1. Under the Constitution of Finland, the Supreme Administrative Court (SAC) is the court of final instance in administrative cases. In criminal and civil cases, the highest judicial powers are respectively vested in the Supreme Court. Both courts were established in 1918, but both were in fact successors to judicial traditions of the Grand Duchy era. (Finland gained independence in 1917.) Initially, the SAC mainly heard appeals directly against decisions of administrative authorities, while the administrative appellate jurisdiction at lower level (against decisions of state authorities under ministry level, or against municipal authorities) was vested in certain administrative authorities, *inter alia* in the Provincial Offices, the decisions of which were appealed against before the SAC. In the course of time the judicial appellate function of the Provincial Offices gradually evolved. In 1955 separate chambers within the Offices, called the Province Courts, were established. The factual independence of the Province Courts was strengthened in 1974, and in 1989 they also formally became independent regional courts, with no more administrative connection to the Provincial Offices. In 1999, the Province Courts were transformed into the present-day Regional Administrative Courts (RACs). In the Constitution Act of 1999 (731/1999), the constitutional status of the SAC and the administrative judicial procedure was explicitly defined and established (see 6 below).

A general right to appeal against the decisions of all authorities was established in 1950. The present general regulatory framework for the procedure, the Administrative Judicial Procedure Act (586/1999), was enacted in 1999.

2. The review by the administrative courts aims to submit to the rule of law. The protection of individual rights is one of the fundamental starting-points. According to the Constitution Act, Section 21 (*Protection under the law*), everyone has the right to have his or her case dealt with appropriately and without undue delay by a legally competent court of law or other authority, as well as to have a decision pertaining to his or her rights or obligations reviewed by a court of law or other independent organ for the administration of justice.

In general, any administrative decision (i.e. any measure by which a case has been resolved or dismissed) may be challenged by an appeal as provided in the Administrative Judicial Procedure Act (586/1996).

3. In respect to appeals, the legal notion of administrative authority encompasses in practice all state administrative authorities, municipal authorities, authorities of the autonomous Åland, ecclesiastical authorities (of the Evangelical Lutheran Church or he Orthodox Church) and various independent institutions under public law. State enterprises, associations under public law and private parties when these are performing public administrative tasks are also included, though by specific legislation and not a general rule. In fact, all public legal entities and private legal entities exercising public authority are covered.

4. As appealable decision is regarded any measure by which a case has been resolved or dismissed. An internal administrative order concerning the performance of a duty or another measure shall not be subject to appeal.

Mere physical acts are not appealable.

As a rule, general normative acts are not regarded as appealable administrative decisions. However, should such an act have direct and individual legal effects, it would probably be regarded as challengeable. Municipal regulations (by-laws) are, however, generally challengeable as such. On the other hand, Section 107 of the Constitution provides that if a provision in a Decree or another statute of a lower level than an Act is in conflict with the Constitution or another Act, it shall not be applied by a court of law (or by any other public authority). Hence the courts have a general obligation to test the legality of such regulations before applying them. Regarding parliamentary Acts, a court shall give primacy to the provision in the Constitution, if the application of an Act would be in evident conflict with the Constitution (Section 106).

As administrative contract (Section 3 of the Administrative Procedure Act**,** 434/2003) is legally defined as a contract, within the competence of an authority, on the performance of a public administrative task, or a contract relating to the exercise of public authority. Pursuant to the Administrative Judicial Procedure Act, Section 69, a dispute concerning a fiscal liability or other public obligation or entitlement, as well as a dispute about an administrative contract, in which resolution is sought from an authority otherwise than by appeal (*administrative litigation*[1]) shall be dealt with by an RAC.

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[1] The expression ´administrative litigation´ (Finnish: hallintoriita, Swedish: förvaltningstvistemål) is indeed somewhat misleading in that the concept merely encompasses a very minor part of all admininistrative judicial procedures, the overwhelming majority of which consists of appeals againts administrative decisions.

Administrative litigation always takes place between two parties (normally private subject and authority; or two public bodies, in practice most often two municipalities). The administrative litigation procedure may only come into the question if there is (and, due to lack of relevant administrave decision-making competence, cannot be) no appealable administrative decision. In practice, there are specific provisions in certain public law acts where administrative litigation has been provided for defined situations.

According to present legislation, delay of decision-making and other passivity of administrative authority as such is not a sufficient basis for administrative judicial procedure. However, there are situations in sectoral (environmental etc.) law where a person or association may ask the competent authority to take administrative enforcement measures against another person. In this case also a decision by which the authority declares that no measures are taken is challengeable.

5. In certain categories of matters (e.g. agricultural subsidies, patents and trade marks), a sector-specific independent appellate board functions as the first-place appellate body, instead of the RAC. But also in these cases the SAC (or, in certain categories of matters in the social insurance sector, the Insurance Court) is the final instance.

6. Pursuant to the Constitution Act of Finland, the judicial powers are exercised by independent courts of law, with the Supreme Court and the SAC as the highest instances (Section 3). The Supreme Court, the Courts of Appeal and the District Courts are the general courts of law. The SAC and the RACs are the general courts of administrative law (Section 98). Justice in civil, commercial and criminal matters is in the final instance administered by the Supreme Court. Justice in administrative matters is in the final instance administered by the SAC. The highest courts supervise the administration of justice in their own fields of competence (Section 99).

Courts for civil and criminal matters have no power to review administrative decisions.

There is no separate constitutional court.

For a clear majority of all cases where an administrative decision is appealed against, the competent RAC is the first-place appellate body. Regarding a minority of cases, consisting mainly of cabinet or ministry decisions, the appeals are heard directly by the SAC. For certain matters the stages consist of a special appellate board and the SAC (see 5 above). For competition and public procurement law, the competent courts are firstly the

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The main field of application consists of certain health and social aid matters, but some litigation procedures refer to e.g. land use. Typical situations are disputes between two municipalities regarding resonsibility for the costs caused by the obligatory health or social care of an individual who e.g. has previously moved. Another typical situation is, now between individual and public body, dispute about the duty of an individual to repay once received public aids to the authority.

There is also a novelty: From 2003, administrative litigation can also deal with an administrative contract. It is to early to assess this possibility more profoundly.

Although the administrative two-party litigation has the same basic structure as civil procedure, the procedure is normally not oral. Moreover, it is not uncommon that the choice between ordinary appeal and and administrative litigation is not self-evident in practice.

Key provisions:
Administrative Judicial Procedure Act Section 69, Administrative litigation (433/1999)
(1) A dispute concerning a fiscal liability or other public obligation or entitlement, as well as a dispute about an administrative contract, in which resolution is sought from an authority otherwise than by appeal (administrative litigation) shall be dealt with by an Administrative Court. (435/2003)
(2) An application for the institution of proceedings by way of administrative litigation shall be submitted to the Administrative Court. The application shall state the action that is being sought and the grounds for the demand.
Section 70, Jurisdiction in administrative litigation (433/1999)
(1) A matter of administrative litigation shall be considered by the Administrative Court in whose jurisdiction the party subject to the demand has his domicile. If the party subject to the demand is the state, a municipality or another person under public law, the matter shall be considered by the Administrative Court in whose jurisdiction the authority or organ representing that party is located.
(2) A demand of a private individual against the state may also be considered by the Administrative Court in whose jurisdiction that individual has his domicile.
(3) If no Administrative Court has jurisdiction in the administrative litigation by virtue of subsections (1) and (2), the matter shall be considered by the Helsinki Administrative Court.

Administrative Procedure Act Section 3, Application to administrative contracts
(1) For the purposes of this Act, an administrative contract is defined as a contract, within the competence of an authority, on the performance of a public administrative task, or a contract relating to the exercise of public authority.
(2) When entering into an administrative contract, the fundamental principles of good administration shall be adhered to; in addition, the rights of the persons concerned shall be adequately protected in the drafting of the contract, as shall their chances to affect the contents of the contract.

Market Court and finally the SAC. As for social insurance cases, the appeals are firstly heard by specific appellate boards and finally by the Insurance Court. All these appellate bodies apply the Administrative Judicial Procedure Act as the basic procedural regulation.

7. - - -

8. The existence of administrative courts is explicitly required by the constitution. The proper rules on the organization, competence and duties are set out in parliamentary Acts.

9. - - -

10. The SAC consists of the president and twenty justices, as well as a few temporary justices. The SAC has about forty (lawyer) referendaries and forty other employees. They are headed by the secretary general. The cases before the SAC are heard by three chambers, the ordinary quorum of each being five judges. In cases referred to in the Water Act and the Environmental Protection Act as well as in cases concerning certain intellectual property rights such as patents, the chamber is composed of five judges and two part-time expert members having competence in the relevant field. The various categories of subject-matters are as a main rule divided between the chambers, but depending of the work situation etc., all chambers may, however, may examine any types of cases falling within the Court's jurisdiction. There are as many as 180 different categories of cases.

When refusing leave to appeal, and in a limited group of less complicated appellate decisions, a chamber may be composed of three judges. On the other hand, cases involving a significant judicial interest may be decided by a composition of all the judges of the Chamber or even by the SAC as a plenary court.

Each of the eight (or nine, if the Administrative Court of the autonomous Åland is taken into account) RACs consists of the head judge and judges, the number of which varies. Also in the RACs there are (lawyer) referendaries and other employees. The total amount of employees in the RACs is 430. The normal quorum of the RACs is three judges, except for certain routine decisions, for which the quorum is one judge.

For certain matters in the social and health sectors, there are also part-time members with special expertise on the sector at stake. In these cases the minimum quorum of the RAC is two judges and one expert member.

In the RAC of Vaasa, which exclusively hears the Water Act and the Environmental Protection Act cases, there are also ordinary judges with special expertise (technical and scientific) other than legal. In these cases the minimum quorum is four judges.

11. There are no particular categories of judges.

12. According to the Constitution Act, Section 102, tenured judges are appointed by the President of the Republic in accordance with the procedure laid down by an Act. Provisions on the appointment of other judges are laid down by an Act.

The appointment procedure of all judges (irrespective of the type of the court) is regulated by one single parliamentary Act (the Act on the appointment of judges, 205/2000). The presidents and justices of the two Supreme Courts are appointed by the President of the Republic, a reasoned proposal by the respective Court having prior to that been made. All other judges are appointed by the President of the Republic on the basis of proposal for decision put forward by the Government, but only after the Judges Appointment Board has examined the applicants, received an opinion of the court at stake and made a proposal. All lawyers who meet the general qualifications set forth in the Act, may apply. There is no formal training programme for judges. In administrative courts, circulation between various lawyer careers has been encouraged.

13. The most common background of the judges of RACs is former referendary and temporary judge of a RAC, but there are also former judges of other courts and former administrative officials etc.

As for the SAC, the background of justices is more variable. Among the justices there are former judges of the RACs or other courts, former professors of law, former senior government officials etc. Traditionally, some of the justices have at some stage of their career served as referendaries in the SAC.

14. There are no organized career structures.

15. It is possible to move from a court to a different court or from administration to court or vice versa. Such moves are, however, not too common, but they are more frequent in the administrative courts than in other courts. A judge may not have other occupations without permit. In practice, only e.g. (minor scale) lecturing in universities etc. is allowed. This does not prevent judges from becoming members of governmental committees etc. Temporary judges may preserve their ordinary occupations in administration, being on leave from those.

Pursuant to the Constitution Act, Section 103, a judge shall not be suspended from office, except by a

judgement of a court of law. In addition, a judge shall not be transferred to another office without his or her consent, except where the transfer is a result of a reorganisation of the judiciary.

16. An administrative court can overrule a challenged administrative decision. In most cases it can also be modified, depending on the nature of the case and the scope of discretion of the administrative body at stake. Especially permits in the environmental, water and land-use sectors are, where necessary, directly modified, instead of returning the case.

The more there are "non-judicial" discretionary elements, the less may direct changes come into the question. As environmental decision-making is rather completely regulated by substantive law (albeit partly by general notions of law), this is the foremost field where various direct amendments take place. E.g., the administrative court may come to the conclusion that the challenged emission permit shall next time be reviewed within 8 years and not within 4 or 12 years, as the permit body had ordered. Or the allowed amount of fish to be raised in a fish farm shall be e.g. 6.000 units, not 4.000 or 10.000. Or the allowed maximum concentration of phosphates, nitrates etc. in sewage emission to a lake shall be X, not Y. Or the allowed annual/daily etc. amount of groundwater intake shall be X, not Y. Or the maximum dimensions of a watercourse construction (a pier, a filling area etc.) shall be X, not Y. Or the allowed noise in a defined area shall be X, not Y. In all these cases it is of course always possible to return the case to the permit authority, but it is quite often also possible to make a direct amendment. This may save a signicificant period of delay, not least from the viewpoint of the operator (permit applicant) and the impacted parties. Also certain minor rights may be granted directly by the appellate courts, but it is very unusual that a whole permit (after total refusal before an administrative permit body) is directly granted by an administrative court.

The main exception is the so-called municipal appeal[2] (pursuant to the Municipalities Act 365/1995), which is as a main rule applied to decisions of municipal authorities. Here modification is not allowed.

Claims for damages for harmful administrative acts are exclusively heard by courts for civil and criminal matters. However, compensations for environmental or water law damages (from permit holder to victims) are largely dealt with by administrative bodies and appeals respectively by administrative courts, as an accessory to the proper permit procedure.

Resolution sought in dispute about an administrative contract (see under 4 above) is dealt with by the competent RAC in an *administrative litigation* procedure.

17. A Finnish civil or penal court is not entitled to repeal or invalidate any administrative decision. However, it may sometimes be necessary - as a question preliminary to a civil or penal ruling - for a civil or penal court to take a stand on the legality of a related administrative act or decision. This, however, has no impact as such on the validity of the administrative decision at stake. (Another thing is that the outcome of the civil or penal trial may sometimes, depending on the circumstances, give reason to extraordinary appeal pursuant to the Administrative Judicial Procedure Act).

Actually, situations where such a preliminary stand is needed do quite seldom occur in practice, mainly due to the high probability of a prior appeal having been made to an administrative court against such an administrative decision. Moreover, Chapter 3, Section 4 of the Damages Act provides that if a person who has suffered injury or damage owing to an erroneous decision by a state or municipal authority has without an acceptable reason failed to appeal against the said decision, he/she shall not be entitled to damages from the state or the municipality for injury or damage that could have been avoided by appealing.

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[2] Municipal recourse (municipal appeal) is a traditional Finnish (and Swedish) mechanism by which the legality control of municipal self-government and legal protection of affected individuals, where any, have been combined. Today, it only covers a part of the municipality-level decisions. Its core area consists of the general activities and bodies of self-government (appointments of various municipal officials included). In the fields of social welfare, health, building and environment, ordinary administrative judicial appeal is used instead.

The main difference between the two appeal categories refers to standing: every citizen of the municipality and every legal person with domicile in the municipality has the right to appeal (actio popularis) against a decision of a municipal public body. Of course, individually affected private parties have the same right irrespective of citizenship. There are also other differences: municipal appeal is always of a cassatory nature: the decisions cannot be altered by the courts, but only maintained as such or quashed wholly. And the need of the appellants to individualize their grounds at an initial appellate stage is more strict than regarding ordinary administrative judicial appeal. Municipal appeal can only deal with the legality of a municipal decision, either formal or substantive legality. In the history, ordinary appeal, unlike municipal appeal, may also have been grounded by matters of expediency. Today, this difference has no practical relevance.

The Administrative Judicial Procedure Act is - in practice to a large extent - applied secondarily, whereas the Municipality Act is not exhaustive procedurally. This makes in practice that the procedures before administrative courts are very similar.

As for damages litigation, the outcome described above is also due to the rule in Chapter 3, Section 5 of the Damages Act, pursuant to which no action in damages can be brought for injury or damage caused by an administrative decision, if the decision has been appealed against in the Supreme Administrative Court, insofar as the decision has been allowed to stand. Regarding Cabinet or Ministry decisions, no action for damages can be brought for injury or damage caused by such a decision, unless the decision has been amended or overturned (i.e. by the Supreme Administrative Court) or unless the person committing the error has been found guilty of misconduct or rendered personally liable in damages.

There is no mechanism of preliminary rulings between different courts of justice.

18. The administrative courts have no formal advisory role vis-à-vis the executive or the legislature. However, pursuant to the Constitution Act, Section 99, the highest courts (the Supreme Court and the SAC) supervise the administration of justice in their own fields of competence. They may submit proposals to the Government for the initiation of legislative action. In practice, their opinions are often asked in the preparation of new legislation.

19. ---

20. There is no such instrument or procedure. The rulings of the SAC of course aim at uniform interpretation and application. In cases where leave to appeal to the SAC is required, the need to clarify interpretation of law in practice is one of the main criteria for granting a leave (see 26 below).

21. With the exception of administrative litigation (see 4 above), the procedure is always initiated by an appeal against an existing administrative decision. In some cases it is either possible or compulsory to ask an administrative body (that one who has made the decision, or a higher one) to review the decision before an appeal to RAC (or, in some cases, to an appellate board) is made.

22. The general rule is expressed in the Administrative Judicial Procedure Act, Section 6, pursuant to which any person to whom a decision is addressed or whose right, obligation or interest is directly affected by a decision may appeal against the decision. In addition, an authority may appeal against a decision pursuant to an express provision in an Act or if it is essential to exercise the right of appeal to protect a public interest supervised by the authority.

In practice, the rules and situations vary strongly, and there are numerous specific, more or less divergent rules in sectoral legislation. Especially in cases in the environmental, water and land-use sectors there may be a large number of appellants and opposing parties: persons of various types, associations, authorities of the state and of the municipalities. On the hand, it is typical e.g. for the welfare and health sectors, aliens law etc. that there is only one appellant. It is also the main rule that the administrative body whose decision has been challenged is not regarded as a formal party, although the same is anyway heard and often also has the right to appeal against the decision of the RAC.

23. Concerning the Administrative Judicial Procedure Act, Section 6, see 22 above. No prove on infringement of rights is required for admissibility.

Where the so-called municipal appeal is applied, any member of the municipality can appeal, in addition to those individually affected.

24. Pursuant to the Administrative Judicial Procedure Act, Section 22, an appeal shall be lodged within 30 days of notice of the decision. When calculating this period, the day of notice shall not be included.

For extraordinary appeal by means of procedural complaint, restoration of expired time or annulment there are specific appeal periods.

25. Specific provisions in an Act shall define the cases where the decision of an administrative authority may not be challenged by an appeal. In practice such cases very seldom occur. Pursuant to the Constitution Act, Section 21, provisions concerning the right of appeal shall be laid down by an Act. This effectively prevents situations where a decision which is relevant to someone’s rights would not be challengeable.

26. The main rule is that there is no screening either before the RAC or before the SAC.

However, in some categories of matters leave to appeal to the SAC is required. These situations, which among others include major part of cases in the sectors of taxation, social welfare, aliens law and agricultural subsidies, are strictly defined by law. Leave application and proper appeal are lodged simultaneously. Generally, hearing only takes place when and after a leave has been granted.

Although there are several modifications in sectoral law, in pursuance of the general rule the SAC has to grant leave to appeal, if (1) it is important to bring the case before the SAC to apply the law in other similar cases or for the sake of the uniformity of judicial practice, (2) there is particular reason to bring the case before the SAC because of an evident mistake occurred in the case, or (3) there is other reason of importance. When the leave

is refused, no more detailed grounds than those above are normally presented.

The leave may be granted or refused by a quorum of 3 members (instead of the normal 5). There are no formal time limits for decision-making.

The average total length of proceedings in certain matter categories of the SAC illustrates roughly the length of the leave procedure in such groups of matters where the leave requirement is valid in the majority of cases within the group. Hence the average length of proceedings in the cases decided in 2004 was 9.2 months for direct taxation, 8.2 months for other forms of taxation, 20.3 months for social welfare and 7.8 months for immigration and asylums. The "peak" of duration in 2004 in social welfare cases has recently been reduced to approximately 10 months.

27. There are no specific forms. The formal requirements are few.

Appeal instructions shall be enclosed with every single (appealable) administrative decision. Pursuant to the Administrative Judicial Procedure Act, Section 14, the appeal instructions shall indicate: (1) the appellate authority; (2) the authority with whom the appeal document is to be lodged; and (3) the appeal period and the date when the said period begins to run. The appeal instructions shall lay down the provisions on the contents and appendices of the appeal document and on its delivery.

According to Section 23, an appeal shall be lodged in writing. The appeal document shall indicate: the decision challenged; the parts of the decision that are challenged and the amendments demanded to it; and the grounds on which the challenge is based. If leave to appeal is required in the matter, the appeal document shall indicate why leave should be granted. According to Section 24, the appeal document shall indicate the relevant contact information and signature(s). Pursuant to Section 25, the following shall be appended to the appeal document: (1) the decision challenged, in the original or as a copy; (2) a certificate on the date of notice of the decision or other evidence on the date when the appeal period began to run (although this may be unnecessary in evident cases; cf. 24 above); and (3) the documents on which the appellant relies in support of his demand, unless these have already earlier been delivered to the authority (or included in the case documents of the administrative body, which are always ex officio delivered to the appellate court). An attorney shall append his power of attorney to the appeal document.

28. E-mail can be used, but signature in writing is normally demanded afterwards.

29. There is no pecuniary charge for lodging an appeal or an application for leave to appeal.

30. No. The parties to the proceedings are usually able to pursue their cases without professional legal help.

31. Yes. The access depends on the applicant's financial resources. Aid is granted by independent administrative bodies for legal aid. Refusal to grant legal aid can be challenged before administrative court.

32. No.

33. As a starting-point, the procedure takes place in writing. There is consequently no oral main hearing or final pleading.

Pursuant to the Administrative Judicial Procedure Act, Section 37, an oral hearing shall, where necessary, be conducted for purposes of establishing the facts of the case. The parties, the authority that made the decision in the matter, witnesses and experts may be heard and other evidence received in the oral hearing. The oral hearing may be limited to concern only a part of the matter, to clarify the opinions of the parties or to receive oral evidence, or in another comparable manner.

According to Section 38, a RAC shall conduct an oral hearing if a private party so requests. The same applies to the SAC where it is considering an appeal directly against the decision of an administrative authority. The oral hearing requested by a party need not be conducted if the claim is dismissed without considering its merits or immediately rejected or if an oral hearing is manifestly unnecessary in view of the nature of the matter or for another reason. The provision above shall not apply if the standing of the requesting party is based on membership of a municipality or another community. If a party requests an oral hearing, he shall state why the conduct thereof is necessary and what evidence he would present in the oral hearing.

These rules mean in practice that oral hearings are more common in the RACs than in the SAC. Oral hearings take place especially in alien law cases and in cases where a decision to take a child into care has been challenged.

The proceedings, including all the documents and correspondence, are public, with the exception of certain protected interests or circumstances defined the by law. The judgment is made public in writing, without an oral pronouncement. The decision always includes a statement of reasons.

34. In respect to administrative courts, the provisions in chapter 13 of the Code of Judicial Procedure on the disqualification of a judge shall apply, to the extent appropriate, to the disqualification of a judge of an administrative court.

Every judge is obliged to make a confidential report on his or her economic and other commitments to the Ministry of Justice.

35. Yes, provided that the applicant in his appeal shortly expresses his intent to do that.

36. The opposite parties to the applicant, where any, are heard ex officio on all relevant material. E.g. in environmental, land-use and water law cases the cross hearing of different subjects may be rather complex.

Under certain preconditions and in certain situations it is also possible to intervene in the case without being a party.

37. In some categories of matters (especially taxation) the administration is represented by an official (appointed representative of the tax-receiving public bodies). In some other categories the relevant administrative bodies as such may function in the same way as the parties and also have the right to appeal.

38. No.

39. Withdrawal of appellant is the most common reason. In cases of death, the type of ending partly depends on the matter category.

40. Yes.

41. According to the Administrative Judicial Procedure Act, Section 33, the appellate court is responsible for reviewing the matter. Where necessary, it shall inform the party or the administrative authority that made the decision of the additional evidence that needs to be presented.

The court shall on its own initiative obtain evidence in so far as is the impartiality and fairness of the procedure and the nature of the case so require. Pursuant to Section 36, the appellate authority shall obtain a statement from the administrative authority that made the decision in the matter, unless this is unnecessary. For purposes of obtaining evidence a statement may be requested also from another authority. A time limit shall be set for the issue of the statement.

In order to establish the facts of the case, the court may arrange an on-site inspection. In practice, inspections take place especially in land-use planning, building and environmental cases, both in the RACs and the SAC.

42. Before the resolution of the matter, the parties, according to the Administrative Judicial Procedure Act, Section 34, shall be reserved an opportunity to comment on the demands of other parties and on evidence that may affect the resolution of the matter. The matter may be resolved without a hearing of the party if his claim is dismissed without considering its merits or immediately rejected or if the hearing is for another reason manifestly unnecessary. Pursuant to Section 35, a party shall be given a reasonable time limit for his comments. At the same time he shall be notified that the matter can be resolved after the expiry of the time limit even if no comments have been made.

All hearings take place in writing, except for where oral hearing is held (see 33 above).

43. The members of the court take part in the deliberation. The referendary is also present. Before the examination and deliberation of the case, the referendary has elaborated in writing the questions of law and the facts of the case and prepared a non-public proposal, also in writing and often in the form of a draft decision.

No need to modify the rules has appeared.

44. Except for the decision on granting a leave to appeal (where applicable), a statement of reasons shall be included in the decision. The statement shall indicate which facts and evidence have affected the decision and on which legal grounds it is based (Section 53 of the Administrative Judicial Procedure Act).

45. References to national enactments below the Constitution are referred to in practically every decision. Constitution law was formerly only exceptionally referred to, but the present Constitution Act is nowadays every now and then used in the grounds, depending on the case and the appeals at stake, particularly where the constitutional norms on fundamental rights and obligations may affect the interpretation of ordinary law. Because the Constitution Act largely covers the obligations set forth in the European Convention for the Protection of Human Rights, the latter is more seldom referred to. References to Community law are at times used, e.g. where EC-based national enactments have to be interpreted. Jurisprudence is only very seldom

directly referred to. Personal conviction as such does not occur in the grounds.

46. Generally, the outcome depends on the applicable norms, particularly on the scope of discretion vested in the competent administrative authority in a given situation. The variety of norms is remarkable. The scopes of administrative discretion and court review may even be identical, but the scope of review may also be clearly narrower, e.g. in order to respect municipal self-government. However, e.g. the constitutional norms on fundamental rights and obligations may also here require and justify an extensive scope of review. See also 16 above.

47. Court decision fees are based on detailed norms. Regarding certain categories of matters, certain categories of applicants and certain outcomes, there is no fee or the fee is reduced. The competence to decide on the fees is vested in the referendary of the case (with a possibility to the applicant to ask review). According to the basic rule, the fee for the decisions of the RAC is 80 euro and for the SAC 200 euro.

Liability (of another party or of authority) for costs of a party is regulated in Section 74 of the Administrative Judicial Procedure Act.

48. It is clearly more usual that the case is decided by a number of judges (see 10 above).

49. Yes. Dissenting opinions are always allowed. There is no difference between the RACs and the SAC.

50. The decision is always delivered in writing. See also 33 above.

51. In general, the decisions produce effects for the parties only. *Stare decisis* does not exist, but, in spite of that, especially the publicised decisions of the SAC are in practice taken into account in similar cases.

52. In general, there is no such possibility. But where already the administrative decision (e.g. a permit) at stake is or should be time-limited, the same rules on time limitation may also be applicable before the appellate court.

53. In Finnish legal and administrative culture, non-compliance of the decisions of administrative courts has never appeared to be a problem, although there are no overall rules of execution of various types of decisions. As for taxation and several other sectors, general legislation on execution is applied, but all kinds of decisions of administrative courts are not covered by this system.

Injunctions and other coercive procedures, the availability of which always depends on the applicable sectoral legislation, are normally in the first place decided on by (another) authority, the decision of which may be appealed against before an administrative court.

If the appellate authority overturns a decision and returns or transfers the matter for a new consideration, it may at the same time order that the overturned decision is still to be complied with, until the matter has been resolved or the considering authority otherwise orders (Section 32 of the Administrative Judicial Procedure Act).

54. The quorum rules (see 10 above) have recently been modified in order to gain more flexible procedure. Further development on the work practices is going on both in the SAC and the RACs.

55. With the exception of those matters where leave to appeal is required in the SAC, the functions and scopes of decision-making of the RACs and the SAC are the same.

56. The decisions of the RACs are fully subject to appeal to the SAC, with the exception of those matters where leave to appeal is required. Review by the SAC covers both facts and law). In those cases where the appeal against a (governmental or administrative) decision has to be lodged directly to the SAC (see 6 above), only extraordinary appeal (before the SAC) is available against the decision of the SAC.

57. When an appeal has been lodged, the appellate body may, according to Section 32 of the Administrative Judicial Procedure Act, prohibit the execution of the decision, order a stay or issue another order relating to the execution of the decision. In a decision concluding the consideration of the matter the appellate authority shall, where necessary, rule on the validity of an execution order, where any. If the decision qualifies for appeal, it may order that the execution order is to be valid until the decision has become final or until a superior appellate authority otherwise orders. The interim decisions on execution may in the SAC be decided by a quorum of three justices.

58. See 57 above.

Administrative authorities are obliged to deliver to administrative courts all necessary documents. As a main rule this obligation also covers confidential and secret documents.

59. No.

60. Depending on the matter and the situation at stake and provided that binding regulations cause no obstacle, and taking into account the obligation to act impartially and the equality of the various other stakeholders in the same matter, where any, this may to some extent occur in practice.

61. See 60 above.

62. In general, no.

63. The total sum of appropriations proposed for the Ministry of Justice´s sector of administration in the Government's draft budget for the year 2006 is EUR 692 700 000.

The proportion allocated to all courts is EUR 221 737 000 (estimated).

Year 2005: EUR 219 920 000 (estimated)

Year 2004: EUR 218 673 000 (realized)

Year 2003: EUR 211 544 (realized).

The sum for the general administrative courts is EUR 35 000 0000. It consists of EUR 26 500 000 for the eight RACs and EUR 8 500 000 for the SAC. The sums for the Market Court and the Insurance Court are not specified.

Approximately 80 % of the annual expenditure of the SAC is made up of salaries. The largest group of other expenses consists of real-estate rents.

64. In the year 2004, 1 124 judges served in the Finnish courts of justice. Of these, about 207 judges served in the administrative courts i.e. in the eight RACs, the Market Court, the Insurance Court and the SAC. In the criminal and civil courts, i.e. in the District Courts, the Courts of Appeal, the Labour Court and the Supreme Court, the total number of judges were about 917 (including trainee judges).

The number of employees in the SAC is 99, consisting of the president, 20 justices, about 40 referendaries (called referendary counsellors, senior judicial secretaries or judicial secretaries) and 40 other employees (data service lawyer, head of the information service, information specialist, registrar, notaries, budget officer, data analyst, departmental secretaries, secretaries, head of the caretaker service and chief office caretakers).

65. See 64 above. In the year 2004 the judges working in the administrative courts made up approximately 18 % of all the Finnish judges.

66. There is a referendary system in the most of the appellate courts. Referendaries are usually well experienced lawyers. In the year 2004 there were about 416 referendaries in all courts. About 197 referendaries served in the administrative courts, i.e. in the eight RACs, the Market Court, the Insurance Court and the SAC. In the criminal and civil courts, i.e. in the District Courts, the Courts of Appeal, the Labour Court and the Supreme Court altogether, there number of referendaries was about 219.

67. The Library of the SAC has a collection of about 15.000 volumes, and it subscribes to 200 periodicals. By September 2005, the number of indexed monographs in the reference database was 7.000 and the number of articles respectively 8.000.

Official publications in the library consist of Finnish statutes, codes of laws, collections of treaties, parliamentary documents and legal case collections. The library has a comprehensive collection of Finnish and also foreign judicial literature: general law, administrative law, constitutional law, environmental law, tax law and social law. Literature on community law, international law and human rights law in English and French is also present. The library has Internet access to foreign parliamentary, legislation and court databases.

Also each of the other administrative courts maintains a library.

68. Information technology is used comprehensively in the SAC, e.g. for the following purposes: case registry and processing, document handling, web databases, preparation of cases, information retrievals, library catalogue program, archives, customer service, e-mail, public relations, management and statistics. All employees of the SAC and other administrative courts have personal computers that are connected to the Court’s intranet and to the Internet.

69. The SAC and all the administrative courts in Finland have own web sites. E.g. the most important decisions of each Court are publicised there. See e.g. http://www.kho.fi/en/

70-73. The following data refer to the SAC:

Reference year	Cases lodged	Cases disposed of	Cases pending

				Average time to judgment
2003	3806	3879	3378	11.0 months
2004	3719	3848	3167	11.9 months

Amounts of cases decided by the SAC in 2004, by subject-matter:

Taxation	729
Building and planning	730
Civil service	135
Immigration and asylum	477
Social welfare	635
Local government	86
Traffic and roads	80
Environment and water rights	273
Health care	165
Others	538

The following data refer to the eight RACs in common (total amounts for all the RACs, except for average times to judgment, where the shortest and longest average times are given):

Reference year	Cases lodged	Cases disposed of	Cases pending	Average time to judgment
2003	20 929	21 370	14 825	7.0-11.6 months (5 of 8 below 10 months)
2004	21 157	21 214	14 764	6.1-12.3 months (7 of 8 below 10 months)

The following data refer to the Market Court:

Reference year	Cases lodged	Cases disposed of
2003	253	247
2004	356	263

The following data refer to the Insurance Court:

Reference year	Cases lodged	Cases disposed of
2003	10 782	10 259
2004	11 411	10 234