SEMINAR ORGANISED BY THE ITALIAN COUNCIL OF STATE IN
COLLABORATION WITH THE HELLENIC COUNCIL OF STATE AND ACA-EUROPE
Turin, 23-24 November 2026

Technological challenges, with particular attention being paid to the introduction of digital technology and artificial intelligence into the organisation of the administration and administrative justice

QUESTIONNAIRE

Responses from _____The Administrative Law Chamber of the Supreme Court of Estonia_____ (Please indicate your institution)

This questionnaire has been prepared in anticipation of the seminar to be held in Turin on 23 and 24 November 2026. In accordance with point 2 of the guiding principles adopted by the Hellenic Presidency of ACA-Europe, it aims to explore the current challenges facing administrative judges, particularly those related to technology, and more specifically the introduction of digitalisation and artificial intelligence into the organisation and functioning of the administration and administrative justice.

In order to gain an in-depth understanding of the various dimensions of these technological challenges, the survey is split into three parts:

Part A - The digitalisation of administrative proceedings, with a focus on the experience of various supreme administrative jurisdictions and the impact of this transformation on the organisation and conduct of judicial activity.

Part B - Automated administrative decision-making and judicial review by administrative courts, particularly issues of technical discretion, automation and the delimitation of judicial powers.

Part C - The role of the administrative judge and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, particularly in light of Regulation (EU) 2024/1689, known as the 'AI Act', as well as other European Union standards and regulations, such as Regulation (EU) 2016/679, known as the 'GDPR', Regulation (EU) 2022/2065, known as the 'DSA', and Regulation (EU) 2022/1925, known as the 'DMA'.

Part A

The digitalisation of administrative proceedings and the use of artificial intelligence tools by the administrative justice system

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A.I – Infrastructure and technological organisation

A.I.1 – Digital equipment and resources

1. What is the level of digital equipment available to judges and administrative staff?

☐ Non-existent
☐ Limited
☐ Intermediate
X ☐ High
☐ Complete
Please explain if necessary:

IT services available for judges and court staff include:

1) Workplace services
   - Computer workstation and its technical support. The IT department provides each employee with a desktop or laptop computer (usually a laptop and two extra screens). All computers allow access to the Internet and include the following basic software: Operating system MS Windows, Office software Microsoft 365, Web browser Google Chrome, Adobe Reader, LibertyCourtRecording (for listening to court audio recordings), Digidoc for digital signature and encryption operations, MS Teams (for use with personal accounts). Some jobs, depending on the nature of the work, may also include other additional software.
   - Remote computer assistance. For user advice, computer setup, and other assistance activities, it is possible to take screenshots and control them remotely by the IT department, even when away from the SAC network.
2) User standard services:
   - xLaw (a tool for searching Estonian legislation, case law, statements by chancellor of justice etc)
   - file system
   - e-mail (MS Outlook)
   - printing
   - internal website

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- video recording and transmission (A camera with a tripod is available for rent in the training department. Video broadcasts and recordings are ordered "from outside")

3) Technical services:
   - spam filter and antivirus
   - backup: email and network file systems
4) Data sets:
   - Court information system KIS and digital register
   - The Supreme Court's website with information on court proceedings
   - Document management system DELTA
   - Judicial training information

2. Is the technological infrastructure (networks, servers, equipment, connectivity) suited to the day-to-day operational needs of the administrative jurisdictions?

☐ Strongly disagree
☐ Somewhat disagree
☐ Neither agree nor disagree
☐ Somewhat agree
X ☐ Strongly agree

Please explain if necessary:

A.I.2 – Cloud solutions, remote access and interoperability

3. To what extent does your jurisdiction use cloud-based solutions for its information systems?

☐ Not at all
☐ To a limited extent
☐ Moderately
X ☐ Extensively
☐ Completely
Please explain, where applicable, and, in the absence of cloud solutions, specify the alternative infrastructure solutions implemented:

In SAC specifically Microsoft 365 and cloud office services are used for sharing and editing documents. Case files are accessed in court information system KIS which is developed and hosted by the Information System Authority of Republic of Estonia.

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3a. Do the adopted technical solutions enable judges and staff to perform their duties remotely using the institutional equipment made available to them? If so, please specify any limitations.

When working outside the Supreme Court:

- email can be read from web browser of any device, from a mobile phone email application and from the Supreme Court laptop with MS Outlook.
- Information systems with limited access (internal web, KIS, Delta, etc.) and network drives can be accessed with the Supreme Court laptop using the FortiClient VPN connection;
- For remote communication with colleagues and virtual meetings Microsoft Teams is preferred, but other communication tools such as Zoom, Webex, Skype, etc can also be used.

3b. Are the applications being used interoperable with other national or cross-border judicial IT systems? If so, please specify the extent of this interoperability.

Yes, KIS is very interoperable with other national IT systems, because it is using X-Road exchange layer, which is Estonia's secure data exchange layer used by all government systems. hence, KIS is connected to the e-File system and the payment order expedited procedure information system.

In practice this means that a judgement file is created in MS Word and is then digitally signed in DigiDoc by the judge, then uploaded to KIS court system. Judges and court staff can view the case files in KIS in a digital case file. Parties to the proceedings have their own e-filing system called e-Filing (Estonian: e-Toimik) that also has the digital case file view. Judgements that are uploaded and published on KIS by the court become available for the parties in e-Filing and *vice versa* – documents submitted by the parties to the e-Filing are available for judges and court staff in KIS.

If the judgement comes into force, it is automatically published in Riigiteataja (the official gazette website) and has an ECLI identifier. Judgements of Supreme Court are also published on the Supreme Court's website.

A.II – Digitalisation and dematerialisation of judicial administrative proceedings

A.II.1 – Dematerialised administrative proceedings

4. Is a dematerialised judicial administrative proceedings system in place within your jurisdiction?

☐ No
☐ Yes, at an initial stage
☐ Yes, at an intermediate stage
☐ Yes, at an advanced stage
X ☐ Yes, on a fully integrated basis

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Please explain if necessary:

Estonia began transition to paper free court proceedings in 2017 when necessary, platforms (KIS, digitoimik) were developed. By 2021 about 63% of administrative cases were digital. Of all the incoming cases for SAC in year 2025, about 1-3% still had paper case files.

It is also noteworthy that from 1 January 2025, the Ministry of Justice was reorganised into the Ministry of Justice and Digital Affairs. As part of this reform, responsibility for digital society policy and its implementation was transferred to the ministry. This includes coordinating the development of public e-services and their unified platform, promoting digital skills, organising and supervising national digital development and cybersecurity, shaping and coordinating state information systems and data policy, coordinating the development of central network and information systems, and overseeing telecommunications policy. Hence the digitalisation of justice system was made even more convenient.

4a. When this system exists at least at an initial stage, do judges and staff process and sign documents exclusively in digital format in their everyday working practice?

☐ Never
☐ Rarely
☐ Occasionally
☐ Frequently
X ☐ Always

Please explain if necessary:

Documents are managed and signed exclusively in digital form.

4b. Percentage of paper files prior to the implementation of dematerialised administrative proceedings that have been digitised: No available data on this.

☐ 0–20%

☐ 20–40%

☐ 40–65%

☐ 60–80%

☐ 80–100%

A.II.2 – Digital services for members of the public, lawyers and public authorities
5. Are digital services available for filing documents, consulting files, notifications, payments or other related services? If so, please specify which ones.

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Participants in proceedings can take part in court proceedings through the e-File platform (e-toimik). To submit a complaint to the court via the e-File system, a person must identify themselves using an ID card. After that, they must upload their prepared complaint to the platform or draft it directly within the platform, and add the necessary attachments (evidence, such as documents, images, or videos).

Their own contact details and the contact details of the other parties to the proceedings must also be added to the e-File system. Information about the payment of the state fee must also be submitted in the system. The state fee can be paid via internet banking.

If a party submits a complaint through the e-File system, it is automatically sent to the other parties to the proceedings (unless the submitter has indicated that the matter contains confidential information) and to the courts. Every time the court or any party to the proceedings submits a new document to the file, all parties involved receive a notification by email.

6. Do these digital services guarantee an adequate level of accessibility for people with disabilities?

No data available. If more convenient, people can submit their documents to the court in a hand written format via post or in person (except for attorneys and other professional representatives).

☐ 0–20%

☐ 20–40%

☐ 40–65%

☐ 60–80%

☐ 80 - 100%

7. Are lawyers involved in the design, development and implementation of digital platforms and tools intended for their use?
If so, please specify the terms of this involvement.

Periodically, more intensive users—such as members of the Estonian Bar Association—are asked to provide feedback on the e-Filing to assess whether e-Filing has met users' expectations and which functions may still require improvement. All users of e-Filing can access user support by email or phone during regular working hours. The Information System Authority analyses the inquiries and, based on them, decides whether new solutions or developments are needed.

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8. Are there any support and training measures in place for users outside the court system (lawyers, members of the public, government agencies) regarding the use of the digital tools available to them?
X ☐ YES
☐ NO

Information on how to contact court and file a complaint are available on both the court's website and on e-Filing website. It has tutorials, FAQ page, and even videos on how to use it (https://etoimik.rik.ee/). The platform is designed so that regular people can use it with intuition and ease. Support via e-mail and phone is also available.

A.III – Security of information systems and data protection

A.III.1 – Compliance with the regulatory framework

9. Do your jurisdiction's information systems comply with European and national standards on security, data protection and digital preservation?

☐ Strongly disagree
☐ Agree only slightly
☐ Indifferent
☐ Somewhat agree
☐ Strongly agree

Please explain if necessary:

There are reasonable grounds to believe that it does, because the most important information systems (KIS, digitoimik, and e-Filing) are developed and hosted by the Information System Authority, which is responsible for the cybersecurity of the public sector and critical infrastructure. Under the Network and Information Systems Security Directive (NIS), it also acts as the competent cybersecurity authority and national contact point. In January 2026, the Act on Amendments to the Cybersecurity Act and Other Acts entered into force, transposing the NIS2 Directive, into Estonian law

A.III.2 – Incident management and business continuity

10. Are IT security incidents dealt with promptly and effectively?
☐ Never
☐ Rarely
☐ Occasionally
☐ Frequently
X ☐ Always

11. Are business continuity and disaster recovery plans regularly updated and tested?

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☐ Never
☐ Rarely
☐ Occasionally
☐ Frequently
X ☐ Always

A.III.3 – Publicity and dissemination of court decisions

12. Are court decisions available online in their entirety?

☐ Never
☐ Rarely (only for the most significant decisions)
☐ Occasionally
X ☐ Frequently
☐ Always

Please add any additional information and explain if necessary:

Once a judgment enters into force, it is published online at a designated address, but publication does not affect its legal validity. Upon request of the data subject or on its own initiative, the court replaces the person's name with initials or a letter and omits identifying details (such as personal ID number, date of birth, registration number, address, or other identifying information). This does not apply to state or municipal authorities, public legal persons, or others exercising public authority. If a judgment contains sensitive personal data and privacy harm cannot be prevented through anonymisation, the court may—on request or on its own initiative—publish the judgment with the details removed, publish only the operative part, or decide not to publish it (Code of Administrative Court Procedure § 175).

13. Where a system for publishing decisions online is in place, is there an internal policy to ensure the protection of personal data and respect for the right to be forgotten?

☐ No
☐ No formalised policy; anonymisation is carried out by the registry services on a case-by-case basis
☐ No formalised policy; anonymisation is decided on a case-by-case basis on the instructions of judges
☐ Yes, personal data are systematically anonymised
☐ Yes, personal data are anonymised in accordance with an internal policy providing for targeted exceptions

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X☐ Other (please specify)

A judge will decide the anonymisation in each case based on criteria in Code of Administrative Court Procedure § 175. Based on the instructions in the decison, the secretary will manually do the edits to the document.

A.IV – Training and digital skills

14. Does your jurisdiction offer structured and regularly updated digital technology training courses for judges and staff?

Yes, training courses on new digital technology are offered regularly (multiple times a year) by the training department of the Supreme Court for judges and staff. The training department will find experts with relevant knowledge and expertise to carry out these trainings. Last year there were multiple training courses on AI technology. And on next week there is a practical Copilot training, where the goal is to learn about the possibilities of using Microsoft Copilot through practical work. The training focuses on the logic of using AI, creating command sentences, communicating with agents and integrating Copilot in various Microsoft 365 applications.

If so, please specify which ones.

A.V – Involvement of judges in digital transformation

15. To what extent are judges involved in decision-making and design processes relating to technological innovation and digital transformation in the judiciary? If applicable, please provide details.

The judges are highly involved. The more enthusiastic judges formed a working group led by a first-instance administrative court judge. The working group has prepared questionnaires and conducted interviews with judges and court staff to determine what functionalities they expect from the courts' information system. Based on the analysis, appropriate guidance can be provided to the Information System Authority that develops new features.

A.VI – Use of AI systems in administrative justice

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A.VI.1 – Tools and level of deployment

16. Are artificial intelligence systems currently used to assist in judicial or administrative activities?

AI in judicial activities

AI system is not yet officially used by courts, but it is in development and testing phase. In the beta version of the new Courts' Information System (KIS) there is an AI system that creates summaries of files in the digital case file and answers questions based on the files in the digital case file. This makes it possible to search the materials of a court case for specific facts or claims (e.g. "when did the company apply for a building permit?"). Unfortunately, this AI application is currently too slow and allows searching only within one document at a time, which means it has no practical value at the moment. AI based translation tool is also available in the Beta version of new KIS.

All the judges and court staff can also use an application named xLaw. There is a private company ExtendLaw OÜ that has created a legal information application used by both courts, law firms, legal researchers, students etc. It provides the ability to search for court decisions, legislation, and the positions of the Chancellor of Justice. It also has an AI-based feature where it is possible to ask how a particular issue is regulated in the law, but the answer is often inaccurate. This application is not integrated into Courts' Information System, but courts have purchased a license to use it.

There is no oversight or data if judges and court staff use openly available LLM systems for legal research purposes, but presumably at least some do.

AI in administrative activities

According to the January 2026 press release of the Minister of Justice and Digital Affairs, the government currently has nearly 200 AI-based solutions in development or use.

One of the more controversial uses is a chatbot on the Ministry of Justice and Digital Affair's website that is developed by the state to give free legal advice: https://www.juristaitab.ee/et. Many lawyers have expressed concerns about possible negative consequences if the state endorsed legal advice chatbot gives wrong advice.

16a. If so, which ones are used? (Please tick all that apply)

☐ Chatbots

X ☐ Semantic search tools

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☐ Automated anonymisation of decisions

X ☐ Text analysis and assistance with legal research

☐ Tools to assist with organisation and court management

☐ Other (please specify)

16b. Overall level of internal deployment of AI systems:

☐ Occasional or isolated use
☐ Trial phase
X ☐ Development phase
☐ Widespread use
☐ Full integration

Please explain if necessary:

At the moment, the focus is on identifying those parts of the workflow where artificial intelligence and automation could be applied.

A.VII – Governance, regulation and ethical framework for AI

A.VII.1 – Internal guidelines and regulatory compliance

17. Has your jurisdiction adopted any internal guidelines, charters or policies governing the use of AI systems, in particular in application of Regulation (EU) 2024/1689 (the AI Act), the GDPR and other relevant European instruments?

X ☐ YES

☐ NO

If so, please specify which ones.

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The Ministry of Economic Affairs and Communications has adopted two policy documents on AI:

1) Artificial Intelligence Action Plan 2024–2026
2) White Paper on Data and Artificial Intelligence 2024–2030

Use of AI in public sector must comply with 16.12.2022 regulation no. 101 of the Minister of Entrepreneurship and Information Technology "Estonian Information Security Standard (E-ITS)" that was adopted to implement the Cybersecurity Act. The purpose of E-ITS is to develop and promote the level of information security in Estonian public sector institutions as well as private companies. The standard presents measures for the secure deployment and operation of artificial intelligence systems in organizations, including courts. It addresses possible cyber threats related to the use of artificial intelligence within an organization and measures for mitigating those risks.

18. Are AI systems subject to prior risk assessments?
X ☐ YES

☐ NO

If so, please specify the terms of these assessments

According to E-ITS prior to using AI systems an impact assessment must be carried out to determine how the AI system affects the functioning of organisations processes and what the maximum possible damage resulting from a compromise of the AI system's security could be. An analysis has been conducted on how decisions made by the AI system affect people's fundamental rights (e.g., whether the AI system's decisions could discriminate against individuals) or society as a whole. For AI systems that contain personal data, a data protection impact assessment has been conducted.

Before deploying the AI system, a risk assessment related to the AI system has been performed. In addition to typical technical and organizational threats, the following AI-specific risks are also considered:

- loss of transparency;
- lack of explainability of outcomes;
- loss of human oversight;
- absence of accountability;
- incorrect results;
- manipulation of the AI system;
- insufficient computational performance;
- non-compliance with legal requirements.

Organisation must have an action plan for addressing risks related to AI systems.

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19. Are there specific requirements in terms of transparency for the use of AI systems? If so, please provide details.

According to E-ITS these rules must be followed to ensure transparency of AI systems: Based on the previously conducted impact analysis an action plan has been prepared for regularly evaluating the accuracy and transparency of the AI system's outputs. To detect possible data poisoning, AI models are trained using different subsets of the source data, and the results obtained are compared with each other. In high-risk use cases, all preliminary decisions made by the AI system are validated and confirmed by a human. The documentation of the AI model is sufficiently detailed and allows even an external observer to understand how the model has been designed, trained, and on what basis decisions are made. The results of the AI system's operation are logged. It is possible to verify which parameters influenced the decisions made by the AI system, how they did so, and at what time.

20. Is the use of AI systems accompanied by human oversight mechanisms?

X ☐ YES

☐ NO

If so, please provide details

Depends on how and where AI is used. AI systems in courts are considered high-risk use cases, where all preliminary decisions made by the AI system must be validated and confirmed by a human.

21. Are specific methodologies implemented during the design, development and deployment of AI systems to ensure their traceability, reliability, integrity and accuracy? If so, please provide details.

According to E-ITS the AI system development process and the development tools used must comply with the organization's software development policy. During the development of the AI system, the principles of data protection by design and data protection by default must be taken into account. Only software libraries obtained from secure sources can be used in the development of the AI system. All substantive decisions related to the design, development, deployment, and modification of the AI system must be documented.

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A.VIII – Innovation, prospects and future needs

A.VIII.1 – Current innovation projects

22. Are there any innovation projects currently under way in the following areas? (please tick all that apply)

☐ Process automation
X ☐ System interoperability
X ☐ Modernisation of existing systems
☐ Advanced digital services for external users
☐ AI systems
☐ Other (please specify)

A.VIII.2 – Barriers to digital transformation

23 What do you consider to be the main barriers to the digital transformation of administrative justice? (please tick all that apply)

☐ Complexity of the regulatory framework
☐ Insufficient financial resources
☐ Lack of specialised human resources
☐ Organisational complexity
☐ Resistance to change and digital skills gap
X ☐ Cybersecurity risks and challenges
☐ Other (please specify)

Courts are mainly concerned about whether personal data is sufficiently securely protected when using AI-based applications. Until there is a clear legal basis and an indication that the processing of personal data in an AI application is permitted and secure, it will not be done.

A.VIII.3 – Investment priorities

24. What do you think should be the priority areas for investment over the next few years? (please tick all that apply)

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☐ Modernisation of infrastructure
☐ Cybersecurity
☐ Training and skills development
X ☐ Deployment of AI systems
☐ Interoperability at European level
☐ Complete digitalisation of administrative procedures
☐ Other (please specify)

AI could provide at least preliminary solutions in the court's technical processes, such as checking incoming complaints for compliance with requirements (whether the state fee has been paid, whether there is legal representation), calculating procedural costs, etc.

25. Please describe one or more good practices in digitalisation that have been implemented or are planned within your jurisdiction.

Part B
Automated administrative decisions and judicial review

B.I – Automated administrative decisions: substantive legality and procedure

1. Are there provisions in your legal system that authorise public administrations to use digital or algorithmic technologies in the exercise of their powers?

X ☐ YES

☐ NO

If so:

1.a. According to these provisions, what are the authorised tools and the objectives pursued by their use?

They do not prescribe specific tools or objectives – rather specifies which authorities can issue which decisions automatically:

Taxation Act § 46^2(1): The tax authority for state taxes may issue an administrative decision and a document in an automated manner without the direct intervention of an official of the tax authority (hereinafter an automated administrative decision and a document).

Environmental Charges Act § 33^6(1): The Environmental Board may issue an administrative decision and a document in an automated manner without the direct

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intervention of an official of a tax authority (hereinafter automated administrative decision and document), taking into account subsection 2 of § 46^2 of the Taxation Act.

Unemployment Insurance Act § 23(4) In order to achieve its objectives and perform the functions imposed on the unemployment insurance fund by the law, the unemployment insurance fund has the right to issue administrative acts automatically without direct intervention by a person if this is possible considering the circumstances of issue of the administrative act and the contents thereof.

In practice, automated decision-making is also used by other authorities in other fields. For instance according to Forest Act The Environmental Board will verify the compliance of the cutting planned on the basis of a due forest notice with the requirements of legislation and valid inventory data in the events provided by law or the actual data about the condition, age, basal are and resources of the forest if the inventory data does not reflect the actual situation (§ 41(7)). If the planned cutting complies with the requirements of legislation, the Environmental Board will register it in the forest register. (§ 41(8^2)). It was established in the Supreme Court practice (case no 3-21-979), that the Environmental Board does use automated system to issue administrative acts. The Supreme Court found that the contested forest notifications are not rendered unlawful by the fact that automatic registration of a forest notification is not provided for by either an act or a regulation. Hence, there is no comprehensive data on how much of the administrative decision making is actually automated.

1.b. What types of acts can be adopted using these technologies?

See above.

In particular, is the use of algorithms permitted for the adoption of administrative decisions involving discretionary powers?

Yes, the above-mentioned forest notice that permits cutting forest, is an administrative decision involving discretionary powers. According to the Supreme Court practice in the case of discretionary decisions, an administrative authority may use only a system that ensures that all relevant circumstances are taken into account and that relies solely on

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relevant considerations. If the available technology does not allow these requirements to be met, a human must also participate in the decision-making process.

2. Are there provisions in your legal system governing the design, deployment and use of artificial intelligence systems employed by public administrations?

X ☐ YES

☐ NO

If so,

2.a. what type of implementation measures are these? (for example, legislative or soft law):

Use of AI in public administration must comply with 16.12.2022 regulation no. 101 of the Minister of Entrepreneurship and Information Technology "Estonian Information Security Standard (E-ITS)" that was adopted to implement the Cybersecurity Act.

2.b. Is there an obligation for public administrations to inform the public or individuals about the use of AI systems?

Not under national law.

2.c. Are any authorities or bodies responsible for developing general rules or standards for the use of artificial intelligence within public administrations?

It would fall under the competence of 1) Ministry of Justice and Digital Affairs and 2) Ministry of Economic Affairs and Communications.

3. What conditions must be met to ensure the legality of administrative procedures involving the use of artificial intelligence systems?

In particular:

3.a. Is the decision-making administration required to indicate the type of algorithmic system used and its principal characteristics? Currently, there is no national legislation, that requires such transparency during the administrative procedure. If the legality of the administrative decision is challenged, and automated decision-making may have contributed to any illegality, the authority must be able to indicate the type of algorithmic system used and its principal characteristics to the court.

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According to the Government's White Book on AI, it is the objective of the state that by year 2030 transparency is ensured regarding the use of AI systems and other algorithms used in public sector decision-making processes and essential services, including making information about the purpose of use, operating principles, and other important aspects of the algorithms available to the public.

3.b. At what stage of the procedure must the administration provide information about the use of an algorithmic system and its characteristics?

3.c. Does the interested party have the opportunity to comment on or challenge the use or operation of the AI system before the final decision is made?

There are no separate rules for automated or AI system based administrative decisions; the usual administrative procedure requirements apply. According to the Code of Administrative Procedure (CPA) § 40(1) an administrative authority shall, before issue of an administrative decision, grant a participant in proceedings a possibility to provide his or her opinion and objections in a written, oral or any other suitable form. Exceptions to this apply when there is no deviation from the information provided in the application or if the resolution is not made against the participant in the proceeding *etc*.

4. Are specific areas of administrative law in your country subject to express authorisation for the use of administrative decisions based on artificial intelligence systems?

Yes, automated decision-making is expressly allowed in these cases:

Taxation Act § 46^2(1): The tax authority for state taxes may issue an administrative decision and a document in an automated manner without the direct intervention of an official of the tax authority (hereinafter an automated administrative decision and a document).

Environmental Charges Act § 33^6(1): The Environmental Board may issue an administrative decision and a document in an automated manner without the direct intervention of an official of a tax authority (hereinafter automated administrative decision and document), taking into account subsection 2 of § 46^2 of the Taxation Act.

Unemployment Insurance Act § 23(4) In order to achieve its objectives and perform the functions imposed on the unemployment insurance fund by the law, the unemployment insurance fund has the right to issue administrative acts automatically without direct intervention by a person if this is possible considering the circumstances of issue of the administrative act and the contents thereof.

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5. Are there specific areas of administrative law in which the use of artificial intelligence systems for issuing administrative decisions is expressly prohibited?

No.

B.II – Judicial review of automated administrative decisions

6. Does national case-law recognise the legality of automated administrative decisions?

X ☐ YES

☐ NO

Please explain if necessary:

In a 28 September 2023 judgement in the case no 3-21-979 the Administrative Law Chamber of the Supreme Court first analysed the legality of an administrative act (forest cutting permit). According to the judgement automated administrative decisions (even discretionary ones) can be lawful if they comply with all legal requirements.

If so:

6.a. What principles and conditions have been identified by national case-law as necessary for these decisions to be legally valid?

In the case no 3-21-979 The Supreme Court explained that all the usual requirements for the lawfulness of an administrative decision remain applicable. The principle of investigation, the precautionary principle, and the duty to inform the public apply in automated administrative procedures regardless of whether the individual decision is made by an official or by an automated information system. The use of an automated system does not in itself relieve the administrative authority of the obligation to comply with any applicable legal norm. Nor can the administrative authority be released from this obligation by the specific characteristics of the computer program operating the information system or by the administrative regulation on which the program is based.

6.b. Have any limitations been identified with regard to the possibility of delegating the administration's decision-making power to algorithmic systems?

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For administrative decisions based on the automated processing of personal data, General Data Protection Regulation (GDPR) Article 22(1)(b) requires that an appropriate legal basis be provided by national legislation or a regulation. So unlike with forest notifications, a clear legal basis must exist for automated decision making based on personal data.

6.c. In particular, which of the following principles must be respected, according to national case-law, when adopting an automated administrative decision? (Please tick all that apply)

☐ Principle of transparency
☐ Principle of non-exclusivity of human intervention ('human in the loop')
X ☐ Principle of non-discrimination
☐ Principle of knowledge and comprehensibility of algorithmic functioning
X ☐ Principle of attributing the decision to an authority vested with power
☐ Other (please specify)

7. Has national case-law ruled on the nature and legal classification of the algorithm or AI system used for administrative decision-making?

No.

8. What are the limits of the judicial review that administrative judges can exercise over automated administrative decisions?

The usual review of legality of the administrative decision or act.

9. According to national case-law, is the right of access to the algorithmic process that led to the automated administrative decision recognised?

☐ YES
X ☐ NO

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If so:
9.a. What information relating to the AI system (data, logic, key parameters) must be made available to the party concerned?

There has been no Suprem Court case law focusing on the person's right to access algorithmic process.

Part C
Administrative judges and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, in light of Regulation (EU) 2024/1689 (the 'AI Act') and other European Union standards and regulations, such as the GDPR, the DSA, the DMA, etc.

1. Does your country recognise, at constitutional level, principles that expressly refer to the use of artificial intelligence in the performance of judicial functions?

☐ YES

X ☐ NO

If so, please specify which ones

2. Has your country adopted or is it in the process of adopting national measures to implement Regulation (EU) 2024/1689 (the AI Act) concerning the use of artificial intelligence to support judicial decision-making, which is classified as a 'high-risk' activity (Annex III, point 8(a))?

☐ YES

X ☐ NO

According to E-ITS, the AI systems used in courts must comply with the AI Act and the GDPR.

It is likely that more specific measures are being drafted at the moment. According to the White Paper on Data and Artificial Intelligence 2024–2030, the government's objectives for 2030 are *inter alia* that:

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1) standards, guidelines, and best practices have been developed and made available to enable both public and private sector institutions to understand the key requirements arising from the AI Regulation and other legal acts, as well as practical solutions for ensuring compliance with them .

If so:

2.a. What is the nature of these measures (legislative, regulatory, guidelines, soft-law instruments)?

See above.

2.b. For what purposes is the use of AI permitted? (Please tick all that apply)

☐ Research and interpretation of the law

☐ Research and assessment of the facts

☐ Application of the law to a specific factual situation

☐ Administrative activities that are purely ancillary (recital 61 of Regulation (EU) 2024/1689)

Please explain if necessary:

There is no express national legislation on that. In practice, some people use publicly available LLM-s for legal and factual research purposes, but always double check the answers.

2.c. What measures are taken to ensure human oversight (Article 14 of Regulation (EU) 2024/1689)? In particular, under what conditions is the user able to ignore, cancel or override the result produced by the artificial intelligence system (Article 14(4)(d) of the AI Act), or to suspend or interrupt its use (Article 14(4)(d) of the AI Act)?

N/A

2.d. What regulatory measures have been adopted to ensure the transparency, accuracy and robustness of the artificial intelligence system used (Articles 13 and 15 of Regulation (EU) 2024/1689 – the AI Act)?

N/A

3. Are there any official forms of testing or use of artificial intelligence systems for decision-making or generating judicial decisions currently in place in your country?

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X ☐ NO

Please explain if necessary:

If so:

3.a What do they consist of?

N/A

3.b. What data sets are used?

N/A

3.c. Is the software used publicly owned or provided by private operators?

N/A

3.d. Have any biases been identified in its operation? If so, what kind?

N/A

4. Are measures planned in your country to ensure a sufficient level of artificial intelligence literacy specifically for judges (Article 4 of Regulation (EU) 2024/1689)?
☐ YES

☐ NO

If so:

4.a. What do these measures consist of?

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Judicial Training Council and The Supreme Court's Legal Information and Judicial Training Department have regularly offered courses on AI systems since 2025 for judges and court staff.

4.b. Is specific training planned to prevent or limit the phenomenon known as 'automation bias' (Article 14(4)(b) of the AI Act)?

☐ YES

X ☐ NO

Please explain if necessary:

Such training is not expressly required but according to E-ITS a general training program on artificial intelligence must be established for employees. Participation in the training sessions and the achievement of learning objectives must be documented.

5. Is the use of generative or agentic artificial intelligence systems permitted in your country to assist in the drafting of procedural documents or court decisions?

No express regulation on that.

To help you understand the question better: **generative artificial intelligence (AI)** is a category of AI models which, thanks to machine learning and training on vast amounts of data, are capable of creating original content (text, images, videos, music, etc.). **Agentic AI** is described as a system capable of autonomously planning, making decisions and executing complex tasks with minimal human intervention to achieve a defined objective [source: OECD].

6. Has the national case law of your country addressed issues concerning the interpretation and application of EU Regulation 2024/1689?

☐ YES

X ☐ NO

Please explain if necessary:

6.a. If yes, which principles have been established?

N/A

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7. Have national courts of your country submitted preliminary rulings to the Court of Justice of the European Union regarding EU Regulation 2024/1689?

☐ YES

X ☐ NO

Please explain if necessary:

7.a. If yes, which questions were referred? What answers has the Court of Justice of the European Union provided?

N/A

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