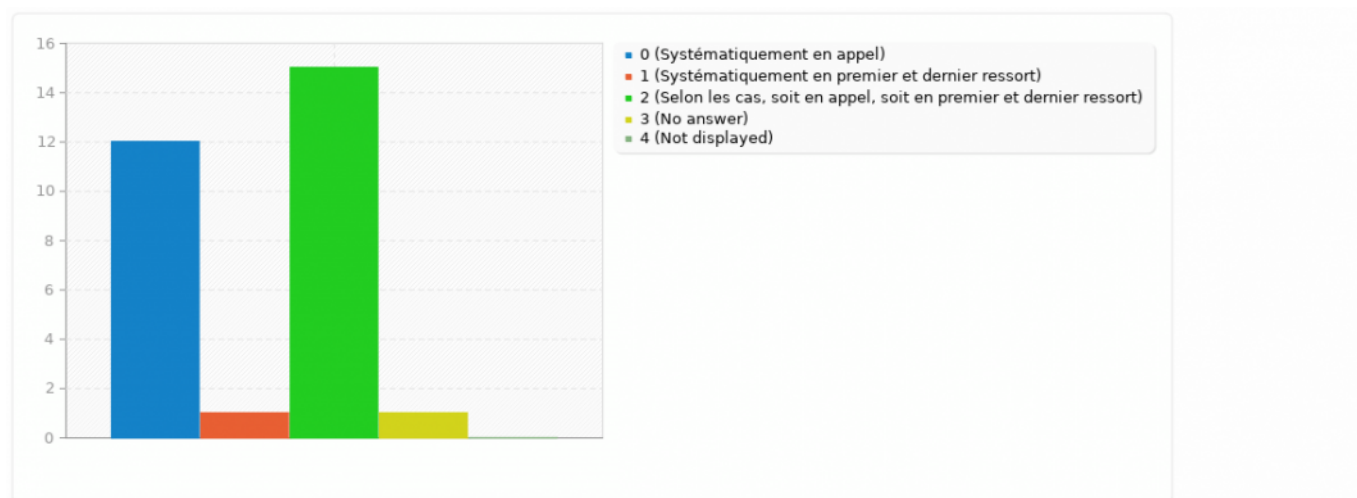
Summary for B1

Lorsque votre Cour traite des contentieux à caractère commercial ou présentant un intérêt économique, elle statue :

Answer	Count	Percentage
Systématiquement en appel (A1)	12	41.38%
Systématiquement en premier et dernier ressort (A2)	1	3.45%
Selon les cas, soit en appel, soit en premier et dernier ressort (A3)	15	51.72%
No answer	1	3.45%
Not displayed	0	0.00%

Summary for B1

Lorsque votre Cour traite des contentieux à caractère commercial ou présentant un intérêt économique, elle statue :



Summary for B2

Veillez expliquer.

Answer	Count	Percentage
Answer	15	51.72%
No answer	0	0.00%
Not displayed	14	48.28%

ID	Response
1	Juge en premier ressort et dernier ressort contre les actes réglementaires des ministres juge de cassation contre les arrêts de cour administrative d'appel statuant en matière de droit du travail
18	Voir réponse à la question A3.
3	As a rule, our Chamber acts as a court of appeal and, in its capacity as a court of first instance, examines disputes arising from actions brought against regulatory acts and Presidential decisions applied nationwide within its field of competence.
4	Dans ces contentieux, le Conseil d'État est compétent soit en premier et dernier ressort (contentieux de l'annulation) soit en tant que juge de cassation administrative. Dans le contentieux de l'annulation, l'objet du recours est un acte adopté par une autorité administrative. Dans le contentieux de la cassation, l'objet du recours est une décision adoptée par une juridiction administrative. Ces deux types de procédures peuvent parfois concerner une même matière. Ainsi, le contentieux de l'aménagement du territoire est traité tantôt en annulation, tantôt en cassation en fonction de la réglementation fédérale ou régionale applicable. Cette disparité s'explique notamment par la création, par le législateur de la Région flamande, de juridictions administratives de première instance qui sont compétentes en matière d'aménagement du territoire et d'environnement.
9	The Supreme Administrative Court mainly hears exceptional appeals against decisions of the Central Administrative Courts (appeal courts). In the case of the tax law chamber, it also hears ordinary appeals when only a question of law is at issue. Exceptionally, it also hears ordinary appeals in the administrative law chamber when the appeal is limited to a question of law. There may be an appeal per saltum from the first instance to the Supreme Administrative Court in these cases. This ensures that Portugal has only one ordinary appeal route for administrative and tax disputes, speeding up proceedings regardless of the subject matter of the dispute. The Supreme Administrative Court also has jurisdiction to hear disputes concerning the legality of administrative acts performed by higher state entities and bodies at first instance. These include the President of the Republic, the Assembly of the Republic and its President, the Council of Ministers, the Prime Minister, the Constitutional Court, the Supreme Administrative Court, the Court of Auditors, the Superior Council of National Defence, the Superior Council of Administrative and Tax Courts and its President, the Prosecutor General of the Republic and the Superior Council of the Public Prosecution Service. On 25 January 2024, the Supreme Administrative Court ruled (case no. 02614/23.1BELSB) that this competence extends beyond the core functions of these entities to include ancillary activities such as public procurement.
10	See answer to question A3.
19	Depending on whether it is a direct appeal or a cassation appeal
20	Administrative disputes concerning public procurement and competition law are in exclusive competence of the High Administrative Court of the Republic of Croatia, which is in such cases court of the first and the last instance. In other economically relevant administrative law, the High Administrative Court of the Republic of Croatia acts as an appellate court.
22	Administrative proceedings in the Irish courts are based on a procedure of judicial review whereby a party may challenge the validity of an administrative act of a public body. There are no specialised administrative courts in Ireland. The High Court, which considers judicial review proceedings at first instance, the Court of Appeal and the Supreme Court are courts of general jurisdiction.

Accordingly, all cases of economic importance fall under the jurisdiction of the Supreme Court of Ireland, so long as the Supreme Court is satisfied that there is a matter of “general public importance” or it is “necessary in the interests of justice” that there be an appeal.

- 23 As a court of sole and final instance, the Supreme Administrative Court of Lithuania examines normative administrative cases concerning the legality of acts adopted by central public administration authorities. These normative acts may be related to business-related cases or cases of economic importance; however, such cases constitute only a small proportion of the overall caseload.
- 28 Normally, the SAC acts as a court of appeal. However, in regard of decisions taken by the Government, for instance in cases relating to certain concessions, the SAC acts as a court of first and last instance.
- 29 Regarding the question raised, it should be noted that, under Article 132(1) of the Administrative Procedure Code, administrative courts have jurisdiction over all administrative cases, except those that fall within the jurisdiction of the Supreme Administrative Court. This is the basic legal provision. According to Article 132(2), the Supreme Administrative Court has jurisdiction over all cases listed exhaustively therein. When administrative acts are issued by the Council of Ministers, the Prime Minister, Deputy Prime Ministers and Ministers in the exercise of their constitutional powers to lead and implement state administration, and when it is provided for by law, the Supreme Administrative Court shall act as a court of first instance. In all other cases provided for by law, the Supreme Administrative Court shall act as a court of cassation.
- 30 In the majority of cases of economic importance, the SAC acts as a court of appeal.

In tax cases, it is possible to seek leave to bring the case directly to the SAC instead of a lower-level Administrative Court if there is a need for precedent in the question at stake.

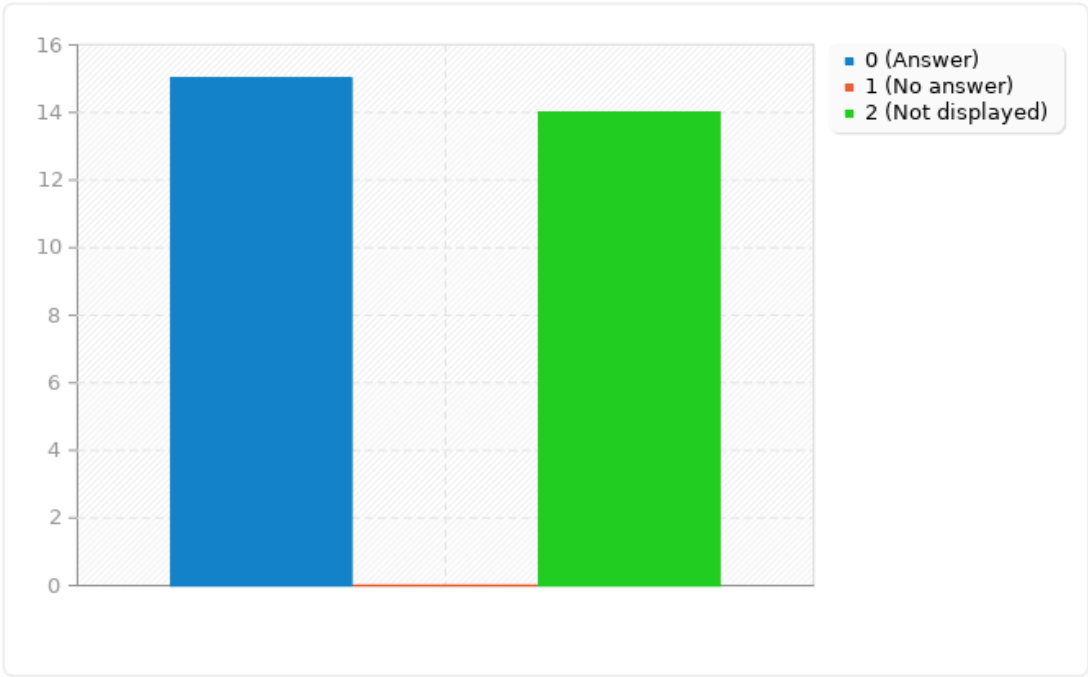
The SAC also acts as a court of first and last instance in appeals brought against decisions by the Government or the Government of Åland Islands. Government decisions of economic importance may concern eg the building of nuclear power plants. The Government of Åland decides on a variety of issues of economic importance in the autonomous region of Åland Islands, encompassing eg land use and environmental protection, acquisition of land, public procurement, commercial authorisations, as well as government subsidies. In addition, the SAC acts as a court of first and last instance in cases concerning the declaration of a telecommunications company as an undertaking enjoying significant market power under the Act on Electronic Communications Services, 917/2014.

- 31 As already mentioned, the High Court of Cassation and Justice's jurisdiction in administrative litigation is mainly that of an appellate court and only a court of first instance in certain cases provided for by law.
- 32 The Federal Administrative Court is, in principle, a court with the purpose of unifying and standardizing the law in Germany. Therefore, it is primarily designed to answer questions of law, which may arise from the (differing) jurisprudence of the fifteen higher administrative courts in the federal states. In addition, the legislator has created a first-and-last instance competence of the Federal Administrative Court in enumerated fields of law. According to Section 50 para 1 of the German Code of Administrative Court Procedure the Federal Administrative Court rules at first and last instance on
1. public law disputes of a non-constitutional nature between the Federation and the Länder, and between individual Länder,
 2. actions brought against prohibitions of associations made by the Federal Minister of the Interior, Building and Community under section 3 (2) no. 2 of the Associations Act, and directions issued under section 8 (2) sentence 1 of the Associations Act,
 3. regarding disputes against deportation orders in accordance with section 58a of the Residence Act (Aufenthaltsgesetz), and their implementation,
 4. actions arising from dossiers within the ambit of the Federal Intelligence Service,
 5. actions against measures and decisions in accordance with section 12 (3a) of the Members of the Bundestag Act (Abgeordnetengesetz), in accordance with the provisions of Part 11 of the Members of the Bundestag Act, in accordance with section 6b of the Federal Ministers Act (Bundesministertgesetz), and in accordance with section 7 of the Act on the Legal Relationships of Parliamentary State Secretaries (Gesetz über die Rechtsverhältnisse der Parlamentarischen Staatssekretäre) in conjunction with section 6b of the Federal Ministers Act,
 6. all and any disputes related to project approval and plan approval procedures for projects designated in the General Rail Act (Allgemeines Eisenbahngesetz), the Federal Waterways Act (Bundeswasserstraßengesetz), the Transmission Line Extension Act (Energieleitungsausbaugesetz), the Federal Requirement Plan Act

(Bundesbedarfsplangesetz), section 43e (4) of the Energy Industry Act (Energiewirtschaftsgesetz), section 76 (1) of the Offshore Wind Farming Act (Windenergie-auf-See-Gesetz), or the Magnetic Suspension Train Planning Act (Magnetschwebbahnplanungsgesetz), concerning all and any disputes regarding proceedings within the meaning of section 17e (1) of the Federal Highways Act (Bundesfernstraßengesetz), concerning all and any disputes regarding projects to construct and connect terminals for importing hydrogen and derivatives thereof, as well as concerning the procedures allocated thereto in accordance with the Act to Accelerate the Use of LNG (LNG-Beschleunigungsgesetz),
7. the proceedings allocated to it in accordance with the Act on Safeguarding Energy Supplies (Energiesicherungsgesetz).

Summary for B2

Veuillez expliquer.



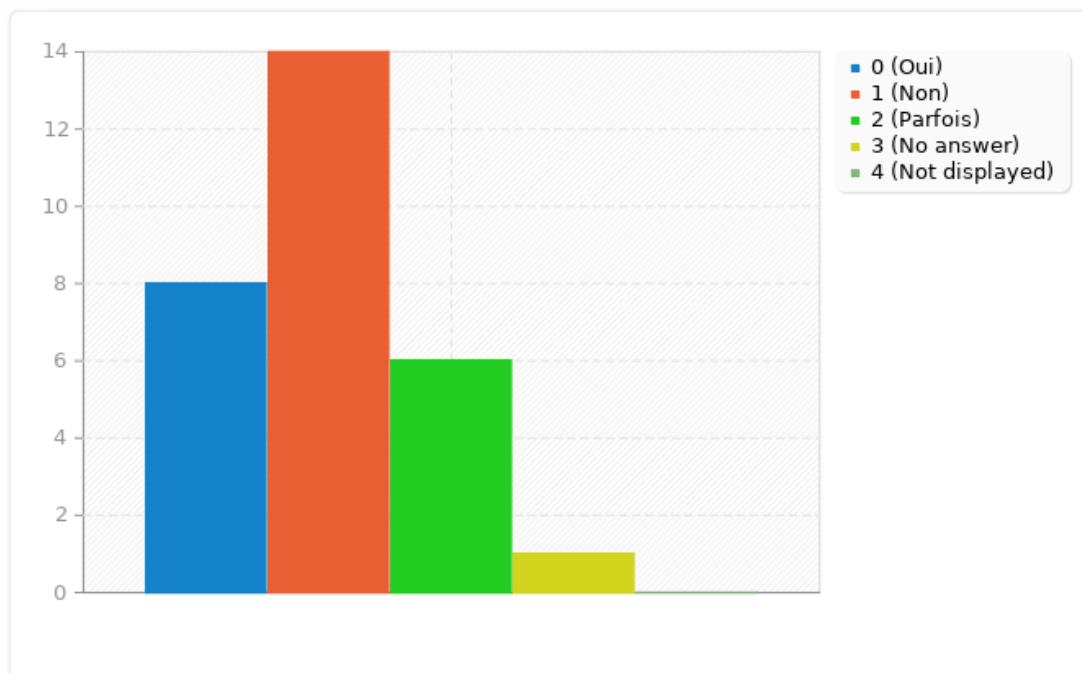
Summary for B3

Votre juridiction dispose-t-elle de chambres spécialisées ou de sections dédiées au traitement des contentieux à caractère économique ?

Answer	Count	Percentage
Oui (A1)	8	27.59%
Non (A2)	14	48.28%
Parfois (A3)	6	20.69%
No answer	1	3.45%
Not displayed	0	0.00%

Summary for B3

Votre juridiction dispose-t-elle de chambres spécialisées ou de sections dédiées au traitement des contentieux à caractère économique ?



Summary for B4

Veuillez expliquer.

Answer	Count	Percentage
Answer	6	20.69%
No answer	0	0.00%
Not displayed	23	79.31%

ID	Response
18	La IVème chambre est compétente pour les litiges concernant l'exercice des activités professionnelles et la passation des marchés publics, la VIème chambre est également compétente pour les marchés publics en matière de passation (la répartition entre les deux chambres se faisant selon la nature exacte du marché public en question), et la Vème chambre est compétente pour les permis de construire, ainsi que pour les questions d'urbanisme et d'aménagement du territoire.
10	Within the AJD there are three chambers: the General Chamber, the Environmental Chamber and the Migration Chamber. Business related cases and cases of economic importance are dealt with in the General Chamber, the Environmental Chamber as well as the Migration Chamber. (For these cases see the answer to question A3).
15	The Supreme Administrative Court does not establish thematic divisions. According to the work schedule of the court, some chambers are assigned an agenda on matters of competition, court approval of inspection, state aid or industrial property. Some are also assigned an agenda on financial matters (especially tax, customs, subsidies, financial control, budget refunds, prices, public procurement, financial and capital markets, etc.). The President of the Supreme Administrative Court may, due to the disproportionately high workload of a specific chamber—for instance, as a result of a concurrence of legally complex and extensive cases, or in the event of a long-term absence of a judge or lay judge exceeding six weeks, or for other significant organizational reasons—suspend or restrict the allocation of new cases to the chamber, or take other necessary measures, including the redistribution of cases through random selection. However, the aforementioned applies to all cases; it is not a special rule pertaining exclusively to business-related cases. In general, cases are assigned to chambers in accordance with the court's work schedule through random assignment, and within the senate, the managing president of the chamber assigns the cases.
20	For competition law cases there are specialised chambers (Financial law department), while the public procurement law cases are distributed within all the chambers in the Court. Building permissions, concession, environmental law, intellectual property falls within the scope of a special department (Property law department).
29	The Supreme Administrative Court has two colleges, each with four divisions. The First College has four divisions. The First Division deals with cases related to taxation and customs duty collection. The Third Division deals with cases related to state and municipal property, local self-government and administration, refugees, water and energy matters, and restitution under the Law on Compensation of Owners of Nationalized Property. It also deals with proceedings under regional governors' orders and acts establishing public state claims. The Fourth Division deals with cases relating to competition, public procurement, concessions, tenders, parliamentary elections, presidential and vice-presidential elections, and local elections. The Eighth Division also deals with cases related to taxation and customs duty collection. The Second College has also four divisions. The Second Division deals with cases related to spatial planning, the cadastre and property register, construction and investment projects. The Fifth Division deals with cases related to the dismissal of civil servants, military personnel and officers from the Ministry of the Interior, as well as employees of the State Agency for National Security. It also deals with cases related to environmental protection, personal data protection, gambling, currency law, financial audit and so on. The Sixth Division deals with cases related to the acts of the Supreme Judicial Council and disciplinary proceedings against magistrates. It also deals with cases related to environmental law, social security law, pension insurance, health insurance, social assistance, temporary disability and unemployment benefits, and the assessment of working capacity, concessions. The Seventh Division deals with cases relating to conflicts of interest, the issuance of identity documents, electronic communications, the regulation of radio and television activities, road traffic,

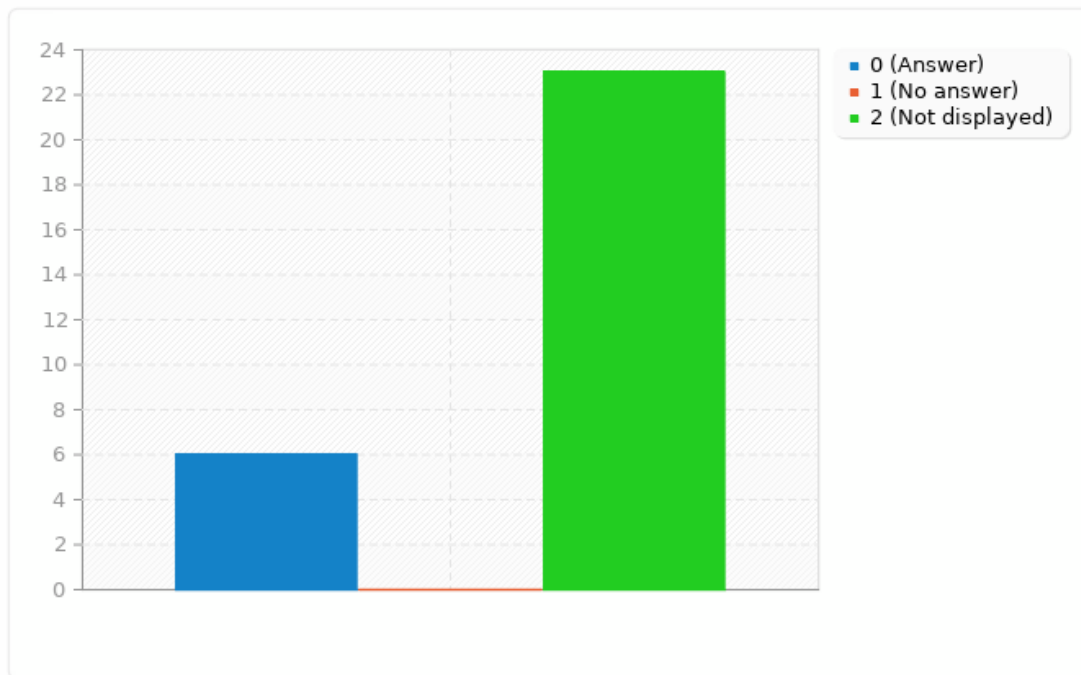
protected areas, private security activities, tourism, licences, consumer protection and intellectual property protection, EU monetary funds. The Supreme Administrative Court distributes cases to all judges in the relevant division on a random basis through a programme approved by the Supreme Judicial Council.

- 31 According to the provisions of Law No. 304/2022 on judicial organization, republished, with subsequent amendments and additions, Romania has a single supreme court called the High Court of Cassation and Justice, whose jurisdictional activity is organized into several chambers, depending on the jurisdiction established by law. Thus, within the HCCJ there are: the First Civil Chamber; the Second Civil Chamber; the Criminal Chamber; the Administrative and tax litigation Chamber; and the United Chambers. Specifically, there are no other specialized sections or subdivisions within the administrative and tax litigation chamber. We also consider it necessary to mention that disputes in the field of intellectual property and commerce, although not falling within the jurisdiction of the administrative and tax litigation chamber of the High Court of Cassation and Justice, they are heard by two other chambers of the High Court, namely the First Civil Chamber for intellectual property disputes and the Second Civil Chamber for commercial disputes (involving professionals). This last category includes disputes involving small and medium-sized enterprises (SMEs), for which we provide examples of disputes settled by the Second Civil Division in the case of SMEs:
- Disputes concerning contractual civil liability (in particular, disputes arising from the conclusion of framework guarantee agreements concluded with the National Credit Guarantee Fund for Small and Medium-sized Enterprises S.A. IFN, regarding its guarantee, as guarantor, of the repayment obligations of individual loans granted to SME beneficiaries, within a guarantee ceiling approved by the Fund, under the terms of the Notifications of inclusion in the guarantee ceiling);
 - Disputes concerning civil liability in tort;
 - Corporate law disputes;
 - Disputes concerning property rights (actions for recovery of property, actions for damages);
 - Disputes related to the privatization of commercial companies;
 - Disputes related to electricity price compensation schemes introduced as a result of the energy crisis and the prolonged conflict in Ukraine;
 - Disputes concerning the rights of property owners affected by energy infrastructure (power lines, gas pipelines).

B6. The allocation of cases to panels of judges is done randomly, using a computerised system based on the ECRIS programme. This allocation is based on certain configuration parameters, including the maximum number of new cases admitted per panel, the cumulative complexity of new cases admitted per hearing, the stage of proceedings, and the subject matter of the cases being heard. The individual specialization of the judge is not a distinct criterion for the distribution of cases within the same chamber, given that in legal matters falling within the competence of that chamber, the judges within it are equally specialized.

Summary for B4

Veillez expliquer.



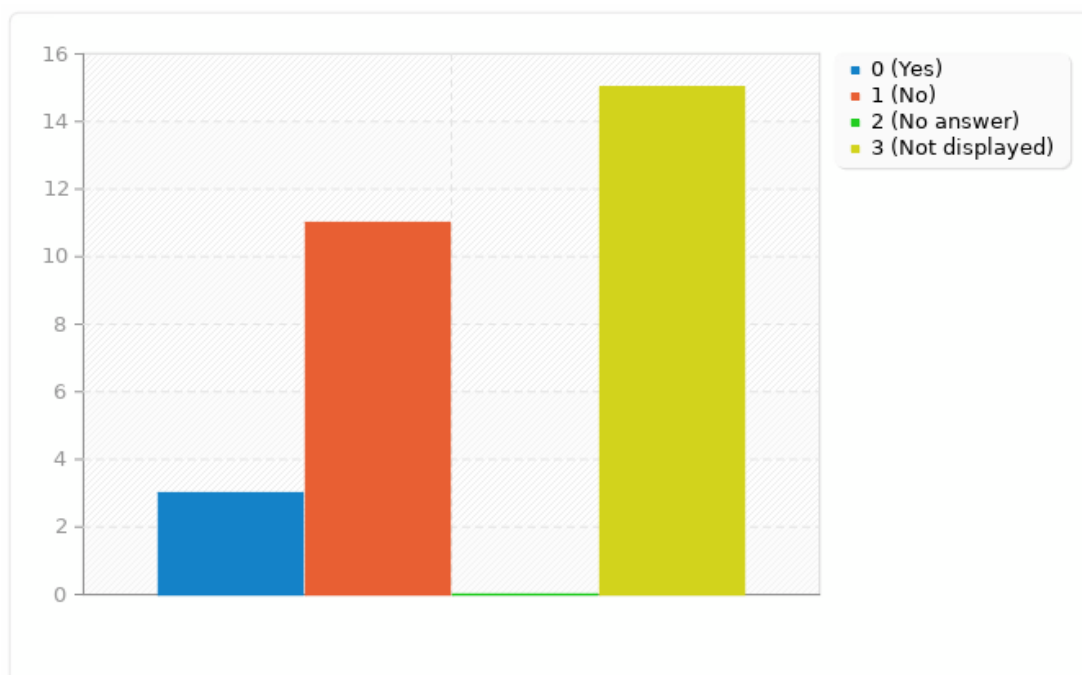
Summary for B5

Des règles spécifiques régissent-elles la répartition entre les magistrats des contentieux à caractère commercial ou présentant un intérêt économique (en fonction de leur charge de travail, de leurs dossiers en souffrance, de leur expérience, etc.) ?

Answer	Count	Percentage
Yes (Y)	3	10.34%
No (N)	11	37.93%
No answer	0	0.00%
Not displayed	15	51.72%

Summary for B5

Des règles spécifiques régissent-elles la répartition entre les magistrats des contentieux à caractère commercial ou présentant un intérêt économique (en fonction de leur charge de travail, de leurs dossiers en souffrance, de leur expérience, etc.) ?



Summary for B6

Merci de préciser.

Answer	Count	Percentage
Answer	3	10.34%
No answer	0	0.00%
Not displayed	26	89.66%

ID	Response
5	Cases are assigned to individual judges based on their specialization, experience and expertise relevant to the subject matter (e.g. tax law, public procurement, competition, environmental law etc.). Factors like current case-load and backlog are also considered.
27	Administrative Chamber of the Supreme Court of Estonia is relatively small, consisting of only five judges. All cases must be heard by a panel of at least three judges. There is a degree of specialisation among the judges, for example, some judges focus more extensively on public procurement, taxation, anti-money laundering, planning and construction, or environmental law. When incoming cases are allocated, the judge with relevant expertise is usually (but not always) designated as the judge rapporteur. Nevertheless, any of the other judges may also be appointed to the panel
30	The electronic survey insisted on a negative answer to Question B3 in order for Questions B5 and B6 to appear. It seems as no alternative in B3 makes it possible to give an explanation in B4. which is why it is noted in this connection: There are no specialised chambers (as opposed to general chambers) as such. However, specialisation is taken into consideration in the general allocation of cases between the (currently) two chambers of the SAC. Different categories of cases are assigned to each chamber by decision of the President of the SAC. Accordingly, the Members of the SAC that possess expertise in the relevant fields of law are assigned to the chamber matching their competence. Currently, one of the two chambers hears most of the cases of economic importance (including cases concerning land use, building and environmental protection, taxation, competition and procurement, as well as transport and communication); however, also the other chamber is assigned with cases of economic importance (eg. cases concerning municipal and self-government matters which may entail cases concerning municipal decisions of economic importance, as well as cases concerning data protection).

B6 Specification: As a premise, there are no special rules applicable to business-related cases, instead the same rules apply to all cases heard by the SAC. In the sessions of the SAC, cases are decided upon presentation by a Referendary who has been in charge of preparing the case. Case categories are assigned to Referendaries according to their expertise. When the preparation of the case is complete, the Referendary brings the case to a court session. The Judges that will participate in the decision-making are determined on the basis of a pre-drawn sessions plan. When the sessions plan is drawn up, Referendaries are asked what kind of cases they are planning to bring to session, and, as a rule, the sessions plan is drawn up in such a manner that the cases which will be brought to session will be heard by Judges with relevant expertise. However, in principle, any and all Judges of the SAC may hear all kinds of cases.

It is, however, noteworthy that the composition of the SAC includes two Expert Judges on the Environment having competence in the relevant field in cases: 1) referred to in the Water Act; 2) referred to in the Environmental Protection Act; 3) referred to in the Act on the Organisation of River Basin Management and the Marine Strategy and 4) concerning certain exceptions laid down in the Nature Conservation Act (exception to the prohibition on destruction and deterioration of natural habitats and exceptions to species protection provisions) that are substantially related to a project or activity referred to in the Environmental Protection Act or the Water Act and that are decided in the same procedure. The qualification requirements for Expert Counsellors on the Environment are a relevant master's degree in the field of technology or natural sciences. In addition, he or she must be familiar with the tasks falling within the scope of applicable legislation.

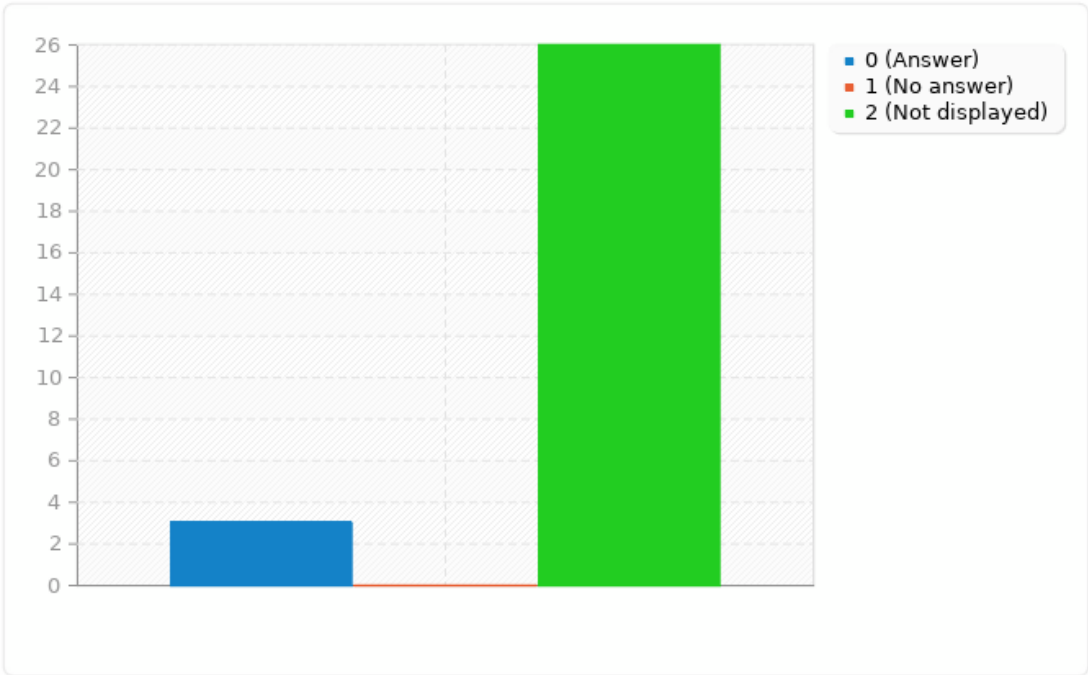
In addition, the composition of the SAC includes two Expert Judges also in cases concerning certain intellectual property rights, i.e. patents, utility model rights or integrated circuit

designs. The qualification requirements for Chief Engineering Counsellors are a relevant master's degree in the field of technology. In addition, he or she must be familiar with patent matters.

An Expert Judge is independent in the same way as a Judge when exercising judicial power. The same duties and responsibilities apply.

Summary for B6

Merci de préciser.



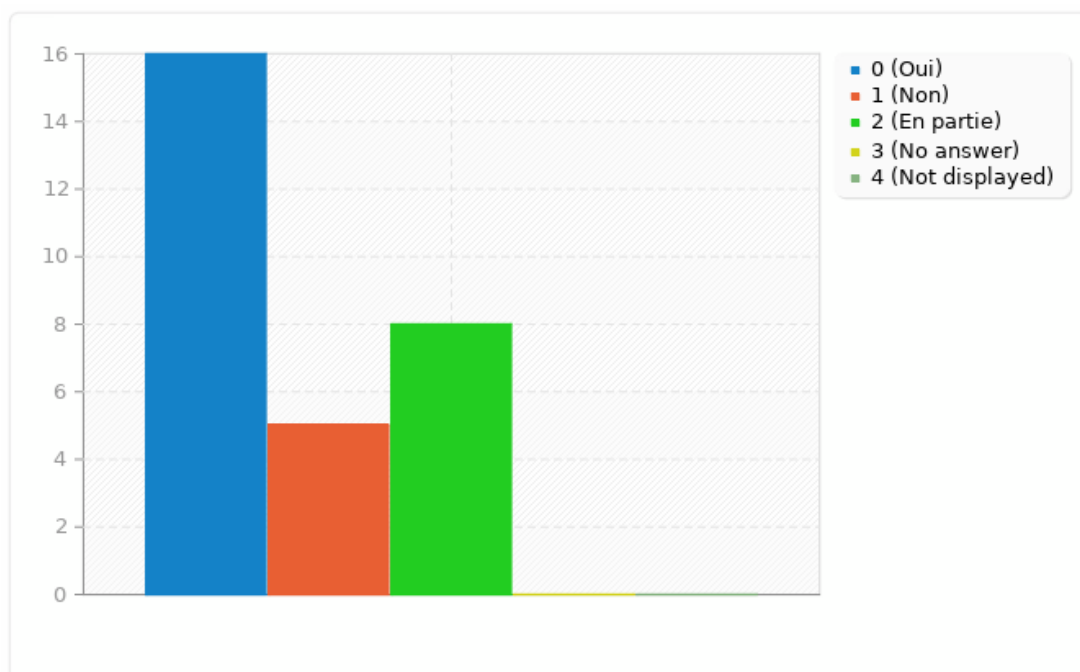
Summary for B7

Votre juridiction fournit-elle une formation aux juges ?

Answer	Count	Percentage
Oui (A1)	16	55.17%
Non (A2)	5	17.24%
En partie (A3)	8	27.59%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for B7

Votre juridiction fournit-elle une formation aux juges ?



Summary for B8

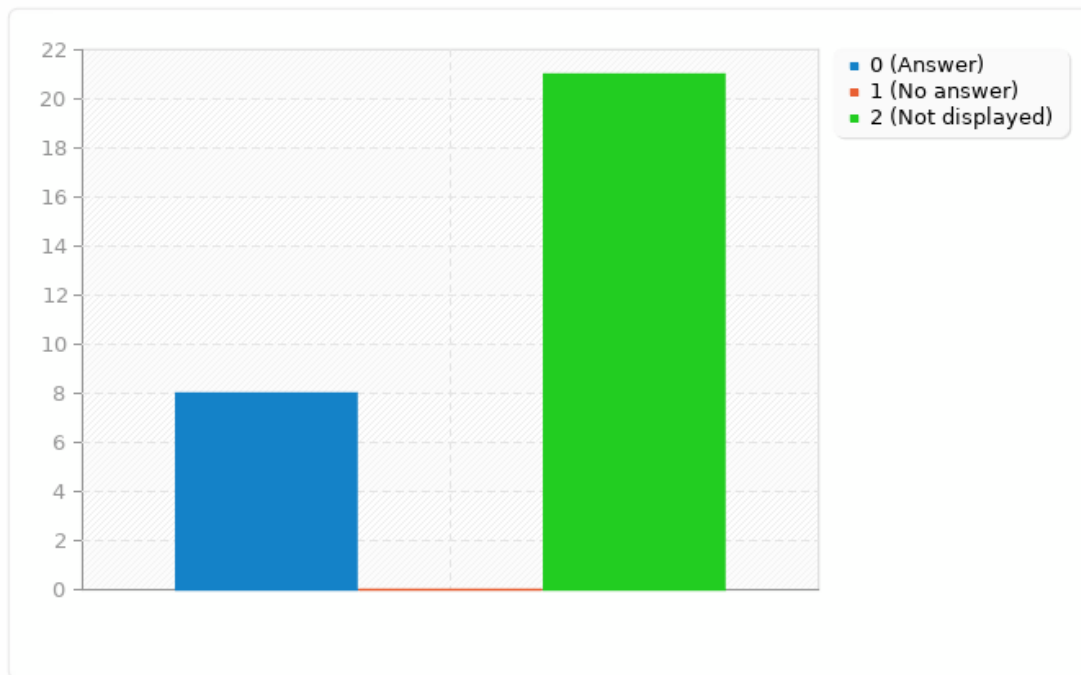
Merci de préciser :

Answer	Count	Percentage
Answer	8	27.59%
No answer	0	0.00%
Not displayed	21	72.41%

ID	Response
18	L'École nationale de la Magistrature organise des séminaires dans le cadre de la formation continue obligatoire des magistrats portant sur différents thèmes.
4	Aucune formation "initiale" n'est systématiquement proposée ou imposée aux magistrats lors de leur nomination. En revanche, tout magistrat du Conseil d'État peut, à sa demande ou sur proposition du Conseil d'État, participer aux formations organisées tant par des acteurs publics (par exemple, l'Institut de Formation Judiciaire) que privés.
10	In the first place, the AJD organizes her own training program for judges (State Counselors) and their assistants, inviting internal and external speakers and teachers. Inter alia, a meeting is organized twice a year at which the Division Chairwoman and the three Chamber Presidents explain current case law to the judges and their assistants. In addition, the Training and Study Centre for the Judiciary (SSR) offers courses for judges and/or their assistants. Also many universities offer post-academic courses in which judges and/or their assistants can take part.
11	The SAC co-organizes various voluntary seminars, for example on the topic of taxation or public procurement, usually in cooperation with Judicial Academy or with professional associations.
23	Judicial training is usually organised by the National Courts Administration; however, judges may also participate in international training activities through other institutional arrangements, including, where applicable, delegation by the President of the Court.
24	Les magistrats sont régulièrement formés dans le cadre de la formation continue, la plupart du temps externe, mais participent également activement à la formation initiale des attachés de justice (jeunes magistrats).
30	The SAC does provide some training for its staff, however mainly on cross-cutting themes and not specifically in themes relevant for deciding cases of economic importance. The main source of training for judges is the National Courts Administration which provides a limited selection of courses in eg different fields of law or cross-cutting skills (eg analysis of financial statements) on a yearly rotating basis. Judges also attend external training organised eg by universities or commercial actors both as participants and trainers.
31	Continuing professional training activities are mainly carried out by the National Institute of Magistracy, the judges of the High Court being largely involved as trainers in the courses organized, given the professional experience gained by a High Court judge. One of the objectives of the High Court of Cassation and Justice is to expand judicial dialogue and comply with common standards with other supreme courts, in which regard the High Court is strengthening its involvement in international exchange programs for magistrates and the mutual dissemination of case-law within the various international networks and associations to which it is a member.

Summary for B8

Merci de préciser :



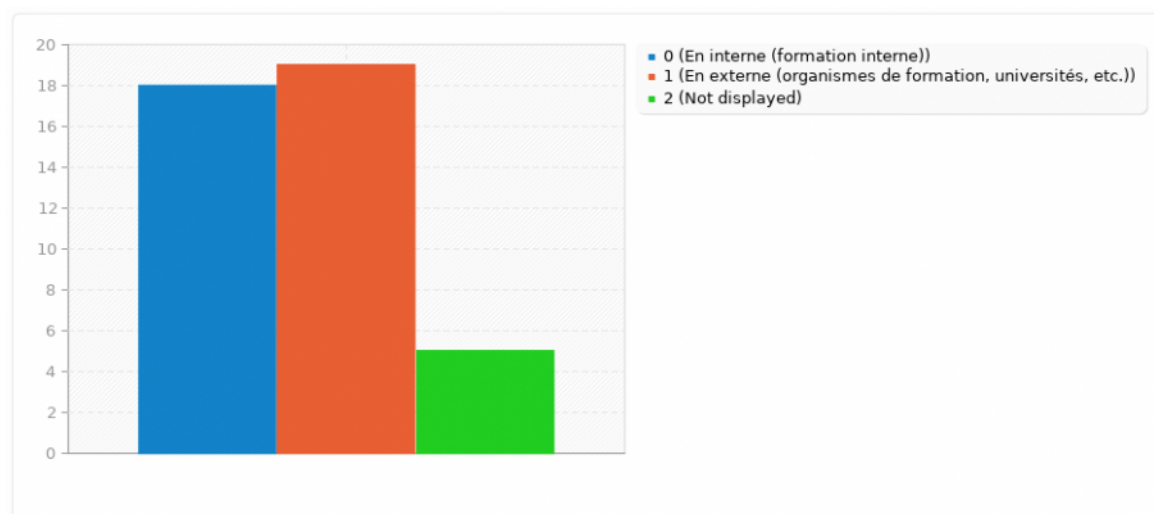
Summary for B9

Comment la formation est-elle dispensée ?

Answer	Count	Percentage
En interne (formation interne) (SQ001)	18	62.07%
En externe (organismes de formation, universités, etc.) (SQ002)	19	65.52%
Not displayed	5	17.24%

Summary for B9

Comment la formation est-elle dispensée ?



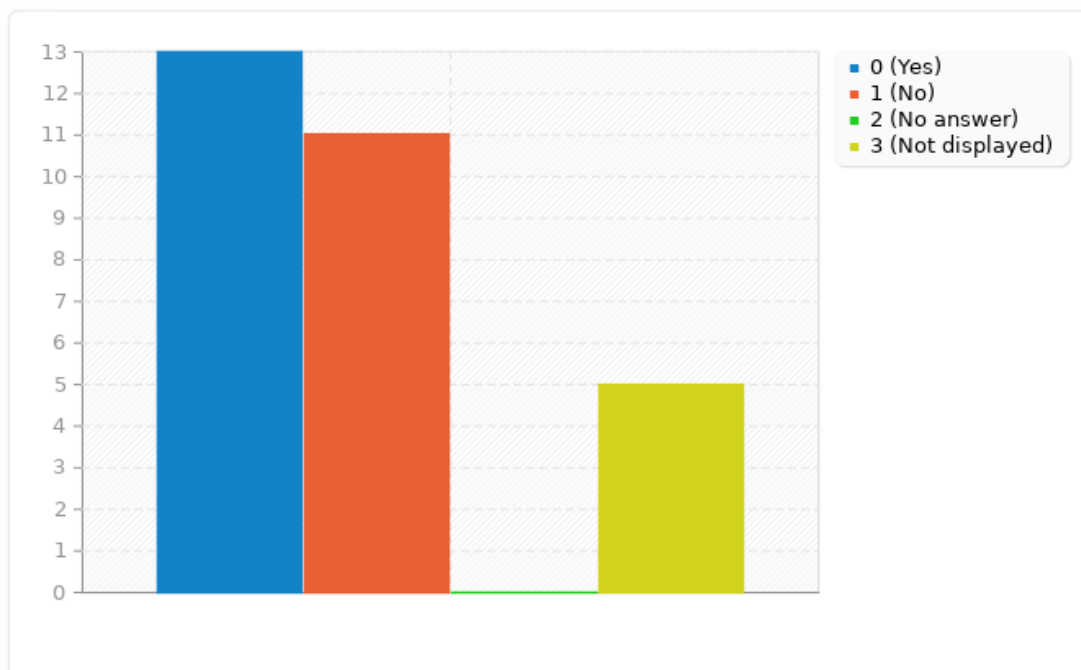
Summary for B10

La formation s'étend-t-elle à des compétences spécifiques non juridiques telles que des questions techniques, financières ou d'autres domaines à caractère économique ?

Answer	Count	Percentage
Yes (Y)	13	44.83%
No (N)	11	37.93%
No answer	0	0.00%
Not displayed	5	17.24%

Summary for B10

La formation s'étend-t-elle à des compétences spécifiques non juridiques telles que des questions techniques, financières ou d'autres domaines à caractère économique ?



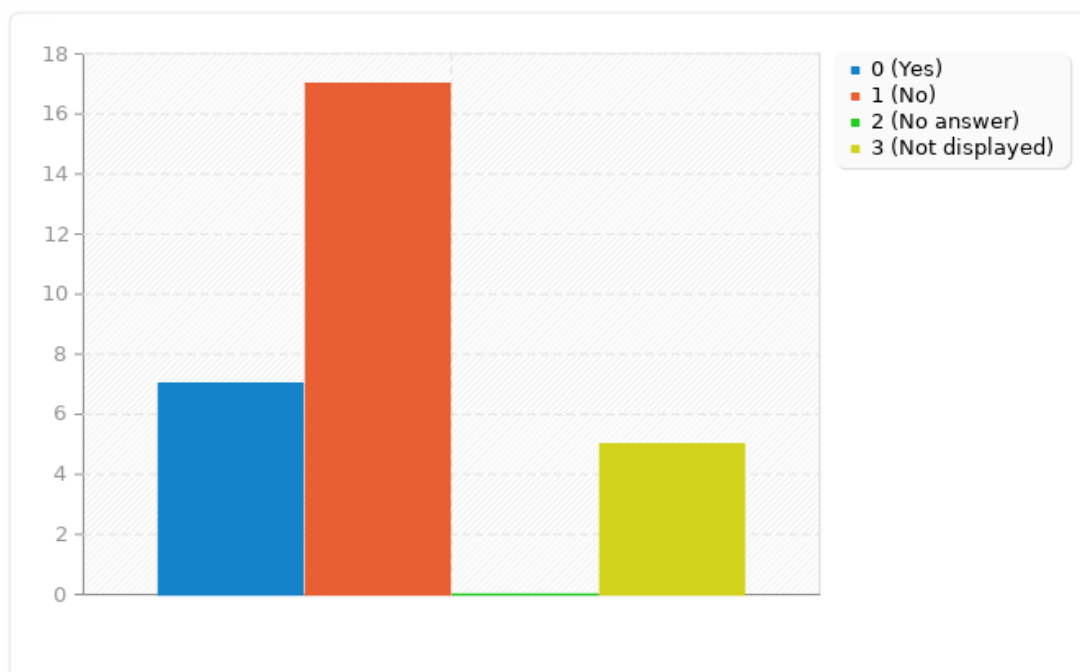
Summary for B11

La formation est-elle réservée ou destinée à certains juges ou groupes de juges ?

Answer	Count	Percentage
Yes (Y)	7	24.14%
No (N)	17	58.62%
No answer	0	0.00%
Not displayed	5	17.24%

Summary for B11

La formation est-elle réservée ou destinée à certains juges ou groupes de juges ?



Summary for B12

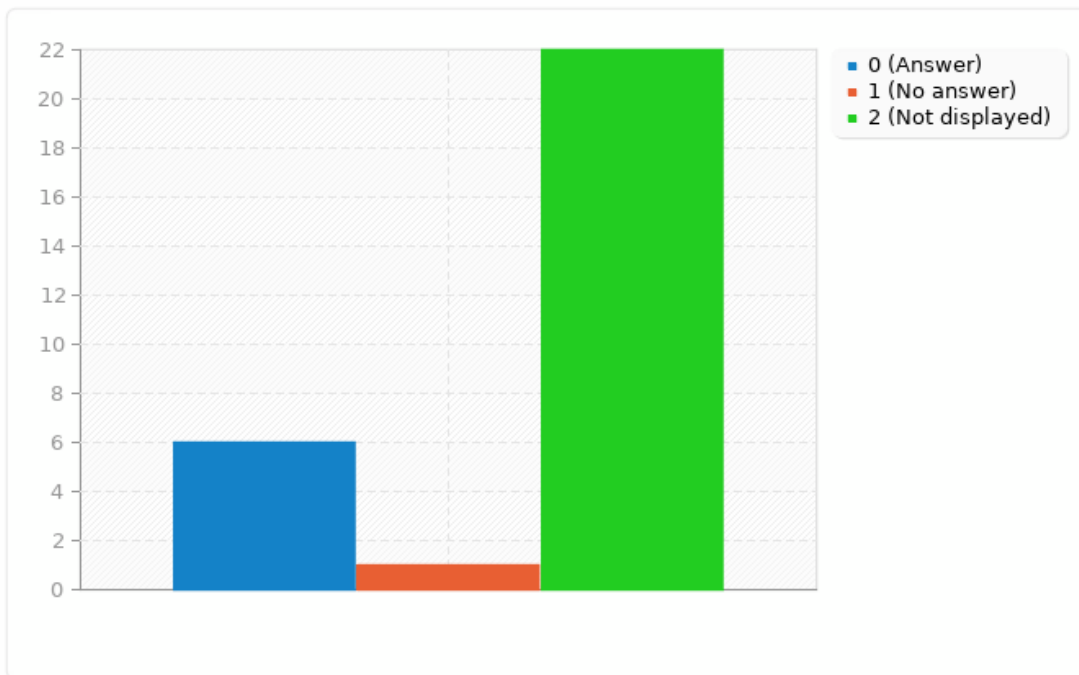
Veillez expliquer

Answer	Count	Percentage
Answer	6	20.69%
No answer	1	3.45%
Not displayed	22	75.86%

ID	Response
2	Depending on the training, a meeting/conference is addressed to the judges of the specific unit (department, chamber).
18	La loi 4871/2021 régit les programmes de formation continue, sans toutefois limiter ces derniers aux seules questions purement juridiques. Pourtant la majorité des séminaires porte sur une formation juridique. Les séminaires obligatoires destinés aux juges administratifs diffèrent de ceux destinés aux juges judiciaires.
3	Training sessions are provided on a thematic basis and, except for scientific symposiums, are intended solely for specific judges.
10	Although the training in general is not formally limited to certain groups of judges, in practice the training can be specifically relevant and interesting for certain groups of judges and their assistants because of its subject and content, for example courses about technical matters such as noise, air quality or nitrogen deposition.
23	Judges may register for training according to their specialisation or areas of interest.
30	Training is mostly open to all interested. In case there is a limited number of participants, precedent may be given to those who work with a certain category of cases.

Summary for B12

Veillez expliquer



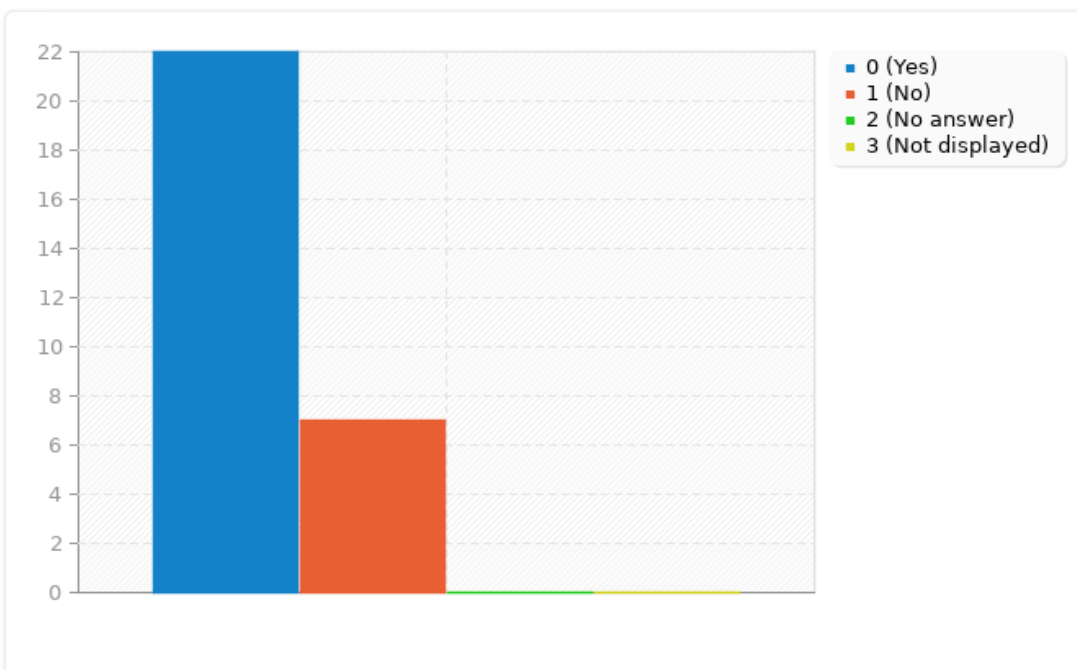
Summary for B13

Les juges ont-ils la possibilité de bénéficier d'une assistance supplémentaire pour traiter les contentieux à caractère commercial ou présentant une importance économique ?

Answer	Count	Percentage
Yes (Y)	22	75.86%
No (N)	7	24.14%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for B13

Les juges ont-ils la possibilité de bénéficier d'une assistance supplémentaire pour traiter les contentieux à caractère commercial ou présentant une importance économique ?



Summary for B14

Veuillez préciser les mesures d'assistance internes disponibles.

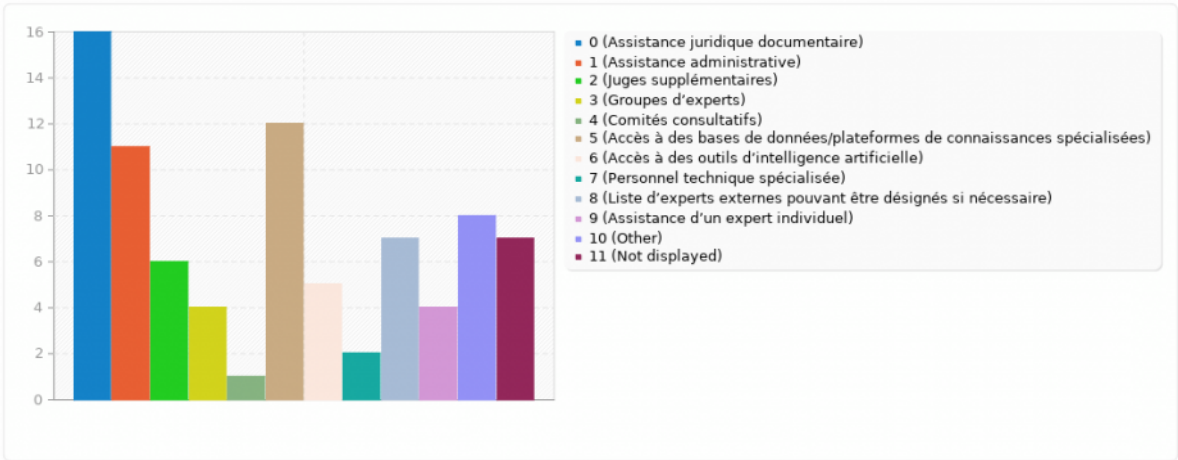
Answer	Count	Percentage
Assistance juridique documentaire (SQ001)	16	55.17%
Assistance administrative (SQ002)	11	37.93%
Juges supplémentaires (SQ003)	6	20.69%
Groupes d'experts (SQ004)	4	13.79%
Comités consultatifs (SQ005)	1	3.45%
Accès à des bases de données/platformes de connaissances spécialisées (SQ006)	12	41.38%
Accès à des outils d'intelligence artificielle (SQ007)	5	17.24%
Personnel technique spécialisée (SQ008)	2	6.90%
Liste d'experts externes pouvant être désignés si nécessaire (SQ009)	7	24.14%
Assistance d'un expert individuel (SQ010)	4	13.79%
Other	8	27.59%
Not displayed	7	24.14%

ID	Response
3	In disputes whose resolution requires expertise beyond legal knowledge, an expert examination may be carried out on the case file in order to clarify the material facts, or an on-site inspection may be conducted together with such experts. In addition, information, documents, and explanations may be requested from specialized institutions.
10	Article 8:47 GALA allows the court to appoint an expert and obtain expert evidence through its expert opinion. In the field of environmental law, the AJD often relies on expert opinions of the Administrative Jurisdiction (Environment and Spatial Planning) Advisory Foundation (STAB). This is an impartial expert organisation which, on request, advises the AJD and other courts on disputes concerning the physical environment. Its advices are mostly used for technically complex factual circumstances, such as measuring the damaging effect of an activity on the environment. Its advisers are trained as engineers, technicians, chemists, biologists, etc. They carry out investigations and prepare reports. These investigations consist of file research, site inspections and talks with all parties to the dispute. STAB presents its findings in the form of an expert report to the AJD, which then gives the parties concerned the opportunity to respond to the report before the case is heard in court.
21	The Curia acts in panels of five professional judges. If the nature of the case so warrants, up to two members of these five-strong panels may be professional judges who are not assigned to administrative cases. This means that other judges from the Civil Section and the Economic Section may be involved. In addition, assistance may be requested from senior advisers who hold a law degree and work at the Curia, and from judges who participate in the European Legal Advisors Network operated by the NOJ. Currently, an adviser who does not have a law degree assists in the work of a financial panel from time to time.
24	Conformément à la procédure devant les juridictions administratives, la Cour peut dans l'ensemble des contentieux qu'elle est amenée à connaître, ordonner des enquêtes, des mesures d'instruction qui peuvent être effectuées par « un technicien » ou encore des vérifications d'écriture. Elle peut également, si le litige l'exige, saisir un expert qui sera chargé de rédiger un avis sur une question technique ayant des incidences sur la décision à venir de la Cour (Cour adm., 18 décembre 2018, n° 41255C). La Cour peut, en outre, compter sur son greffe et sur ses services techniques, informatiques et administratifs. La mobilisation de l'ensemble des ressources évoquées ci-avant n'est pas spécifique au contentieux économique et financier.
26	The Supreme Court can appoint one or more experts to deliver an expert assessment of factual issues in the case.
27	a judge can request a training on a certain topic
30	Regarding additional judges and expert panels, see answer to B6. In addition, the SAC may request a non-binding, written external expert opinion from eg. an expert authority or a university (Administrative Judicial Procedure Act 808/2019, Section 43). This, however, applies to all cases heard by the SAC and is not specific to business-related cases.
31	We would like to point out that the High Court of Cassation and Justice has a body of assistant magistrates who assist judges in preparing and resolving cases, drafting draft decisions, documentation, verifying procedures, and ensuring the necessary legal research. The assistant magistrate participates in court hearings and has an advisory vote in the

deliberations of the panel of judges.

Summary for B14

Veillez préciser les mesures d’assistance internes disponibles.



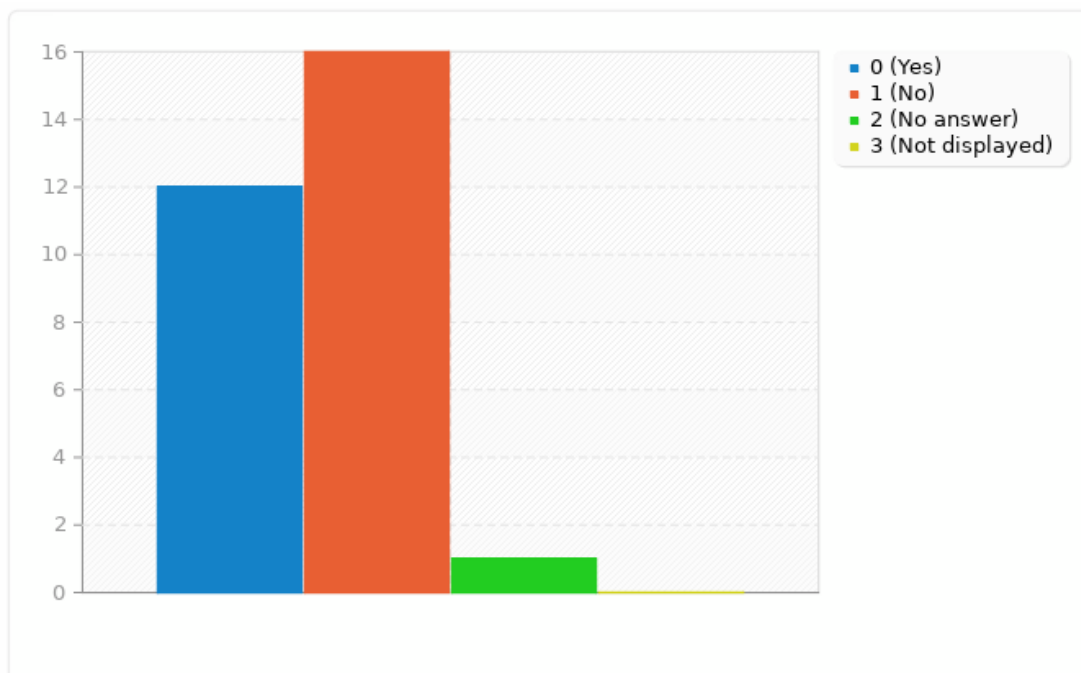
Summary for B15

Votre juridiction dispose-t-elle d'un mécanisme interne permettant de réorganisation ses services ou ses effectifs afin de gérer un afflux de contentieux à caractère commercial ou présentant un intérêt économique ?

Answer	Count	Percentage
Yes (Y)	12	41.38%
No (N)	16	55.17%
No answer	1	3.45%
Not displayed	0	0.00%

Summary for B15

Votre juridiction dispose-t-elle d'un mécanisme interne permettant de réorganisation ses services ou ses effectifs afin de gérer un afflux de contentieux à caractère commercial ou présentant un intérêt économique ?



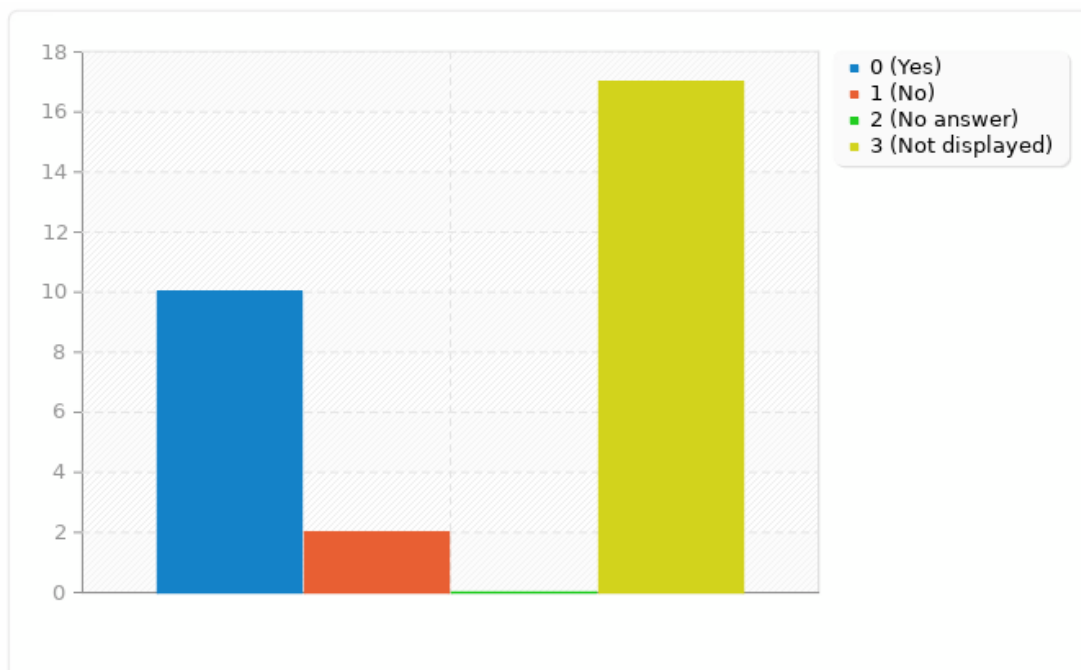
Summary for B16

Votre juridiction a-t-elle déjà eu recours à ce mécanisme ?

Answer	Count	Percentage
Yes (Y)	10	34.48%
No (N)	2	6.90%
No answer	0	0.00%
Not displayed	17	58.62%

Summary for B16

Votre juridiction a-t-elle déjà eu recours à ce mécanisme ?



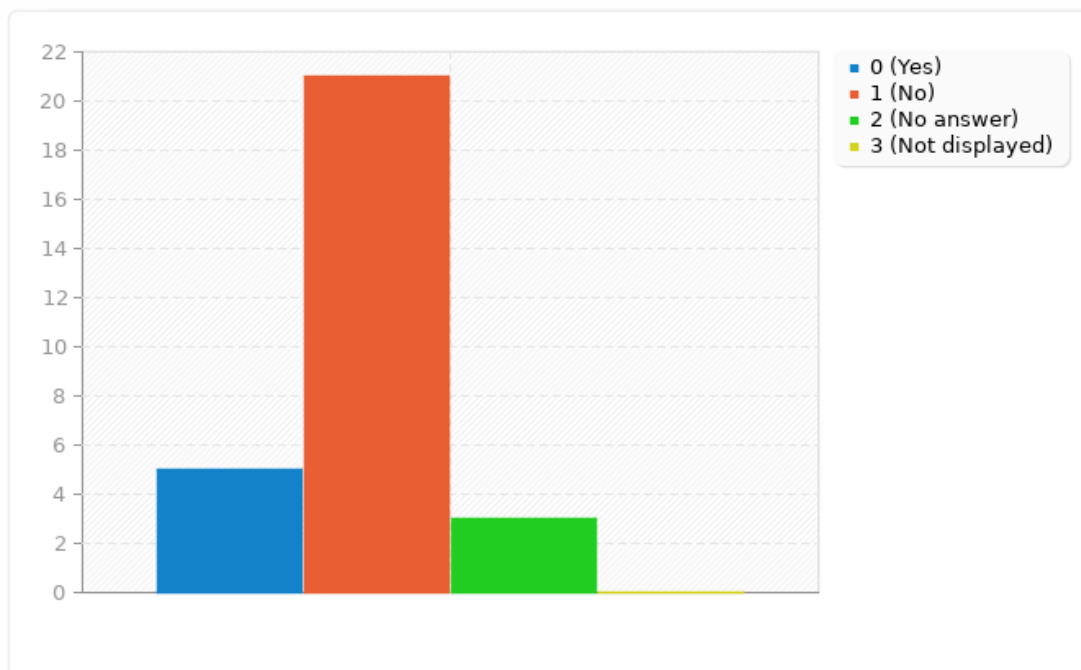
Summary for B17

Votre juridiction dispose-t-elle d'un instrument juridique lui permettant d'agir en tant que tribunal de première instance pour les contentieux urgents ou de grande envergure ?

Answer	Count	Percentage
Yes (Y)	5	17.24%
No (N)	21	72.41%
No answer	3	10.34%
Not displayed	0	0.00%

Summary for B17

Votre juridiction dispose-t-elle d'un instrument juridique lui permettant d'agir en tant que tribunal de première instance pour les contentieux urgents ou de grande envergure ?



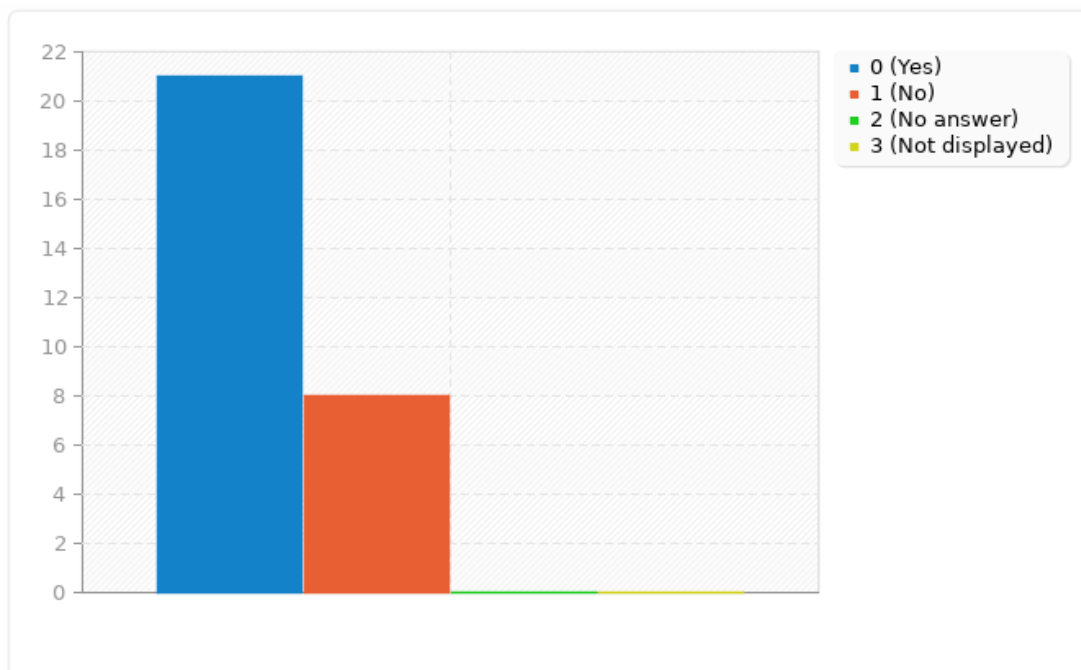
Summary for B18

Votre juridiction dispose-t-elle d'un instrument juridique permettant de traiter en urgence ou en priorité les contentieux à caractère commercial ou présentant un intérêt économique ?

Answer	Count	Percentage
Yes (Y)	21	72.41%
No (N)	8	27.59%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for B18

Votre juridiction dispose-t-elle d'un instrument juridique permettant de traiter en urgence ou en priorité les contentieux à caractère commercial ou présentant un intérêt économique ?



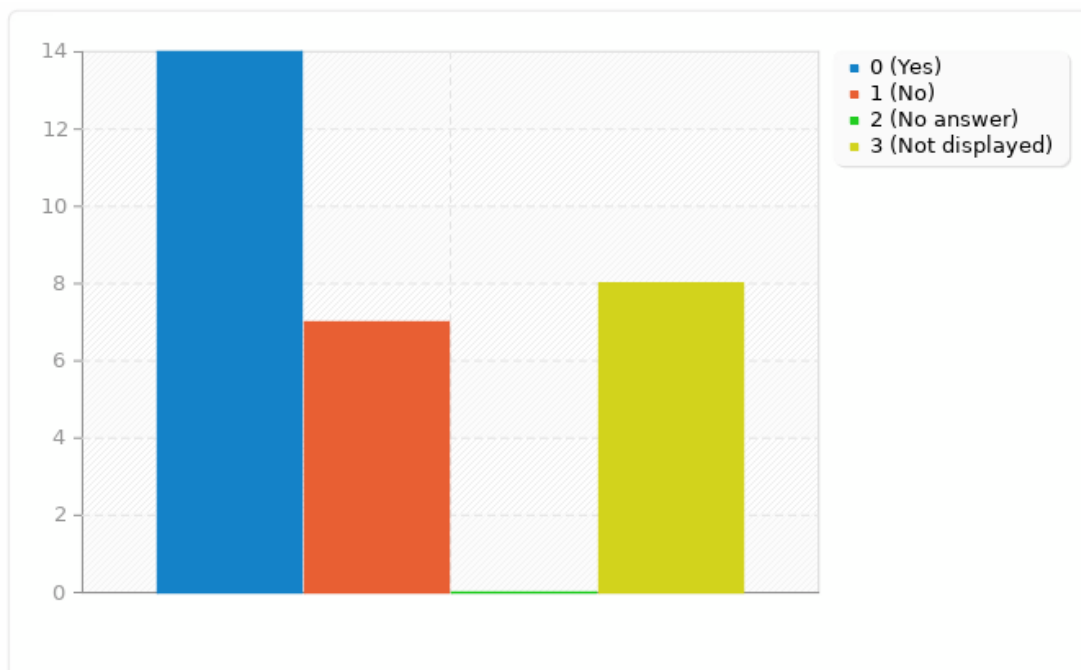
Summary for B19

Le recours à cet instrument juridique est-il limité à certaines catégories de contentieux ?

Answer	Count	Percentage
Yes (Y)	14	48.28%
No (N)	7	24.14%
No answer	0	0.00%
Not displayed	8	27.59%

Summary for B19

Le recours à cet instrument juridique est-il limité à certaines catégories de contentieux ?



Summary for B20

Veillez expliquer.

Answer	Count	Percentage
Answer	14	48.28%
No answer	0	0.00%
Not displayed	15	51.72%

ID	Response
2	According to para. 26 (2) Regulation of the President of the Republic of Poland of 4 July 2020 Rules of Procedure of the Supreme Administrative Court, cases concerning i.a. unemployed status and unemployment benefit; dismissal from service and termination of employment; account blocking (in a certain type of fiscal cases) are supervised out of turn. The President of the Chamber may, in justified cases, order that a case be heard out of turn, after prior consultation with the presidents of the divisions. Moreover, the party may submit a request for fast-tracking of its case.
18	Il s'agit du « procès pilote » ou de la question préjudicielle soumise par les tribunaux administratifs (ou les cours administratives d'appel) telle que prévue par la loi 3900/2010. Par le biais de ce mécanisme, le Conseil d'État statue en premier et dernier ressort sur des affaires soulevant une question d'intérêt général qui impacte un cercle élargi de personnes, y compris les affaires urgentes et prioritaires mais pas seulement à caractère commercial ou présentant un intérêt économique.
3	According to the Procedure of Administrative Justice Act, public procurement and privatization disputes falling within the jurisdiction of our Chamber are subject to an expedited judicial procedure.
4	Le Conseil d'État connaît trois procédures spécifiques permettant de traiter en priorité certains contentieux à caractère commercial ou présentant un intérêt économique. La première concerne le traitement des recours en suspension dirigés contre les décisions d'attribution de marchés publics. L'article 15 de la 'loi du 17 juin 2013 relative à la motivation, à l'information et aux voies de recours en matière de marchés publics [...] dispose que ces demandes de suspension doivent être introduites selon la procédure d'extrême urgence tout en précisant que la décision pourra être suspendue "sans que la preuve de l'urgence doive être apportée". Cette particularité déroge à la procédure ordinaire concernant les demandes de suspension. La deuxième concerne le traitement des dossiers relevant d'un intérêt public supérieur (IPS). Ces dossiers sont identifiés par l'article 101/1 des lois coordonnées sur le Conseil d'État et par l'article 2 de l'arrêté royal du 21 juillet 2023 'déterminant les affaires relevant d'un intérêt public supérieur et les possibles mesures organisationnelles de ces affaires au sens de l'article 101/1, alinéa 2, des lois sur le Conseil d'Etat, coordonnées le 12 janvier 1973'. Ceux-ci concernent, d'une manière générale, les permis, les autorisations, et les plans qui concernent des installations et des infrastructures importantes en matière de transition énergétique. Pour assurer le traitement rapide ces dossiers, qui doivent en principe être traités dans un délai de 15 mois, le collèges des chefs de corps du Conseil d'État a adopté une mesure organisationnelle permettant à la chambre saisie d'une telle affaire de décider, par ordonnance, que les délais dont disposent les parties pour déposer leurs actes de procédure seront réduits. Enfin, l'arrêté royal du 15 mai 2003 'portant règlement de la procédure accélérée en cas de recours après du Conseil d'État contre certaines décisions de la Commission bancaire et financière (aujourd'hui FSMA)' instaure une procédure spécifique pour le traitement des recours portant sur certaines décisions de la FSMA (Autorité des services et marchés financiers) et de la Banque Nationale de Belgique. Cette procédure est caractérisée par des délais de procédure contraignants pour le Conseil d'État (transmission de la requête à la partie adverse, dépôt du rapport de l'auditeur et fixation de l'audience), un délai réduit pour le dépôt du mémoire en réponse par la partie adverse et par l'absence d'échange de derniers mémoires par les parties après la communication du rapport de l'auditorat.
6	Italian administrative justice has specific tools to accelerate the resolution of disputes of

economic importance, most notably the “shortened procedure” provided for by Art. 119 of the Code of Administrative Trial, which halves procedural deadlines for sensitive matters such as public procurement, strategic infrastructures, and measures by Independent Authorities; this mechanism is complemented by the possibility of obtaining immediate decisions on the merits during precautionary hearings via a “simplified judgement”, thereby ensuring a rapid judicial response that balances the protection of business interests with the need for speed in administrative action.

10 Article 14(2) of the Administrative Jurisdiction Division Regulation 2020 provides that the chair of the AJD, on behalf of the AJD, shall allocate the cases after consultation with the chairmen and women of the chambers or their deputies. Individual members of the AJD have no influence on the allocation of individual cases. Article 14(1) of these regulations provides that in the allocation of the cases, except in so far as the law provides otherwise, at least the following factors are taken into account:- the degree of expertise, experience, availability and employability of the members of the AJD;- the short statutory settlement periods that apply to some cases;- the balanced composition of the hearing chamber;- the previous involvement in a case;- the legal or social complexity of a case;- the need for clustering of similar cases;- the promotion of the unity of law between the highest courts;- the order of entry.
On the base of this allocation mechanism, cases of economic importance, such as large scale windmill or housing developments, have been dealt with in a clustered, project-based and prioritized manner.

@A17: The AJD acts as a court of first and only instance in the cases specified as such in the answer to question A3. This is determined by law. Apart from this, there is no legal tool for the AJD to act on its own behalf as a court of first instance for large-scale or urgent cases.

16 Cases on public contracts

17 Priority and urgent cases are determined by law. When determining the order in which other cases are to be dealt with, a judge may take into account, in addition to the time a case was received by the court, its type, nature, and significance. The new Courts Act, which has already entered into force but will apply as of 1 January 2027, provides that, by way of exception, priority treatment of cases may be prescribed by law where this is justified by risks of serious violations of human rights, the protection of life or health, public safety, the protection of the interests of children and minors, damage to public funds, corporate insolvency, major economic harm, or other important reasons in the public interest. The law must specify the reasons for granting such priority treatment.

20 Public procurement administrative disputes must be solved within 30 days (that is the reason why such cases are distributed to all the judges, without specialization). A deadline is proscribed by law.

25 In accordance with the Court Rules of Procedure (“Official Gazette of the Republic of Serbia”, No. 110/09...18/22), the cases marked as “urgent” and “particularly urgent” are those that, in accordance with the law, require urgent action (for example: protection of competition).

27 In general, Estonian law does not prescribe a specific time limit during which a case must be resolved in SAC. The court must resolve the case within a reasonable time. Exceptionally, a shorter procedural time limit is provided, firstly, for the adjudication of applications for interim relief, which must be resolved without delay and secondly, for public procurement disputes. A case concerning public procurement must be resolved by the administrative court within 45 days following the filing of the complaint. Although said provision regulates only proceedings before the court of first instance and not before the SAC, in practice the SAC has, when adjudicating public procurement cases, followed the principle that the duration of the proceedings should remain within that time frame.

28 Public procurement.

29 For certain categories of cases, such as those under the Competition Act, the Concessions Act and the Energy Act, there are provisions for fast-tracked proceedings. These are considered in accordance with the Administrative Procedure Code, and the court issues a ruling immediately.
Article 60 of the Administrative Procedure Code also establishes a general rule concerning administrative acts that include an order for preliminary execution when necessary to protect citizens' life or health, particularly important state or public interests, or to prevent the implementation of the act from being thwarted or seriously impeded. This may also be necessary to prevent significant or difficult-to-repair damage, or at the request of one of the parties in defence of their particularly important interest. An order allowing or refusing preliminary enforcement may be appealed to the administrative authority within three days of notification, regardless of whether the administrative act has been challenged. If the order allowing or refusing preliminary enforcement, or the notification of its issuance, does not indicate the relevant authority and the time limit for lodging an appeal, the time limit for appeal shall be extended to 14 days.

If the order allowing or refusing preliminary enforcement, or the notice of its issuance, incorrectly states that it is not subject to appeal, the deadline for appealing it shall be extended to one month. The appeal will be considered immediately in a closed session and copies will not be served on the parties. This does not suspend preliminary enforcement, but the court may suspend it upon request until a final decision is made.

An order allowing the preliminary enforcement of an administrative act is an independent administrative act and is therefore subject to judicial review, regardless of the lawfulness of the underlying administrative act. In the case of administrative coercive acts, e.g. revocation of permits and licences, preliminary enforcement of the administrative act is required by law and does not require an additional statement by the administrative authority. When challenging an order for the preliminary enforcement of an act, it must be established that significant damage would likely occur if the act were enforced late, and the burden of proof lies with the challenger.

Furthermore, pursuant to Article 166(3) of the Administrative Procedure Code, if the challenger could suffer significant or irreparable harm, the court shall immediately rule on the party's request for suspension of preliminary enforcement admitted by an order of the authority that issued the act under Article 60(1) that has entered into force. Preliminary enforcement may only be suspended on the basis of new circumstances. The court shall make an immediate decision, which may be appealed by private appeal within seven days of notification.

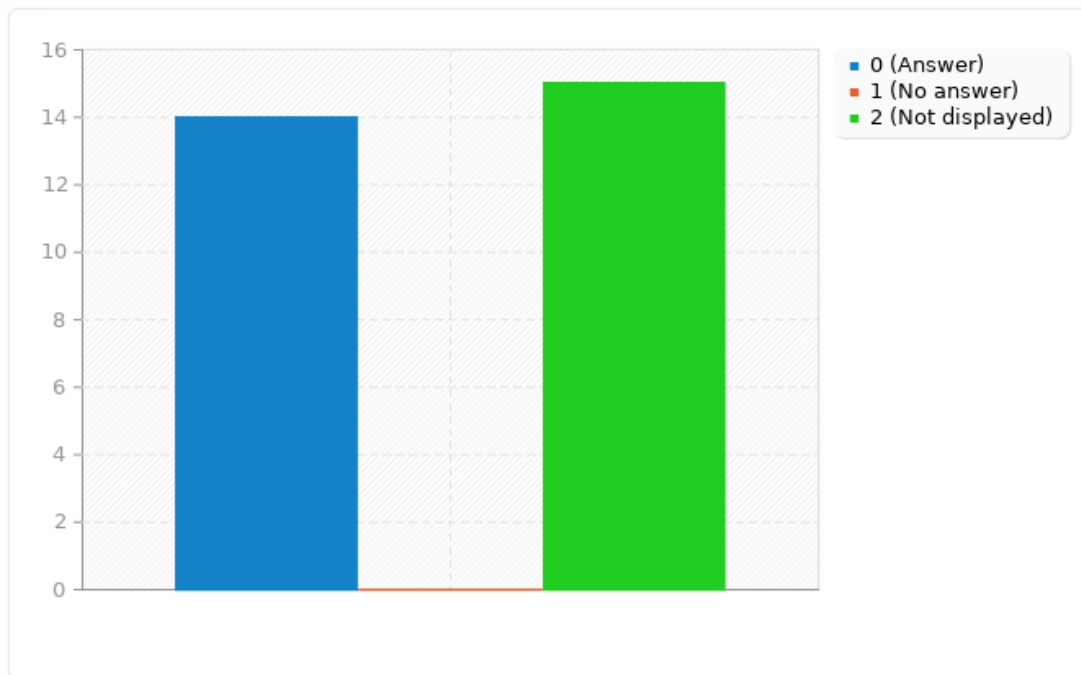
32

Section 87c para 1 of the Code of Administrative Court Procedure 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 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.

Summary for B20

Veillez expliquer.



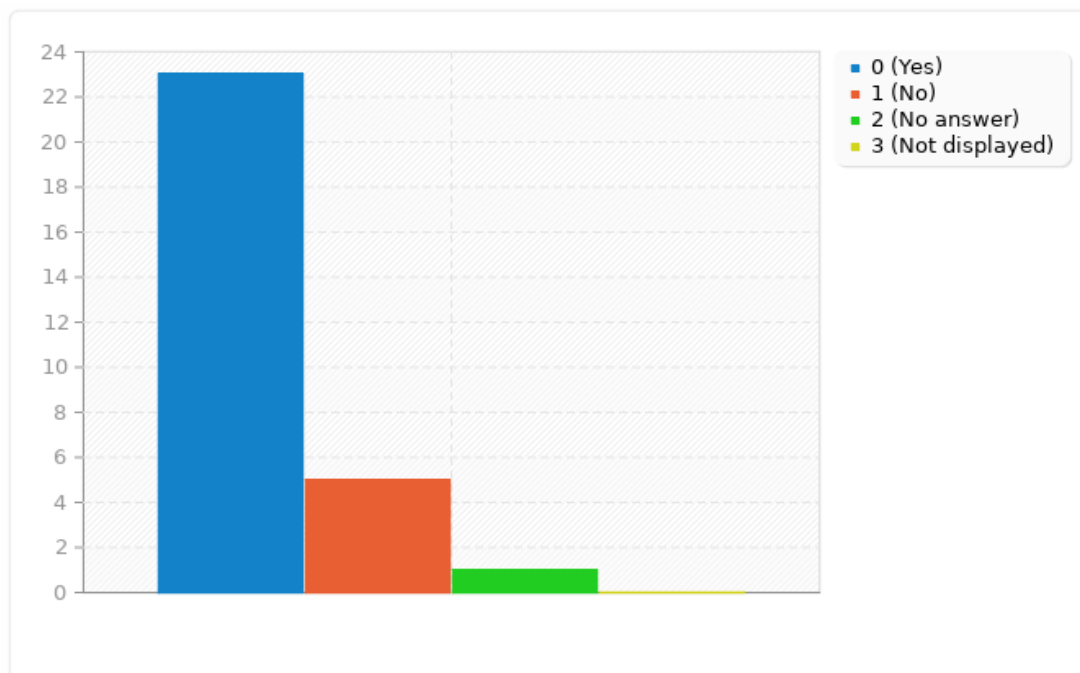
Summary for C1

La CAS de votre pays a-t-elle le pouvoir de regrouper plusieurs recours au sein d'une même procédure (par exemple, dans le cas de demandes similaires ou d'actions collectives) ?

Answer	Count	Percentage
Yes (Y)	23	79.31%
No (N)	5	17.24%
No answer	1	3.45%
Not displayed	0	0.00%

Summary for C1

La CAS de votre pays a-t-elle le pouvoir de regrouper plusieurs recours au sein d'une même procédure (par exemple, dans le cas de demandes similaires ou d'actions collectives) ?



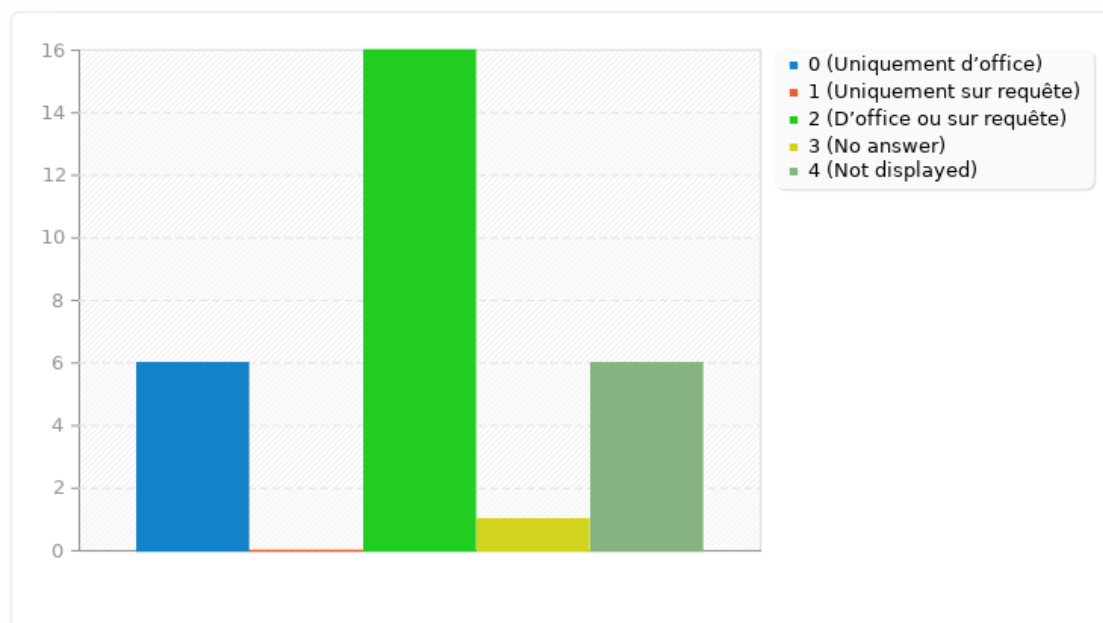
Summary for C2

Le regroupement peut-il être ordonné :

Answer	Count	Percentage
Uniquement d'office (A1)	6	20.69%
Uniquement sur requête (A2)	0	0.00%
D'office ou sur requête (A3)	16	55.17%
No answer	1	3.45%
Not displayed	6	20.69%

Summary for C2

Le regroupement peut-il être ordonné :



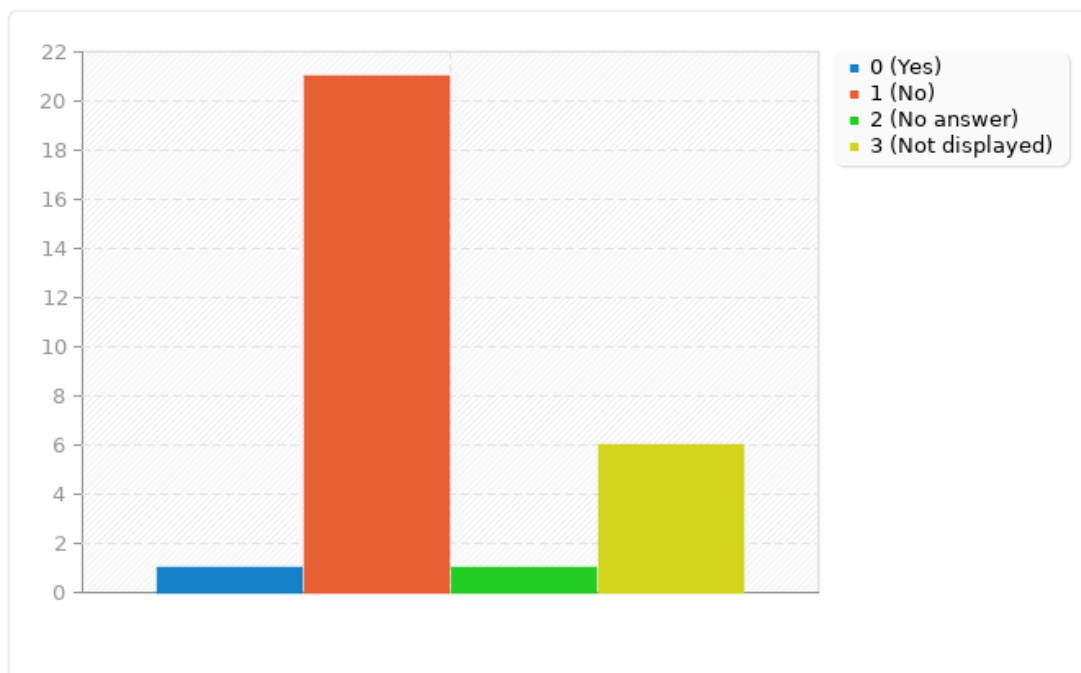
Summary for C3

Le regroupement nécessite-t-il le consentement des parties ?

Answer	Count	Percentage
Yes (Y)	1	3.45%
No (N)	21	72.41%
No answer	1	3.45%
Not displayed	6	20.69%

Summary for C3

Le regroupement nécessite-t-il le consentement des parties ?



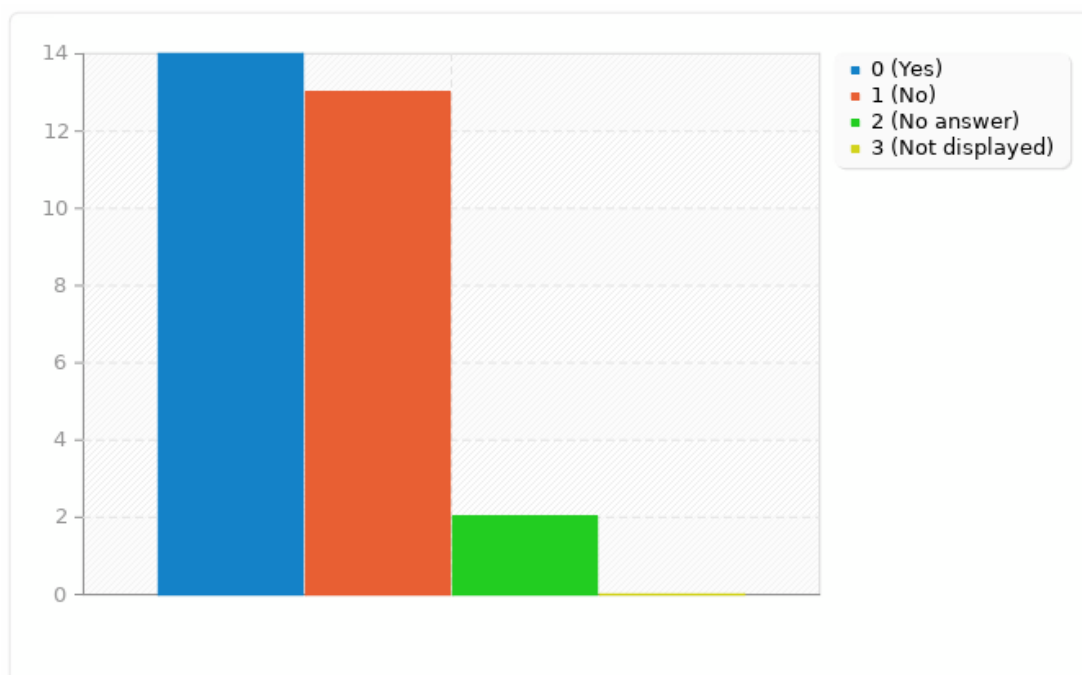
Summary for C4

Existe-t-il des dispositions procédurales régissant les procédures devant la CAS qui permettent l'examen des contentieux à caractère commercial ou présentant un intérêt économique dans le cadre d'une procédure accélérée ?

Answer	Count	Percentage
Yes (Y)	14	48.28%
No (N)	13	44.83%
No answer	2	6.90%
Not displayed	0	0.00%

Summary for C4

Existe-t-il des dispositions procédurales régissant les procédures devant la CAS qui permettent l'examen des contentieux à caractère commercial ou présentant un intérêt économique dans le cadre d'une procédure accélérée ?



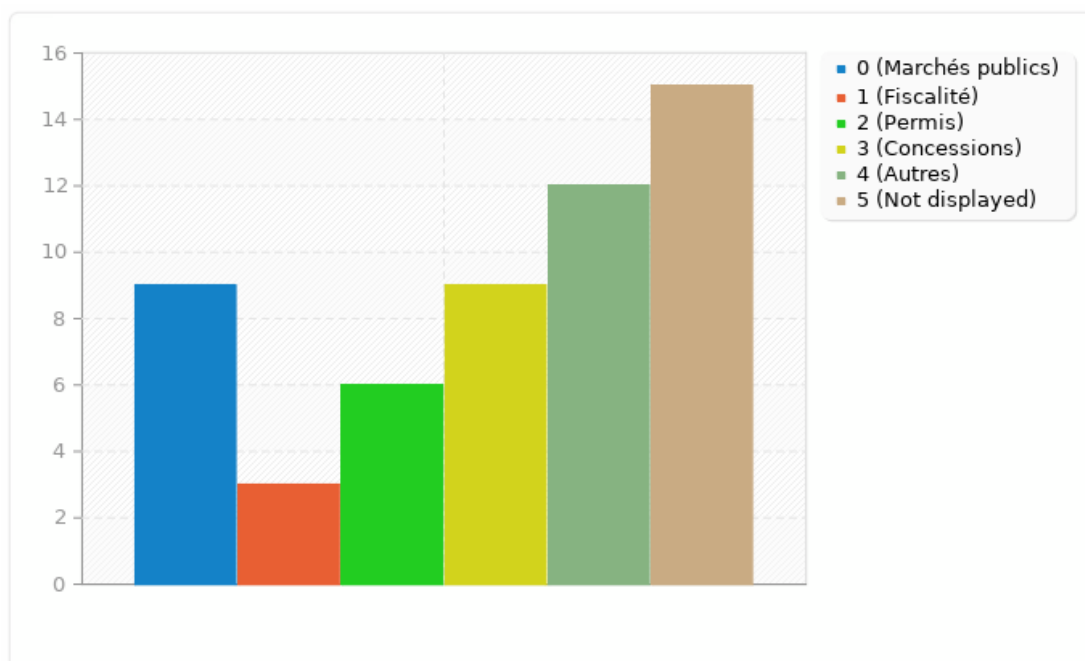
Summary for C5

Quelles sont les catégories de contentieux auxquelles cette procédure s'applique ?

Answer	Count	Percentage
Marchés publics (SQ001)	9	31.03%
Fiscalité (SQ002)	3	10.34%
Permis (SQ003)	6	20.69%
Concessions (SQ004)	9	31.03%
Autres (SQ005)	12	41.38%
Not displayed	15	51.72%

Summary for C5

Quelles sont les catégories de contentieux auxquelles cette procédure s'applique ?



Summary for C6

Merci de préciser dans quelles autres catégories.

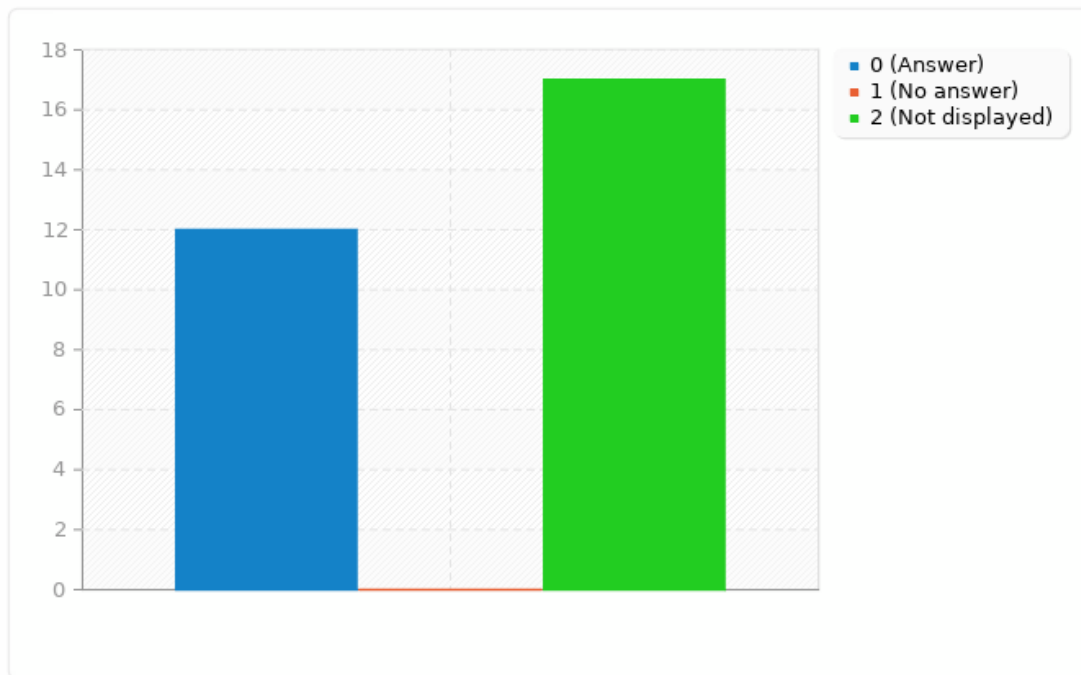
Answer	Count	Percentage
Answer	12	41.38%
No answer	0	0.00%
Not displayed	17	58.62%

ID	Response
18	Dans les cas d'urgence ou de circonstances exceptionnelles, ainsi que dans les procédures spéciales prévoyant expressément l'introduction directe de l'affaire à l'audience (voir, par exemple, l'article 22 de la loi 4864/2021 sur les investissements stratégiques ou les affaires de concurrence), un acte désignant le rapporteur et fixant la date de l'audience est rendu immédiatement après le dépôt du recours (voir l'article 20A du décret présidentiel 18/1989, tel qu'ajouté par la loi 5119/2024). En outre, si l'affaire n'a pas été examinée dans un délai supérieur à 24 mois à compter du dépôt du recours, chaque partie peut introduire une demande d'accélération de la procédure (voir l'article 33A du décret présidentiel 18/1989). En tout état de cause, les affaires relatives à la passation des marchés publics sont traitées en priorité par le biais d'un recours juridictionnel visant à suspendre et à annuler l'acte détachable attaqué (article 372 de la loi n° 4412/2016)
3	Privatization disputes falling within the jurisdiction of our Chamber are also covered by this scope.
4	Le contentieux de la régulation du secteur financier.
6	The shortened procedure referred to in Article 119 of the Code of Administrative Trial applies to a wide range of cases, including, for example: a) measures concerning procedures for the awarding of public works, services, and supplies, as well as measures regarding the admission to or exclusion from professional competitions for professional sports clubs or associations, or those affecting participation in professional competitions, except as provided for in Articles 120 et seq.; b) measures adopted by Independent Administrative Authorities, excluding those relating to the employment relationship with their own employees; b-bis) measures adopted by the National Cybersecurity Agency; c) measures relating to privatization procedures or the disposal of public enterprises or assets, as well as those relating to the establishment, modification, or suppression of companies, businesses, and institutions by local authorities; c-bis) measures adopted in the exercise of special powers (Golden Power) concerning activities of strategic importance in the defense and national security sectors, and in the energy, transport, and communications sectors; d) appointment measures adopted following a resolution of the Council of Ministers; e) measures for the dissolution of governing bodies of local authorities and related measures concerning their formation and operation; 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.
10	Section 8.2.3 GALA deals with accelerated treatment. Pursuant to Article 8:52 of the GALA, which forms part of section 8.2.3, the AJD may, in all cases for which it has jurisdiction, at the request of a party or ex officio, determine that the case will be dealt with on an expedited basis, if the case is urgent. The former Crisis and Recovery Act, which still applies to many cases pending before the AJD on the basis of transitional law belonging to the Environmental and Planning Act, in Article 1.6 (1) declared section 8.2.3 GALA applicable by law to large infrastructure and spatial projects, in Article 1.6 (2) stipulated that an appeal against such decision will in principle be declared inadmissible if the grounds for appeal have not immediately been stated in the notice of appeal, and in Article 1.6 (3) stipulated that a decision had to be made by the AJD within 6 months after the expiry of the appeal period. Article 16.86 of the Environmental and Planning Act provides that an appeal against a so called project decision will in principle be declared inadmissible if the grounds for appeal have not immediately been stated in the notice of appeal. Article 16.87 of the Environmental and Planning Act stipulates that the AJD will decide on appeals against a project decision within six months of receipt of the statement of defence.
11	There is no specific "accelerated track" defined by law exclusively for business or commercial cases. This means that any case can be given priority if the President of the Chamber deems it urgent and relevant statutory provisions are fulfilled.

-
- 15 The Administrative Judicial Code does not generally contain institute of expedited proceedings, and only in some types of proceedings does the law determine the deadline within the court must decide on the matter. Regarding business related cases this procedure is applicable in competition law cases.
- 21 General rules apply to all cases, including the aforementioned cases.
- 23 Investment screening cases
- 24 A titre tout à fait exceptionnel, il peut être fait état du contentieux de l'échange de renseignements en matière fiscale qui est organisé dans des délais de procédure et de prononcé plus réduits que dans le cadre des procédures de droit commun. Ces délais abrégés sont prévus par la loi aux fins d'assurer l'échange de renseignements dans les délais les plus brefs.
- 27 Applications for interim measures are also resolved without delay.
- 32 Section 87c para 1 of the German Code of Administrative Court Procedure 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 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.

Summary for C6

Merci de préciser dans quelles autres catégories.



Summary for C7

Pouvez-vous expliquer le fonctionnement de cette procédure ?

Answer	Count	Percentage
Answer	14	48.28%
No answer	0	0.00%
Not displayed	15	51.72%

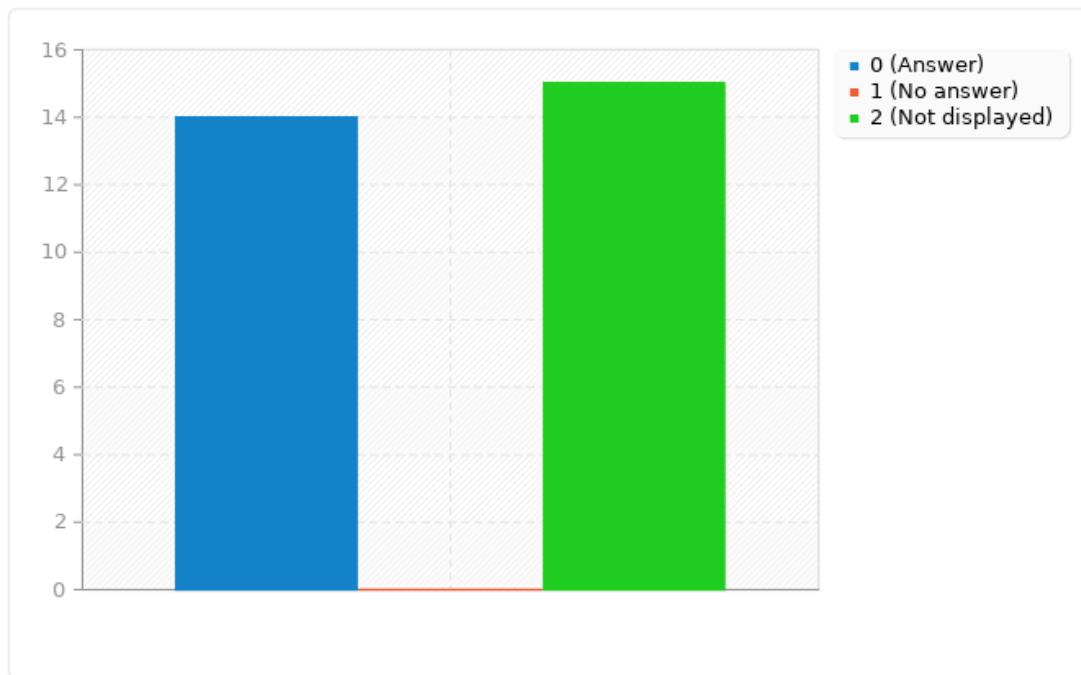
ID	Response
18	Voir la réponse à la question précédente.
3	Under this procedure, in respect of public procurement disputes, the time limits for bringing an action and for submitting a response to the statement of claim are restricted, the case file is completed upon a single defense, and a decision must be rendered within a shorter and fixed period compared to the general judicial procedure. All procedural acts relating to the investigation are carried out expeditiously. There is no intermediate appellate stage in these cases, and the decisions are brought directly before the Council of State on appeal. With certain exceptions, in these cases the Chamber is not confined to quashing the decision but may rule on the merits by substituting itself for the lower court, and such decision is final. Privatization matters are heard by our Chamber as a court of first instance, and the same procedures apply to such cases. Following an appeal against these decisions, the Plenary Session of the Administrative Law Chambers may render a decision in place of our Chamber.
4	Le Conseil d'État connaît trois procédures spécifiques permettant de traiter en priorité certains contentieux à caractère commercial ou présentant un intérêt économique. La première concerne le traitement des recours en suspension dirigés contre les décisions d'attribution de marchés publics. L'article 15 de la 'loi du 17 juin 2013 relative à la motivation, à l'information et aux voies de recours en matière de marchés publics [...] dispose que ces demandes de suspension doivent être introduites selon la procédure d'extrême urgence tout en précisant que la décision pourra être suspendue "sans que la preuve de l'urgence doive être apportée". Cette particularité déroge à la procédure ordinaire concernant les demandes de suspension. La deuxième concerne le traitement des dossiers relevant d'un intérêt public supérieur (IPS). Ces dossiers sont identifiés par l'article 101/1 des lois coordonnées sur le Conseil d'État et par l'article 2 de l'arrêté royal du 21 juillet 2023 'déterminant les affaires relevant d'un intérêt public supérieur et les possibles mesures organisationnelles de ces affaires au sens de l'article 101/1, alinéa 2, des lois sur le Conseil d'État, coordonnées le 12 janvier 1973'. Ceux-ci concernent, d'une manière générale, les permis, les autorisations, et les plans qui concernent des installations et des infrastructures importantes en matière de transition énergétique. Pour assurer le traitement rapide ces dossiers, qui doivent en principe être traités dans un délai de 15 mois, le collège des chefs de corps du Conseil d'État a adopté une mesure organisationnelle permettant à la chambre saisie d'une telle affaire de décider, par ordonnance, que les délais dont disposent les parties pour déposer leurs actes de procédure seront réduits. Enfin, l'arrêté royal du 15 mai 2003 'portant règlement de la procédure accélérée en cas de recours après du Conseil d'État contre certaines décisions de la Commission bancaire et financière (aujourd'hui FSMA)' instaure une procédure spécifique pour le traitement des recours portant sur certaines décisions de la FSMA (Autorité des services et marchés financiers) et de la Banque Nationale de Belgique. Cette procédure est caractérisée par des délais de procédure contraignants pour le Conseil d'État (transmission de la requête à la partie adverse, dépôt du rapport de l'auditeur et fixation de l'audience), un délai réduit pour le dépôt du mémoire en réponse par la partie adverse et par l'absence d'échange de derniers mémoires par les parties après la communication du rapport de l'auditorat.
5	In public procurement cases, administrative acts may be appealed to the Administrative District Court, which examines the case in a panel of three judges. The decision of the Administrative District Court in public procurement cases may be appealed directly by way of cassation to the Administrative Cases Department of the Supreme Court. This means that for these categories of cases, there is no intermediate appellate instance. A similar procedure applies to cases related to public-private partnerships (concession agreements).

Similarly, decisions of the Competition Council (for example, a decision on the merger of market participants) may be appealed by a party to the Administrative Regional Court, which examines the case as a court of first instance in a panel of three judges. The decision of the Administrative Regional Court may be appealed by way of cassation to the Department of Administrative Cases of the Supreme Court.

- 6 The effectiveness of judicial protection in the economic sphere is guaranteed by the synergy between Art. 119 of the Code of Administrative Trial, which introduces a general shortened procedure based on the halving of almost all procedural deadlines for strategic sectors (Independent Authorities, energy, infrastructure), and Art. 120 of the Code of Administrative Trial, which extends this acceleration to the public procurement and concessions sector. This latter regulation establishes an even stricter regime.
- 10 In the context of the procedure of Article 8:52 GALA, deadlines for, among other things, the submission of documents are shortened, a case is brought to court more quickly and a decision is rendered in a shorter period of time. Article 8:53 GALA provides that, if it appears to the AJD during the hearing that the case is not sufficiently urgent to justify an accelerated hearing or that the case requires an ordinary hearing, the AJD will determine that the case will continue to be dealt with in the ordinary manner.
- 11 The SAC handles cases in the order they arrive with several statutory exceptions. However, the President of the Chamber may prioritise (any) cases of "urgent reasons" pursuant to Section 56(1) of the Code of Administrative Justice.
- 15 According to section 458 of Administrative Judicial Code is Supreme Administrative Court obliged to decide on cassation complaints against decision of administrative court concerns decision of Antimonopoly Office within 90 days.
According to section 464 of the Administrative Judicial Code, when the Supreme Administrative Court, as the Court of Cassation, is deciding on a cassation appeal in similar matter which has already been the subject of proceedings before the Court of Cassation, may in the justification of its decision only refer to a similar decision, the part of which it shall include in the justification. This procedure can significantly speed up proceedings
- 19 The Law on Contentious-Administrative Jurisdiction provides for the possibility of staying analogous cases until a judgment is rendered, thereby issuing a common decision applicable to all of them
- 21 If the President of the Curia orders an expedited proceeding, the panel hearing the case shall fix the earliest possible date for the hearing and decide on the merits of the case.
- 23 No specific procedural provisions apply exclusively to business-related cases or cases of economic importance. However, accelerated consideration may result from statutory deadlines established by the legislator, for example in proceedings concerning investment-related disputes, including cases on the compatibility of investments with national security. In other business-related cases, statutory deadlines concern only specific procedural matters (such as court authorisations or interim measures), not the examination of the case as a whole. In addition to this, according to the Rules on Case Allocation 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 a reasoned order of the President of the Court of Administrative Cases. This may occur due to the nature of the legal relations, reasons for protecting the public interest, the stage of the proceedings, its particularities, the efficiency of the proceedings, and other special circumstances.
- 24 La Cour administrative ne dispose pas de procédures générales permettant l'examen de contentieux économiques ou financiers dans le cadre d'une procédure accélérée. Selon l'organisation de la juridiction administrative, seul le président du tribunal administratif, juridiction de première instance, peut ordonner des mesures d'urgence (sursis à exécution) ou encore adopter des mesures de sauvegarde.
- 27 A case concerning public procurement or concession must be resolved by the administrative court within 45 days following the filing of the complaint. Although said provision regulates only proceedings before the court of first instance and not before the SAC, in practice the SAC has, when adjudicating public procurement cases, followed the principle that the duration of the proceedings should remain within that time frame. Disputes in these categories are prioritised.
- 32 According to Section 87c para 2 of the German 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 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.

Summary for C7

Pouvez-vous expliquer le fonctionnement de cette procédure ?



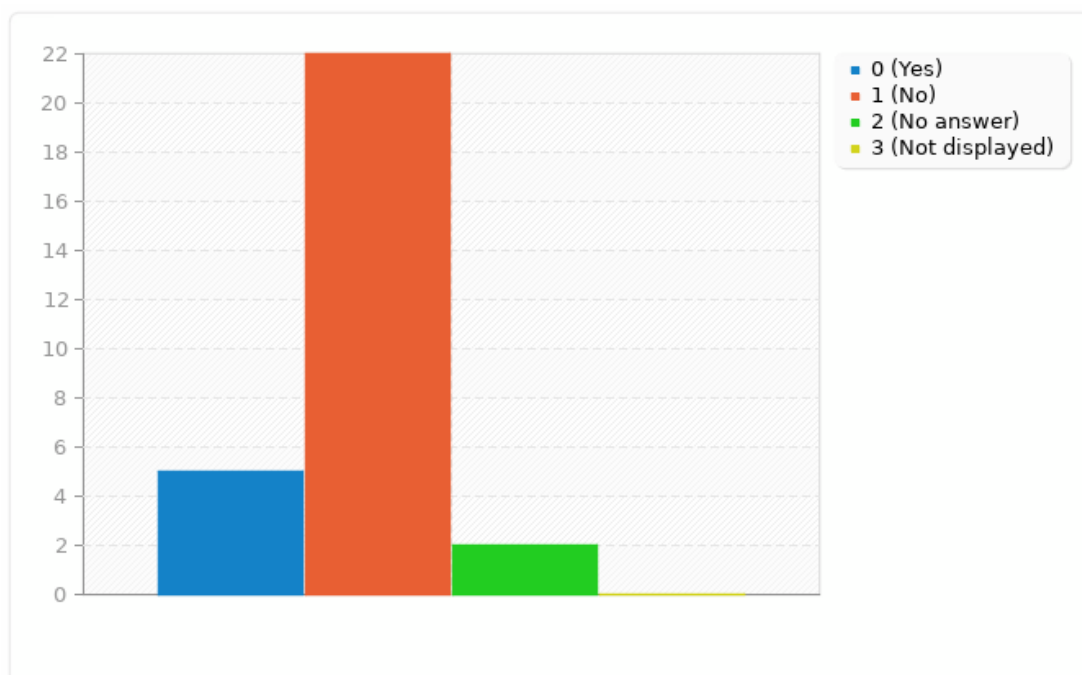
Summary for C8

Existe-t-il des dispositions procédurales régissant les procédures devant la CAS qui permettent l'examen des contentieux à caractère commercial ou présentant un intérêt économique dans le cadre d'une procédure simplifiée.

Answer	Count	Percentage
Yes (Y)	5	17.24%
No (N)	22	75.86%
No answer	2	6.90%
Not displayed	0	0.00%

Summary for C8

Existe-t-il des dispositions procédurales régissant les procédures devant la CAS qui permettent l'examen des contentieux à caractère commercial ou présentant un intérêt économique dans le cadre d'une procédure simplifiée.



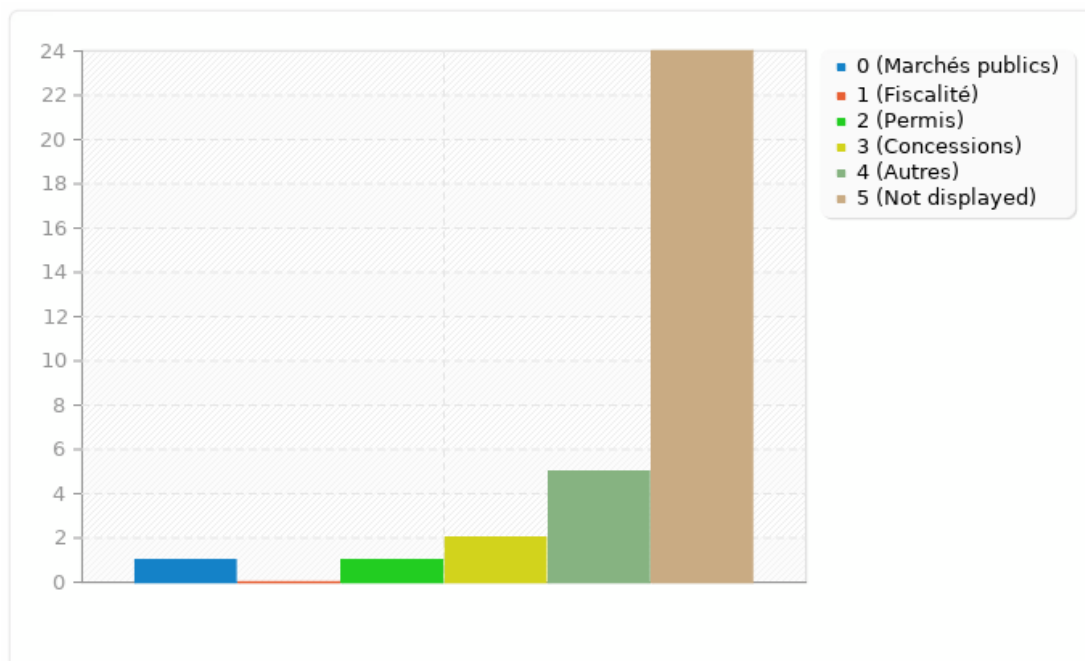
Summary for C9

Quelles sont les catégories de contentieux auxquelles cette procédure s'applique ?

Answer	Count	Percentage
Marchés publics (SQ001)	1	3.45%
Fiscalité (SQ002)	0	0.00%
Permis (SQ003)	1	3.45%
Concessions (SQ004)	2	6.90%
Autres (SQ005)	5	17.24%
Not displayed	24	82.76%

Summary for C9

Quelles sont les catégories de contentieux auxquelles cette procédure s'applique ?



Summary for C10

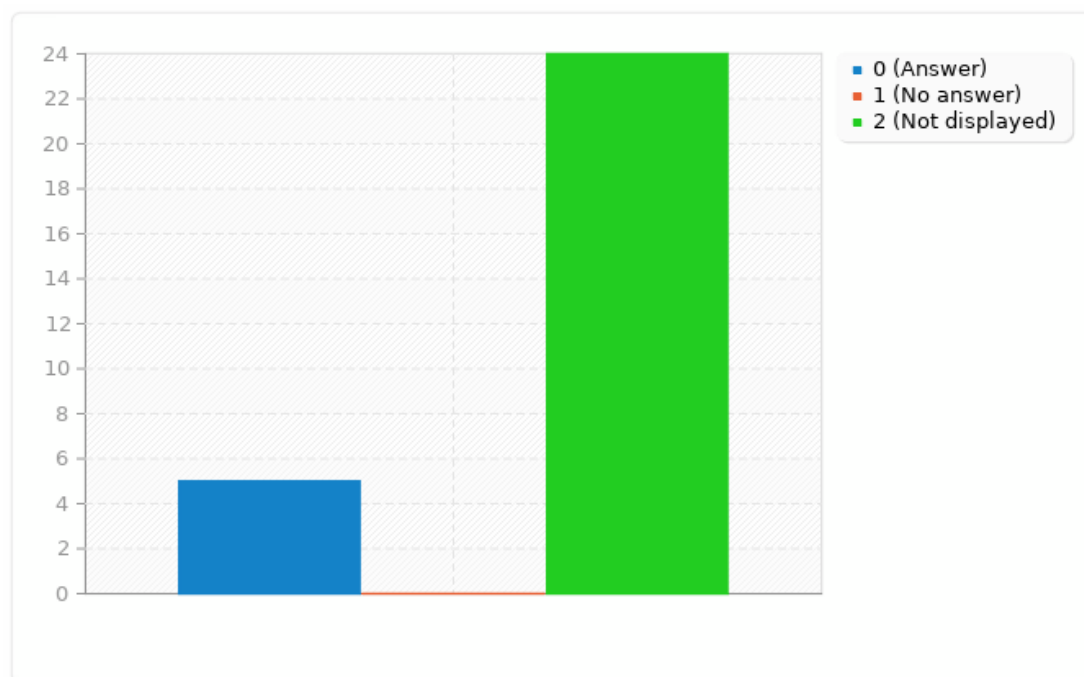
Merci de préciser dans quelles autres catégories.

Answer	Count	Percentage
Answer	5	17.24%
No answer	0	0.00%
Not displayed	24	82.76%

ID	Response
4	La procédure "FSMA" fixée par l'arrêté royal du 15 mai 2003 mentionné en réponse aux questions B.20. et C.7. peut être considérée comme simplifiée par rapport à la procédure ordinaire dès lors qu'elle ne permet pas aux parties de déposer de derniers mémoires pour réagir au rapport de l'auditeur.
10	Section 8.2.4 GALA deals with the simplified procedure. Pursuant to Article 8:54 GALA, the AJD may, in all cases pending before it, until the parties have been invited to appear at a hearing, close the investigation, if it is not necessary 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 is not applicable in complex, not-manifest cases. Pursuant to Article 8:57 of the GALA, in all cases for which it has jurisdiction, the AJD can decide that the hearing shall be omitted if none of the parties, after having been informed of their right to be heard at the hearing, has declared (within a reasonable period of time set by the AJD) that he wishes to make use of the right to be heard. It should be noted that this procedure is less suitable for complex cases.
27	Streamlined procedure can technically be used in any matter, regardless of the category, provided that the interference with the right for which the complainant seeks protection is a minor one. If the protected interest can be measured in money, the interference is considered minor, if its value is no more than 1,000 euros. So while streamlined proceedings can theoretically be used in business related disputes, such disputes do not have notable economic impact.
29	The principle is that administrative acts, including those affecting economic interests, are subject to judicial review under Article 145 et seq. The Administrative Procedure Code provides for normal court proceedings with no accelerated deadlines for challenging administrative acts, and requires the court to deliver its ruling within one month of the case's conclusion. Expedited proceedings under various substantive laws are expressly regulated - such as competition proceedings, environmental proceedings. This also applies to the Electronic Communications Act and the Waste Management Act in proceedings under Article 201 of the Energy Act and etc.
32	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 the facts have been clarified. Those concerned are heard in advance. The provisions regarding judgments apply accordingly. According to Section 84 para 2 no. 5 of the German Code of Administrative Court Procedure those 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 those concerned.

Summary for C10

Merci de préciser dans quelles autres catégories.



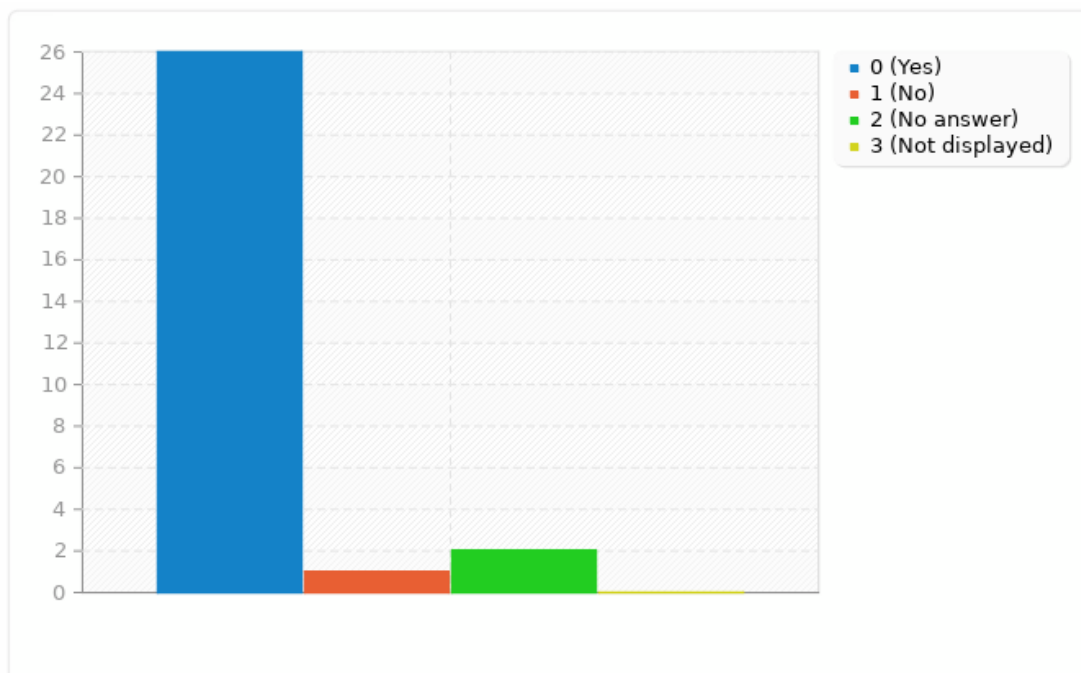
Summary for C11

Des mesures provisoires (ex. : suspension d'un acte administratif) sont-elles disponibles dans le cadre des procédures devant la CAS dans les contentieux à caractère commercial ou présentant un intérêt économique ?

Answer	Count	Percentage
Yes (Y)	26	89.66%
No (N)	1	3.45%
No answer	2	6.90%
Not displayed	0	0.00%

Summary for C11

Des mesures provisoires (ex. : suspension d'un acte administratif) sont-elles disponibles dans le cadre des procédures devant la CAS dans les contentieux à caractère commercial ou présentant un intérêt économique ?



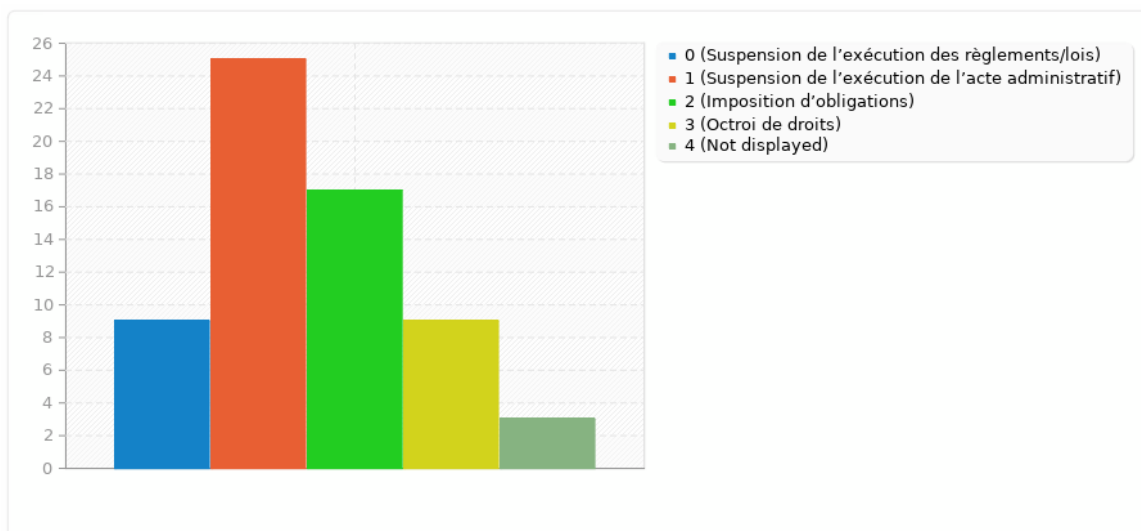
Summary for C12

La CAS dispose-t-elle des mesures provisoires suivantes pour ce type de contentieux ?

Answer	Count	Percentage
Suspension de l'exécution des règlements/lois (SQ001)	9	31.03%
Suspension de l'exécution de l'acte administratif (SQ002)	25	86.21%
Imposition d'obligations (SQ003)	17	58.62%
Octroi de droits (SQ004)	9	31.03%
Not displayed	3	10.34%

Summary for C12

La CAS dispose-t-elle des mesures provisoires suivantes pour ce type de contentieux ?



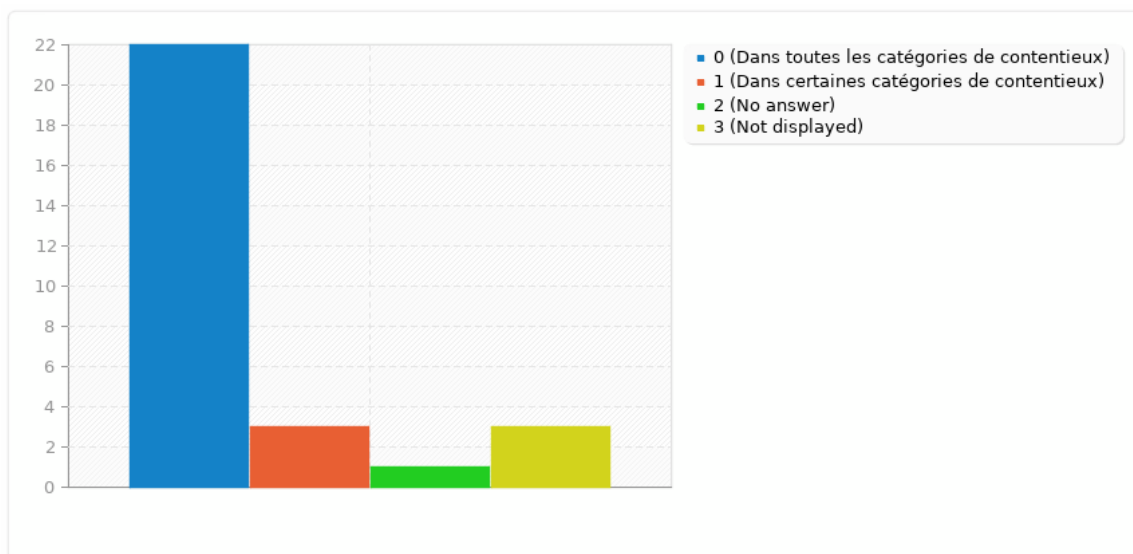
Summary for C13

Merci d'indiquer dans quelles catégories de contentieux :

Answer	Count	Percentage
Dans toutes les catégories de contentieux (AO01)	22	75.86%
Dans certaines catégories de contentieux (AO02)	3	10.34%
No answer	1	3.45%
Not displayed	3	10.34%

Summary for C13

Merci d'indiquer dans quelles catégories de contentieux :



Summary for C14

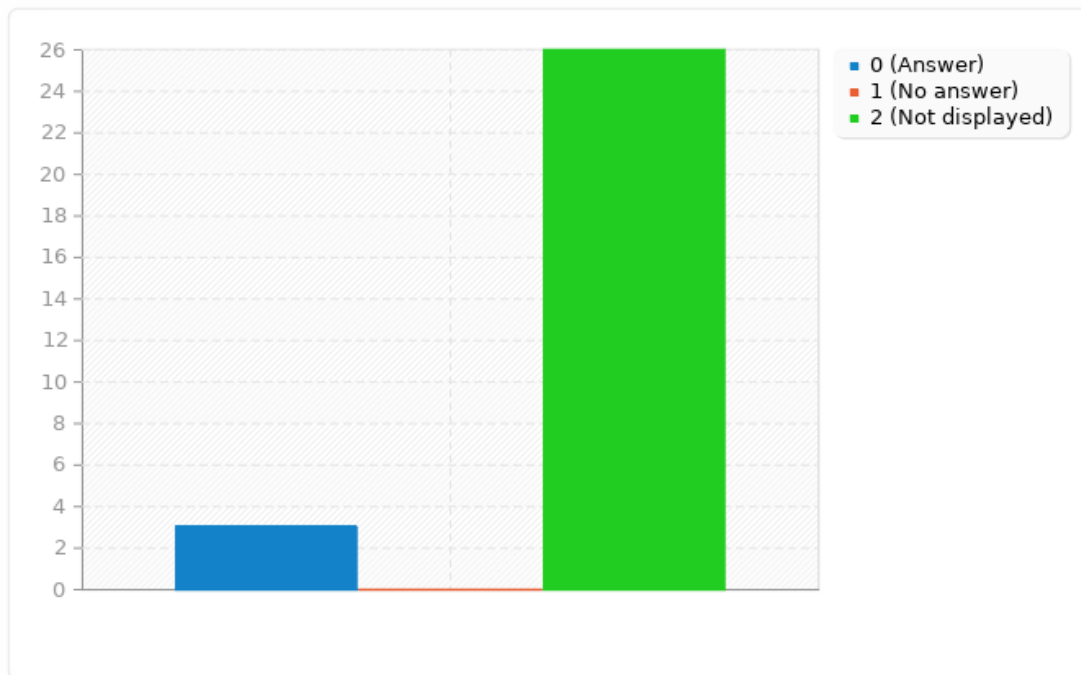
Veillez expliquer.

Answer	Count	Percentage
Answer	3	10.34%
No answer	0	0.00%
Not displayed	26	89.66%

ID	Response
18	La possibilité de prononcer une suspension (sursis à exécution) ou d'ordonner des mesures provisoires est prévue dans le cadre du recours en annulation (pour les actes administratifs individuels et exceptionnellement pour les actes réglementaires) ou même en appel. Elle n'est pas prévue en cassation.
3	In annulment actions, a stay of execution may be granted. However, this interim measure cannot be granted in full jurisdiction (compensation) actions or in disputes arising purely from the performance of administrative contracts, as no specific administrative act constitutes the subject matter of the action.
10	Basically, in all cases within the competence of the AJD, the preliminary relief judge of the AJD can take measures such as suspensions and obligations, provided that an appeal has also been lodged in the main case. Granting rights is not possible in the literal sense, but the AJD may determine that the applicant must be provisionally considered to be in the position as if he had a certain right.

Summary for C14

Veillez expliquer.



Summary for C15

Merci d'indiquer dans quelles conditions les mesures provisoires sont accordées .

Answer	Count	Percentage
Urgence (SQ001)	18	62.07%
Risque de préjudice grave (SQ002)	24	82.76%
Equilibre des intérêts (SQ003)	21	72.41%
Other	14	48.28%
Not displayed	3	10.34%

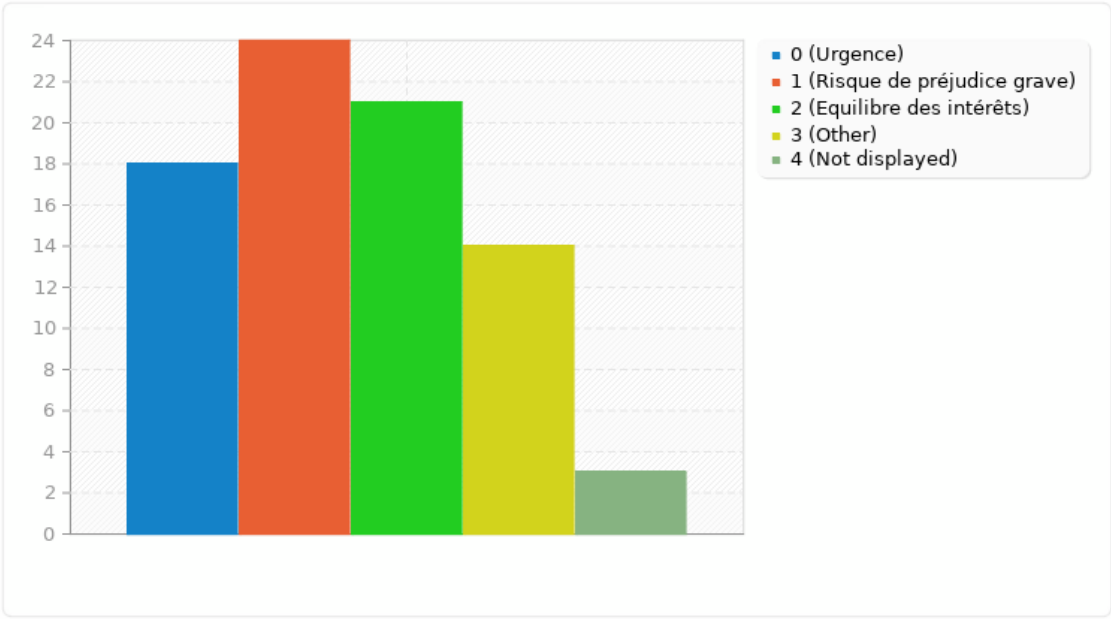
ID	Response
2	Causing effects that are difficult to reverse.
3	The act must be manifestly unlawful, and there must be a risk of damage that would be difficult or impossible to remedy.
5	The basis for applying interim measures is the fulfilment of two cumulative criteria. First, the court must find that, if interim measures are not applied, significant harm or loss may occur, and that preventing or compensating for such harm or loss would be substantially difficult or would require disproportionate resources (the subjective criterion). Second, the court must find that the contested decision is prima facie unlawful (the objective criterion). If either the subjective or the objective criterion is not met, the request for the application of interim measures must be refused.
6	The probable merit of the appeal (fumus boni iuris)
10	Preliminary assessment of legality.
11	The suspensive effect of the cassation complaint must not cause harm to the third parties. Pursuant to Section 38(1) of the Code of Administrative Justice, if a motion to initiate proceedings has been filed and it is necessary to provisionally adjust the circumstances of the parties due to imminent serious harm, the court may upon application, by order, impose a preliminary measure on the parties to perform, refrain from, or tolerate something. For the same reasons, the court may also impose such an obligation on a third party if it is fair to do so. Pursuant to Section 73(1) of the Code of Administrative Justice, upon the plaintiff's motion and after hearing the defendant's statement, the court shall grant the action suspensive effect if the enforcement or other legal consequences of the decision would cause the plaintiff disproportionately greater harm than that which may be caused to other persons by granting suspensive effect, and if this is not contrary to an important public interest.
15	For granting a suspensive effect to a cassation complaint two conditions have to be met: 1. Threat of serious harm 2. Granting the suspensive effect is not contrary to public interest.
21	Based on the principle of proportionality, the court shall consider, from the perspective of the public interest and all parties, whether the failure to provide immediate legal protection would cause a more serious disadvantage than that which would result from providing immediate legal protection.
22	The principles of urgency, risk of serious harm, and balance of interests do apply in the Supreme Court, but they are filtered through the Court's appellate function, not in the first instance. Interim measures before the Supreme Court are exceptional, ancillary, and protective. They are granted not to manage disputes on an ongoing basis, but to ensure that the Court's final determination is capable of having real and effective legal consequences. The courts apply a structured and well-established set of criteria when assessing applications for interim relief such as injunctions. These criteria guide the courts in determining whether urgent protective measures should be granted before the full merits of the case are heard. The first criterion is whether there is a "serious issue to be tried". This means that the applicant must demonstrate that the claim is not frivolous, vexatious, or entirely without merit. It does not require the applicant to prove that they will ultimately succeed, but there must be a legitimate legal question that warrants full judicial consideration. This threshold was articulated by the Supreme Court in <i>Campus Oil v. Minister for Industry and Energy</i> (No. 2) [1983] IR 88 and has been adapted in subsequent case law (<i>Merck Sharp & Dohme Corp v Clonmel Healthcare Ltd</i> [2019] IESC 65). Secondly, the applicant must establish a risk of irreparable harm if the interim relief is not granted. For instance, in <i>Gerard Dowling and Others v Minister for Finance and Others</i> [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.

- 23 Interim measures to secure a claim may also be applied in cases where it is necessary to temporarily regulate the situation related to the disputed legal relations.
- 25 According to the Article 23 of the Law on Administrative Disputes ("Official Gazette of the Republic of Serbia", No. 111/2009), "at the request of the plaintiff, the court may postpone the legal effect of the final administrative act that was decided on the merits of the administrative matter, until the court decision is rendered, if the enforcement would cause harm to the plaintiff which would be difficult to rectify, and if the postponement is not against the public interest, or the postponement would not cause greater or irreparable damage to the opposing party, or interested party. Exceptionally, parties in an administrative proceeding may request from the court to postpone the enforcement of an administrative act even before the lawsuit is filed in case of emergency and in case of an appeal which, by law, does not have the suspensory effect, and proceeding on the appeal is not terminated".
- 30 The main test for granting interim relief is the assessment on whether the enforcement would render the appeal useless.
- 31 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. We specify that 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.
- 32 According to section 80 para 5 sentence 1 of the German Code of Administrative Court Procedure the court dealing with the main case may, on request, completely or partly order or reconstitute 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 of the German Code of Administrative Court Procedure 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 of the German Code of Administrative Court interim orders are also permissible to settle an interim condition in relation to a contentious legal relationship if this regulation appears necessary, above all with ongoing legal relationships, in order to avert major disadvantages or prevent immanent force, or for other reasons. According to section 123 para 5 of the German Code of Administrative Court Procedure the provisions contained in para 1 do not apply to cases falling under sections 80.

Summary for C15

Merci d'indiquer dans quelles conditions les mesures provisoires sont accordées .



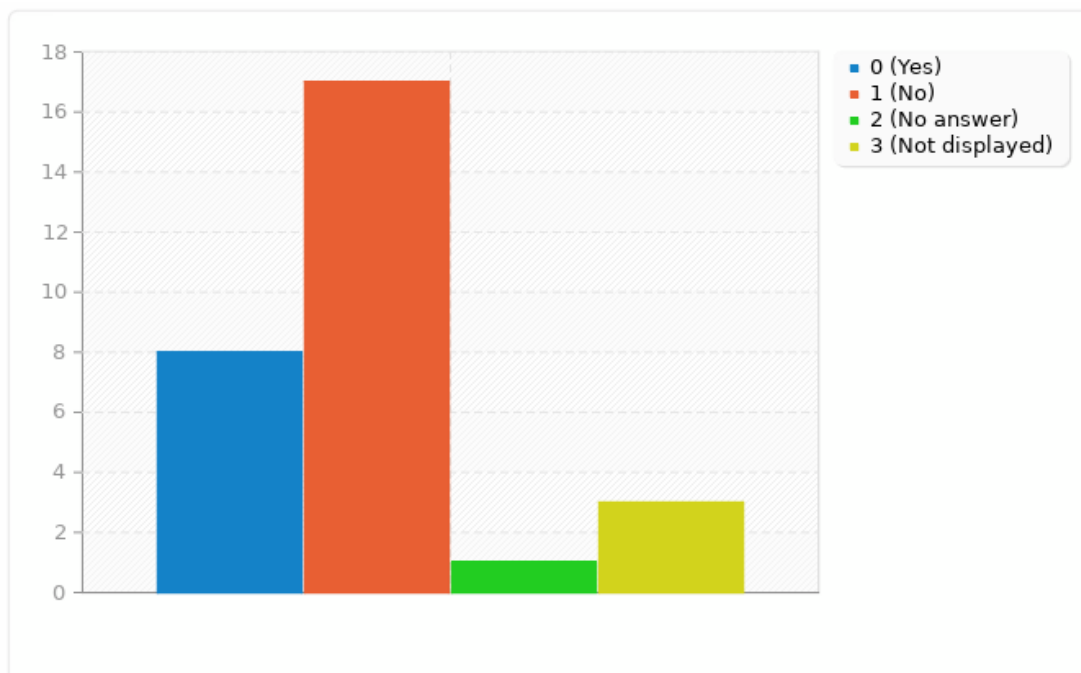
Summary for C16

L'octroi de mesures provisoires est lié à des frais.

Answer	Count	Percentage
Yes (Y)	8	27.59%
No (N)	17	58.62%
No answer	1	3.45%
Not displayed	3	10.34%

Summary for C16

L'octroi de mesures provisoires est lié à des frais.



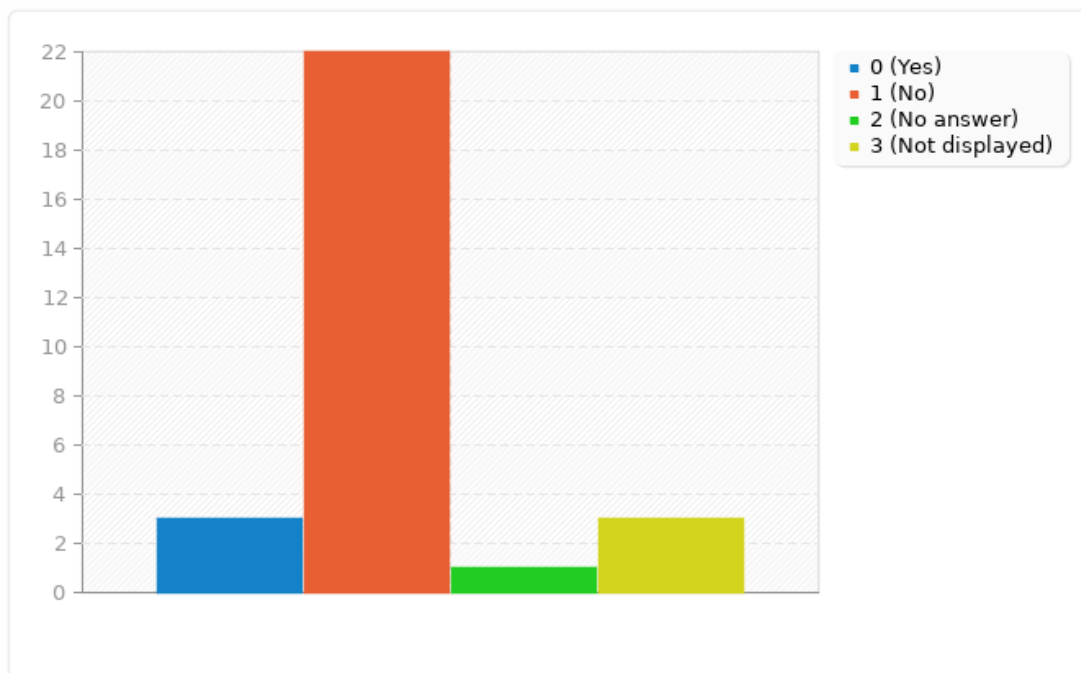
Summary for C17

L'octroi de mesures provisoires est lié à l'obligation de fournir une garantie financière.

Answer	Count	Percentage
Yes (Y)	3	10.34%
No (N)	22	75.86%
No answer	1	3.45%
Not displayed	3	10.34%

Summary for C17

L'octroi de mesures provisoires est lié à l'obligation de fournir une garantie financière.



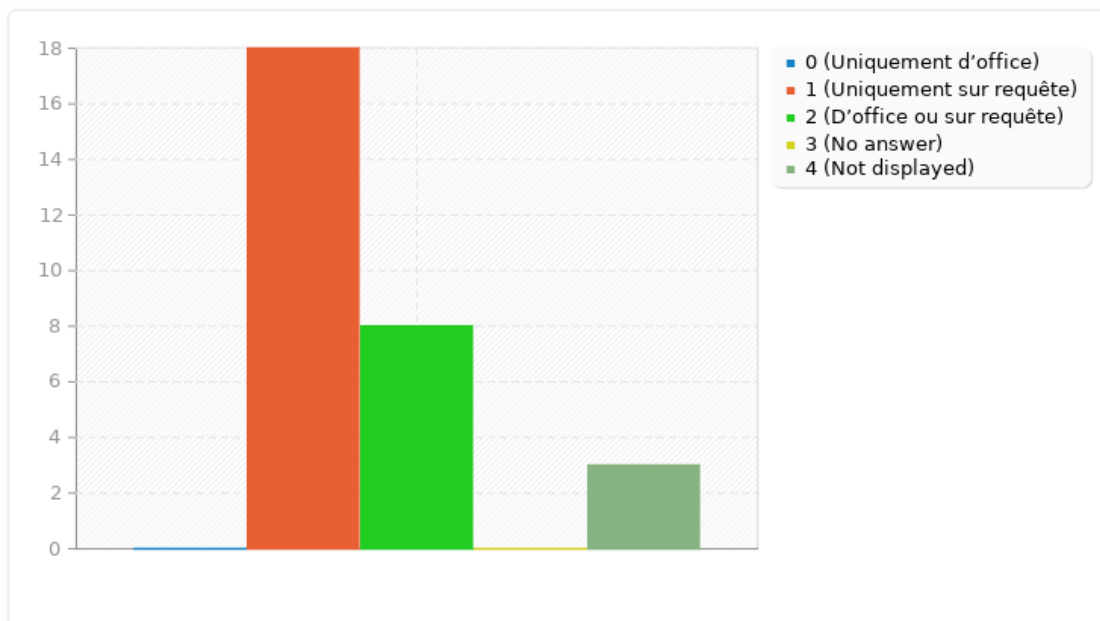
Summary for C18

Les mesures provisoires sont appliquées.

Answer	Count	Percentage
Uniquement d'office (AO01)	0	0.00%
Uniquement sur requête (AO02)	18	62.07%
D'office ou sur requête (AO03)	8	27.59%
No answer	0	0.00%
Not displayed	3	10.34%

Summary for C18

Les mesures provisoires sont appliquées.



Summary for C19

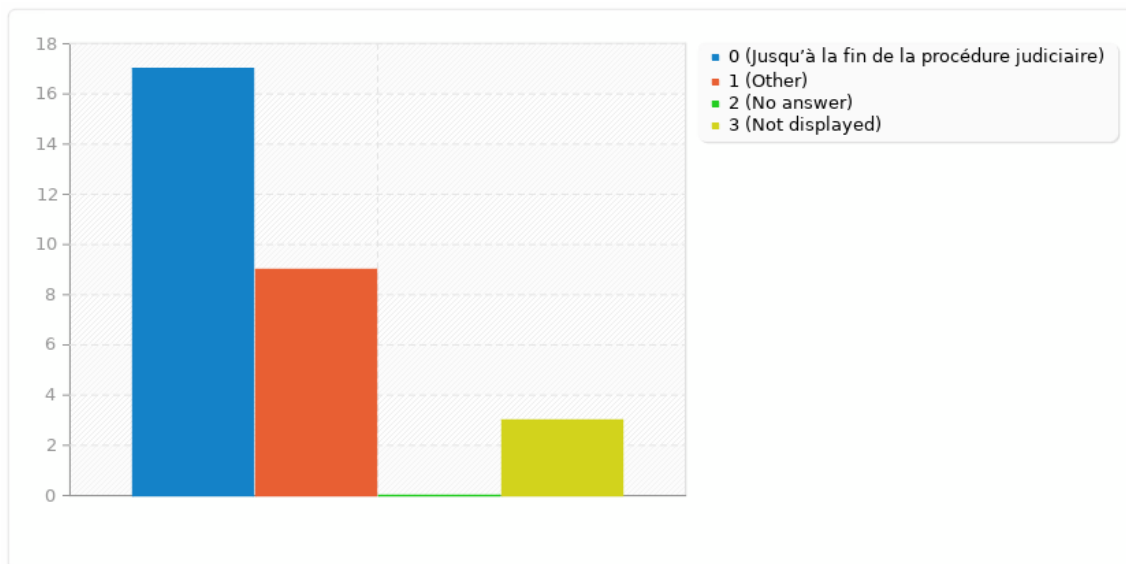
Merci d'indiquer pour quelle durée les mesures provisoires sont accordées.

Answer	Count	Percentage
Jusqu'à la fin de la procédure judiciaire (AO01)	17	58.62%
Other	9	31.03%
No answer	0	0.00%
Not displayed	3	10.34%

ID	Response
4	La durée pour laquelle les mesures provisoires sont imposées varie en fonction de l'effet utile que celles-ci doivent atteindre. Ainsi, si la suspension d'un acte administratif sera en principe appliquée jusqu'à la fin de la procédure au fond, une mesure provisoire telle que l'obligation pour un établissement d'enseignement de laisser un étudiant participer à une session d'examens ne sera d'application que pour la durée nécessaire à ce que l'effet utile poursuivi soit atteint.
10	The judge in preliminary relief proceedings may specify a time limit. This cannot last longer than until the decision in the main case has been taken, but it can be shorter, for example if a new decision will be taken by the administration before that time.
22	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 judgment 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
23	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.
30	Under the Act on Administrative Judicial Procedure, the court shall determine until what period the order on interim relief is valid.
31	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.
32	Usually, interim measures are granted until the conclusion of the court proceedings, with the exception of time bound applications for interim measures.

Summary for C19

Merci d'indiquer pour quelle durée les mesures provisoires sont accordées.



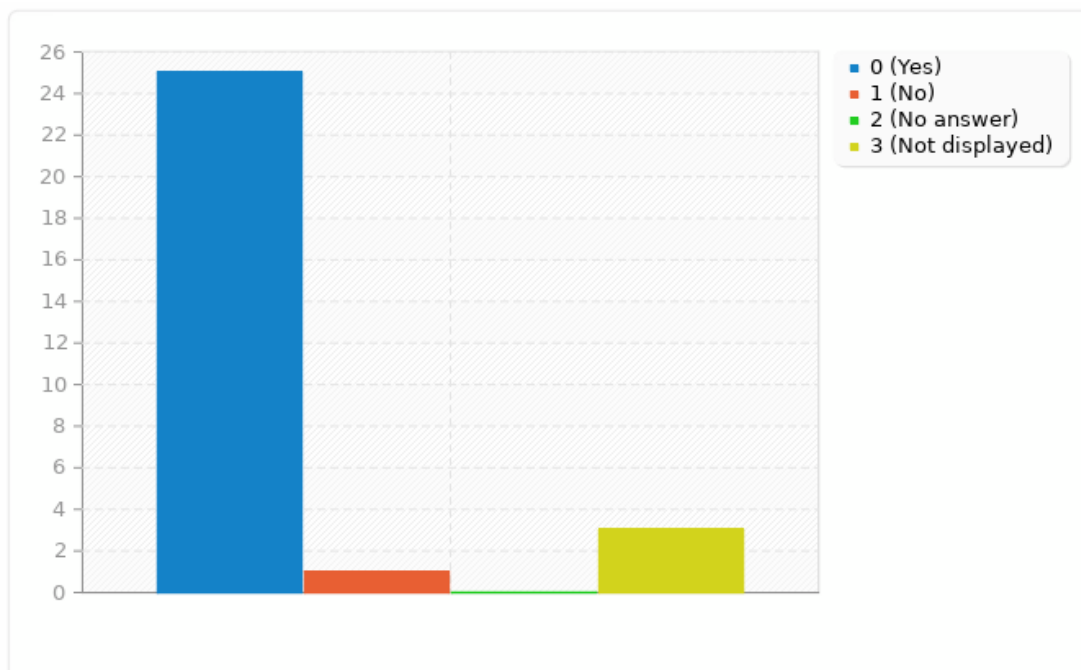
Summary for C20

Les mesures provisoires appliquées sont-elles révocables ?

Answer	Count	Percentage
Yes (Y)	25	86.21%
No (N)	1	3.45%
No answer	0	0.00%
Not displayed	3	10.34%

Summary for C20

Les mesures provisoires appliquées sont-elles révocables ?



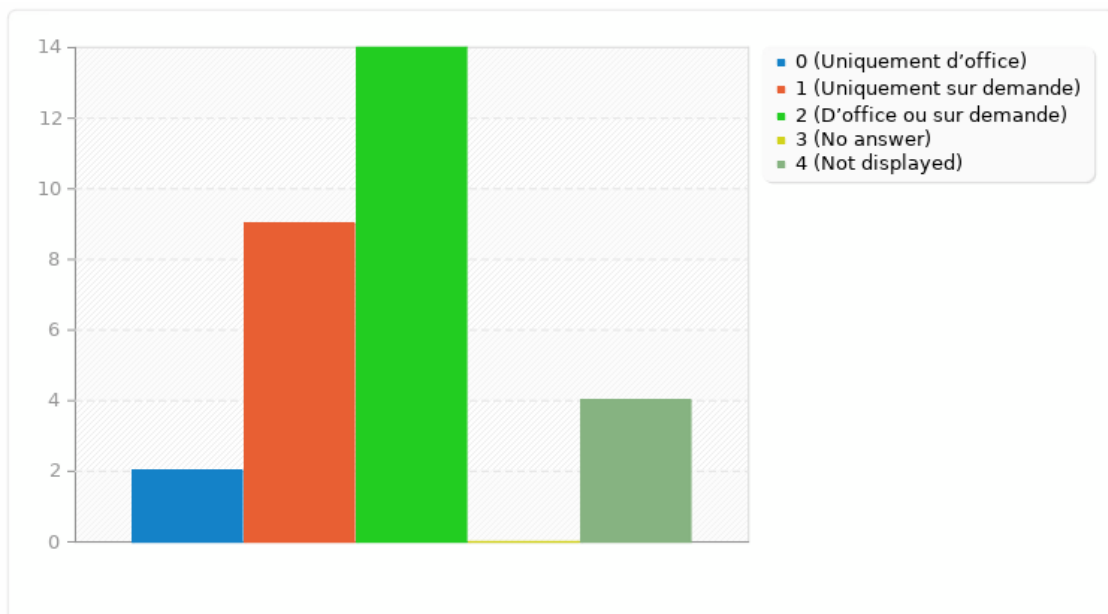
Summary for C21

Les mesures provisoires appliquées sont révocables?

Answer	Count	Percentage
Uniquement d'office (AO01)	2	6.90%
Uniquement sur demande (AO02)	9	31.03%
D'office ou sur demande (AO03)	14	48.28%
No answer	0	0.00%
Not displayed	4	13.79%

Summary for C21

Les mesures provisoires appliquées sont révocables?



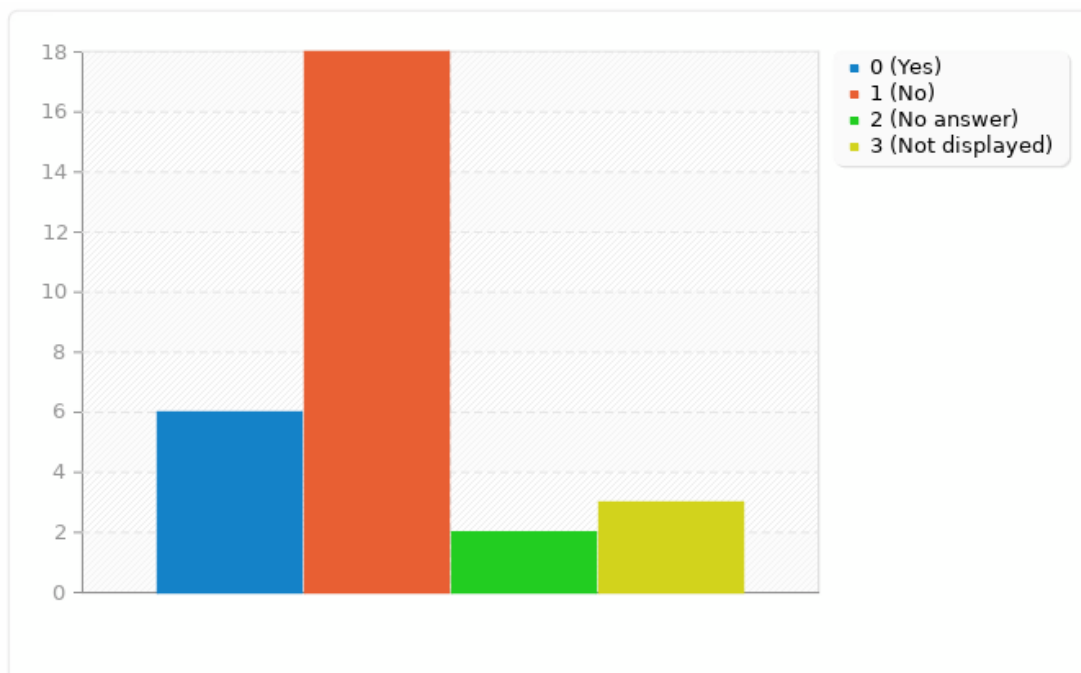
Summary for C22

Des garanties financières ou des cautions sont-elles exigées pour les mesures provisoires dans votre juridiction ?

Answer	Count	Percentage
Yes (Y)	6	20.69%
No (N)	18	62.07%
No answer	2	6.90%
Not displayed	3	10.34%

Summary for C22

Des garanties financières ou des cautions sont-elles exigées pour les mesures provisoires dans votre juridiction ?



Summary for C23

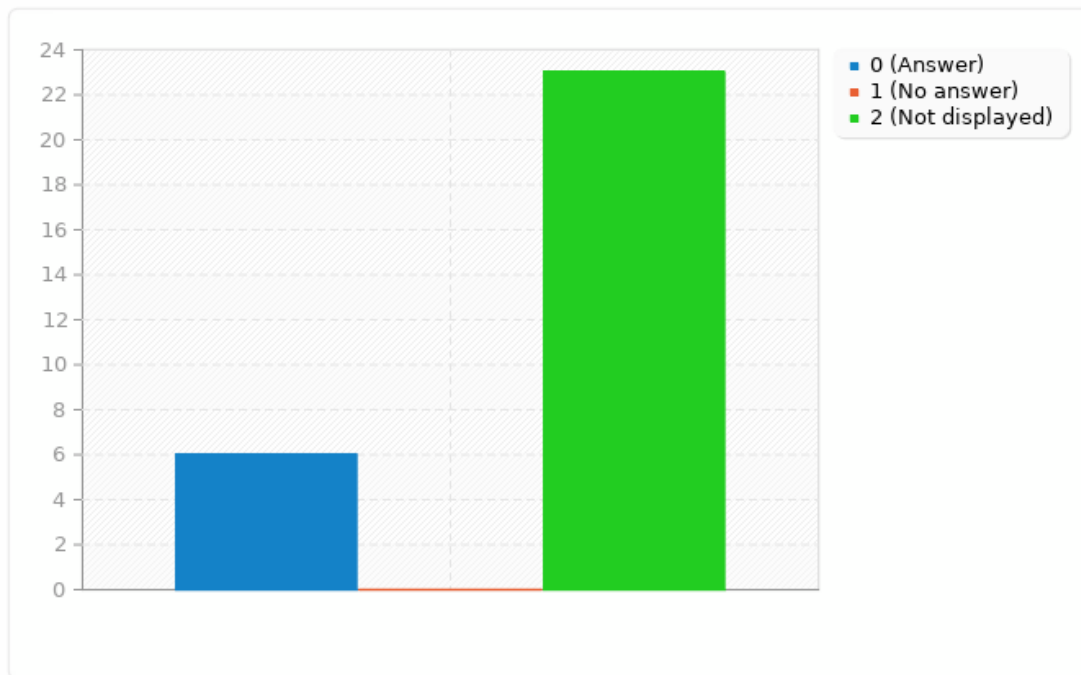
Veillez expliquer.

Answer	Count	Percentage
Answer	6	20.69%
No answer	0	0.00%
Not displayed	23	79.31%

ID	Response
5	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.
6	Article 55, para. 2, of the Code of Administrative Trial establishes that if the decision on the application for interim measures results in irreversible effects, the panel may require the provision of a security (bond), including by means of a guarantee (surety), to which the granting or denial of the interim measure may be subordinated.
14	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.
19	Bank guarantee, surety insurance, cash deposit, or equivalent security
29	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 (see B 20), the administrative authority requires a guarantee.
31	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.

Summary for C23

Veillez expliquer.



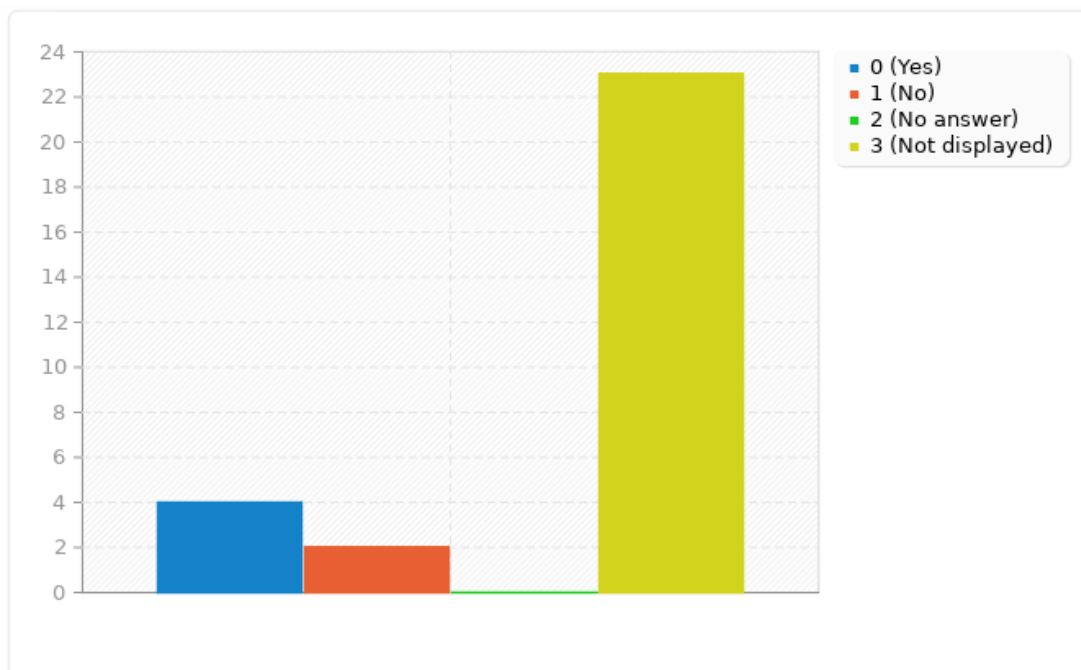
Summary for C24

Existe-t-il des exemptions à l'obligation de fournir des garanties financières dans le cadre de mesures provisoires devant votre tribunal ?

Answer	Count	Percentage
Yes (Y)	4	13.79%
No (N)	2	6.90%
No answer	0	0.00%
Not displayed	23	79.31%

Summary for C24

Existe-t-il des exemptions à l'obligation de fournir des garanties financières dans le cadre de mesures provisoires devant votre tribunal ?



Summary for C25

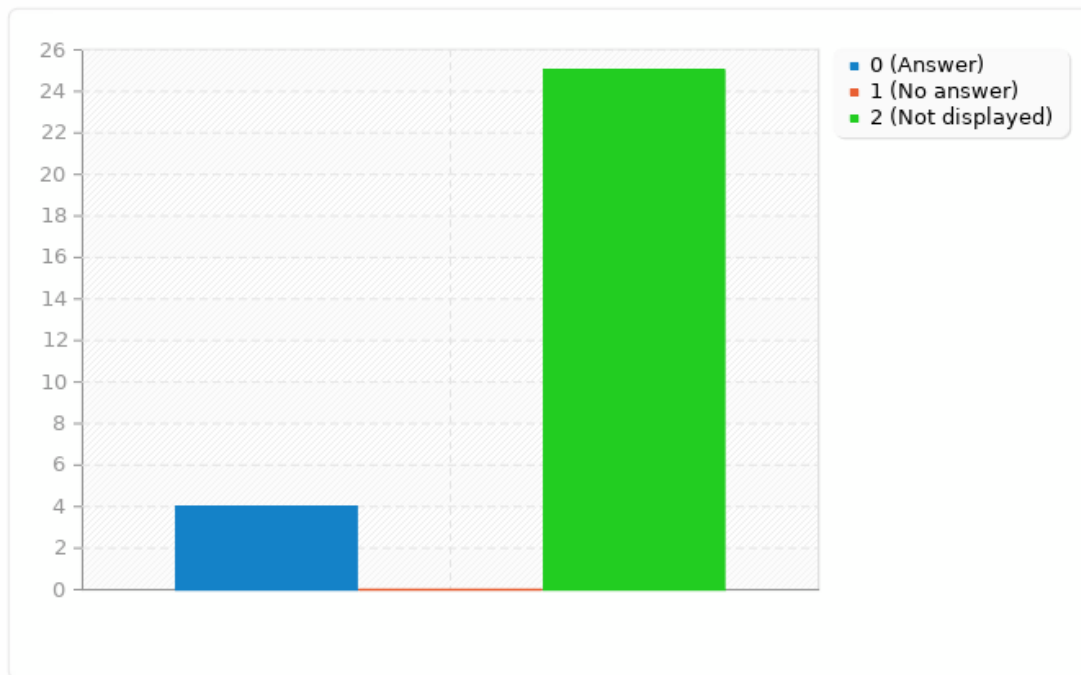
Pouvez-vous expliquer dans quelles circonstances des exemptions pourraient être accordées ?

Answer	Count	Percentage
Answer	4	13.79%
No answer	0	0.00%
Not displayed	25	86.21%

ID	Response
5	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 under the law. In addition, upon the request of a natural person and having regard to that person's financial situation, the court may fully or partially exempt the person from the payment of the security deposit. When taking a decision, the court shall take into account whether other applications, complaints, or requests submitted by that person to the administrative court during the previous three years have repeatedly been refused acceptance, refused examination, left without examination, or dismissed.
6	Article 55, para. 2, of the Code of Administrative Trial establishes "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".
14	It is up 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.
29	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.

Summary for C25

Pouvez-vous expliquer dans quelles circonstances des exemptions pourraient être accordées ?



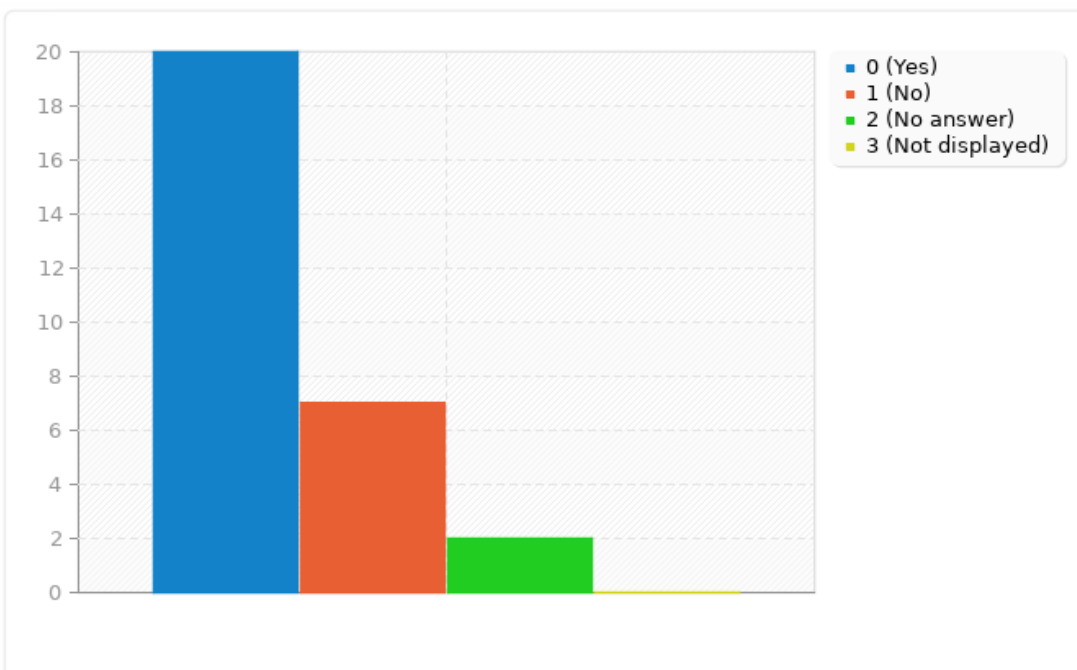
Summary for C26

Votre CAS dispose-t-il de mécanismes permettant le regroupement ou l'examen conjoint de contentieux à caractère commercial ou présentant un intérêt économique, afin d'améliorer l'efficacité et la cohérence de la jurisprudence ?

Answer	Count	Percentage
Yes (Y)	20	68.97%
No (N)	7	24.14%
No answer	2	6.90%
Not displayed	0	0.00%

Summary for C26

Votre CAS dispose-t-il de mécanismes permettant le regroupement ou l'examen conjoint de contentieux à caractère commercial ou présentant un intérêt économique, afin d'améliorer l'efficacité et la cohérence de la jurisprudence ?



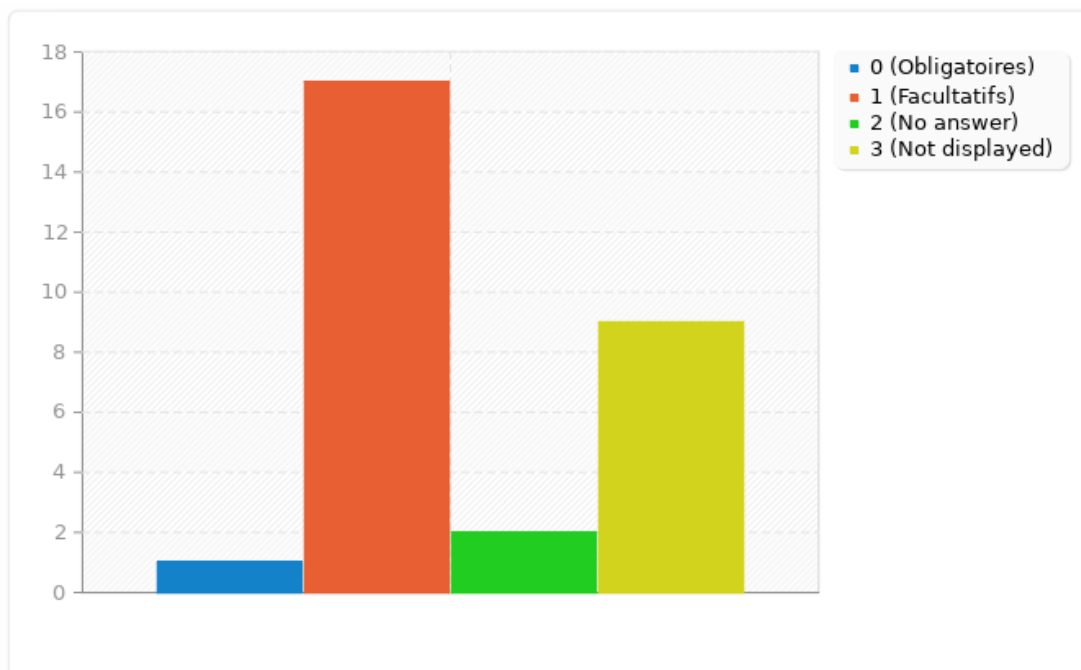
Summary for C27(SQ001)[Dans toutes les catégories de contentieux]

Merci d'indiquer si ces mécanismes sont :

Answer	Count	Percentage
Obligatoires (AO01)	1	3.45%
Facultatifs (AO02)	17	58.62%
No answer	2	6.90%
Not displayed	9	31.03%

Summary for C27(SQ001)[Dans toutes les catégories de contentieux]

Merci d'indiquer si ces mécanismes sont :



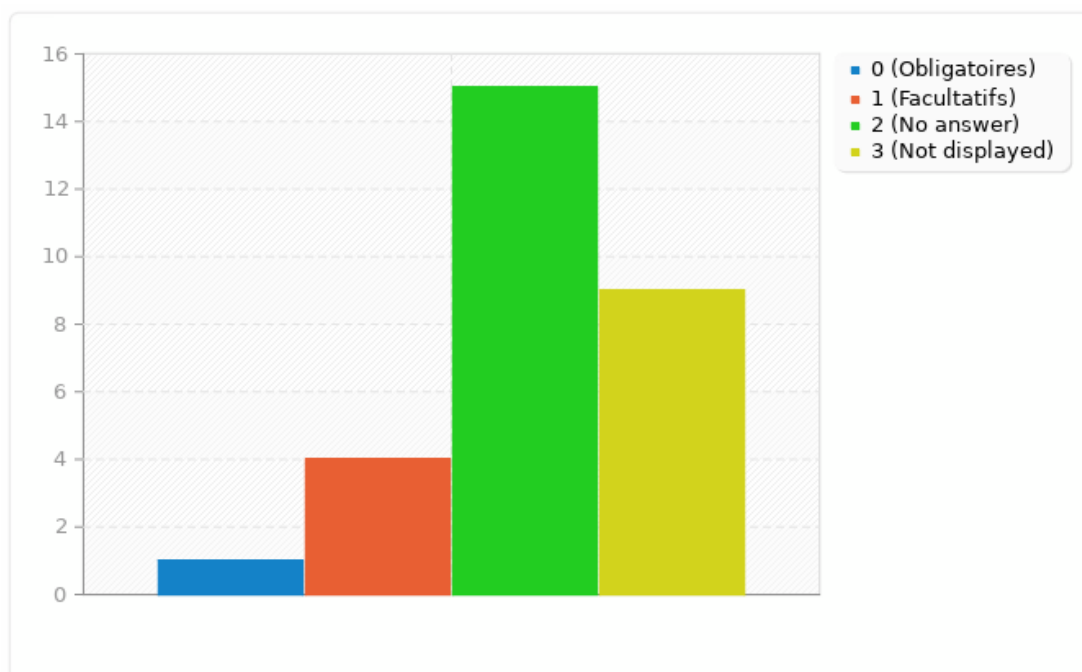
Summary for C27(SQ002)[Dans certaines catégories de contentieux]

Merci d'indiquer si ces mécanismes sont :

Answer	Count	Percentage
Obligatoires (AO01)	1	3.45%
Facultatifs (AO02)	4	13.79%
No answer	15	51.72%
Not displayed	9	31.03%

Summary for C27(SQ002)[Dans certaines catégories de contentieux]

Merci d'indiquer si ces mécanismes sont :



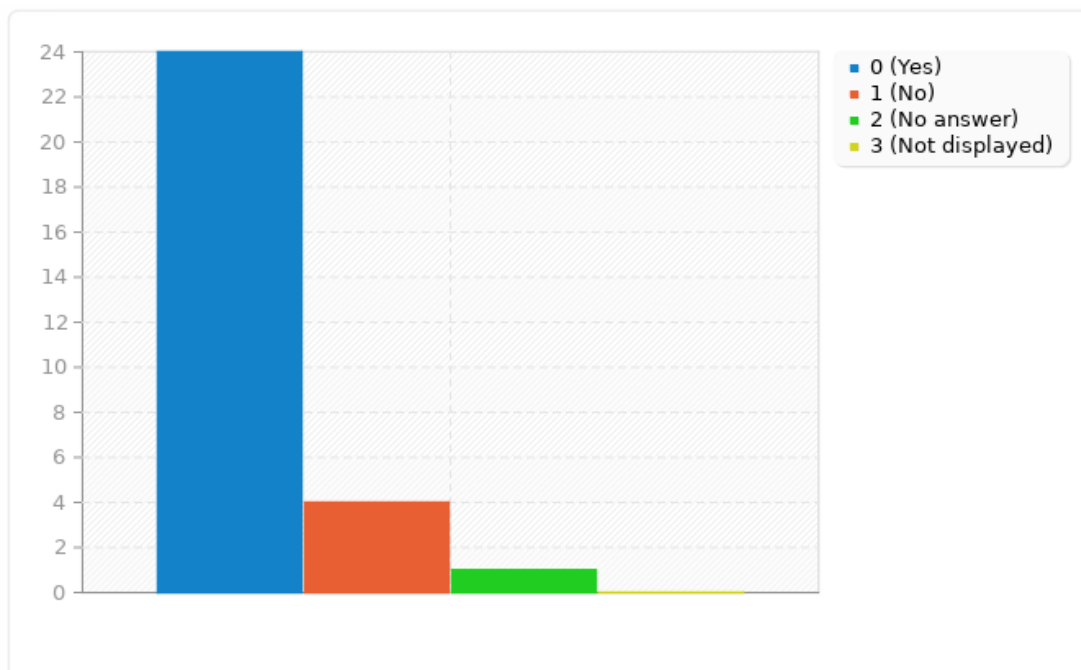
Summary for C28

Votre CAS utilise-t-elle des outils numériques dans le cadre des contentieux à caractère commercial ou présentant un intérêt économique ?

Answer	Count	Percentage
Yes (Y)	24	82.76%
No (N)	4	13.79%
No answer	1	3.45%
Not displayed	0	0.00%

Summary for C28

Votre CAS utilise-t-elle des outils numériques dans le cadre des contentieux à caractère commercial ou présentant un intérêt économique ?



Summary for C29

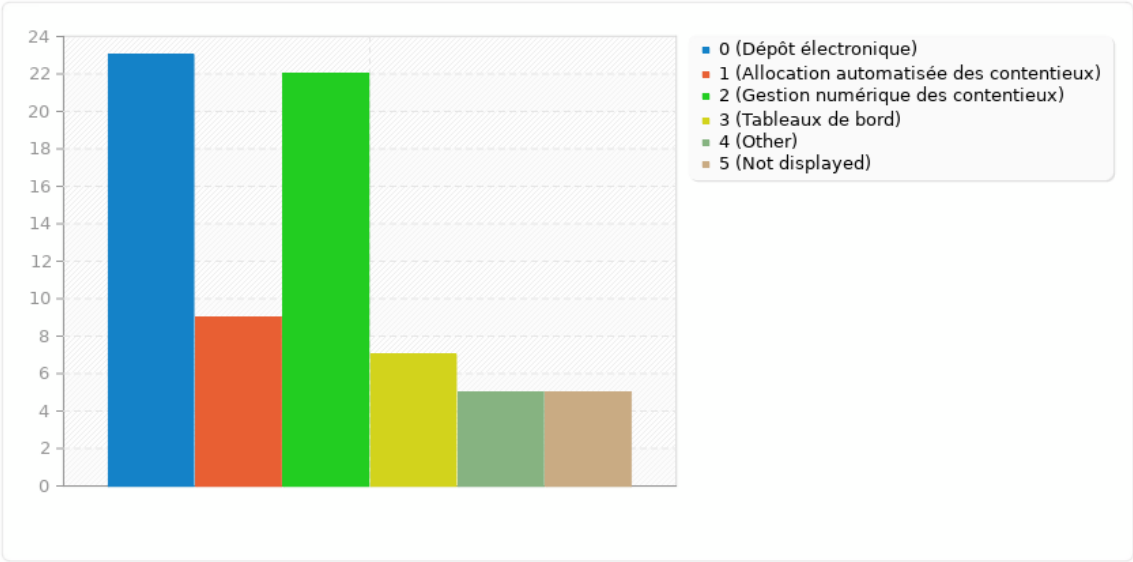
Veuillez préciser.

Answer	Count	Percentage
Dépôt électronique (SQ001)	23	79.31%
Allocation automatisée des contentieux (SQ002)	9	31.03%
Gestion numérique des contentieux (SQ003)	22	75.86%
Tableaux de bord (SQ004)	7	24.14%
Other	5	17.24%
Not displayed	5	17.24%

ID	Response
6	Since 2017, the 'electronic administrative trial' has been adopted for all first and second instance administrative proceedings, also for those without specific economic importance.
10	Digital hearings and meetings using MS Teams
21	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.
25	Article 49, par. 1 of the Court Rules of Procedure ("Official Gazette of the Republic of Serbia", No. 110/09 ... 18/22") 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.
31	In essence, 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.

Summary for C29

Veillez préciser.



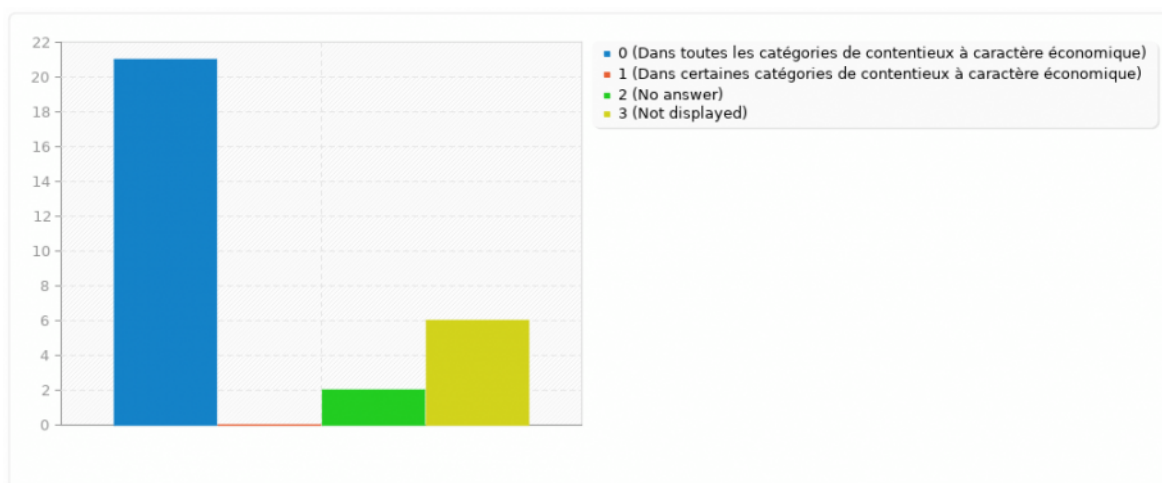
Summary for C30(SQ001)[Dépôt électronique]

Les outils sont employés.

Answer	Count	Percentage
Dans toutes les catégories de contentieux à caractère économique (AO01)	21	72.41%
Dans certaines catégories de contentieux à caractère économique (AO02)	0	0.00%
No answer	2	6.90%
Not displayed	6	20.69%

Summary for C30(SQ001)[Dépôt électronique]

Les outils sont employés.



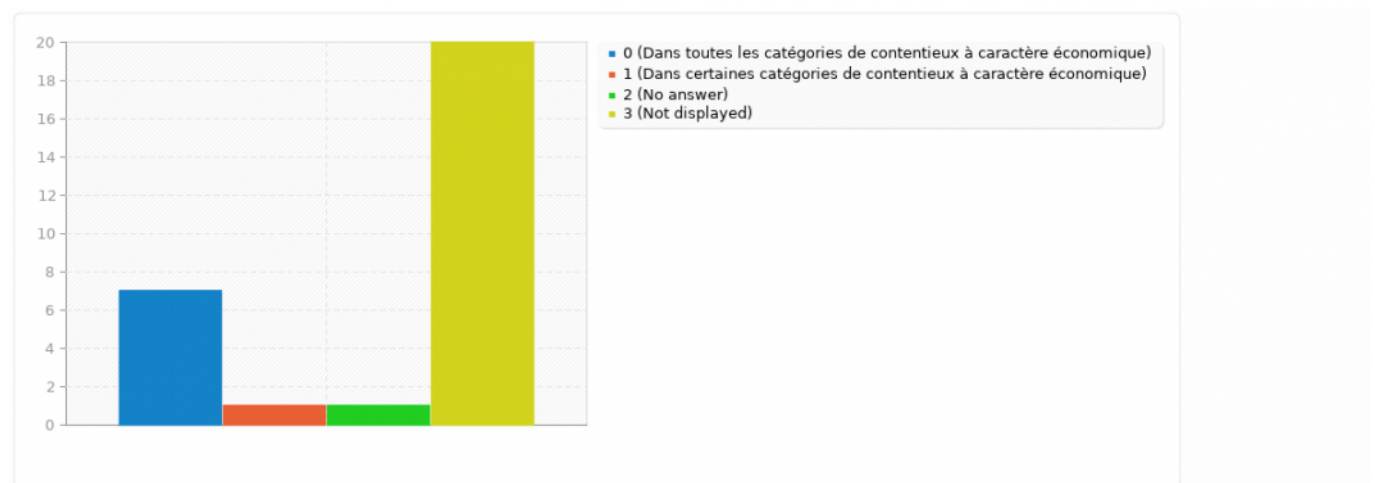
Summary for C30(SQ002)[Allocation automatisée des contentieux]

Les outils sont employés.

Answer	Count	Percentage
Dans toutes les catégories de contentieux à caractère économique (AO01)	7	24.14%
Dans certaines catégories de contentieux à caractère économique (AO02)	1	3.45%
No answer	1	3.45%
Not displayed	20	68.97%

Summary for C30(SQ002)[Allocation automatisée des contentieux]

Les outils sont employés.



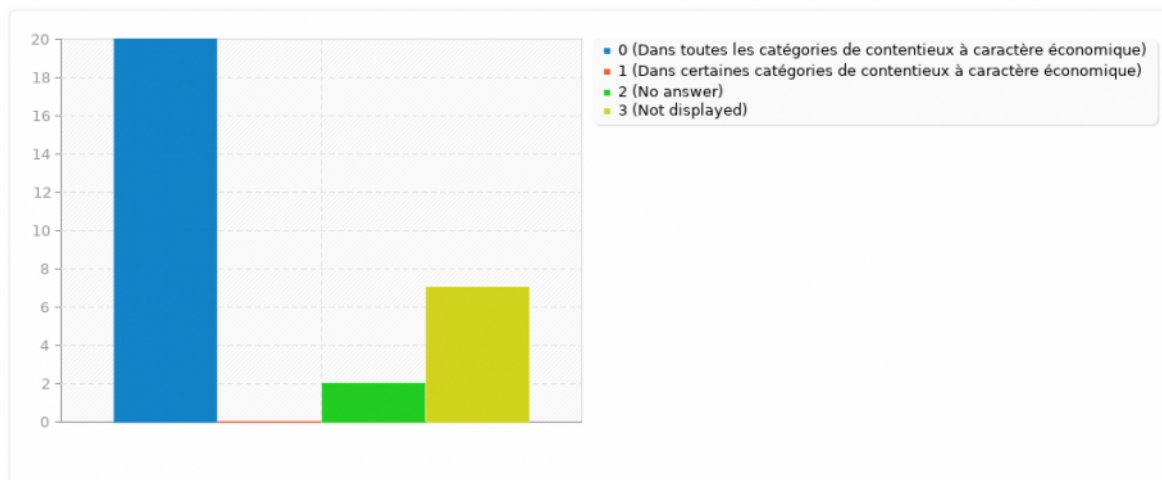
Summary for C30(SQ003)[Gestion numérique des contentieux]

Les outils sont employés.

Answer	Count	Percentage
Dans toutes les catégories de contentieux à caractère économique (AO01)	20	68.97%
Dans certaines catégories de contentieux à caractère économique (AO02)	0	0.00%
No answer	2	6.90%
Not displayed	7	24.14%

Summary for C30(SQ003)[Gestion numérique des contentieux]

Les outils sont employés.



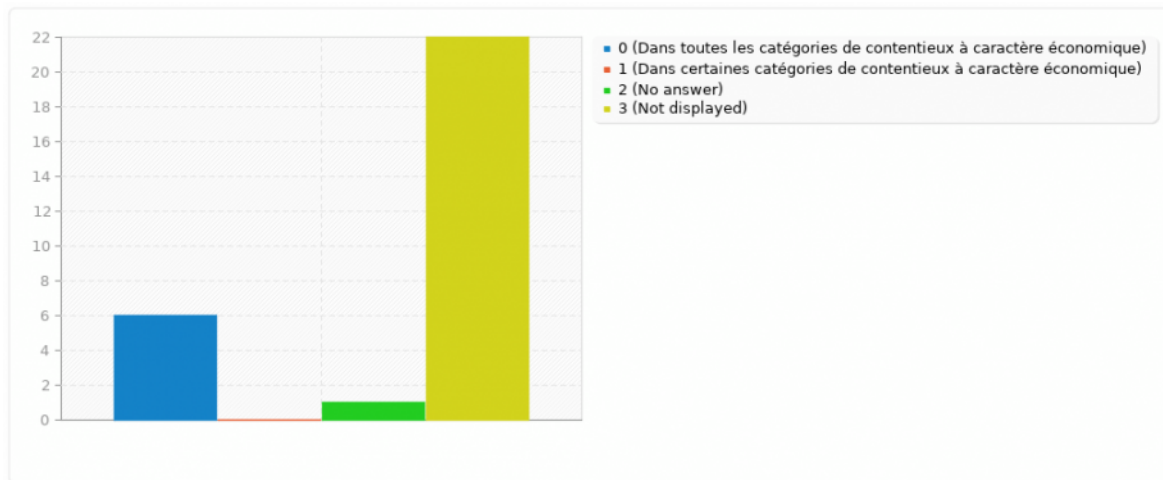
Summary for C30(SQ004)[Tableaux de bord]

Les outils sont employés.

Answer	Count	Percentage
Dans toutes les catégories de contentieux à caractère économique (AO01)	6	20.69%
Dans certaines catégories de contentieux à caractère économique (AO02)	0	0.00%
No answer	1	3.45%
Not displayed	22	75.86%

Summary for C30(SQ004)[Tableaux de bord]

Les outils sont employés.



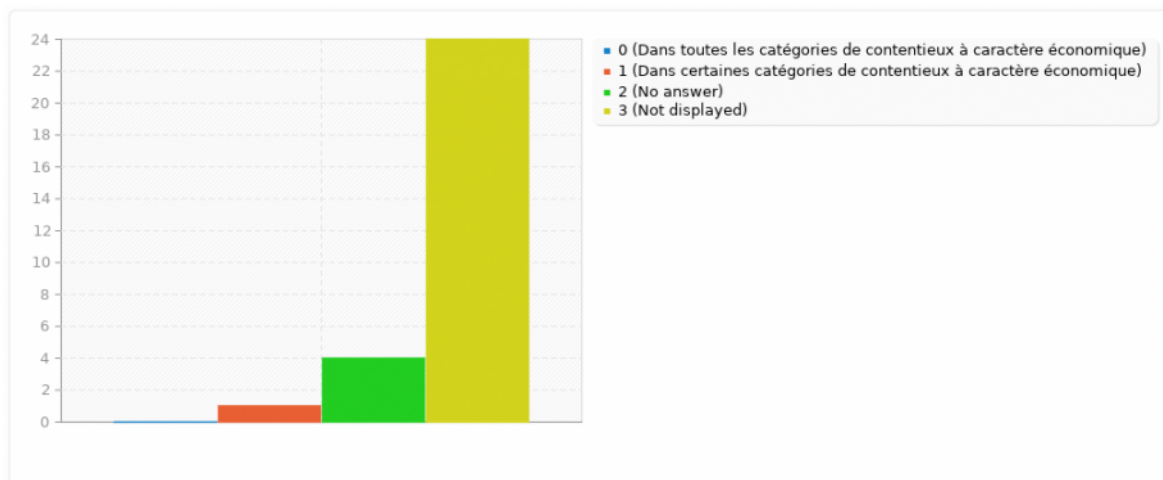
Summary for C30(SQ005)[{C29_other}]

Les outils sont employés.

Answer	Count	Percentage
Dans toutes les catégories de contentieux à caractère économique (AO01)	0	0.00%
Dans certaines catégories de contentieux à caractère économique (AO02)	1	3.45%
No answer	4	13.79%
Not displayed	24	82.76%

Summary for C30(SQ005)[{C29_other}]

Les outils sont employés.



Summary for C31

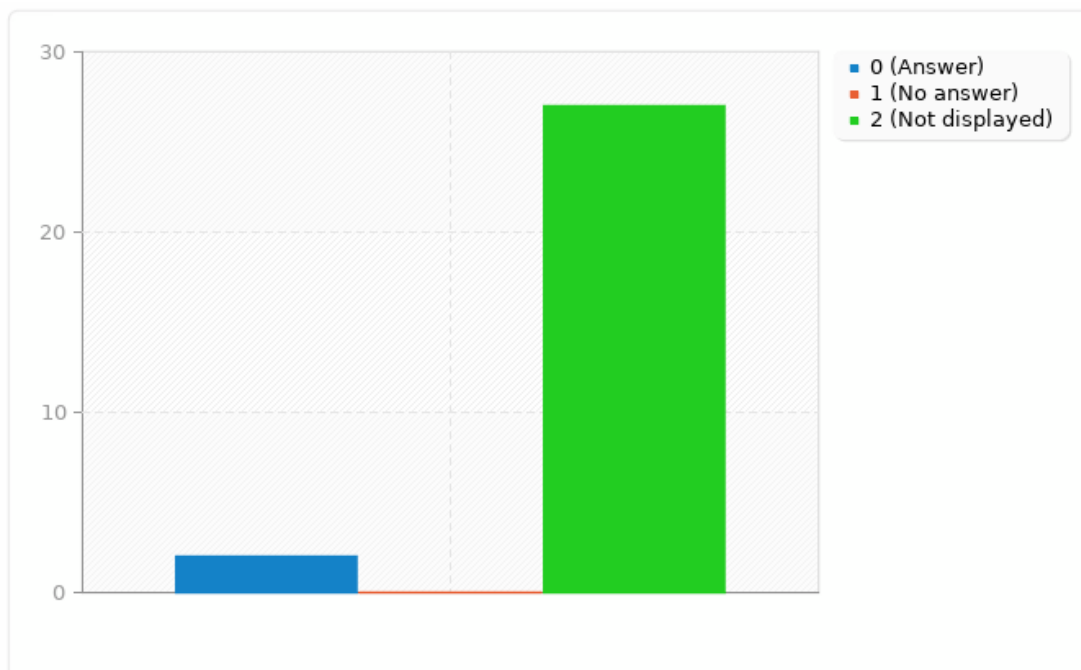
Merci de préciser les catégories concernées.

Answer	Count	Percentage
Answer	2	6.90%
No answer	0	0.00%
Not displayed	27	93.10%

ID	Response
18	L'allocation automatisée ne concerne ni les marchés publics, ni les investissements stratégiques, car ces types de litiges ne suivent pas les règles générales (concernant l'examen préalable par un comité avant l'examen de l'affaire en chambre), mais une procédure exceptionnelle.
10	When circumstances demand for it

Summary for C31

Merci de préciser les catégories concernées.



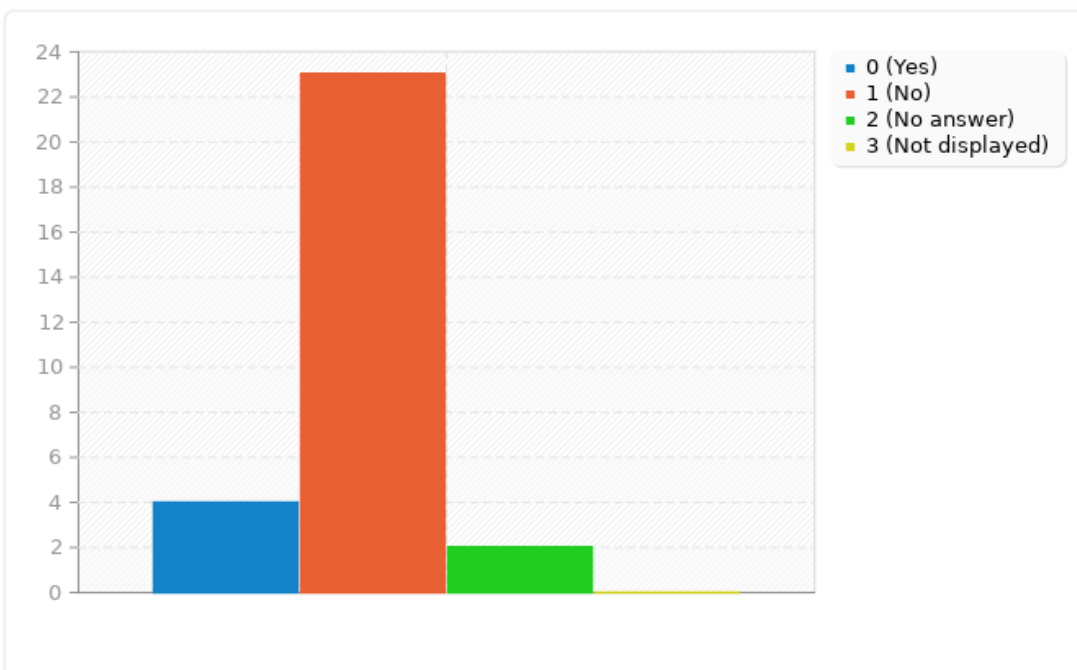
Summary for C32

Votre CAS utilise-t-elle des outils d'intelligence artificielle ou d'analyse de données pour faciliter la gestion des contentieux à caractère commercial ou présentant un intérêt économique (classification des dossiers, prévision de la durée des dossiers, etc.) ?

Answer	Count	Percentage
Yes (Y)	4	13.79%
No (N)	23	79.31%
No answer	2	6.90%
Not displayed	0	0.00%

Summary for C32

Votre CAS utilise-t-elle des outils d'intelligence artificielle ou d'analyse de données pour faciliter la gestion des contentieux à caractère commercial ou présentant un intérêt économique (classification des dossiers, prévision de la durée des dossiers, etc.) ?



Summary for C33

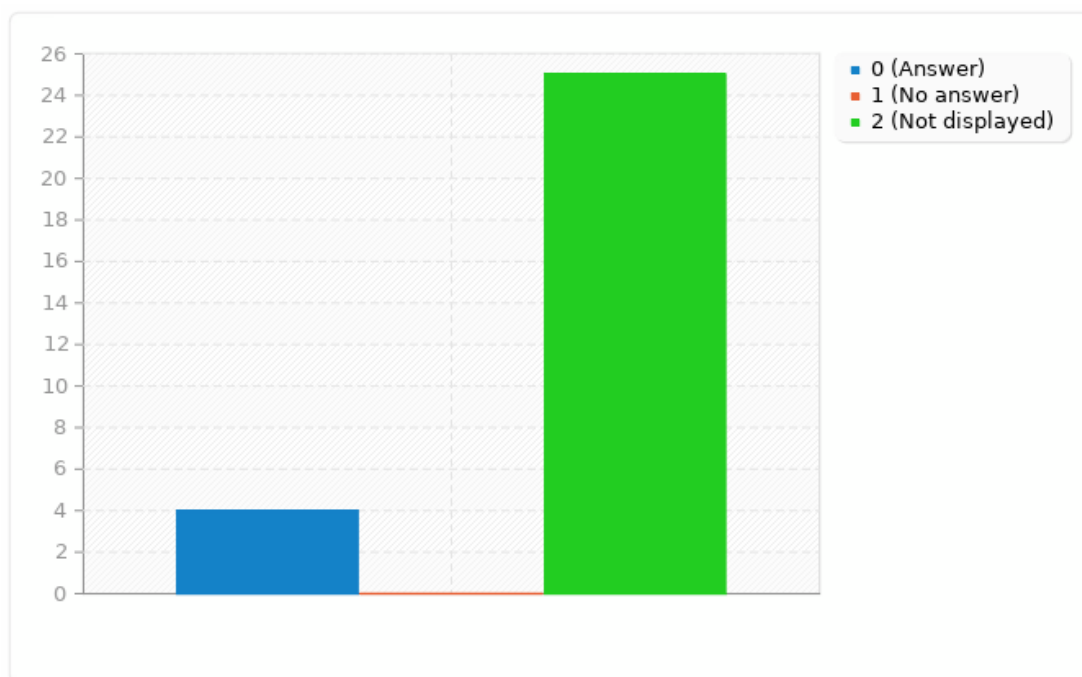
Merci de préciser lesquels.

Answer	Count	Percentage
Answer	4	13.79%
No answer	0	0.00%
Not displayed	25	86.21%

ID	Response
3	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.
5	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.
6	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 optimising work organisation and preventing inconsistent decisions; – advanced case-law research, based on semantic relationships rather than solely on keyword searches; – the extraction and visualisation of statutory and case-law references contained in pleadings and other submissions; – support for the anonymisation 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
17	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.

Summary for C33

Merci de préciser lesquels.



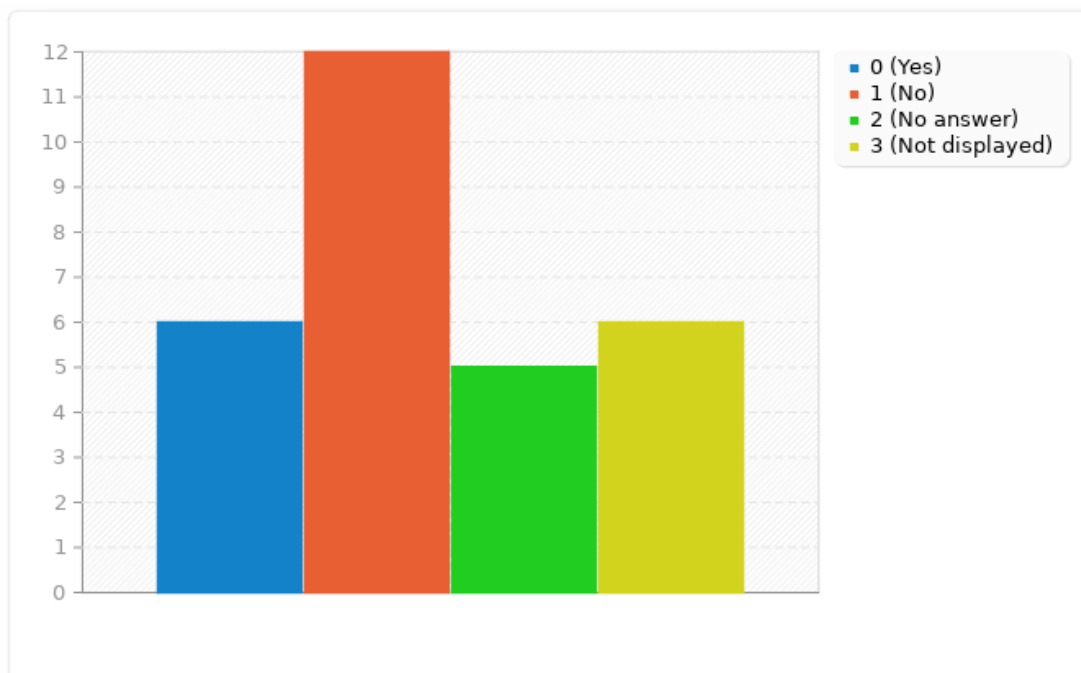
Summary for C34

L'utilisation de tels outils est-elle prévue ?

Answer	Count	Percentage
Yes (Y)	6	20.69%
No (N)	12	41.38%
No answer	5	17.24%
Not displayed	6	20.69%

Summary for C34

L'utilisation de tels outils est-elle prévue ?



Summary for C35

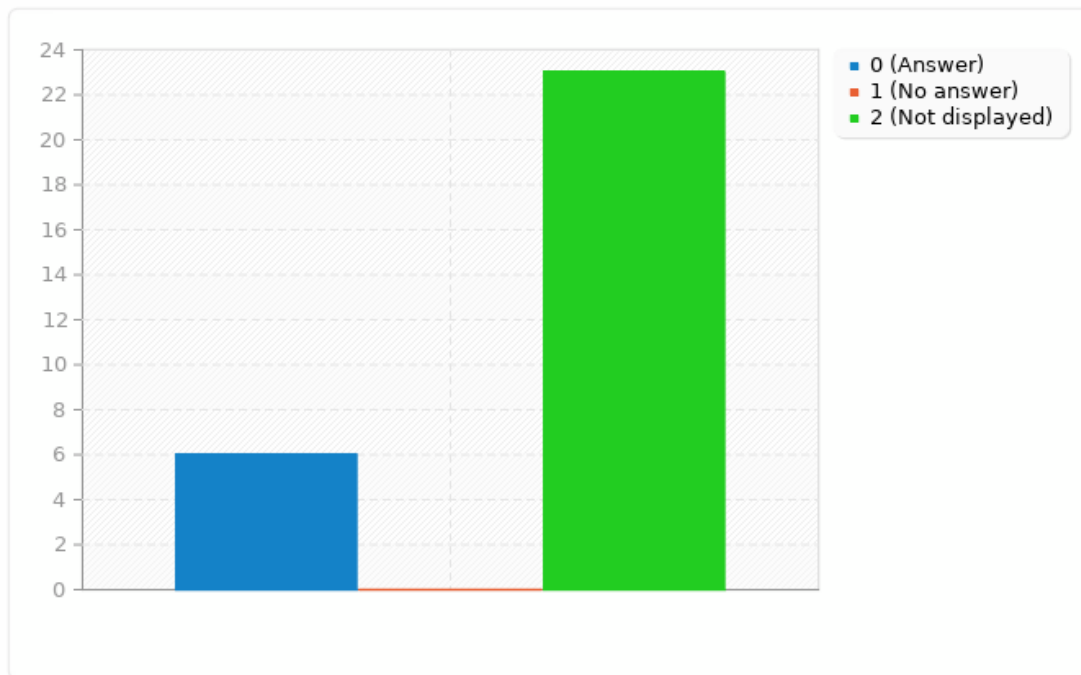
Quels sont les outils prévus ?

Answer	Count	Percentage
Answer	6	20.69%
No answer	0	0.00%
Not displayed	23	79.31%

ID	Response
10	For now the use of AI is explicitly forbidden 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
15	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.
27	A new digital case file platform is currently in beta testing phase that includes 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. AI based tool to translate documents is also in beta testing phase on digital case file platform. Tools that are planned for introduction further down the line include an AI tool that performs an initial review of an incoming document (e.g. examines 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.
29	case classification, prediction of case duration
30	At the moment, there are no concrete projects or plans related to the use of AI in the case management. However, different options and potential use cases are being contemplated 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.
31	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.

Summary for C35

Quels sont les outils prévus ?



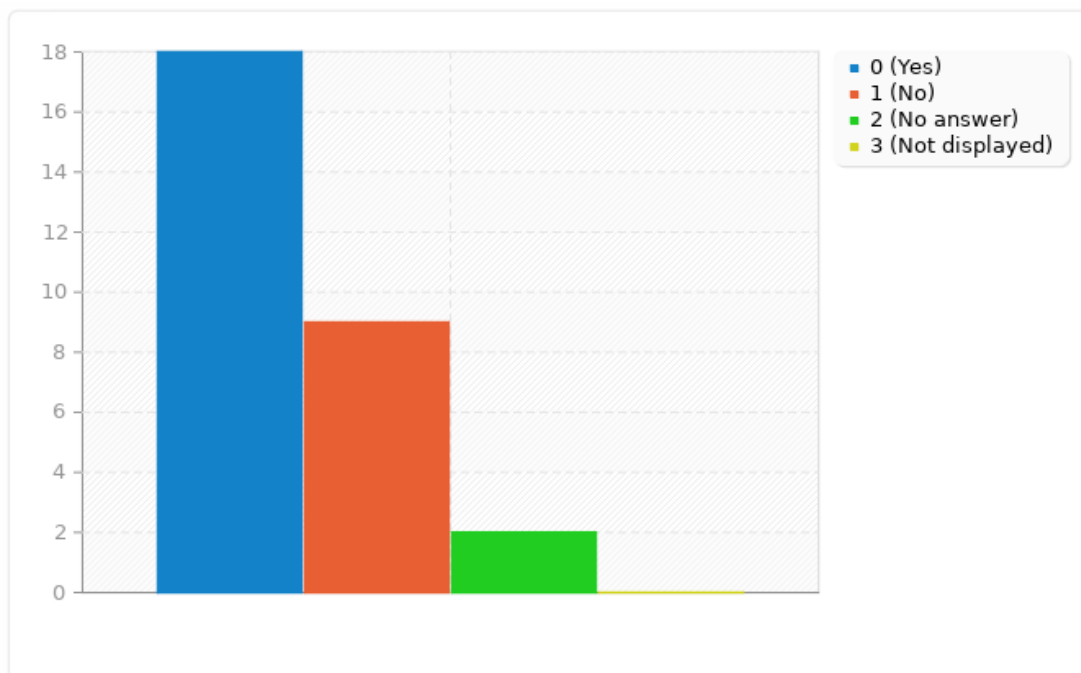
Summary for C36

Votre système juridique prévoit-il un mécanisme de « renvoi préjudiciel » susceptible d'améliorer l'efficacité des procédures devant la CAS dans les contentieux à caractère commercial ou présentant un intérêt économique ?

Answer	Count	Percentage
Yes (Y)	18	62.07%
No (N)	9	31.03%
No answer	2	6.90%
Not displayed	0	0.00%

Summary for C36

Votre système juridique prévoit-il un mécanisme de « renvoi préjudiciel » susceptible d'améliorer l'efficacité des procédures devant la CAS dans les contentieux à caractère commercial ou présentant un intérêt économique ?



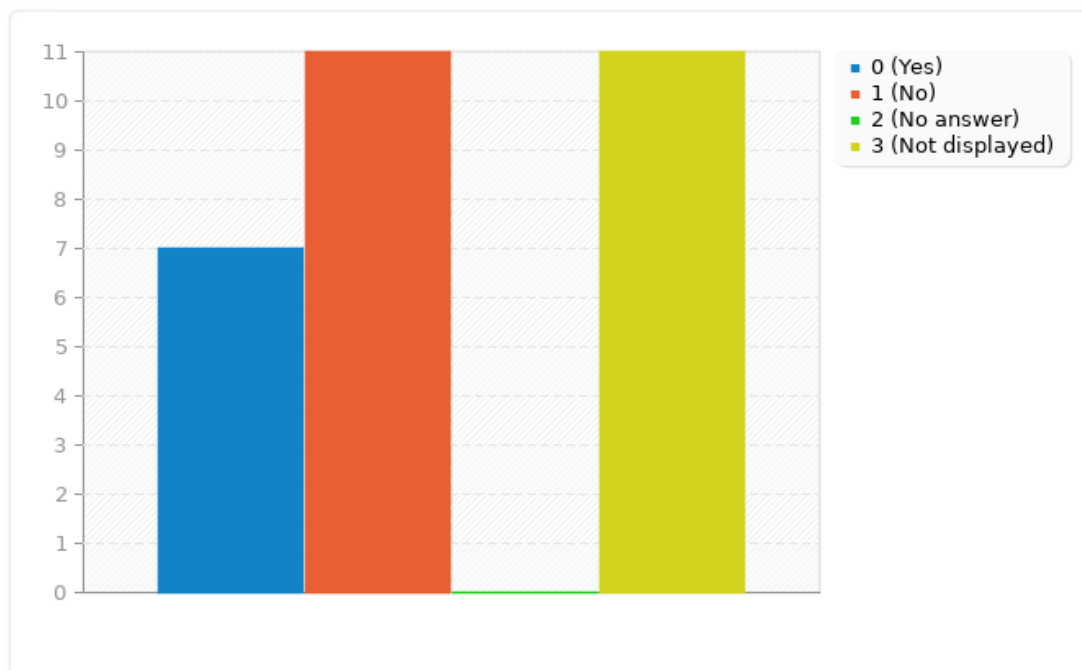
Summary for C37

Un mécanisme national de « renvoi préjudiciel » ?

Answer	Count	Percentage
Yes (Y)	7	24.14%
No (N)	11	37.93%
No answer	0	0.00%
Not displayed	11	37.93%

Summary for C37

Un mécanisme national de « renvoi préjudiciel » ?



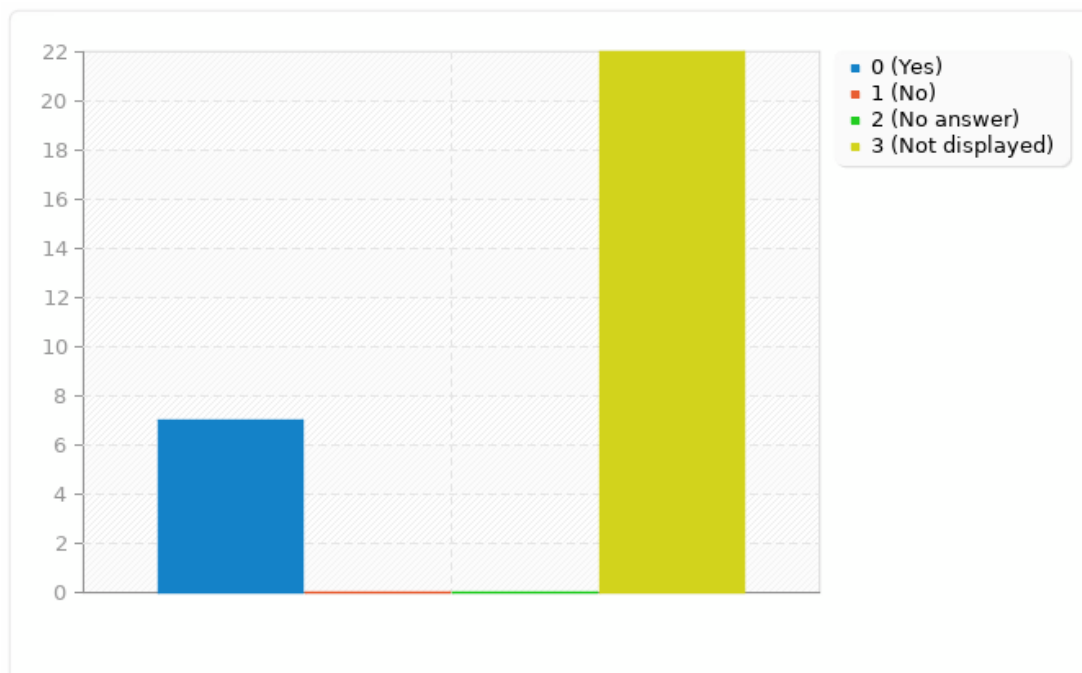
Summary for C38

Est-il effectivement appliqué ?

Answer	Count	Percentage
Yes (Y)	7	24.14%
No (N)	0	0.00%
No answer	0	0.00%
Not displayed	22	75.86%

Summary for C38

Est-il effectivement appliqué ?



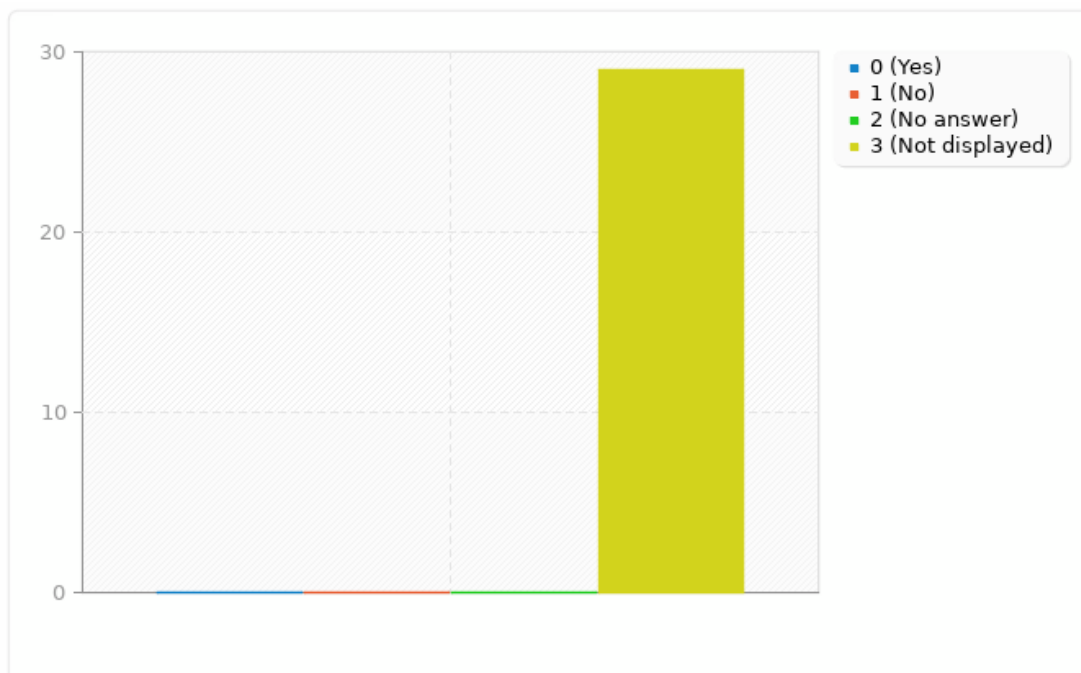
Summary for C39

Un projet d'introduction d'un tel mécanisme est-il envisagé en vue d'assurer l'uniformité de la jurisprudence ?

Answer	Count	Percentage
Yes (Y)	0	0.00%
No (N)	0	0.00%
No answer	0	0.00%
Not displayed	29	100.00%

Summary for C39

Un projet d'introduction d'un tel mécanisme est-il envisagé en vue d'assurer l'uniformité de la jurisprudence ?



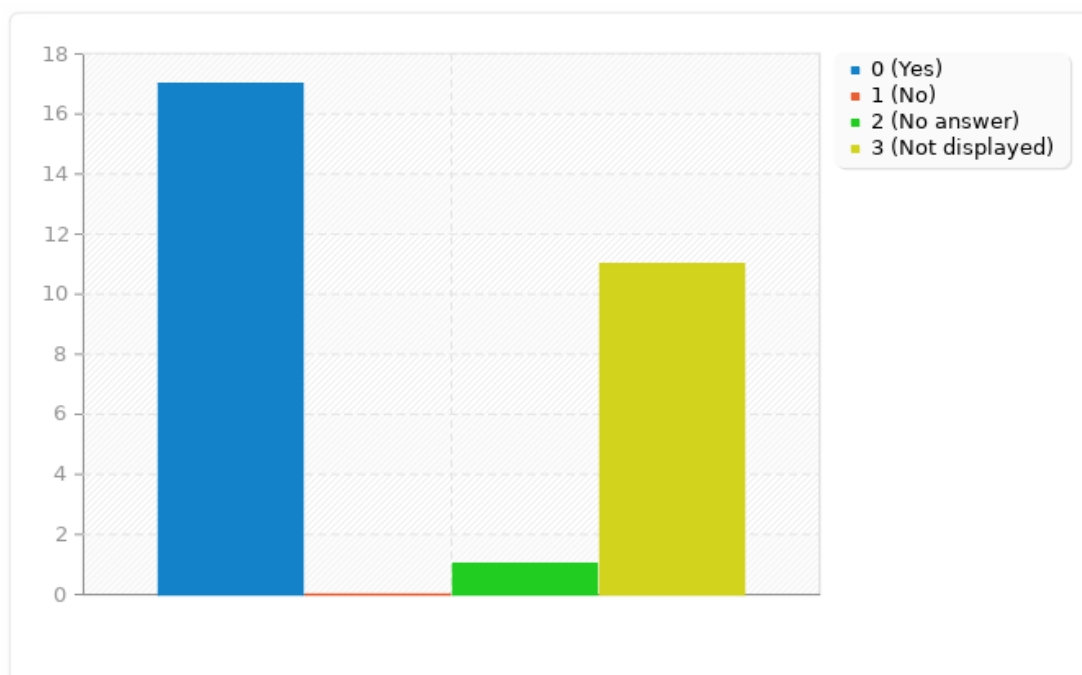
Summary for C40

Un mécanisme de « renvoi préjudiciel » devant la CJUE ?

Answer	Count	Percentage
Yes (Y)	17	58.62%
No (N)	0	0.00%
No answer	1	3.45%
Not displayed	11	37.93%

Summary for C40

Un mécanisme de « renvoi préjudiciel » devant la CJUE ?



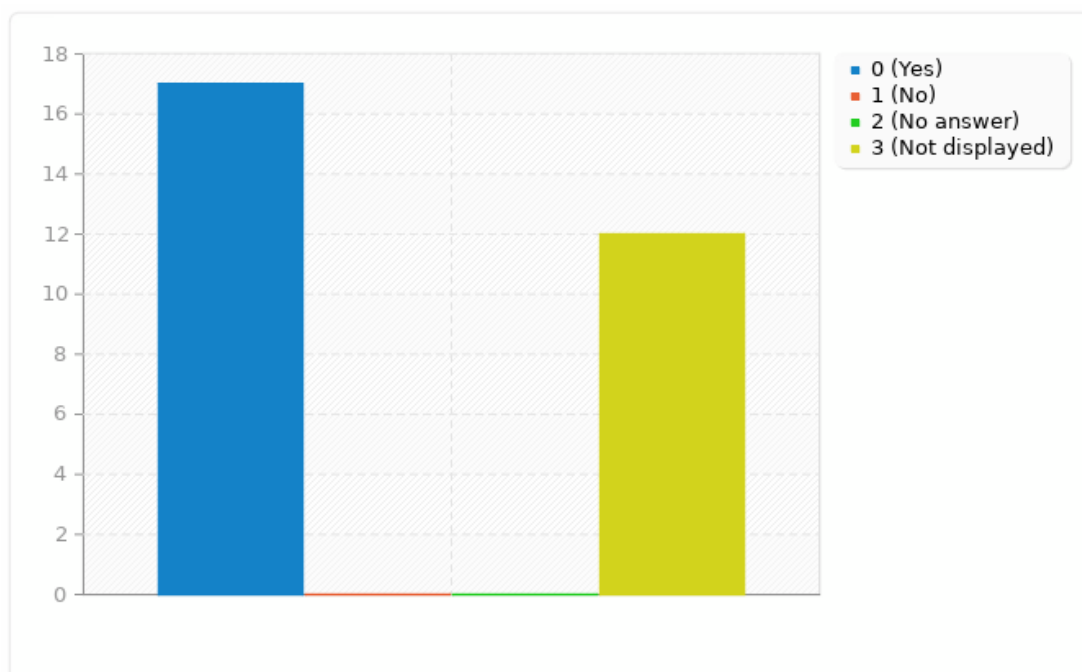
Summary for C41

Est-il effectivement appliqué ?

Answer	Count	Percentage
Yes (Y)	17	58.62%
No (N)	0	0.00%
No answer	0	0.00%
Not displayed	12	41.38%

Summary for C41

Est-il effectivement appliqué ?



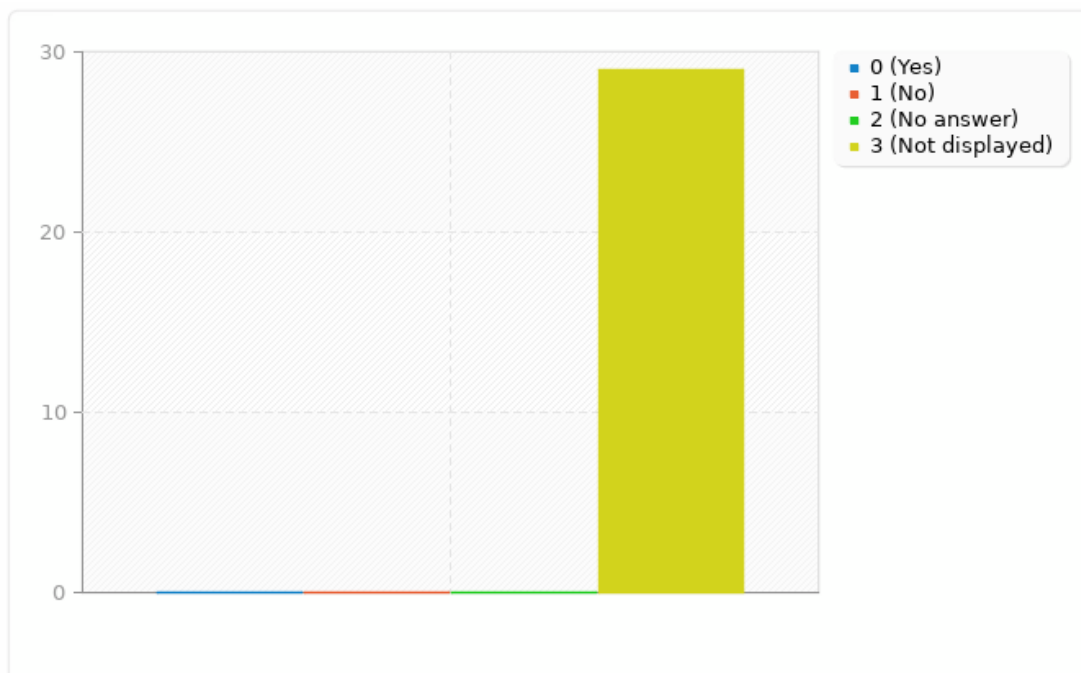
Summary for C42

Un projet d'introduction d'un tel mécanisme est-il envisagé en vue d'assurer l'uniformité de la jurisprudence ?

Answer	Count	Percentage
Yes (Y)	0	0.00%
No (N)	0	0.00%
No answer	0	0.00%
Not displayed	29	100.00%

Summary for C42

Un projet d'introduction d'un tel mécanisme est-il envisagé en vue d'assurer l'uniformité de la jurisprudence ?



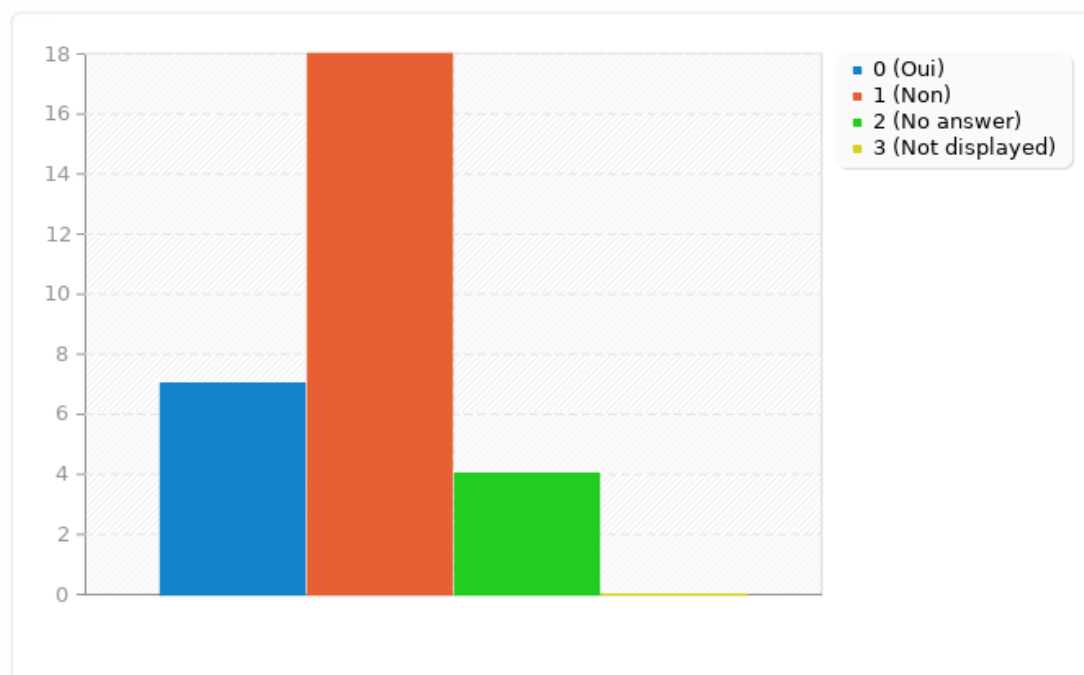
Summary for C43(SQ001)[La médiation]

Des modes alternatifs de règlement des différends (MARD) sont-ils accessibles dans le cadre des procédures devant la CAS pour les contentieux à caractère commercial ou présentant un intérêt économique, notamment :

Answer	Count	Percentage
Oui (AO01)	7	24.14%
Non (AO02)	18	62.07%
No answer	4	13.79%
Not displayed	0	0.00%

Summary for C43(SQ001)[La médiation]

Des modes alternatifs de règlement des différends (MARD) sont-ils accessibles dans le cadre des procédures devant la CAS pour les contentieux à caractère commercial ou présentant un intérêt économique, notamment :



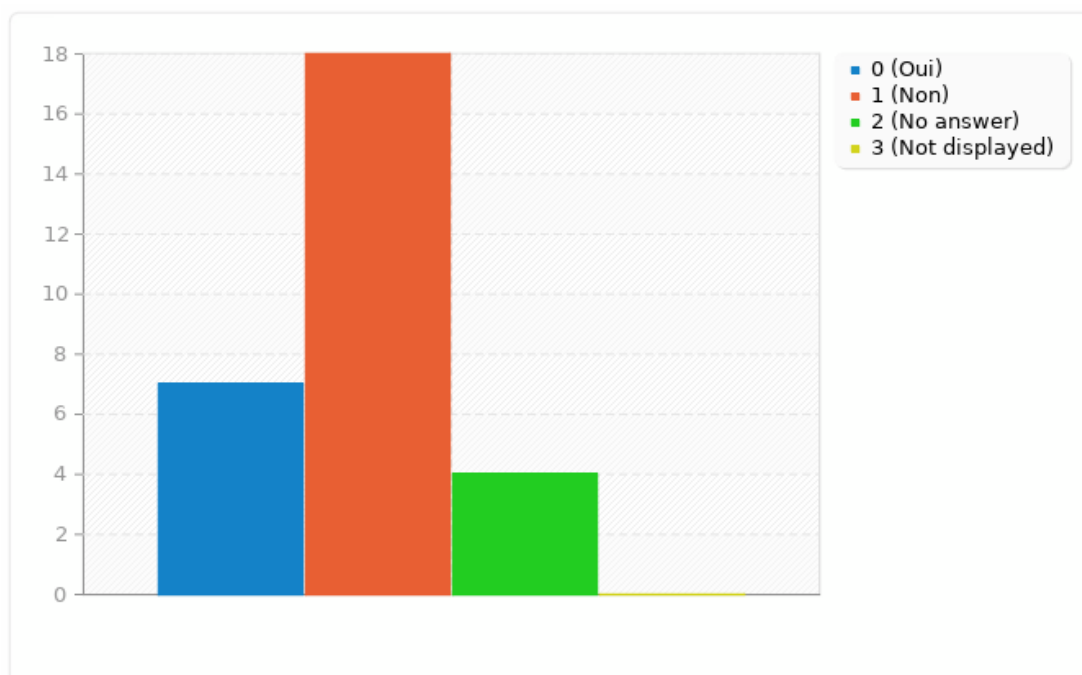
Summary for C43(SQ002)[La conciliation]

Des modes alternatifs de règlement des différends (MARD) sont-ils accessibles dans le cadre des procédures devant la CAS pour les contentieux à caractère commercial ou présentant un intérêt économique, notamment :

Answer	Count	Percentage
Oui (AO01)	7	24.14%
Non (AO02)	18	62.07%
No answer	4	13.79%
Not displayed	0	0.00%

Summary for C43(SQ002)[La conciliation]

Des modes alternatifs de règlement des différends (MARD) sont-ils accessibles dans le cadre des procédures devant la CAS pour les contentieux à caractère commercial ou présentant un intérêt économique, notamment :



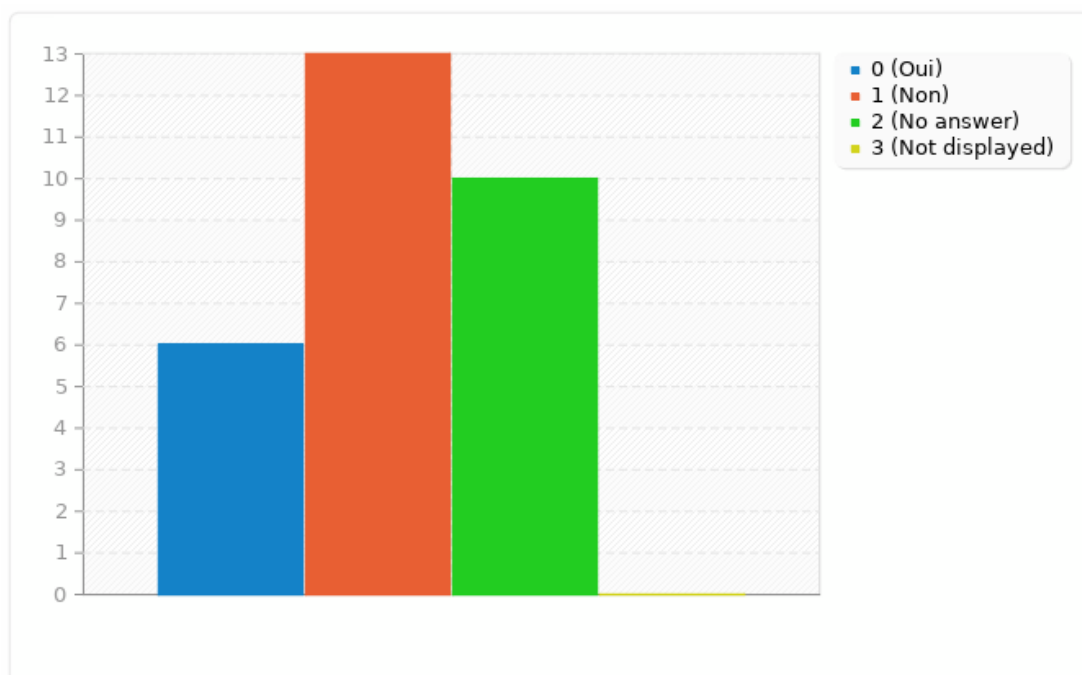
Summary for C43(SQ003)[Autre]

Des modes alternatifs de règlement des différends (MARD) sont-ils accessibles dans le cadre des procédures devant la CAS pour les contentieux à caractère commercial ou présentant un intérêt économique, notamment :

Answer	Count	Percentage
Oui (AO01)	6	20.69%
Non (AO02)	13	44.83%
No answer	10	34.48%
Not displayed	0	0.00%

Summary for C43(SQ003)[Autre]

Des modes alternatifs de règlement des différends (MARD) sont-ils accessibles dans le cadre des procédures devant la CAS pour les contentieux à caractère commercial ou présentant un intérêt économique, notamment :



Summary for C44

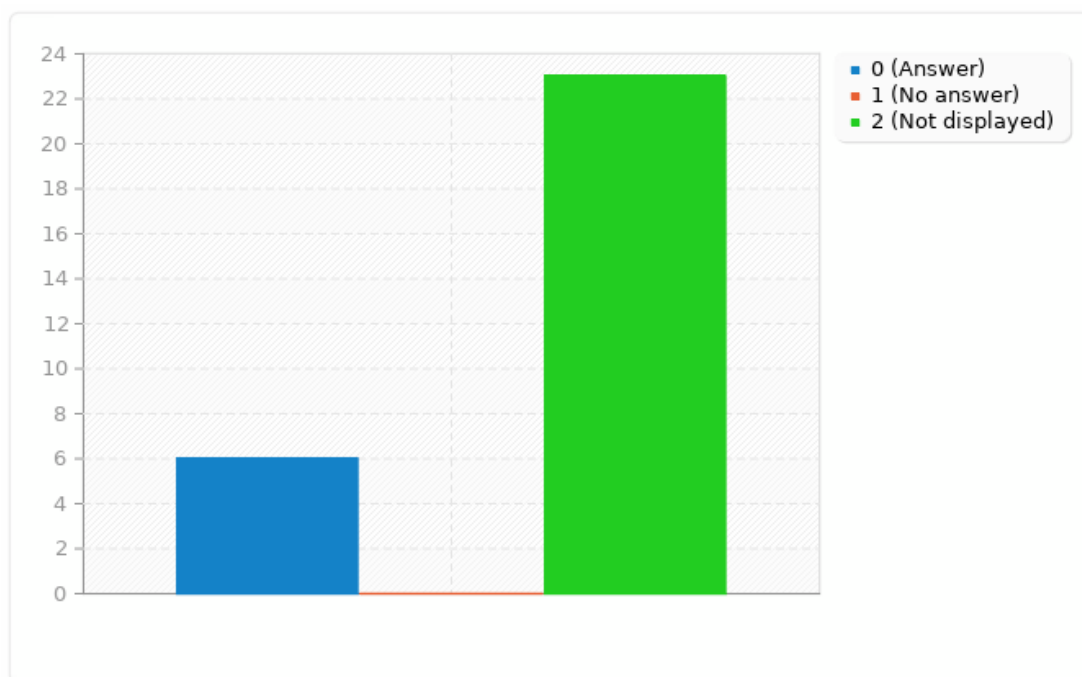
Veillez préciser « autre ».

Answer	Count	Percentage
Answer	6	20.69%
No answer	0	0.00%
Not displayed	23	79.31%

ID	Response
18	L'arbitrage (voir article 176 de la loi 4412/2016 et 63 de la loi 4413/2016).
6	Arbitration 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 of the Code of Civil Procedure
16	Arbitration - public contracts
20	The parties are allowed to make a court settlement (as in any other dispute), but it has not happened yet.
23	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.
24	Bien que la conciliation ne soit pas explicitement prévue par la procédure devant la Cour administrative, les magistrats y siégeant y ont régulièrement recours aux fins de trouver un terrain d'entente raisonnable entre les parties. La Cour opère également des visites des lieux pour constater de visu certains litiges, notamment en matière d'urbanisme pouvant affecter un ou plusieurs opérateurs économiques. C'est même à l'occasion de ces visites des lieux que la Cour procède, selon les circonstances, à la conciliation des parties.

Summary for C44

Veillez préciser « autre ».



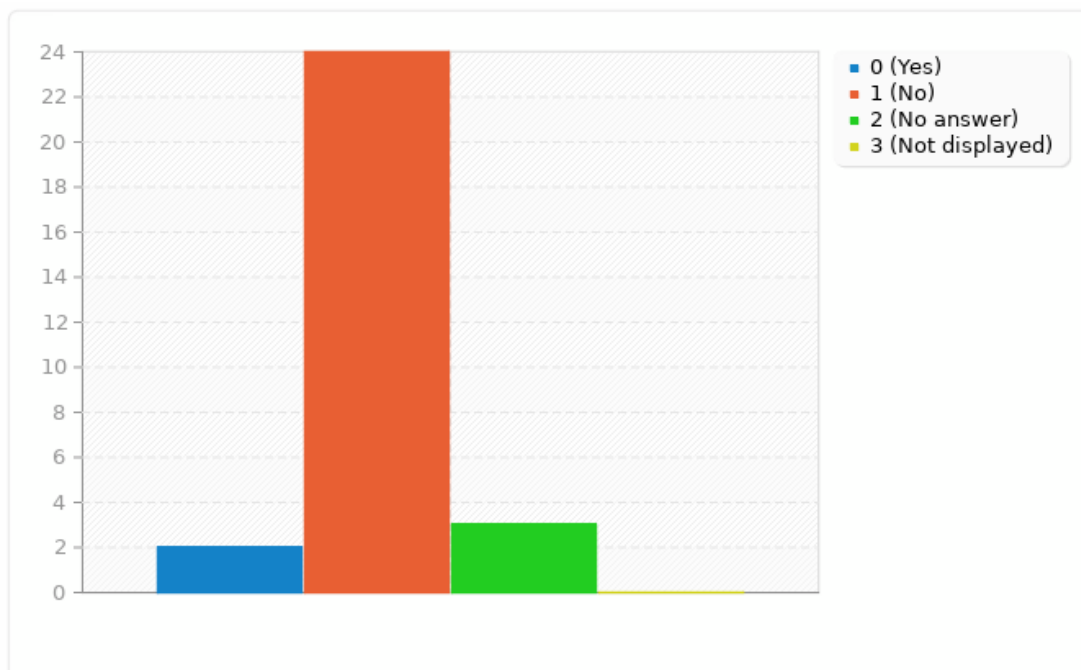
Summary for C45

Votre CAS dispose-t-elle de la faculté d'enjoindre au requérant de constituer un cautionnement pour les dépens du recours dans les contentieux à caractère commercial ou présentant un intérêt économique ?

Answer	Count	Percentage
Yes (Y)	2	6.90%
No (N)	24	82.76%
No answer	3	10.34%
Not displayed	0	0.00%

Summary for C45

Votre CAS dispose-t-elle de la faculté d'enjoindre au requérant de constituer un cautionnement pour les dépens du recours dans les contentieux à caractère commercial ou présentant un intérêt économique ?



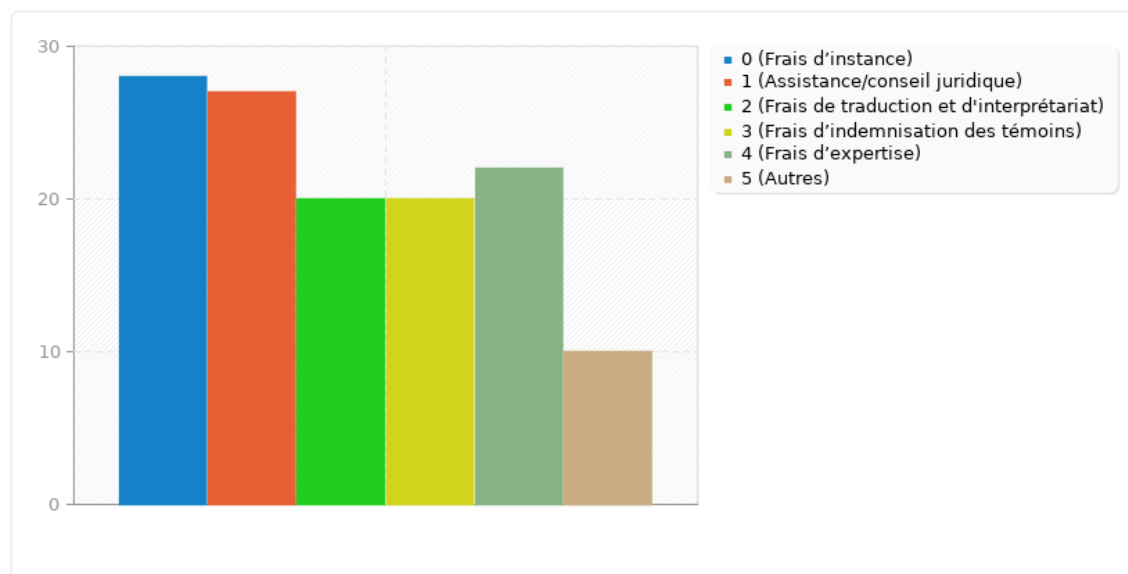
Summary for D1

Quels sont les frais juridiques susceptibles d'être engagés dans le cadre d'une procédure judiciaire devant votre tribunal ?

Answer	Count	Percentage
Frais d'instance (SQ001)	28	96.55%
Assistance/conseil juridique (SQ002)	27	93.10%
Frais de traduction et d'interprétariat (SQ003)	20	68.97%
Frais d'indemnisation des témoins (SQ004)	20	68.97%
Frais d'expertise (SQ005)	22	75.86%
Autres (SQ006)	10	34.48%

Summary for D1

Quels sont les frais juridiques susceptibles d'être engagés dans le cadre d'une procédure judiciaire devant votre tribunal ?



Summary for D2

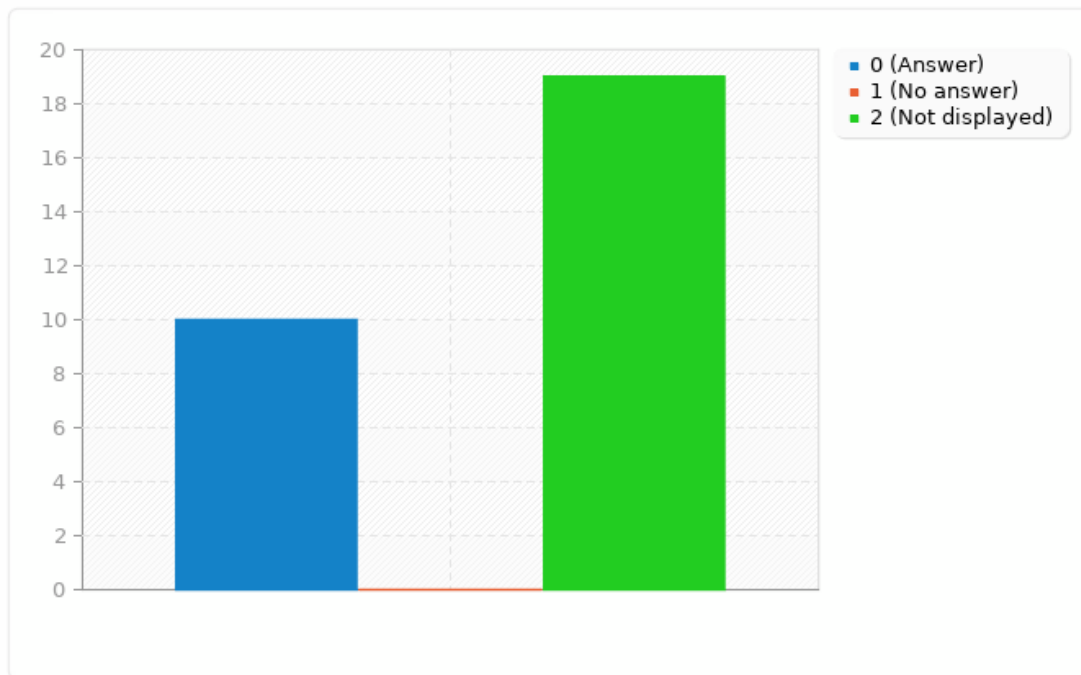
Veillez préciser « autres » .

Answer	Count	Percentage
Answer	10	34.48%
No answer	0	0.00%
Not displayed	19	65.52%

ID	Response
10	Costs in connection to attending an hearing (travel costs, expenses for food/stay, lost working time.
11	The relevant statutory provisions also include other expenses such as participants' actual expenses (travel, accommodation, postage) and lost earnings.
12	The party is also entitled to travel expenses (travel and accommodation costs) incurred in connection with the exercise of its party rights in negotiations before the SAC (sec. 48 VwGG).
14	All costs associated with procedural steps.
15	The Administrative Procedure Code does not contain an enumeration (not even a demonstrative one) of individual types of legal costs. The only substantive criterion is the condition that it must be an expense. This expense must have all the characteristics required by law (Section 163 of the administrative procedure code). This means that these are all proven, justified and purposefully incurred expenses that arise in connection with the exercise and defense of the right in the administrative court. Under the given circumstances, no type of expense is a priori excluded from the legal definition of procedural costs.
21	It should be mentioned that, in cassation proceedings before the Curia, evidentiary proceedings are not possible, as a consequence of which there are no witnesses or expert costs.
23	According to the Law on Administrative Proceedings of the Republic of Lithuania, other necessary and justified expenses related to the examination of the case, which are not associated with the provision of legal services to a party in the proceedings, are included in the costs of the proceedings and may be compensated from the losing party.
27	Also any travel, postage, telecommunications, accommodation and other similar costs that have been borne in relation to proceedings by the parties and the pay or other expected permanent earnings that parties have lost.
30	Compensable legal costs can also include, inter alia, costs related to procuring the evidence and expenses incurred in attending an oral hearing or other court session. Compensation may also be paid to a party to the judicial proceedings for work caused by the proceedings, and for losses that are directly related to the proceedings.
31	We would like to mention that the amount of court costs may include expenses incurred due to the need to attend the trial, transportation and accommodation expenses, and any other expenses necessary for the proper conduct of the trial.

Summary for D2

Veillez préciser « autres » .



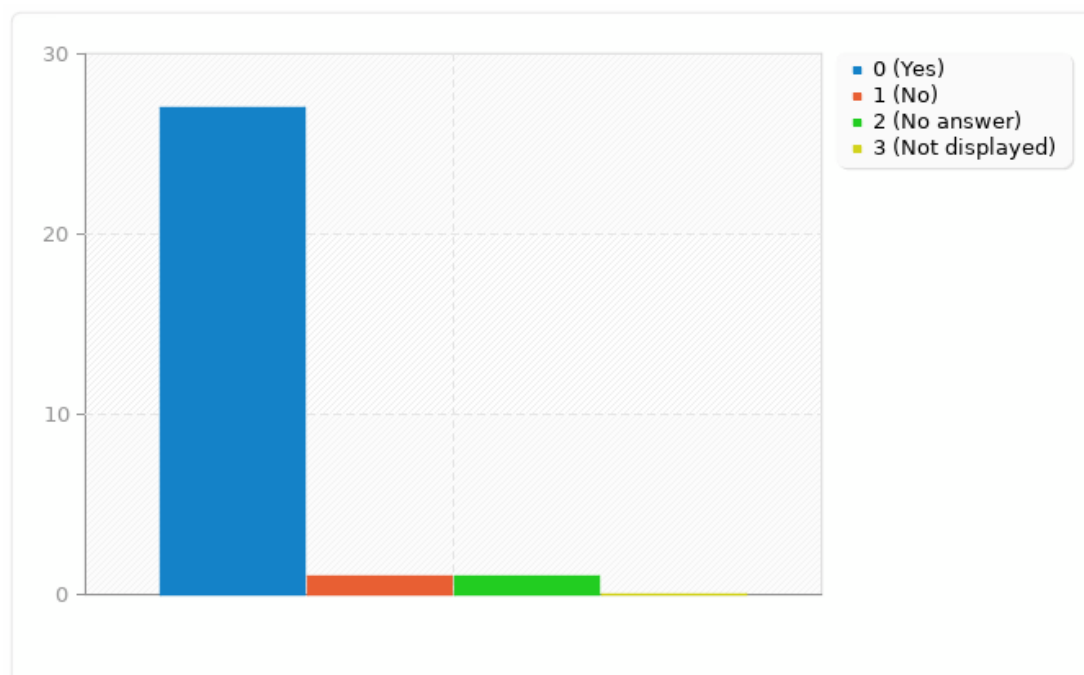
Summary for D3

Votre juridiction a-t-elle le pouvoir d'ordonner à la partie perdante de rembourser les frais engagés par la partie adverse ?

Answer	Count	Percentage
Yes (Y)	27	93.10%
No (N)	1	3.45%
No answer	1	3.45%
Not displayed	0	0.00%

Summary for D3

Votre juridiction a-t-elle le pouvoir d'ordonner à la partie perdante de rembourser les frais engagés par la partie adverse ?



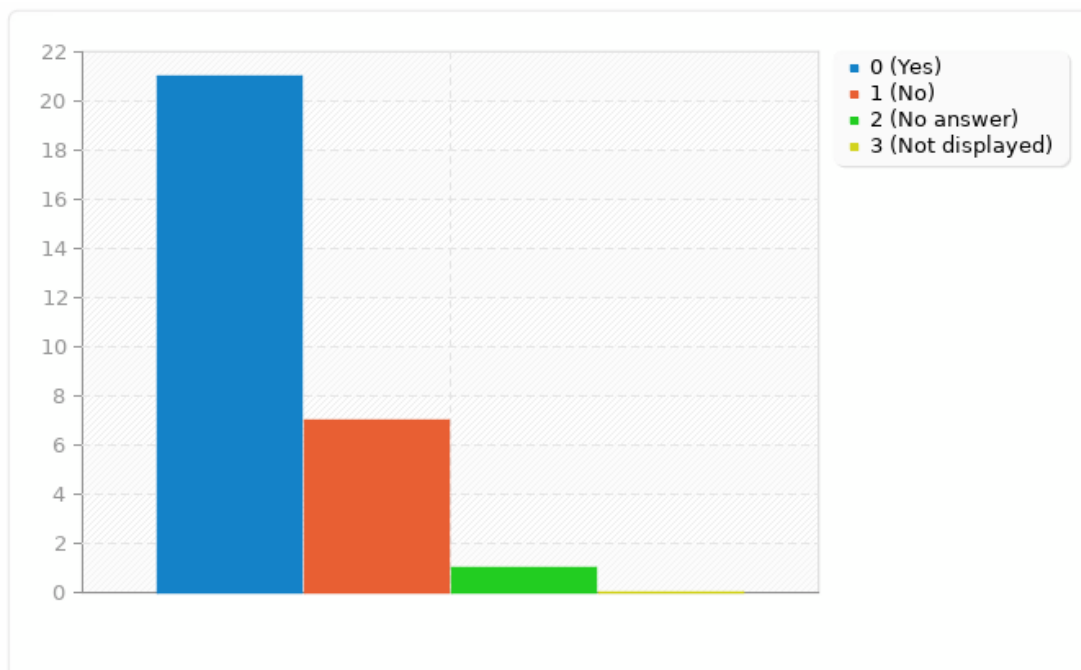
Summary for D4

Existe-t-il des plafonds légaux ou des limites de frais pour les affaires portées devant la CAS ?

Answer	Count	Percentage
Yes (Y)	21	72.41%
No (N)	7	24.14%
No answer	1	3.45%
Not displayed	0	0.00%

Summary for D4

Existe-t-il des plafonds légaux ou des limites de frais pour les affaires portées devant la CAS ?



Summary for D5

Merci de préciser.

Answer	Count	Percentage
Answer	21	72.41%
No answer	0	0.00%
Not displayed	8	27.59%

ID	Response
2	Fees to initiate a case before the SAC are set up in the Act of Parliament of 30 August 2002 Law on proceedings before administrative courts and in the Regulation of the Council of Ministers of 16 December, 2003 on the amount of and detailed principles for collecting filing fees in proceedings before administrative courts. The filing fee of the cassation appeal amounts to half of the filing fee for bringing an application before the court of first instance, however, not less than 100 PLN (approx. 24 EUR) and no more than 50 000 PLN (approx. 12 000 EUR). In certain types of cases, an applicant is not obliged to pay a fee (in both first and second instance), e.g. in cases concerning the status of unemployed, benefits and other allowances and rights conferred to the unemployed or in cases resulting from labour relations and official subordination.
18	Conformément à la législation sur les marchés publics (loi 4442/2016), le montant du timbre (proportionnel, calculé sur la base du coût estimé du marché dont la passation est visée par la procédure d'appel d'offres) ne peut être supérieur à quinze mille (15 000) euros. Pour les autres types de contentieux, il s'agit d'un montant fixe qui ne dépasse pas 1 000 euros pour la rédaction des actes de procédure suivants : demande d'annulation, appel, pourvoi en cassation, recours en matière disciplinaire, tierce opposition, demande d'interprétation et de rectification d'arrêts (700 euros pour la demande de suspension ou de mesures provisoires) ; et 1 000 euros pour la comparution à chaque audience (700 pour la comparution devant le comité) des avocats mandataires (montants fixés tout récemment par résolution de l'Assemblée Générale du CE).
3	Legal costs are generally fixed. In full jurisdiction (compensation) actions, however, the amount is calculated on the basis of the sum claimed. As regards expert fees, there is a tariff that is updated annually.
4	Les droits de rôle, dus à l'enrôlement d'une requête, sont fixés et plafonnés par l'article 70 de l'arrêté du Régent du 23 août 1948 'déterminant la procédure devant la section du contentieux administratif du Conseil d'État'. Il en va de même pour l'indemnité de procédure - qui est une intervention forfaitaire dans les frais et honoraires d'avocat de la partie ayant obtenu gain de cause - dont les montants de base, minima et maxima sont directement fixés par l'article 67 du même arrêté.
5	Article 124 of the Administrative Procedure Law stipulates that a security deposit of EUR 70 must be paid for a cassation appeal; EUR 15 for an ancillary appeal; and EUR 15 for a request for interim measures (protection).
6	The Italian system does not provide for absolute statutory caps on professional fees (the principle of contractual autonomy applies), but it strictly regulates judicial costs through the Contributo Unificato (court fee). The allocation of costs against the losing party is instead based on the values defined by Ministerial Decree 55/2014, which the judge may increase or decrease based on the complexity of the litigation.
9	A temporary incentive scheme has been introduced to encourage the settlement of cases in administrative and tax courts through legal proceedings, such as confession, withdrawal, transaction or agreement. This exceptional and temporary regime is intended to encourage litigants to terminate proceedings in administrative and tax courts as a means of reducing the backlog of pending cases. It will remain in force until 14 September 2026. Thus, any party that performs an act leading to the termination of proceedings may request the refund of 25% of the court fees paid within 10 days of the final judgment determining the termination of proceedings, with the remaining fee not being due. Additionally, court fees are halved in cases that end before opposition, before the final hearing or with an immediate judgement (Article 14-A of the Regulation on Court Costs).
10	The court fees are laid down in Articles 8:41 and 8:109 GALA. The amount of the legal costs eligible for reimbursement is regulated at a flat rate in the Administrative Costs of Proceedings Decree.

-
- 11 Yes, there is a fee limit for the SAC cases. The amount of the court fee for proceedings before the SAC (and regional administrative courts) is set at a fixed amount specified by law. The fee for filing a cassation complaint is set at CZK 5,000 (approx. 206 EUR).
- 12 Lump sums must be paid as compensation for the cost of preparing written submissions and conducting hearings (sec. 49 VwGG).
- 15 Court fees for SAC proceedings are stated in Act no. 71/1992 Coll. on court fees and the fee for obtaining an extract from the criminal record. This Act contains statutory caps for court fees including fees for initiating proceedings before the Supreme Administrative Court. These fees have a fixed amount. Supreme Administrative Court may upon request grant an exemption from court fees if the circumstances of the party to the proceedings justify it.
- 19 The Court is legally empowered to assess the imposition of costs, and may set limits
- 17 Court fees in administrative disputes are fixed. The highest fee is prescribed for disputes under the legislation governing legal protection in public procurement procedures. Where electronic filing is available, the court fee is reduced by 20% from the prescribed amount. In administrative disputes conducted before the Supreme Court, attorneys' fees are determined in accordance with the Civil Procedure Act and the Attorneys' Tariffication Act. The costs of witnesses, experts, and interpreters are reimbursed pursuant to the Civil Procedure Act and the implementing regulations adopted thereunder.
- 20 Costs of legal assistance is proscribed by Croatian Bar Association.
- 21 Identical rules apply to all types of cases. The Ministry of Justice's Decree No. 17/2024 (9 December) on Attorney Fees in Court Proceedings sets the minimum amount of litigation costs to be awarded (depending on the value of the case) and states that the court may only reduce this amount at the request of the other party if it is grossly disproportionate.
- 23 The Order No. 1R-85 of the Minister of Justice of the Republic of Lithuania of 2 April 2004 "On the Approval of the Recommendations on the Maximum Amount of Fees Awarded in Civil Cases for Assistance Provided by an Attorney or an Attorney's Assistant" regulates the maximum amount of fees awarded in cases for assistance provided by an attorney or an attorney's assistant. The court may deviate from the coefficients set out in these recommendations and compensate a higher amount of costs only in exceptional cases, based on objective circumstances.
- 25 The Law on Court Fees in the Republic of Serbia ("Official Gazette of the Republic of Serbia", No. 28/94 ...91/25) in Article 33 stipulates that in administrative disputes, a fee is paid according to the value of the dispute, if the subject matter of the dispute is estimable. If the subject matter of the dispute is not measurable, the amount of 15,000 dinars is determined as the value of the subject matter.
- 27 According to the procedural law the court only awards case costs that are necessary and justified. According to the practice of the SAC, the following principles are considered when assessing the reasonableness of costs: first, as a rule, the costs of legal assistance are ordered to be paid in favour of an administrative authority only where the court case falls outside the authority's everyday core activities. Disputes arising from the performance of tasks assigned to an administrative authority by legislation cannot be regarded as falling outside the authority's core activities. Second, as a rule, procedural costs at a higher level of court should not exceed those incurred at a lower level.
- 29 Simple state fee and proportional state fees are set for the initiation of administrative proceedings. In cases before the administrative court of first instance (or the Supreme Administrative Court when it is the court of first instance in the dispute), natural persons shall pay a state fee of 10 BGN, and legal entities shall pay a state fee of 50 BGN. For cassation cases, Article 227a of the Administrative Procedure Code specifies the following state fees:
The cassation appellant shall pay a state fee in advance of BGN 70 for citizens, sole traders, state and municipal authorities, and other persons performing public functions or organisations providing public services; and BGN 370 for organisations. Where there is a determinable material interest in the case, these fees are not payable, but a fee determined as a percentage of the interest is payable.
A state fee for proceedings is not payable by the prosecutor's office for filing a protest by a party to whom legal aid has been granted under the conditions of Article 23, paragraph 2 of the Legal Aid Act, nor by citizens recognised by the court as lacking the means to pay it.
When considering an application for exemption from the state fee, the court shall take into account:
1. the income of the person and their family;
2. their financial situation, certified by a written declaration;
3. family status;
4. health status;
5. employment;
6. age;
-

7. other relevant circumstances.

Where there is a determinable material interest in the case, the state fee for citizens, sole traders, organisations, state and municipal authorities, and other persons performing public functions and organisations providing public services shall be proportional and shall amount to 0.8 per cent of the material interest, but not more than BGN 1,700. In cases where the material interest exceeds BGN 10,000,000, the fee is BGN 4,500.

Regardless of whether there is a determinable material interest in the case, the fee for cassation appeals concerning pensions, health and social security and assistance shall be BGN 30 for citizens and sole traders, and BGN 200 for organisations, state and municipal authorities, and other persons performing public functions and organisations providing public services.

In cassation proceedings under the Administrative Offences and Penalties Act, the provisions of Article 227a of the Administrative Procedure Code do not apply.

For proceedings initiated on the basis of a private complaint, a fee of BGN 30 shall be collected from citizens and state and municipal authorities, and a fee of BGN 150 shall be collected from organisations. Citizens shall not be required to pay a fee for private complaints concerning pensions, health, and social insurance and assistance.

Pursuant to Article 9a of the Law on the Liability of the State and Municipalities for Damages (heading amended — State Gazette, No. 30 of 11 April 2006, effective as of 12 July 2006), a simple state fee shall be paid for cases under this law, in an amount determined by the tariff adopted by the Council of Ministers. Expenses related to the cases, as well as expenses related to enforcement, shall not be paid in advance.

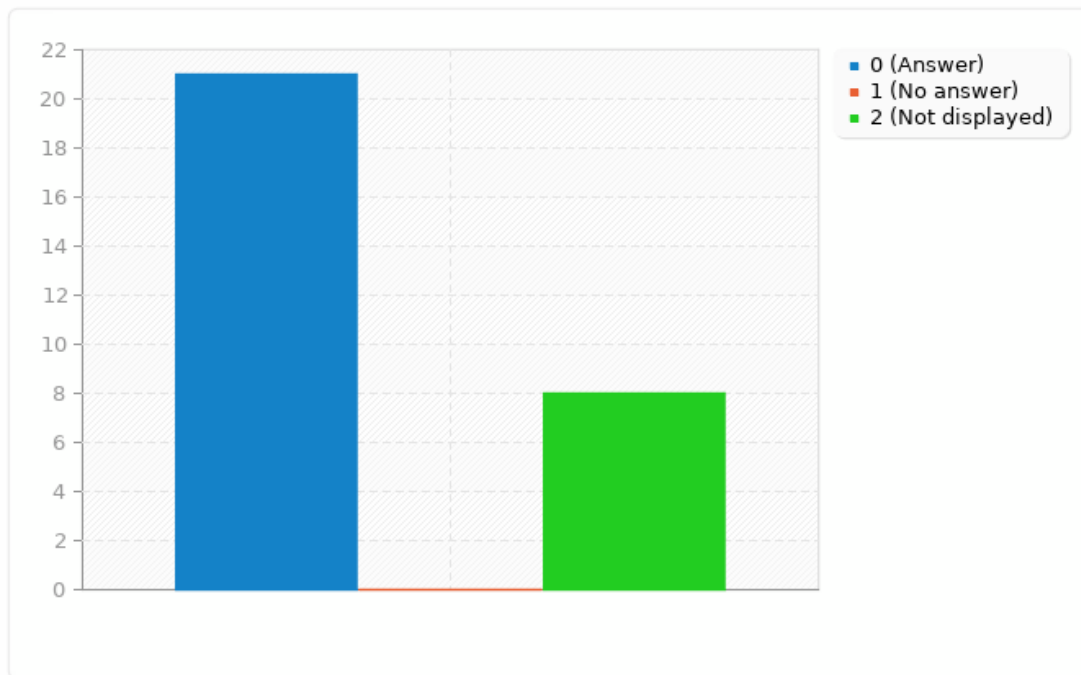
In accordance with Article 4 of Regulation (EC) No 1103/97 and the Law on the Introduction of the Euro in the Republic of Bulgaria, which comes into effect on 1 January 2026, the conversion from BGN leva to euros shall be carried out by dividing the BGN amount by the full numerical value of the official exchange rate, expressed in six digits with all five digits after the decimal point. The official exchange rate must not be rounded or abbreviated when performing the conversion.

31 The method for determining court fees is regulated by law, and it is also possible for legal entities to be granted, upon request, facilities in the form of reductions, instalments or deferrals for the payment of court fees.

32 According to Section 39 para 2 of the German Court Fees Act the amount in dispute shall not exceed 30 million euros, unless a lower maximum value is determined. Courts fees are calculated based on the amount in dispute.

Summary for D5

Merci de préciser.



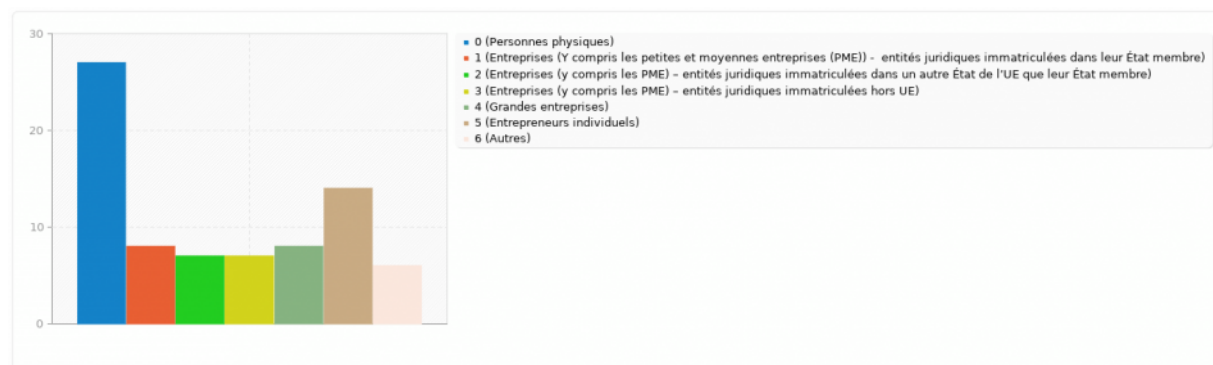
Summary for D6

Qui peut bénéficier de l'aide juridictionnelle dans votre juridiction ?

Answer	Count	Percentage
Personnes physiques (SQ001)	27	93.10%
Entreprises (Y compris les petites et moyennes entreprises (PME)) - entités juridiques immatriculées dans leur État membre (SQ002)	8	27.59%
Entreprises (y compris les PME) - entités juridiques immatriculées dans un autre État de l'UE que leur État membre (SQ003)	7	24.14%
Entreprises (y compris les PME) - entités juridiques immatriculées hors UE (SQ004)	7	24.14%
Grandes entreprises (SQ005)	8	27.59%
Entrepreneurs individuels (SQ006)	14	48.28%
Autres (SQ007)	6	20.69%

Summary for D6

Qui peut bénéficier de l'aide juridictionnelle dans votre juridiction ?



Summary for D7

Merci d'indiquer à quelles conditions.

Answer	Count	Percentage
Answer	27	93.10%
No answer	1	3.45%
Not displayed	1	3.45%

ID	Response
1	niveau de ressources insuffisant.
2	Legal aid may be granted to a party upon request submitted before the commencement of proceedings or during proceedings. This request is free of court fees. Legal aid covers exemption from court costs and the appointment of a lawyer, legal advisor, tax advisor, or patent attorney. Legal aid may be granted in full or in part. Full legal aid covers exemption from court costs and the appointment of a lawyer, legal advisor, tax advisor, or patent attorney. Partial legal aid covers exemption only from court fees in whole or in part, or only from expenses, or from court fees and expenses, or covers only the appointment of a lawyer, legal advisor, tax advisor, or patent attorney. Legal aid is granted to a natural person: 1) in full - if the person proves that they are unable to bear any costs of the proceedings; 2) partially - if they demonstrate that they are unable to bear the full costs of the proceedings without prejudice to the necessary maintenance of themselves and their family. A legal person or other organizational unit without legal personality may be granted legal aid: 1) in full - if it proves that it has no means to bear any costs of the proceedings; 2) in part - if it proves that it does not have sufficient means to bear the full costs of the proceedings.
18	La loi ne réserve pas l'aide juridictionnelle (destinée à couvrir le droit de timbre et les frais de justice) exclusivement en faveur des personnes physiques, mais elle exige des conditions de précarité qui ne sont pas en principe réunies lorsqu'il s'agit d'entreprises.
3	In order to qualify for legal aid, the action must not be manifestly ill-founded, and it must be demonstrated that the applicant is in financial hardship to such an extent as to be unable to bear the costs of the proceedings.
4	L'article 78 de l'arrêté du Régent renvoie aux articles 667 à 669 du Code judiciaire pour déterminer si une personne peut bénéficier ou non de l'assistance judiciaire.

En application de ces dispositions, le Conseil d'État accorde le bénéfice de l'assistance judiciaire à toute personne de nationalité belge qui justifie de moyens d'existence insuffisants. Il l'accorde également, dans les mêmes conditions :

- a) aux étrangers, conformément aux traités internationaux;
- b) aux ressortissants d'un État membre du Conseil de l'Europe;
- c) à tout étranger qui a sa résidence habituelle en Belgique ou dans un État membre de l'Union européenne.

Ces dispositions ne prévoient pas explicitement si elles s'appliquent ou non aux personnes morales. Toutefois, le Conseil d'État s'appuie sur les arrêts 143/2016 du 17 novembre 2016 et 167/2016 du 22 décembre 2016 de la Cour constitutionnelle - qui ont jugé que les dispositions du Code judiciaire "violent les articles 10 et 11 de la Constitution, lus en combinaison avec l'article 6.3, c), de la Convention européenne des droits de l'homme en ce qu'ils excluent de l'aide juridique de deuxième ligne la personne morale poursuivie pénalement dont les ressources sont insuffisantes" - pour accorder l'assistance judiciaire aux personnes morales.

Il faut encore préciser que l'assistance judiciaire - qui permet d'être dispensé des frais liés à la procédure - se distingue de l'aide juridique de deuxième ligne qui permet d'obtenir gratuitement l'assistance d'un avocat. Le bénéficiaire tant de l'assistance judiciaire que de l'aide juridique n'est octroyé qu'aux personnes qui sont en mesure de démontrer qu'elles disposent de moyens d'existence insuffisants. Les différentes manières dont l'absence de moyens suffisants peut être prouvée sont énumérées aux articles 508/13/1 et 508/13/2 du Code judiciaire. Ces dispositions instaurent également des cas dans lesquels l'absence de moyens d'existence suffisants est présumée. Tel est par exemple le cas des personnes détenues ainsi que des étrangers pour les procédures concernant leur présence sur le territoire.

À titre d'exemple d'application de ces dispositions par le Conseil d'État, on peut mentionner l'arrêt 259.805 du 21 mai 2024 par lequel le Conseil d'État refuse d'octroyer l'assistance judiciaire à une société de nationalité kirghize non pas au motif qu'il s'agit d'une personne morale, mais au motif qu'elle ne rentre dans aucune des catégories de personnes étrangères dont il est question à l'article 78 de l'arrêté du Régent lu en combinaison avec l'article 668 du Code judiciaire.

5	According to Article 18(5) of the Administrative Procedure Law, state-provided legal assistance may be granted upon the natural person's request by court decision, taking into account the complexity of the case and the financial situation of the natural person. The court shall decide on a request for legal assistance within one month from the date the request is submitted.
9	The right to legal protection includes legal aid, which provides for: - the appointment of a representative and payment of their fees, or payment of the fees of a court-appointed lawyer in criminal or administrative proceedings. - exemption from court fees and costs, or the option to pay in instalments - the assignment of an enforcement agent. Legal aid may be requested by natural or legal persons, or equivalent entities, whether for profit or not-for-profit. However, profit-making and non-profit-making legal entities are only entitled to legal aid in the form of exemption from court fees and other procedural costs, the appointment of a lawyer and payment of their fees, the payment of compensation for a court-appointed lawyer, and the assignment of an enforcement agent.
10	The conditions are laid down in the Legal Aid Act and regulations based on it. The amount of the allowance and the personal contribution depends on income, assets and living situation. The higher the income and assets, the higher the personal contribution.
11	The Czech Code of Administrative Justice stipulates that the complainant must be represented by a lawyer in proceedings before the SAC concerning a cassation complaint. A party to the proceedings (whether a natural or legal person) may request that the court appoint a lawyer on their behalf, and such a request will be granted if the applicant meets the conditions for exemption from court fees. Legal entities may also be exempt from court fees if they do not have sufficient financial resources (the law does not distinguish between them in any way, either by purpose or type, case No. 1 As 70/2008-74). However, given the nature of legal entities, the court carefully examines whether the lack of assets claimed by the legal entity is genuine and not feigned. A legal entity that organises its activities in such a way that it remains without sufficient financial resources in the long term, despite normal and necessary expenditure in connection with the activities performed, is not entitled to exemption.
12	Legal aid may be granted to both private individuals and legal entities, unable to pay the costs of proceedings before the SAC. However, the intended legal action or defense must not appear to be manifestly unfounded (sec. 61 VwGG).
14	Public legal aid is mainly granted to individuals, whose financial resources are below a certain threshold, who are not covered by legal insurance, and where there are reasonable grounds for bringing the case. As a general rule, legal aid is only granted exceptionally in cases originating from the applicant's business activities.
15	Individuals could qualify for public legal aid if they met the requirements stated in the Act on Granting of Legal Aid to Persons in Material Hardship. Legal aid may be provided to a natural person who is in material need unless the dispute is clearly futile. A natural person in material need can be described as someone who has income that is lower than 1,8 multiples of subsistence level stated by law. The decision not to provide legal aid may be reviewed by administrative court and afterwards by the Supreme Administrative Court as a cassation court.
19	"Public benefit associations, as provided for in Article 32 of Organic Law 1/2002 of 22 March, regulating the Right of Association"
17	"Foundations registered in the corresponding Public Register The applicant's monthly income, or the average monthly income per family member, must not exceed twice the statutory minimum income threshold; the assets of the applicant or the applicant's family must not exceed 48 times the statutory minimum income threshold. When deciding on an application for legal aid, the following factors are taken into account: the applicant's financial situation; the reasonableness of the case and the applicant's prospects of success in the proceedings; and the importance of the matter for the applicant's personal and socio-economic position, or the significance of the outcome for the applicant or the applicant's family.
20	The Court is not competent to grant a public legal aid. It is in competence of an administrative authority.

21 Pursuant to Act LXXX of 2003 on Legal Assistance, the party is entitled to a discount on the advance payment or payment of the lawyer's fees, but the decision on eligibility is not made by the court, but by the legal aid service. It primarily hinges on the applicant's income, assets, and social situation as to whether assistance will be granted.

22 Only a small group of people qualify for civil legal aid before the Supreme Court, because two strict tests must be met.

First, the person must pass the means test: their disposable income and assets must fall below the Legal Aid Board's financial thresholds. This limits eligibility to people with genuinely modest resources.

Second, the person must pass the merits test. The Legal Aid Board will only fund an appeal if the case appears capable of meeting the Supreme Court's constitutional criteria for leave. That means the appeal must raise:

an issue of general public importance, or

a matter where the interests of justice require a further appeal.

23 Only cases with real legal substance or serious personal consequences meet this standard. Public legal aid is mainly granted to natural persons subject to statutory means and merits criteria. Claims directly linked to commercial/independent professional activities may be excluded, but restrictions must be applied in a way that preserves effective access to court (ECTHR's judgment in Urbšienė and Urbšys v. Lithuania (2016)). State-guaranteed legal aid (primary or secondary) may be granted to persons with low income, those receiving social benefits, persons with disabilities, or victims. To receive assistance, an application must be completed and personal documents submitted to the State-guaranteed Legal Aid Service. Primary legal aid (consultations) is provided in municipalities, while secondary legal aid (document preparation, representation in court) is provided through the State-guaranteed Legal Aid Service.

24 L'assistance judiciaire est prévue par la loi du 7 août 2023 portant organisation de l'assistance judiciaire. Elle est réservée aux personnes physiques dont les ressources sont insuffisantes. Celles-ci sont prises en compte par rapport aux revenus du demandeur, à sa situation de fortune et en tenant compte également des personnes avec lesquelles il forme une communauté domestique (art. 5).

25 The Law on Free Legal Aid in the Republic of Serbia ("Official Gazette of the Republic of Serbia", No. 13/2018) regulates the right to free legal aid and the manner of its exercise. Particularly, Article 4 of the Law prescribes that free legal aid is provided to a citizen of the Republic of Serbia, stateless person, foreign citizen with permanent residence in the Republic of Serbia and another person entitled to free legal aid under another law or a ratified international treaty, under the conditions defined in the aforementioned article.

26 Generally, free legal aid is granted to individuals in specific case types before the Norwegian courts, inter alia on child welfare, and may be granted upon application to individuals with low income. In cases to be heard before the Supreme Court, free legal aid may be granted to individuals, including entrepreneurs, upon application without regard to economic conditions. Under specific circumstances the latter may also be extended to SMEs.

27 For-profit corporations and companies do not qualify for state-funded legal aid. Only a natural person may be granted state-funded legal aid if the person is unable to pay for competent legal services due to their financial situation at the time they need legal aid or where the person is able to pay for legal services only partially or in instalments or where their financial situation does not allow for meeting basic subsistence needs after paying for legal services. However, in matters of economic significance, the provision of state legal aid is unlikely, because under the 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.

28 As a rule, a winning party in an administrative proceeding may not have the costs rewarded by a decision of the administrative court. Instead, the party normally has to bring a lawsuit for damages in the general courts to retrieve the costs incurred by the legal proceedings in administrative courts. But in certain tax cases, the SAC may award a winning private party compensation for reasonable costs incurred by the proceedings.

29 The right to defence, as guaranteed by Article 56 of the Constitution, includes the essential element of citizens having the right to legal representation. This is sometimes necessary to ensure an effective and full defence. In such cases, the European Convention on Human Rights also requires the provision of free legal aid in administrative disputes as part of the guarantee of a fair trial (where procedural representation is mandatory, where personal defence would be ineffective due to the complexity or specific nature of the case, or where the

use of legal representation by the other party would affect the fairness of the trial as a whole). The legal aid system, as set out in Article 21(2) of the Legal Aid Act, covers cases where legal representation or a reserve defence counsel is mandatory by law. It also covers cases where the accused, defendant or party to a criminal, civil or administrative case cannot afford a lawyer, wants one and it is in the interests of justice to provide one. In such cases, the person is not required to reimburse the costs of the legal aid provided. In civil and administrative cases, legal aid is provided when the relevant competent authorities present evidence to the court or the National authorities for legal aid, who then considers whether the party has the means to pay for a lawyer's fees.

According to the Legal Aid Act, legal aid is refused when its provision would not benefit the individual; when the claim is manifestly unfounded, unjustified or inadmissible; and in commercial cases and tax cases under the Tax and Social Security Procedure Code.

30 Under the Legal Aid Act, legal aid is provided at the expense of the state to persons who need expert assistance in a legal matter and who are unable to meet the costs of proceedings as a result of their economic situation. The Act specifically details that legal aid is not provided to a company or a corporation. However, entrepreneurs (sole traders) may be granted legal aid in respect of court matters related to their business. The provision of legal aid is in principle means-tested.

31 In order to benefit from legal aid, individuals must follow the procedure regulated by Emergency Ordinance No. 51/2008 on legal aid in civil matters, as subsequently amended and supplemented.

According to the provisions of Article 6 of the aforementioned normative act, legal aid may be granted in the form of payment of fees for representation, legal assistance, and, where appropriate, defense by an appointed or chosen lawyer, for the realization or protection of a right or legitimate interest in justice or for the prevention of a dispute.

Any individual may request legal aid if they are unable to meet the costs of a trial or those involved in obtaining legal advice in order to defend a right or legitimate interest in justice, without jeopardizing their own livelihood or that of their family. Thus, persons whose average net monthly income per family member in the last two months prior to submitting the request is below the equivalent of 25% of the national minimum gross salary are eligible for this benefit. In this case, the amounts constituting legal aid are fully advanced by the state.

Additionally, legal aid is granted in other situations, proportionality to the applicant's needs, if the certain or estimated costs of the proceedings are such as to limit their effective access to justice, in relation to their income and proven expenses, including due to differences in the cost of living between the Member State in which the applicant resides or has their habitual residence and Romania.

At the same time, we mention that the court may grant legal aid to non-profit legal entities based in Romania, only when, in the cases and conditions provided for exclusively by law, without justifying a personal interest, they act to defend the rights or legitimate interests of persons in special situations or, as the case may be, for the purpose of protecting a group or general interest. In this case, legal aid may be granted when the court considers that, in view of the economic and financial situation of these non-profit legal entities, the costs of the proceedings would significantly affect their current activity.

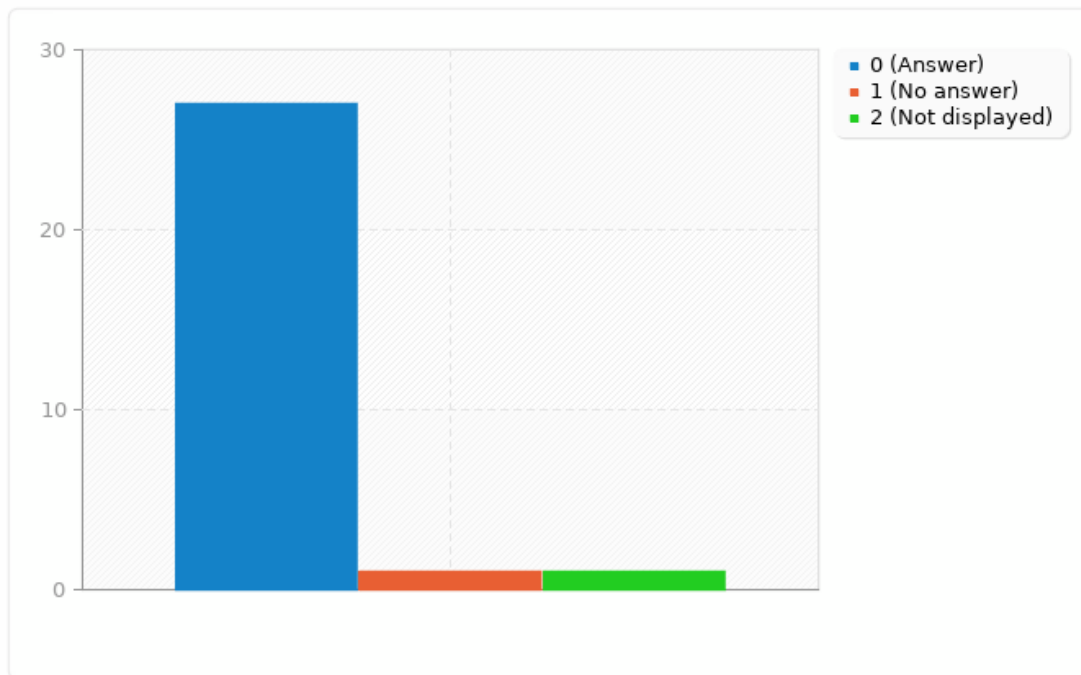
32 According to Section 166 para 1 of the German Code of Administrative Court Procedure combined with Section 114 para 1 of the German Code of Civil Procedure any parties who, due to their personal and economic circumstances, are unable to pay the costs of litigation, or are able to so pay them only in part or only as instalments, will be granted assistance with the court costs upon filing a corresponding application, provided that the action they intend to bring or their defence against an action that has been brought against them has sufficient prospects of success and does not seem frivolous.

This applies to individuals. Furthermore, according to Section 166 para 1 of the German Code of Administrative Court Procedure combined with Section 116 no. 2 of the German Code of Civil Procedure upon corresponding application being made, assistance with court costs shall be approved for parties:

Who are a legal person or an organisation that has the capacity to be a party and that was established in Germany, in another Member State of the European Union, or in any other signatory state of the Agreement on the European Economic Area, and which have their registered seat there, if the costs cannot be funded by that party nor by the parties economically involved in the subject matter in dispute, and if any failure to bring an action or to defend against an action that has been brought would contradict the public interest.

Summary for D7

Merci d'indiquer à quelles conditions.



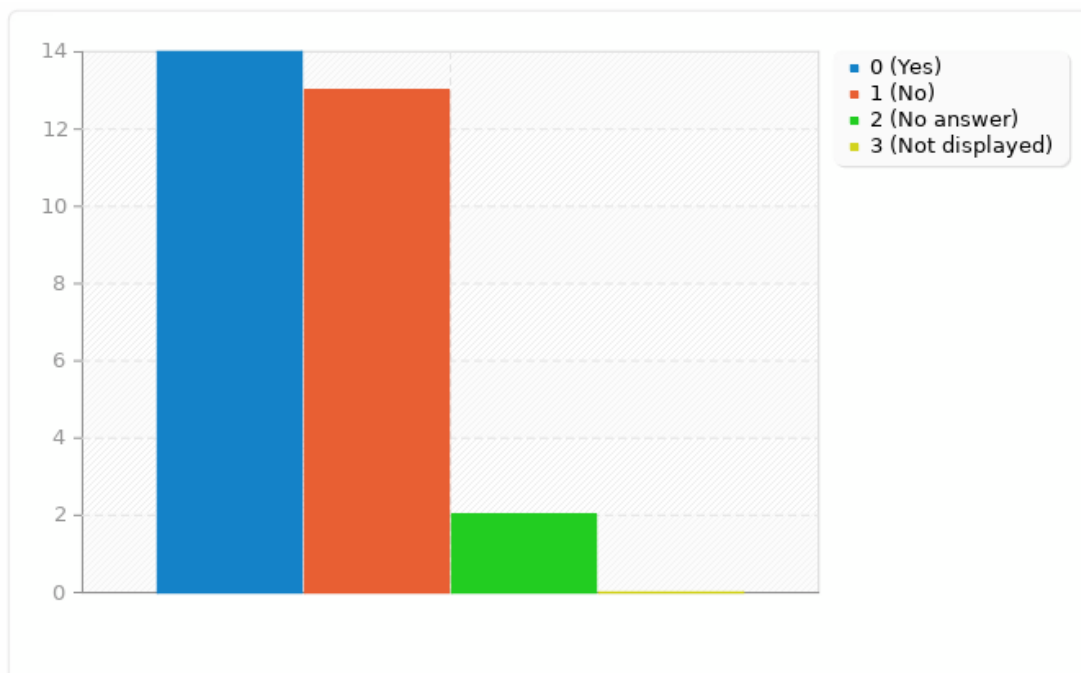
Summary for D8

Votre juridiction peut-elle prendre en considération les effets économiques plus larges de sa décision lorsqu'elle l'adopte ?

Answer	Count	Percentage
Yes (Y)	14	48.28%
No (N)	13	44.83%
No answer	2	6.90%
Not displayed	0	0.00%

Summary for D8

Votre juridiction peut-elle prendre en considération les effets économiques plus larges de sa décision lorsqu'elle l'adopte ?



Summary for D9

Merci d'expliquer votre réponse et de l'illustrer par des exemples.

Answer	Count	Percentage
Answer	14	48.28%
No answer	0	0.00%
Not displayed	15	51.72%

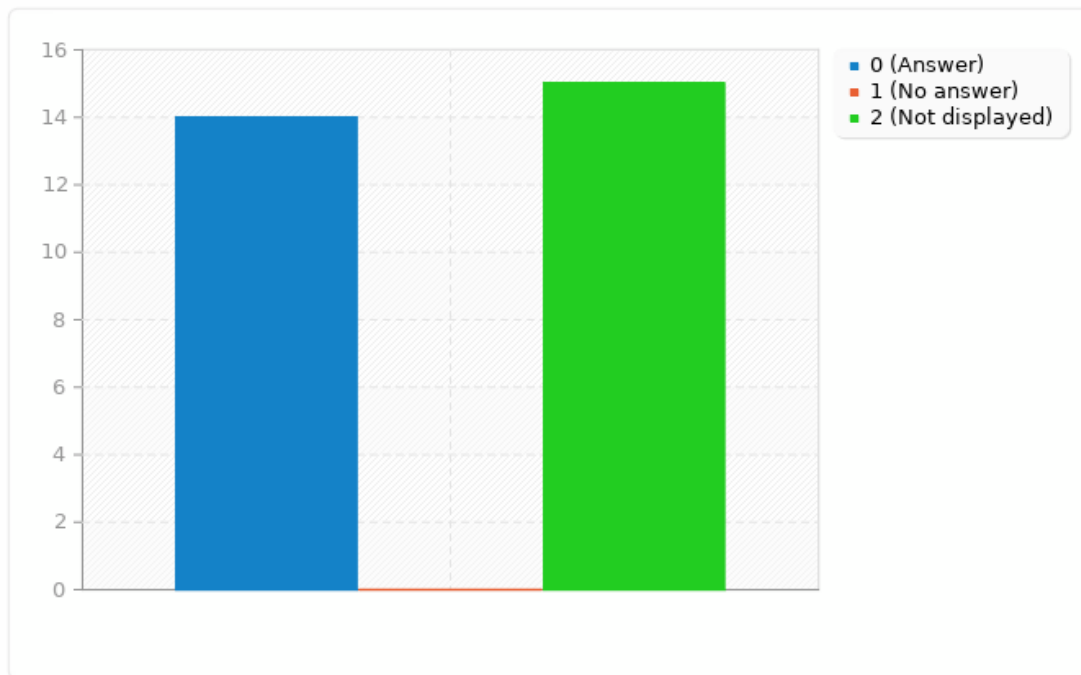
ID	Response
18	Conformément à l'article 50 par. 3a et 3b du décret présidentiel 18/1989 (ajoutées en 2014) il est possible de limiter l'effet rétroactif des arrêts annulatoires ou de reporter la publication de tels arrêts, afin, d'une part, d'éviter toute surprise pour les requérants et, d'autre part, de préserver l'équilibre budgétaire de l'État. Tel est souvent le cas des arrêts de l'Assemblée du Conseil d'État portant sur le contrôle des coupures des salaires ou des retraites des fonctionnaires publics, étant donné qu'une annulation rétroactive exposerait l'État à des dépenses considérables (voir par exemple l'arrêt de l'Assemblée 2288/2015). Tel a également été le cas du contrôle de l'omission de l'Administration à procéder au réajustement des valeurs dites "objectives" (minimales) des biens immobiliers susceptibles de taxes, dans le cadre duquel le Conseil d'État a reporté le jugement afin de permettre à l'Administration de publier la décision administrative (arrêté ministériel réglementaire) relative au réajustement en question (voir l'arrêt de l'Assemblée 4003/2014).
4	L'article 14ter des lois coordonnées sur le Conseil d'État permet au juge de moduler les effets de l'annulation de l'acte administratif. Cette disposition se lit comme suit : "À la demande d'une partie adverse ou intervenante, et si la section du contentieux administratif l'estime nécessaire, elle indique ceux des effets des actes individuels annulés ou, par voie de dispositions générales, ceux des effets des règlements annulés, qui doivent être considérés comme définitifs ou maintenus provisoirement pour le délai qu'elle détermine. La mesure visée à l'alinéa 1er ne peut être ordonnée que pour des raisons exceptionnelles justifiant de porter atteinte au principe de légalité, par une décision spécialement motivée sur ce point et après un débat contradictoire. Cette décision peut tenir compte des intérêts des tiers." À titre d'exemples d'application de l'article 14ter, on peut mentionner : 1) l'arrêt 252.484 du 20 décembre 2021. Par cet arrêt, le Conseil d'État maintient pour le passé et pour une durée de trois ans à compter de son prononcé, les effets du permis unique permettant l'exploitation d'une activité de recyclage du verre. Le maintien des effets est notamment motivé par "l'impact économique" et "la perte significative d'emplois directs" que l'annulation pure et simple de l'acte attaqué entraînerait. 2) l'arrêt 255.508 du 17 janvier 2023. Par cet arrêt, le Conseil d'État a maintenu, pour le passé uniquement, les effets d'un règlement communal de stationnement qui, au moment de son annulation, avait été appliqué pendant plus de deux ans. Le maintien des effets est justifié à la fois par la charge budgétaire que représenterait pour la commune le remboursement des amendes infligées en application du règlement (plus de 11 millions d'euros) et par la charge administrative qu'impliquerait le réexamen de chaque constat d'infraction en matière de stationnement. Outre le mécanisme de l'article 14ter des lois coordonnées, les articles 15, troisième alinéa, et 47, troisième alinéa, de la loi du 17 juin 2013 'relative à la motivation, à l'information et aux voies de recours en matière de marchés publics [...] permettent au Conseil d'État, saisi d'une demande de suspension de la décision d'attribution d'un marché public, de "d'office ou à la demande de l'une des parties, tenir compte des conséquences probables de la suspension de l'exécution et des mesures provisoires pour tous les intérêts susceptibles d'être lésés, ainsi que de l'intérêt public, et peut décider de ne pas accorder la suspension de l'exécution ou les mesures provisoires lorsque leurs conséquences négatives pourraient l'emporter sur leurs avantages."

- 5 Generally the administrative court does not base its decisions on broad 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 actions, applying established legal principles and checking whether public authorities have acted within the scope of their powers and followed procedural requirements. The focus is on legal compliance and rights protection, not on abstract assessments of economic consequences. 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 (e.g., market impact under competition law).
- 6 The Italian 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. In such scenarios, the system allows for maintaining the effectiveness of illegal contracts in the presence of “imperative reasons”, prioritizing economic stability and the completion of strategic works, while providing for alternative sanctions to restore the violated legality.
- 10 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. For example, in the ruling of 29 May 2019, ECLI:NL:RVS:2019:1603, on the so-called Programmatic Approach to Nitrogen, the AJD considered that, in view of Article 2, third paragraph, of the Habitats Directive, when taking conservation measures for Natura 2000 areas, account must be taken of economic, social and cultural requirements, and of regional and local specificities.
- 11 While the court may take economic consequences into account of its decision, its approach is rather conservative. For example, in its case No. 1 Afs 76/2013-57 the Grand Chamber of the SAC considered the impact of the solar tax on electricity producers. It reflected the Constitutional Court’s instruction to consider the liquidation effects of this tax on a case-by-case basis (No. Pl. ÚS 17/11). The SAC ruled on around 100 cases in which the plaintiffs attempted to infer the liquidation effects of the solar tax. The legislation did not address the possible impacts of the solar tax (except for small-scale producers). The court concluded that judicial power cannot simply replace the absence of legislation. For this to be possible, the Constitutional Court’s instruction to the legislature to create an appropriate mechanism allowing for an individual approach to producers would need to be fulfilled. Under the legal framework in force at that time, the only way to take into account the devastating effects of the solar levy in individual cases was through the institution of tax remission. In case No. 4 Ads 120/2009, the SAC addressed a legislative error where the formula for calculating employer social security contributions was temporarily missing from the law. Rejecting a formalistic reading that would have allowed companies to stop paying, the Court prioritized the purpose of the law over the text. It argued that because the social security system is “pay-as-you-go” --meaning current collections pay for current benefits --a lapse in funding would harm society and benefit recipients. Therefore, the Court ruled that the obligation to pay remained valid to ensure the stability of the public system.
- 15 Administrative court can at the plaintiff request modify amount of penalty if this sanction is disproportionate to the nature of the act or would have a liquidating nature for the plaintiff. This decision may be reviewed by Supreme Administrative Court. It’s important to note that Supreme Administrative Court can’t change amount of sanction by his own decision, but 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 to the decision case no. 4Shk/1/2021, ECLI:SK:NSSSR:2024:1019200601.1 “The sanction moderation available to administrative courts under the relevant provisions of the Administrative Judicial Code should, by its very nature, be applied cautiously, precisely because it effectively encroaches on the administrative discretion available to public administration bodies, which otherwise has a relatively limited scope for judicial review. This is also why the statutory limits of sanction moderation are tied to the evidence provided by the court and its prerequisites are defined by statutory categories such as “inappropriateness” and “liquidatory nature”. A proper and, in particular, convincing justification that at least one of these facts occurred in the case or was identified burdens the court applying sanction moderation. According to the Court of Cassation, the strict assertion that even a reduced fine takes into account all the circumstances of the case (note: without specifying which circumstances the administrative court took into account) and that even a moderated fine has the potential to

	have a preventive effect on the participant represents insufficient justification for the applied sanction moderation.”
16	It considers the broader economic effects if the matter involves public interest and the issue is raised before the court by a party.
20	The judges are always aware of the broader effects of the decision (not only economic effects).
21	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 the course of this, the broader economic impact of the case can also be assessed.
23	Yes, within the limits of judicial review. When relevant, the court may 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.
26	Economic and other consequences may be relevant when determining the legal questions of a case.
27	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.
31	In principle, the court rules within the limits of its jurisdiction, and we emphasize that an appeal is not a devolutive remedy. Also, as a general observation, the effects of the court decision are limited to the parties to the case, except where the subject matter of the case is a normative administrative act, in which case the decision to annul the act will have erga omnes effects after publication of the decision in the Official Gazette of Romania.

Summary for D9

Merci d'expliquer votre réponse et de l'illustrer par des exemples.



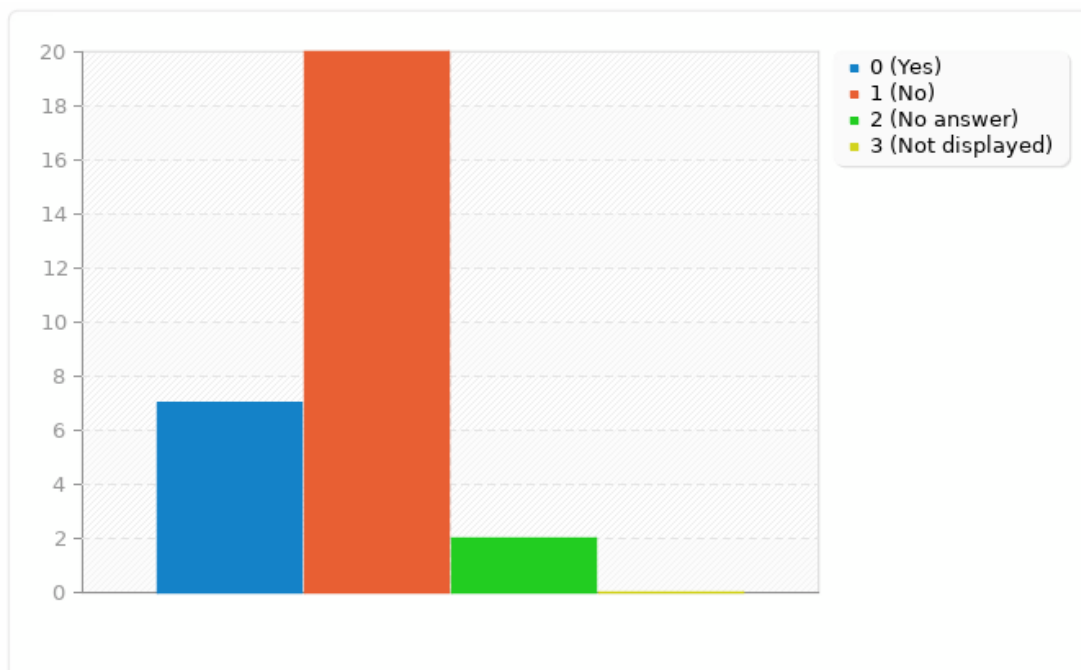
Summary for D10

Votre juridiction tient-elle compte des répercussions sur les tiers ou sur l'ensemble du marché dans leur raisonnement ?

Answer	Count	Percentage
Yes (Y)	7	24.14%
No (N)	20	68.97%
No answer	2	6.90%
Not displayed	0	0.00%

Summary for D10

Votre juridiction tient-elle compte des répercussions sur les tiers ou sur l'ensemble du marché dans leur raisonnement ?



Summary for D11

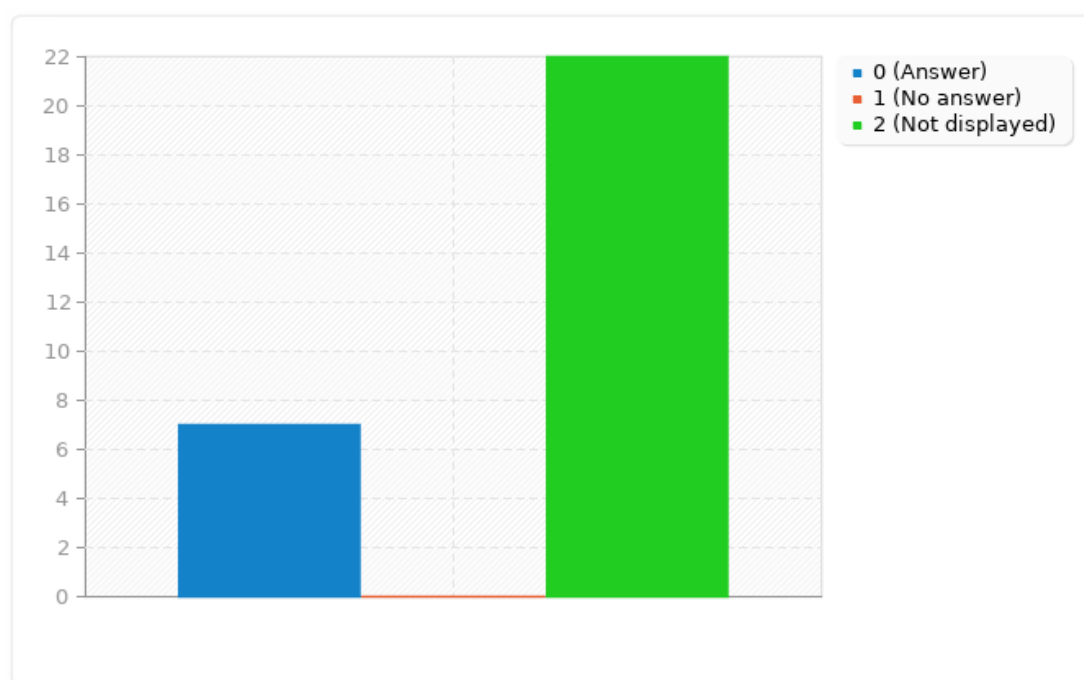
Merci de développer votre réponse.

Answer	Count	Percentage
Answer	7	24.14%
No answer	0	0.00%
Not displayed	22	75.86%

ID	Response
6	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.
11	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. It overturned a lower court's decision that had blocked the contract, rejecting the view that a delay of a few months was insignificant for such a long-term project. Instead, the Court warned of a "domino effect," where even a short delay disrupts complex supply chains and creates massive additional costs. Ultimately, the Court ruled that the public interest in energy security and economic stability clearly outweighed the private interest of the unsuccessful bidder in pausing the process.
20	The third party whose legal interests can be affected by the Court's decision, must be involved in the procedure (ex officio).
21	In the case of certain economic penalties, the economic weight and market share of the company concerned are factors to be taken into account when determining the amount of the penalty, as specified by law.
22	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.
23	Yes, where legally relevant. 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.
24	Les répercussions sur l'ensemble du marché peuvent être considérées par la Cour administrative uniquement si ces répercussions ont fait l'objet de moyens soulevés par les parties. En effet, à l'exception des moyens d'ordre public, la Cour n'est saisie que des moyens soulevés par les parties.

Summary for D11

Merci de développer votre réponse.



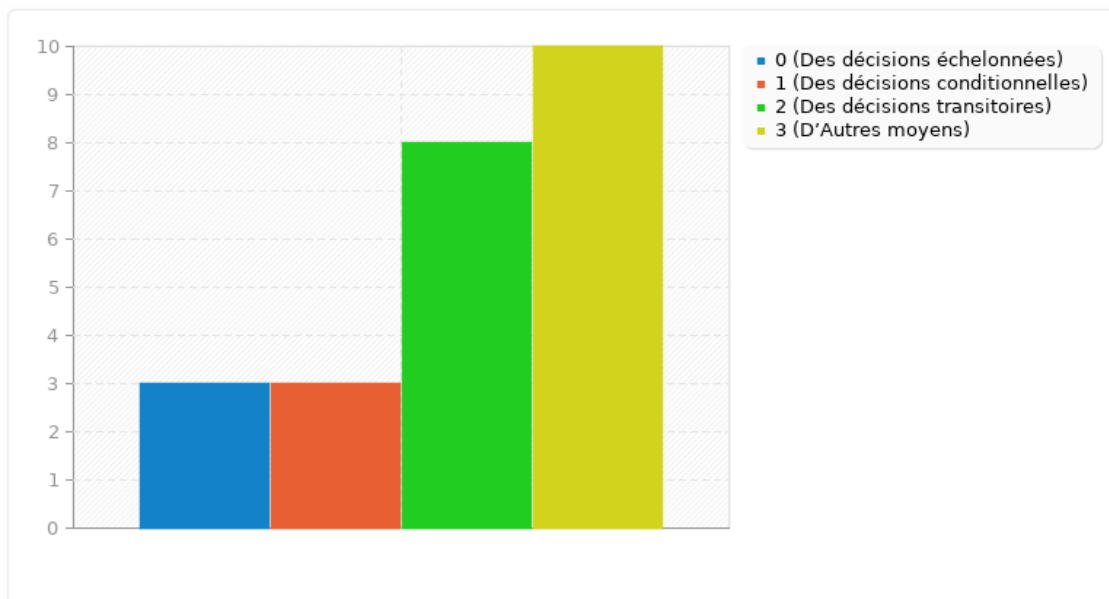
Summary for D12

Dans le but de limiter les perturbations économiques ou les effets sur le marché, votre juridiction peut-elle prononcer :

Answer	Count	Percentage
Des décisions échelonnées (SQ001)	3	10.34%
Des décisions conditionnelles (SQ002)	3	10.34%
Des décisions transitoires (SQ003)	8	27.59%
D'Autres moyens (SQ004)	10	34.48%

Summary for D12

Dans le but de limiter les perturbations économiques ou les effets sur le marché, votre juridiction peut-elle prononcer :



Summary for D13

Veillez expliquer.

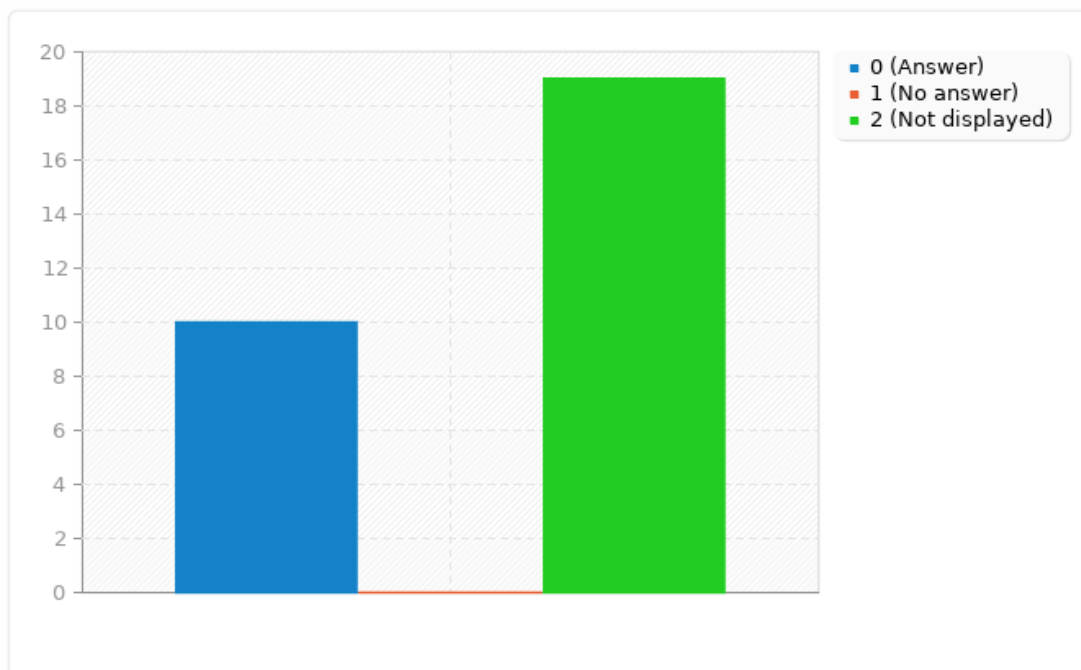
Answer	Count	Percentage
Answer	10	34.48%
No answer	0	0.00%
Not displayed	19	65.52%

ID	Response
18	Voir réponse à la question D9.
10	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 put a new decision or part of the decision in place of the annulled administrative decision.
11	Neither an action nor a cassation complaint in administrative justice has suspensive effect by Czech law. The temporal effects of a decision can typically be adjusted by a resolution on suspensive effect and the imposition of a preliminary measure (see above). 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. The court repealed part of the provision with a seven-day deferred effect, given its awareness of the current epidemic situation, the management of which falls within the executive's remit. The executive have to assess how to proceed.
15	Unfortunately, our legal system doesn't recognize any of above-mentioned methods of decision-making.
19	No other means are provided for
20	The only judgement (except a regular one) provided by law is the additional one - if something is not solved by the previous judgement
21	If justified by the protection of public interest, legal certainty or by the 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.
24	Depuis un arrêt de la Cour constitutionnelle de 2019, la juridiction administrative peut moduler les effets de ses décisions, notamment en matière d'acte administratif à caractère réglementaire. Préalablement à cet arrêt, lesdites actes ne pouvaient faire l'objet d'une annulation que pour l'avenir (C. Const, 15 novembre 2019, n° 150). Par ailleurs, une telle modulation des effets pourrait être prononcée dans une affaire dans laquelle la Cour administrative a saisi la Cour constitutionnelle d'une question de conformité de la loi à la Constitution. En effet, d'après l'article 112, paragraphe (8), de la Constitution « les dispositions des lois déclarées non conformes à la Constitution par un arrêt de la Cour Constitutionnelle cessent d'avoir un effet juridique le lendemain de la publication de cet arrêt dans les formes prévues pour la loi, à moins que la Cour Constitutionnelle n'ait ordonné un autre délai. ». La Cour constitutionnelle pouvant moduler les effets de ses décisions de non-conformité à la Constitution, la juridiction à l'origine de la question préjudicielle serait tenue par la modulation des effets retenues par la Cour constitutionnelle.
30	Under the Administrative Judicial Procedure Act, the court that annuls a decision 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 a 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.
31	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.

Summary for D13

Veillez expliquer.



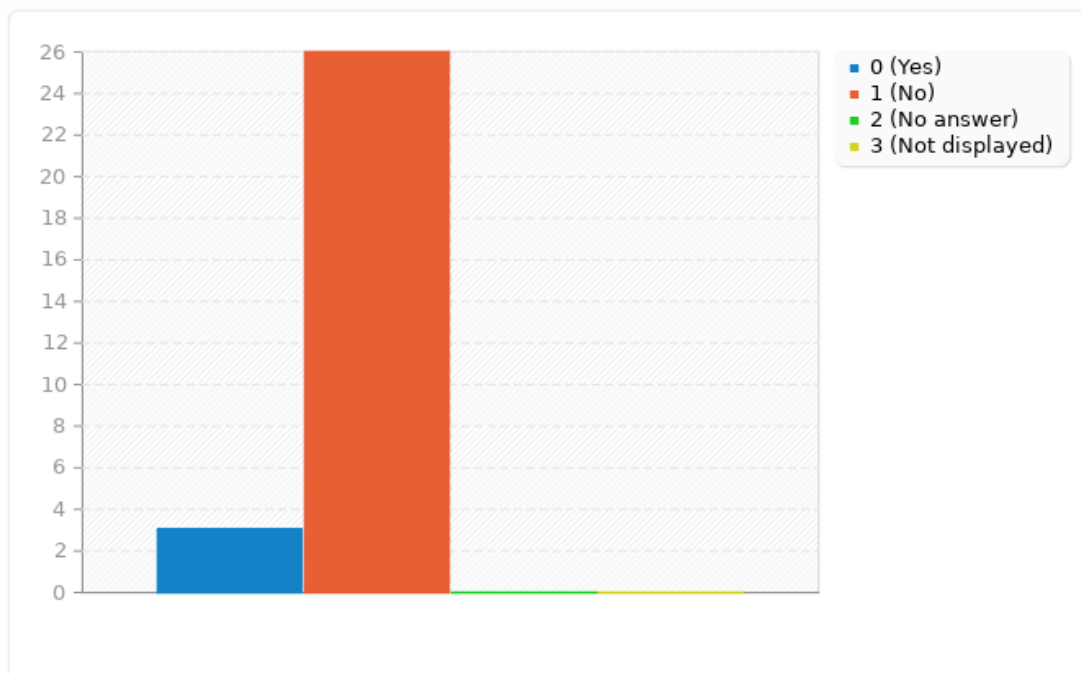
Summary for D14

Votre système juridique reconnaît-il des motifs légitimes de non-exécution d'une décision de la juridiction administrative suprême, par exemple (liste non exhaustive) des circonstances exceptionnelles ou un intérêt public supérieur ?

Answer	Count	Percentage
Yes (Y)	3	10.34%
No (N)	26	89.66%
No answer	0	0.00%
Not displayed	0	0.00%

Summary for D14

Votre système juridique reconnaît-il des motifs légitimes de non-exécution d'une décision de la juridiction administrative suprême, par exemple (liste non exhaustive) des circonstances exceptionnelles ou un intérêt public supérieur ?



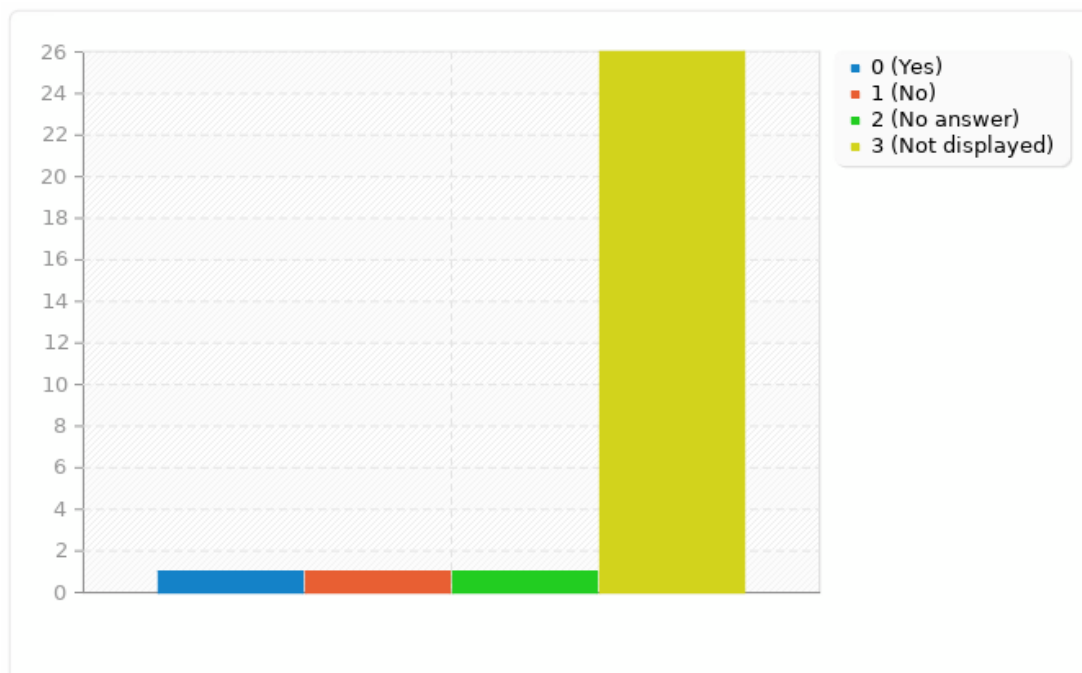
Summary for D15

Cette absence d'application est-elle provisoire ou définitive ?

Answer	Count	Percentage
Yes (Y)	1	3.45%
No (N)	1	3.45%
No answer	1	3.45%
Not displayed	26	89.66%

Summary for D15

Cette absence d'application est-elle provisoire ou définitive ?



Summary for D16

Veillez expliquer.

Answer	Count	Percentage
Answer	3	10.34%
No answer	0	0.00%
Not displayed	26	89.66%

ID	Response
4	Le mécanisme du maintien des effets des actes annulés, décrit en réponse à la question D.9 entraîne une forme d'absence d'application de l'arrêt d'annulation, dès lors que le Conseil d'État peut décider de maintenir certains des effets de l'acte annulé pour la période qu'il détermine. Lorsque le maintien des effets vaut pour la période antérieure à l'arrêt d'annulation, il doit être considéré comme définitif, les effets de l'acte annulé étant définitivement maintenus pour le passé. En revanche, lorsque le Conseil d'État décide de maintenir certains effets pour l'avenir, il ne le fait que pour la période qu'il fixe. En ce sens, les effets de l'acte annulé sont provisoirement maintenus pour l'avenir. À titre d'exemple, on peut mentionner l'arrêt 142.753 du 1er avril 2005 qui annule un arrêté relatif à la profession de géomètre-expert. Cet arrêt maintient les effets de l'arrêté annulé à la fois en considérant comme définitif les diplômes d'ores et déjà acquis en son application (maintien des effets définitif pour le passé) et maintient également les effets de l'acte annulé jusqu'à une date postérieure au prononcé de l'arrêt afin de ne pas affecter l'année d'étude en cours (maintien des effets provisoire pour l'avenir).
9	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. 'Exceptional harm to the public interest' involves balancing the individual's right to have the judgment enforced and the public interest. In this specific case, the public interest would suffer exceptional harm if the judgment were enforced: the harm that would result for the community from performing the obligation would clearly outweigh the loss suffered by the interested party if their rights arising from the decision were not satisfied. 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 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.
20	Non enforcing a judgement can be justified by various reasons. It depends on the judge if he/she will accept the reasons in the enforcement procedure.

Summary for D16

Veillez expliquer.

