

Seminar organised by the Hellenic Council of State and ACA-Europe

Rhodes, 15-16 May 2026

New elements in the organisation and functioning of the Public Administration and Administrative Justice

Questionnaire

Responses from **the Supreme Administrative Court of Finland**

I. New models of organisation and functioning in the Public Administration

The aim and scope of Part I of this questionnaire is:

- (A) To examine collaboration with private individuals (who are not public servants) in the unilateral action taken by the Administration, and more specifically to study the delegation to private individuals of tasks traditionally performed by public servants during the procedure of issuing an administrative act. Participation, in general, of citizens/interested parties in administrative proceedings (e.g. preliminary hearings, participation and all forms of consultation), collaboration with private individuals in the Administration's contractual activity (works, supply and service contracts, concession contracts, public-private partnerships, etc.), privatisation of public-sector bodies and creation of legal entities governed by private law are not covered by this questionnaire.
- (B) To study the integration of private-sector organisational models into the tools and operating methods of the Public Administration.

A. Delegation of administrative tasks to private individuals

1. General provisions

Does your legal system recognise the following forms of collaboration between private individuals and the Public Administration?

Tasks assigned to private individuals during the procedure of issuing [adopting] an administrative act X

Recruitment of private individuals who are not civil servants within the Administration's structure, e.g. executive managers, senior managers X



2. Regarding the involvement of private individuals in administrative proceedings

i. If the involvement of private individuals in administrative proceedings (as indicated above) is provided for in your legislation, please mention specific provisions.

Constitutional provision	X
General provision of a legislative nature	X
Specific legislation	X

Section 124 (Delegation of administrative tasks to others than the authorities) of the Constitution provides: *A public administrative task may be delegated to others than public authorities **only by an Act or by virtue of an Act**, if this is **necessary for the appropriate performance of the task** and if basic rights and liberties, legal remedies and other requirements of good governance **are not endangered**. However, a task involving **significant exercise of public powers** can only be delegated to public authorities.*

Explanation: The provision emphasises that the performance of public administrative tasks must, as a general rule, be the responsibility of the authorities and that such tasks may only be assigned to others than the authorities to a limited extent. The term public administrative task refers to a relatively broad range of administrative tasks, including, for example, tasks related to the implementation of laws and decision-making concerning the rights, obligations and interests of private individuals and entities. The exercise of legislative or judicial power cannot be considered to be such an administrative task.

There is no need to provide *separately* for an appeal against an administrative decision made by a person outside the authority machinery. In the Administrative Judicial Procedure Act, by “an authority” is meant a state agency and institution, an authority of the Åland Islands, a municipal authority, an independent institution under public law, and **another person performing a public administrative task**. The provisions of the general law on the right to appeal an administrative decision of an authority to an administrative court thus also cover administrative decisions made by, for example, independent institutions under public law or **private persons performing a public administrative task**.

An example of delegation: Section 35 (The task of checking the quality and correctness of the passport and delivering the passport) of the Passport Act: *The National Police Board, who is responsible for checking the quality and correctness of the passport and arranging the delivery of the passport, may delegate the task of checking the quality and correctness of the passport and the delivery of the passport to a private service provider. The National Police Board shall agree with the service provider on the content of the task, the requirements related to the quality of the passport, security arrangements and other matters necessary for the proper performance of the task, taking into account the provisions on information security binding on the authorities. The service provider must be reliable and possess expertise.*



The service provider must have the telecommunications connections and information system level required for the proper performance of the task, as well as other technical, financial and operational capabilities. The service provider must take appropriate care of document security, premises security and data protection. For the delivery of passports in Finland, the service provider, or if the delivery of passports is arranged as a subcontract, the subcontractor, must have a sufficient number of business locations with sufficient geographical coverage.

The service provider must carry out the identification of the passport and the inspection of the quality and correctness of the content prior to delivery of the passport in Finland. The service provider may arrange for the delivery of the passport to the applicant in the manner referred to in section 19 through a subcontractor approved by the National Police Board. The subcontractor must meet the requirements laid down in subsection 2 of this section. The service provider shall be liable for the service it has subcontracted.

The National Police Board must supervise the activities of the service provider and the subcontractor. The service provider must promptly notify the National Police Board of any changes to its operations or the operations of the subcontractor that may have a material impact on the proper performance of the tasks. The National Police Board must ensure the effectiveness of the supervision procedures and inspection of operations in the agreement concluded with the service provider.

The provisions on criminal liability for official acts shall apply to a person employed by the service provider and the subcontractor in Finland when performing the tasks referred to in this section.

More detailed provisions on the procedure and requirements to be followed when providing a service may be issued by Government Decree.

ii. Does national case-law or legislation define criteria pursuant to which the delegation of administrative tasks to private individuals is authorised?

The starting point is that the assignment of a public administrative task to someone other than an authority **must be regulated by law**. In some cases, such as when transferring public service tasks, the matter **may be regulated or decided on the basis of law** (for example, an authorisation issued by an authority or a public administrative task transferred on a contractual basis by law. In this case, too, the authority authorising the transfer or assignment of a task must be based on law).

The law on the assignment of an administrative task **must specify** which tasks can be transferred to someone else than an authority and under what conditions. For example, requirements regarding the general terms and conditions of operations, supervision of the performance of public administrative tasks, the suitability and reliability assessment of the operator, or the official responsibility of those performing the tasks cannot be left open to be decided through a contract or a decision by an authority.

The entrustment of an administrative task to someone else than an authority **must not jeopardise** fundamental rights, legal security or other requirements of good administration. Compliance with

the requirements of legal security and good administration must be guaranteed on a statutory basis, the general laws on administration must be complied with and those entrusted with public administrative tasks act under official responsibility. The training and expertise of persons performing public administrative tasks must be ensured and the public supervision of them appropriately organised. The requirements of legal security and good administration apply above all to decision-making related to public administrative tasks.

iii. How are administrative tasks delegated to private individuals? Please provide specific examples.

- Directly by law
- By an administrative act
- By contract
- Other

iv. Which administrative tasks can be entrusted to private individuals [content of the tasks]?

Please provide specific examples from legislation and case-law.

- Preparation of the administrative act
- Issuance [adoption] of the administrative act
- Implementation of the administrative act
- Other

v. What is the extent [range] of administrative tasks that can be entrusted to private individuals?

Please provide specific examples from legislation and case-law.

- Advisory tasks
- Decision-making tasks
- Control and verification tasks:
 - Establishment of the facts
 - Legal qualification of the facts
 - Other

vi. Are there any cases where the involvement of private individuals in administrative proceedings is prohibited?

- No
- Yes (please specify)

If yes, which legal instrument provides for the corresponding prohibitions?

- Constitution
- Legislation
- Other

Please indicate any relevant case-law.



Tasks involving **significant use of public power** may only be assigned to an authority.

- An example of exercise of significant public power is the right based on independent discretion to use force or otherwise interfere in a significant manner with the fundamental rights of an individual. However, it has been considered possible to grant the right to use force to someone other than an authority on a case-by-case basis, if the use of force occurs in a strictly defined space or situation when there is a temporary need to obtain external assistance.
- Another example of exercise of significant public power is the powers of inspection in the sphere of domestic peace, and such power cannot therefore be granted to a private individual by ordinary law. On the other hand, living quarters on ships and other means of transport have been considered to remain in a kind of peripheral area of domestic peace and it has been considered possible to grant limited powers of inspection of such premises to a person other than an authority.
- A third example of exercise of significant public power is the imposition of an administrative sanction.

3. Qualifications and selection procedure for private individuals

i. What is the procedure provided for in the legislation for the certification of private individuals?

Please mention specific examples.

- | | |
|-------------------------------------|-------------------------------------|
| Participation in examinations | <input checked="" type="checkbox"/> |
| Selection based on criteria | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> |

ii. How are selected the private individuals who will be entrusted with a specific administrative task? Please give examples.

- | | |
|--|-------------------------------------|
| Random selection from a list/register | <input type="checkbox"/> |
| Selection from a list/register based on criteria | <input checked="" type="checkbox"/> |
| Absolute discretionary power of the Administration | <input type="checkbox"/> |
| Selection by the citizen [upon a declaration] | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

iii. Is there a legal provision and/or other instrument governing the actions of private individuals when performing administrative tasks? Please indicate specific provisions.

- | | |
|---|-------------------------------------|
| No | <input type="checkbox"/> |
| If yes, | <input checked="" type="checkbox"/> |
| General normative act (e.g. Code of Administrative Procedure) | <input checked="" type="checkbox"/> |
| Specific normative acts | <input checked="" type="checkbox"/> |

- Codes of Conduct, good practices (soft law)
- Other

iv. How are the impartiality and integrity of private individuals guaranteed under the law? Please indicate specific provisions.

- Incompatibilities X
- Impediments X
- Criminal or disciplinary liability X
- Other

v. What are the legal consequences in the event of an error, offence or failure on the part of the private individual?

- Withdrawal of the certification X
- Disbarment from the professional association
- Imposition of a fine or other penalty X
- Personal liability of the private individual (civil, criminal, disciplinary) X
- Revocation of the administrative act in the issuance of which the private individual collaborated X
- Civil liability of the State X
- Other

4. Administrative checks [controls]

i. Does the Administration carry out checks on private individuals when they perform administrative tasks?

- Yes X
- No

ii. If yes, at what stage are the checks carried out?

- A priori
- A posteriori
- At any time X

iii. How are checks activated?

- Following a complaint/administrative appeal X
- Ex officio X

iv. How extensive are the checks?

- Checks based on sampling X



Mandatory checks for all actions

v. What is the nature of the checks?

Of legality

Of the substance, of appropriateness

vi. What is the type of checks?

On persons

On actions

vii. Are the conclusions of private individuals binding on the Administration?

Yes

No

5. Judicial review

i. Can the actions of private individuals be subject to judicial review? Please indicate specific provisions or the relevant case-law.

No

Yes

If yes, what is the scope of the judicial review?

The review directly targets the action of the private individual (per se)

The review indirectly targets the action of the private individual (appeal lodged against the final act of the Administration, whether explicit or implicit, e.g. appeal lodged against the tacit acceptance of the actions of private individuals by the Administration)

ii. What types of disputes arise when challenging the actions of private individuals?

administrative disputes

private disputes

iii. Please mention typical cases from national case-law concerning the delegation of administrative tasks to private individuals.

Examples of assisting tasks that have been transferred to someone else than an authority on the basis of law:

- A telephone service related to tax collection, which did not involve the exercise of decision-making power regarding taxation, could be transferred to a private entity by agreement.
- The issuing of tachograph cards, which is a distribution task, could be transferred to a private entity by agreement.

- The issuing of routine permits, which did not involve a significant exercise of public power, could be transferred on the basis of law to an external entity that met the conditions laid down in the law.
- However, the right of a traffic controller to independently remove a passenger without a ticket from a vehicle or platform area cannot be based on an agreement, but must be provided for by law.

A negative stance must, in principle, be taken to the further transfer of a public administrative task that has been transferred to a private entity (subdelegation). However, the subdelegation regulation was not considered problematic from the point of view of Section 124 of the Constitution in a case where a private service provider arranged for the delivery of passports through another service provider. First of all, the task could be considered to be of a rather technical nature and the arrangement required that the National Police Board had also separately approved the other service provider. In addition, the subcontractor was subject to the same quality and other requirements as the original service provider by law. In such a case, arranging the task as subcontracting could also be considered justified from the perspective of expediency.

B. Integration of private-sector methods and organisational models into the functioning of the Administration

1. Recruitment of senior managers outside the hierarchy of the civil service

i. What are the objectives of recruiting private individuals as senior managers within the Administration?

To diversify and strengthen the expertise of the personnel and streamline operations.

ii. In which sectors of the Public Administration is it permissible to recruit senior managers who do not belong to the hierarchy of the civil service, and in which sectors is it prohibited?

As a rule, a person, regardless of whether he or she works in the state administration, may apply also for a management position. In other words, a so-called closed application process does not apply (compare and contrast “die berufliche Laufbahn” in Germany).



Only a civil servant may perform tasks involving the exercise of significant public power.

The general criteria for appointment are laid down in section 125 (General qualifications for public office and other grounds for appointment) of the Constitution, which provides that *it may be stated in an Act that only Finnish citizens are eligible for appointment to certain public offices or duties. The general qualifications for public office shall be skill, ability and proven civic merit.*

iii. What criteria does the Administration use to select external senior managers?

Skill, ability and proven civic merit. The general appointment criteria must be interpreted in relation to the general and specific qualification requirements for the relevant position, which must also take into account the title and scope of the position, as well as the specific tasks assigned to the position.

Normally, a senior manager would be appointed to a post or position as a civil servant.

iv. What is the nature of the duties of external senior managers?

- Decision-making
- Advisory
- Other

v. Does error on the part of a senior manager give rise to:

- Civil liability of the State X
- Personal liability of the manager (civil, criminal, disciplinary) X

2. Organisational models

i. Does your country use New Public Management, Public Value Management, Digital Era Governance, or New Public Governance policies in the organisation of its Public Administration, for example, to digitise procedures, achieve objectives, ensure accountability, evaluate efficiency, promote the rational use and distribution of resources, control expenditure and ensure compliance with budget restrictions, codify legislation, promote career progression, train staff, etc.? Please provide specific examples.

The Ministry of Finance prepares the general principles for developing public administration, as required in political decision-making. The preparations concern not only central government but also extend to improving the general conditions for the functioning of municipalities. The purpose



is to develop the functioning of public administration and to ensure comprehensive services of a high quality. At the same time, the Ministry of Finance aims to ensure the effectiveness and performance of public administration and public services.

The administration consists of the highest elected bodies, which are Parliament, the President of the Republic and the Government, and of independent courts of law, state administration and other public administration.

State administration consists of central, regional and local state administration. Central state administration is usually referred to as central government. It includes the ministries together with the national government and public bodies subordinate to them.

Public administration also includes local government (municipalities), church administration and indirect public administration. Indirect public administration consists of independent bodies governed by public law (such as the Social Insurance Institution of Finland, the Bank of Finland, the Finnish Institute of Occupational Health, the Finnish Forest Centre and universities) and corporations, institutions, foundations and private individuals (such as fishing and animal welfare supervisors) performing a public function in accordance with provisions in law or with provisions or rules issued on its basis.

Åland has provincial autonomy as separately provided in the Act on the Autonomy of Åland.

The common goals of the public administration guide the reform of administration and working together

- All reform is based on a strong foundation of economic, ecological and social sustainability, the use of digitalization and international pioneering.
- The strategy outlines, among other things, the organization of services in a people-oriented manner, cooperation with the whole of society and continuous learning of administration.
- The policy guidelines describe how administration is reformed in practice. The policy guidelines are a tool for public administration management, developers and personnel to guide operations and prioritization.
- The strategy supports cooperation and division of labor between state authorities, municipalities and regions.

ii. Is there a specific provision for the organisation of the Administration based on the above-mentioned models (Constitution, legal provision, etc.)?



Yes, please see sections 119–126 (administration and self-government) of the Constitution:
<https://www.finlex.fi/api/media/statute-foreign-language-translation/688686/mainPdf/main.pdf?timestamp=1999-06-10T21%3A00%3A00.000Z>

Some key provisions of the Civil Service Act:

A position as civil servant must be declared open for applications before it is filled. The general appointment criteria skill, ability and proven civic merit must be interpreted in relation to the general and specific qualification requirements for the relevant position, which must also take into account the title and scope of the position, as well as the specific tasks assigned to the position.

A person may be appointed for a limited period of time if the nature of the work, the temporary nature of the position, the interim management of tasks related to a vacant position or an internship requires a position for a fixed period. In this case, the civil servant is not appointed to a permanent post but to a temporary position. A position may be filled for a fixed period or otherwise for a limited period of time if there is a justified reason related to the nature of the position or the activities of the public service that require it.

Special provisions apply to positions in the Armed Forces, the Border Guard, the Police, the Foreign Service, judicial positions and research positions at the Academy of Finland and likewise when the power of appointment lies with the President of the Republic or the Government.

iii. In which public services and agencies is this type of organisation used?

- | | |
|----------------------------------|---|
| The Administration stricto sensu | X |
| Public enterprises | |
| Other public entities | |

iv. Are the policies for achieving the objectives designed:

- | | |
|---|--------------------------|
| At national level | X |
| At regional level | <input type="checkbox"/> |
| By subject-matter | <input type="checkbox"/> |
| By taking into account specific public entities | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

v. Have specific objectives been set out for the action of the Administration? Please provide examples.

After Parliament has given its approval to the state budget, each ministry determines the most significant targets for the development of societal effectiveness in its area of responsibility as well



as for the operational efficiency of the administrative branch and its most important agencies and departments. The negotiations on the performance agreement take place in November and December. Details of the achievement of the targets laid out in the performance agreement for the budget year are contained in the final accounts and in the report on operations included in the final accounts.

If yes, is their accomplishment:

- Optional
- Mandatory

Does failure to meet these objectives lead to:

- Personal consequences for the senior managers
- Legal consequences for the assessed organisation
- Financial consequences for the assessed organisation

Are incentives of any kind provided for civil servants (e.g. remuneration) or public entities to ensure that these objectives are achieved?

vi. Are there any indicators for evaluating the action of the Administration in relation to the following factors:

- Compliance with the regulatory framework
- Effectiveness
- Efficiency
- Economy
- Achievement of strategic objectives
- Other

II. Alternative methods for resolving administrative disputes

1. General provisions

i. Does your legislation provide for alternative dispute resolution (ADR) in cases involving public law/administrative law?

- Arbitration
- Mediation
- Other



ii. Are there categories of administrative disputes that are excluded from ADR by law or according to case-law?

** Please elaborate on your answer, citing any relevant legislation and/or case-law*

According to general principles: Arbitration and mediation are as a rule not available in disputes relating to administrative activities, as public law relationships are not contractual but based on law. Such disputes are instead resolved in administrative dispute proceedings. However, arbitration may be resorted to under a special provision or when a public entity is a party to a private law legal relationship – for example, a party to a lease or sales contract.

Section 2 of the Arbitration Procedure Act provides: *Private law dispute that can be settled by agreement between the parties may be determined by arbitrators.*

The jurisdiction of an administrative court cannot be determined by agreement, nor can the jurisdiction of an administrative court be validly agreed upon in derogation from the law (precedent KHO 1954 II 629).

2. Settlement and Mediation

** Please elaborate on your answers, citing any relevant legislation and/or case-law.*

i. In administrative disputes, is it permissible for the Administration and private individuals/legal entities to sign a settlement agreement or other similar document (without prior mediation)?

Yes
No

ia. If yes,

Is this option expressly provided for in a legislative text (Constitution, law) or does it derive from a general principle of law?

Does this option only apply to the settlement of administrative disputes that are already under way, or can it also be used to prevent administrative disputes from arising in the first place?

Do the law or case-law distinguish between application for annulment (judicial review limited to the legality) and appeal on the merits (full judicial review of both legality and substance)?

Is there a special procedure for initiating and conducting this alternative dispute resolution method, or are all matters left to the discretion of the parties involved?

After signing a settlement agreement (or other similar document), is ratification by a court required?

Yes

No

If yes, by which court?

If no, can the legality of the settlement agreement (or other similar document) be examined by the judge on an incidental basis? Under what circumstances could the settlement be considered null and void and without legal effect?

After being signed and/or validated, as applicable, does the settlement agreement have the force of res judicata? Can the enforcement of this document be pursued?

Which court has jurisdiction over disputes concerning such enforcement?

- ib.** If the signing of a settlement agreement or other similar document between the Administration and private individuals/legal entities is not permitted in your country, this prohibition results from:
- a legislative provision
- a general principle of law

There is no legislative provision prohibiting settling an administrative dispute, but it follows from general principles of administrative law that the resolution of an administrative dispute cannot be based on an agreement between the authority and those concerned. According to section 2 of the Constitution the exercise of public powers shall be based on an Act and in all public activity, the law shall be strictly observed.

A dispute regarding an administrative agreement may, depending on the issues at stake, be settled. The administrative court cannot, however, confirm such a settlement.

- ii.** Does your country provide for a mediation procedure between the Administration and private individuals/legal entities for administrative disputes?

** The term 'mediation' is used here to refer to a procedure conducted by an independent and impartial third party, and not to administrative appeal procedures addressed to the Administration or to a body that is hierarchically dependent on the Administration.*

- Yes
- No

- ii.a.** If yes,

Is it expressly provided for in a legislative text (Constitution, law) or does it derive from a general principle of law?

Is it mandatory or optional?

If it is optional, does it require:

- The mutual agreement of the parties



- Only the intention of the Administration
- Only the intention of the private individual/legal entity

Specifically with regard to the State as a party to the dispute, is mediation initiated:

- After approval by a special committee
- By the administrative authority involved in the dispute
- Other

At what stage can a case be referred for mediation?

- Necessarily before the introduction of legal proceedings
- At any stage of the litigation proceedings

Is there a specific piece of legislation governing the mediation process?

- Yes
- No

If yes, please specify:

Which principles of trial apply to the mediation process (hearing of the parties, adversarial principle, equality of arms, publicity, representation by a lawyer?)

How is the impartiality of the mediator ensured?

Is there any interim relief (stay of execution, etc.) during the mediation process? If yes, who is competent to hear the case?

At the end of the mediation process,

If an agreement is concluded:

A document is drawn up

Other possibility (please specify)

If an agreement is not concluded:

Is a time limit set for bringing the matter before the competent court?

Are the litigation proceedings already under way (if applicable) continued?

In the event that a document is drawn up following mediation, do the rules concerning the settlement procedure (see above) apply, or are there differences? If yes, please specify.

iiB. If no mediation process is provided for, is this exclusion provided for in:

a legislative provision

a general principle of law

There is no legislative provision prohibiting mediation in administrative disputes, but it follows from general principles of administrative law that the resolution of an administrative dispute cannot be based on the results of mediation. According to section 2 of the Constitution the exercise of public powers shall be based on an Act and in all public activity, the law shall be strictly observed.

3. Arbitration

** Please elaborate on your answers, citing any relevant legislation and/or case-law.*

i. In administrative disputes, is arbitration between the Administration and private individuals/legal entities permitted in your country?

Yes

No

ia. If yes,



Is this option expressly provided for in a legislative text (Constitution, law) or does it derive from a general principle of law?

Does it concern both application for annulment (judicial review limited to the legality) and appeal on the merits (full judicial review of both legality and substance)? Are there any exceptions provided for by law or established by case-law?

Is it mandatory or optional?

ib. If arbitration is not permitted, is this prohibition due to

- A legislative provision
- A general principle of law

There is no legislative provision prohibiting arbitration in administrative disputes, but it follows from general principles of administrative law that the resolution of an administrative dispute cannot be based on the results of arbitration. According to section 2 of the Constitution the exercise of public powers shall be based on an Act and in all public activity, the law shall be strictly observed.

ic. If arbitration is optional, does it require:

- The mutual agreement of the parties
- The sole intention of the Administration
- The sole intention of the private individual/legal entity

On the part of the State, is arbitration initiated:

- After approval by a special committee
- By the administrative authority involved in the dispute
- Other



ii. For disputes arising from contracts between private individuals/legal entities and the State, do the common provisions relating to commercial arbitration (domestic or international) apply, or is there a special regime?

If there is a special regime, please briefly mention the elements that differentiate it from the commercial arbitration regime.

There is **no special regime** for disputes arising from contracts between private individuals/legal entities and the State.

Section 2 of the (general) Arbitration Procedure Act provides: *Private law dispute that can be settled by agreement between the parties may be determined by arbitrators.*

iii. Is arbitration provided for in contracts falling within the scope of Directives 2014/24/EU and 2014/25/EU?

If yes, have any issues been raised regarding the application of the rules governing the performance of these contracts? How have the courts addressed such issues in the relevant case-law?

It is not evident whether the question refers only to arbitration procedures related to the procurement procedure, or also to situations related to the interpretation of procurement contracts. The competence regarding contractual disputes lies with the general courts.

Finnish legislation does not provide for the use of arbitration in matters concerning public procurement procedures.

iv. How are the independence and impartiality of the arbitrator ensured?

Section 9 of the Arbitration Procedure Act provides: *An arbitrator shall be impartial and independent in his or her duties. The person whose consent to the appointment of an arbitrator has been requested shall immediately disclose, unless he or she declines the appointment, all facts that are likely to compromise his or her impartiality or independence as an arbitrator or to give rise to justified doubts in these matters. The arbitrator shall be obliged to disclose all the above-mentioned facts that have not already been brought to the attention of the parties until the end of the arbitration proceedings.*

Section 10 provides: *An arbitrator shall be declared disqualified at the request of a party if he or she would have been disqualified from handling the matter as a judge, as well as due to any other circumstance that is likely to give reasonable cause to doubt the arbitrator's impartiality or independence.*

v. Is there any interim relief when an administrative dispute has been submitted to arbitration? If yes, which body is competent to hear the case?

N/A

vi. In arbitration concerning administrative disputes:

yes / no

- Is there an obligation to make publicly available the basic information and documents relating to the proceedings?
- Is the participation of third parties permitted?
- Is legal representation mandatory?
- If yes, is legal aid available?
- Is the hearing public?
- Is the arbitral tribunal obliged to give reasons for its award?
- Is the arbitral award made publicly available?

vii. During the proceedings, the applicable system is:

- the adversarial system
- the inquisitorial system

viii. What powers does the arbitral tribunal have?

- Reviews the legality of administrative acts of a non-pecuniary nature
- Reviews the legality of an administrative act of a pecuniary nature (fine, etc.)
- Annuls/amends an administrative act of a non-pecuniary nature
- Annuls/amends an administrative act of a pecuniary nature
- Addresses only recommendations to the Administration
- Restricts itself to awarding compensation for damages

Does the arbitral award have effect:

- Erga omnes (with regard to all)
- Inter partes (between the parties)

Is it considered 'case-law' for other cases?

If the answer to the last question is yes, please explain.

Can the validity of the arbitral award be challenged in court?

Yes

No

If yes, is the validity of the arbitral award reviewed directly or incidentally?

Is it possible to waive the right to judicial review?

Which courts have jurisdiction?

What is the scope of the judge's review according to case-law?

In arbitration, is the concept of public policy different, according to case-law, in cases where the State (or a legal person governed by public law) is a party to the arbitration? If yes, what are the differences compared with the concept of public policy in arbitral proceedings between private individuals?

In arbitration, in addition to the rules of European competition and consumer protection law (see C-126/97, *Eco Swiss China Time Ltd v Benetton International NV* and C-168/05 *Mostaza Claro v Centro Móvil Milenium SL*, respectively), has case-law recognised other rules of EU law as rules of international public policy? If yes, please mention the relevant cases.

Which body has jurisdiction to hear disputes arising during the enforcement of an arbitral award? Has case-law dealt with special cases where enforcement has been contested on the grounds of the administrative nature of the dispute?

