

Exchange Report

ACA-Europe Judges Exchange Programme 2026

Identification of the participant:

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Country of exchange: Portugal

Identification of the exchange:

Host Institution: Supreme Administrative Court of Portugal (*Supremo Tribunal Administrativo* – STA)

City: Lisbon

Country: Portugal

Exchange Period: 25–29 May 2026

Introduction

Participating in the ACA-Europe Judges Exchange Programme at the Supreme Administrative Court of Portugal offered a unique opportunity to gain first-hand insight into the Portuguese system of administrative justice and engage in open and substantive dialogues with judges and representatives of other key constitutional institutions.

The excellent preparation of the programme by my host judge together with the warm hospitality of all members of the Court extended throughout the week and transformed the exchange into a truly inspiring experience. Every meeting developed into an authentic professional discussion, characterised by mutual curiosity, intellectual openness and a genuine willingness to exchange experiences.

Looking back, the programme confirmed one of the fundamental ideas underlying ACAEurope: comparative knowledge is not acquired solely through studying legislation or case law but

above all through direct professional dialogue between judges. Such exchanges strengthen mutual trust, broaden judicial perspectives and contribute to the development of a common European judicial culture while fully respecting the diversity of national legal traditions.

I. Programme

The exchange began on **Monday, 25 May 2026**, with a welcoming meeting hosted by the President of the Supreme Administrative Court. During the introductory discussions, the President presented the constitutional role of the Court, its position within the Portuguese judicial system and the principal challenges currently facing administrative justice. This was followed by a comprehensive institutional briefing on the organisation of the Portuguese administrative courts, their jurisdiction and their internal functioning as well as a guided tour of the Court.

The afternoon was devoted to a **joint seminar with a delegation of judges from Mozambique** who were visiting the Court at the same time. The seminar focused on digitalisation and the use of artificial intelligence in judicial work.

The second day centred on an extensive **working session** with my host judge. Our discussions covered recent Portuguese case law, judicial review of administrative discretion, proportionality, procedural guarantees and the growing influence of European Union law on national administrative adjudication. Particularly valuable was the comparative dialogue between the Portuguese and Austrian systems, which revealed that many differences concern institutional design rather than underlying constitutional values.

A particularly thoughtful gesture was the preparation of a collection of Supreme Administrative Court decisions dealing with legal issues corresponding to my own areas of judicial responsibility. This allowed our discussions to focus on concrete case law and considerably enriched the comparative dimension of the exchange.

During the afternoon, I visited the **Supreme Court of Justice (*Supremo Tribunal de Justiça*)**.

One of the highlights of the programme was undoubtedly my participation in a **deliberation of the Supreme Administrative Court on Wednesday, 27 May 2026**. I was able to observe the Court's internal decision-making process and learn about Portuguese judicial methodology and collegial deliberation.

Beyond the legal issues discussed, I was particularly impressed by the Court's highly advanced digital working environment. All case files were handled exclusively in electronic form. One member of the judicial panel participated remotely via secure video connection from her home office and was fully integrated into the deliberations without any noticeable disruption to the proceedings. Equally remarkable was the use of an artificial intelligence-supported system providing simultaneous translation of the discussions into English. This enabled me to follow not only the legal arguments but also the dynamic exchange of views among the judges in real time. The experience demonstrated convincingly how digital technologies can facilitate

international judicial cooperation without interfering with judicial independence or the quality of collegial deliberation.

The digital organisation of the Court extended well beyond the hearing itself. I learned that judgments are automatically anonymised through digital processes and can be served electronically to legal representatives on the very day they are delivered.

Thursday's programme included visits to two constitutional institutions of particular importance. At the **Constitutional Court**, I had the honour of being received by its President.

Our discussions focused on the relationship between constitutional review and administrative adjudication and led to a valuable comparison of the constitutional architecture of both countries. Another point on the programme was a visit to the **Office of the Attorney General**. The exchange concluded on **Friday, 29 May 2026**, with a visit to the **Office of the Ombudsman**. The official programme ended with a visit to the magnificent *Palácio Nacional de Maфра*, one of Portugal's most important historical monuments.

II. The Hosting Institution

The Supreme Administrative Court of Portugal is the highest court within Portugal's specialised system of administrative and tax justice. The origins of today's Supreme Administrative Court can be traced back to the nineteenth-century Council of State, whereas the modern autonomous system of administrative and tax courts was constitutionally established following the 1989 constitutional revision. Subsequent legislative reforms—including the adoption of the Statute of the Administrative and Tax Courts, the Code of Procedure in the Administrative Courts and, most recently, the strengthening of the administrative and financial autonomy of the Superior Council of the Administrative and Tax Courts—have created a highly specialised and institutionally independent judicial system.

Portugal organises its judiciary through two constitutionally separate jurisdictions: the ordinary courts and the administrative and tax courts. Each jurisdiction possesses its own governing council, thereby reinforcing judicial independence and institutional autonomy. Jurisdictional conflicts are resolved by the Court of Conflicts, while constitutional review remains the exclusive responsibility of the Constitutional Court.

The Portuguese administrative judiciary is organised in three judicial levels, comprising seventeen first-instance Administrative and Tax Courts, two Central Administrative Courts located in Lisbon and Porto, and the Supreme Administrative Court at the apex of the system. Within the STA, judicial work is divided between an Administrative Section and a Tax Section, reflecting the broad jurisdiction entrusted to the Court. While its principal function is appellate review, the Court also exercises original jurisdiction in a limited number of proceedings involving acts of the highest constitutional organs of the State and is entrusted with ensuring

the uniform interpretation of administrative law through extraordinary appeals for the harmonisation of case law.

An aspect that deserves particular recognition is the Court's commitment to accessibility and international cooperation. The official website of the Supreme Administrative Court is available not only in Portuguese but also in English, Spanish and French, thereby making information on the Court, its organisation and its activities readily accessible to foreign judges, researchers and legal practitioners. This seemingly simple measure makes an important contribution to international judicial dialogue and reflects the Court's active engagement within the wider European judicial community.

I, therefore, consider the Supreme Administrative Court of Portugal not only an outstanding judicial institution but also an excellent example of how a modern supreme court can successfully combine constitutional tradition, academic excellence, technological innovation and European cooperation.

III. The Law of the Host Country

One of the principal objectives of the exchange was to gain a deeper understanding of Portuguese administrative law and to examine how its substantive and procedural solutions compare with those of the Austrian legal system. The discussions held throughout the week demonstrated that, despite important constitutional and institutional differences, both jurisdictions pursue the same fundamental objective: ensuring effective judicial protection against unlawful administrative action while maintaining an appropriate balance between the powers of the administration and those of the judiciary.

As in Austria, Portuguese courts fully review the legality of administrative action, including compliance with procedural guarantees, proportionality, equality and constitutional principles. At the same time, both systems recognise that judicial review must respect the sphere of administrative discretion conferred upon public authorities by law. Although the legal techniques employed differ in certain respects, both jurisdictions seek to maintain the same constitutional equilibrium: safeguarding individual rights without replacing administrative authorities in decisions entrusted to their discretion.

The exchange also highlighted the broad jurisdiction entrusted to the Portuguese administrative courts. In addition to reviewing administrative acts, they adjudicate disputes concerning public procurement, administrative contracts, taxation, public employment, State liability, electoral matters and environmental protection. Portuguese law furthermore recognises actions against administrative inaction, thereby ensuring that citizens may seek judicial protection not only against unlawful decisions but also against the failure of public authorities to act where the law requires them to do so. Tax litigation forms an integral part of the Portuguese administrative judiciary and is heard within the same judicial hierarchy as general administrative disputes, albeit by specialised tax chambers.

Overall, Portuguese administrative law successfully combines a strong constitutional tradition with a willingness to embrace institutional innovation. Although procedural mechanisms often differ from those applied in Austria, the fundamental objectives remain remarkably similar. Both legal systems seek to guarantee effective judicial protection, strengthen public confidence in administrative justice and ensure that public administration remains subject to the rule of law.

IV. The Comparative Law Aspect

The comparative dimension represented the central value of the exchange programme. While institutional presentations and visits to different courts provided an excellent overview of the Portuguese judicial system, it was the continuous professional dialogue with Portuguese colleagues that transformed the exchange into a genuine comparative learning experience. Rather than comparing legal systems in the abstract, the discussions focused on how two mature European jurisdictions address common legal challenges while operating within different constitutional frameworks.

One of the first observations was that, despite their structural differences, the Portuguese and Austrian systems are built upon remarkably similar constitutional foundations. Both recognise the administration as being fully subject to the law, both guarantee effective judicial protection against unlawful administrative action and both regard judicial independence as an indispensable element of the rule of law. These shared principles provided a common basis for every professional discussion throughout the week.

Particularly interesting were the discussions concerning the role of the respective supreme administrative courts. The Portuguese Supreme Administrative Court exercises broader appellate jurisdiction than its Austrian counterpart and, in certain constitutionally defined situations, also acts as a court of first and final instance.

The Austrian *Verwaltungsgerichtshof*, on the other hand, primarily fulfils a cassation function. Revision is generally admissible only where a legal question of fundamental importance arises under Article 133(4) of the Austrian Constitution. Consequently, the Austrian Supreme Administrative Court focuses to a greater extent on the development and harmonisation of jurisprudence through carefully selected cases. Although the procedural mechanisms differ, both courts ultimately pursue the same objective: ensuring consistency, predictability and legal certainty within administrative law.

Both jurisdictions recognise that public authorities require a certain degree of discretion in performing their administrative functions. Equally, however, both legal systems insist that discretionary decisions remain fully subject to judicial review with regard to legality, procedural fairness, proportionality and respect for fundamental rights.

Constitutional balance is identical in both countries. Courts must ensure that discretion is exercised lawfully, reasonably and proportionately while avoiding substitution of their own assessment for that of the competent administrative authority. Although different doctrinal approaches have evolved over time, the practical objectives proved strikingly similar.

Portugal's administrative judiciary possesses its own Superior Council, responsible for appointments, promotions, disciplinary matters and court administration. Austria has developed different institutional arrangements, reflecting its federal constitutional structure and the distinction between federal and regional administrative courts. Despite these organisational differences, both systems attach paramount importance to merit-based appointments, professional independence and continuous judicial education. It became clear that institutional diversity does not diminish the common commitment to an independent judiciary.

A fascinating comparative aspect of the exchange concerned the practical implementation of digital justice already mentioned above. The fully electronic management of proceedings had become an entirely natural part of judicial work. There was no distinction between "digital" and "traditional" procedures; digitalisation had simply become the normal way in which the Court operated.

V. The European Aspect

The exchange programme clearly demonstrated that administrative justice within the European Union has developed into a genuinely European judicial community. While administrative law remains deeply rooted in national constitutional traditions, supreme administrative courts increasingly address common legal questions arising from European Union law, the European Convention on Human Rights and the growing interdependence of public administration across Europe.

Particular attention was devoted to the practical implications of European Union law for administrative adjudication. Both the Portuguese and the Austrian administrative courts regularly apply directly effective provisions of Union law and interpret national legislation in conformity with European requirements. Likewise, both supreme courts play an important role in maintaining the uniform application of European law within their respective legal systems and, where necessary, engage in judicial dialogue with the Court of Justice through the preliminary ruling procedure.

The discussions also illustrated the increasing importance of European standards concerning procedural fairness and effective judicial protection. Although Portuguese and Austrian administrative procedure differ in several respects, both systems have evolved under the influence of common European principles requiring access to an independent tribunal, reasonable duration of proceedings, equality of arms and effective remedies. These shared principles contribute to a gradual convergence of administrative justice throughout Europe while fully respecting national constitutional identities.

Also regarding the digital management of proceedings the exchange confirmed that European courts face similar questions concerning efficiency, transparency, cybersecurity, data protection and the ethical and legal limits of the use of artificial intelligence in judicial decision-making.

Finally, the exchange reaffirmed that diversity among European legal systems should be regarded not as an obstacle but as a valuable source of mutual learning. The Portuguese and Austrian systems have developed different institutional solutions while pursuing the same constitutional objectives. Understanding these different approaches enriches judicial reasoning, broadens comparative perspectives and ultimately contributes to the continued development of administrative justice throughout Europe.

VI. Good Practice

The exchange provided an opportunity to observe several institutional and procedural features of the Portuguese administrative judiciary that may be regarded as examples of good practice within the broader European judicial community. These observations should not be understood as models to be transferred directly to another legal system; rather, they illustrate approaches that may inspire further reflection within other jurisdictions.

One particularly noteworthy feature is the strong institutional autonomy of the Portuguese administrative judiciary. The existence of a separate judicial hierarchy, supported by the Superior Council of Administrative and Tax Courts, reinforces the specialised nature of administrative justice and contributes to the coherent development of jurisprudence. The clearly defined institutional identity of the administrative courts was evident throughout the exchange and constitutes one of the distinguishing characteristics of the Portuguese system.

VII. The Benefits

Participation in the ACA-Europe Judges Exchange Programme proved to be an exceptionally valuable professional experience. Beyond acquiring detailed knowledge of the Portuguese system of administrative justice, the exchange offered an opportunity to reflect critically on one's own legal system through direct comparison with another European jurisdiction.

The programme confirmed that comparative law is most valuable when it is based on personal dialogue rather than solely on written materials. Observing judicial deliberations, discussing recent case law with members of the Supreme Administrative Court and exchanging views on practical aspects of court administration provided insights that could not have been obtained through academic study alone. The opportunity to discuss common legal challenges openly with colleagues facing similar responsibilities considerably broadened my understanding of the practical functioning of another supreme administrative court.

Equally important were the personal relationships established during the week. Mutual trust between judges cannot be created solely through institutional cooperation; it develops through direct professional exchange and open discussion. The ACA-Europe programme provides an excellent framework for building such relationships and thereby strengthens long-term cooperation between European supreme administrative courts.

VIII. Suggestions

The ACA-Europe Judges Exchange Programme represents one of the most successful initiatives promoting professional cooperation among European supreme administrative courts. The combination of institutional visits, observation of judicial work and in-depth professional discussions creates an exceptional environment for comparative learning and contributes significantly to strengthening the European community of administrative judges.

Based on the experience gained during this exchange, hardly any suggestions may be offered.

Maybe, it would be beneficial to strengthen the network established through the exchange programme by encouraging continued professional dialogue among former participants. Periodic online meetings or thematic seminars organised by ACA-Europe could provide a valuable opportunity to exchange experiences concerning subsequent legal developments and thereby maintain the professional relationships established during the exchange.

I am sincerely grateful to the Supreme Administrative Court of Portugal, and in particular to my host judge and the Court's president, for the generous hospitality and the considerable time devoted to ensuring the success of the exchange programme. I also wish to express my appreciation to ACA-Europe for making this valuable exchange possible.