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

Questionnaire

Responses from Supreme Court of the Republic of Latvia (Senate)

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

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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 .... ☐

General provision of a legislative nature .... ✓

Specific legislation .... ✓

In Latvia, the involvement of private individuals in the procedure for issuing administrative acts is governed primarily by the State Administration Structure Law, the Administrative Procedure Law and sector-specific legislation.

State Administration Structure Law

In the Latvian legal system, the general framework for the delegation of public administration tasks is laid down in Chapter V of the State Administration Structure Law, in particular Sections 40 and 41. These provisions allow public administration tasks to be delegated to persons outside the direct state administration, including private persons, where such delegation is provided for by an external legal act or is effected by concluding a delegation agreement.

In practice, such delegation is most commonly implemented in relation to private law legal persons. For example, certain public administration tasks in the field of sport, including the assessment of compliance and licensing of sports tracks for automobile and motorcycle racing competitions, are entrusted to sports federations operating in the form of associations. These private law organisations perform tasks of public significance on the basis of normative regulation under state supervision.

Although such examples do not concern private individuals and therefore fall outside the scope of the questionnaire, they illustrate the general model of delegation of public administration tasks existing in the Latvian legal system.

The State Administration Structure Law does not exclude the possibility of delegating a public administration task also to private individuals. However, in practice such delegation is used to a limited extent.

One of the rare examples encountered in practice is the issuance of incapacity for work certificates by medical practitioners, which has been recognised in the case law of the Supreme Court as constituting an administrative act within the meaning of the Administrative Procedure Law. In this case, a natural person, namely a medical practitioner, issues an administrative act on the basis of law in his or her professional capacity.

Administrative Procedure Law

The Administrative Procedure Law regulates one specific form of involvement of private individuals in administrative proceedings, namely participation as experts in the procedural sense.

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Pursuant to Section 59, an institution may involve experts where the establishment of relevant facts requires specialised knowledge. Under Section 62(1), expert opinions are assessed as evidence contained in the administrative file. In this context, private individuals may participate in administrative proceedings only in an evidential capacity, without decision-making powers and without independent legal effect.

Specific legislation

Most commonly, private individuals in Latvia are involved in administrative proceedings as experts, specialists or authorised persons on the basis of specific legal acts. In such situations, they carry out inspections, provide professional opinions, establish facts or compliance with regulatory requirements, or perform certain procedural acts in administrative proceedings. The appropriate examples are listed below.

1. **Construction Law**

Under Section 13 of the Construction Law, construction specialists (such as designers, construction supervisors, and construction managers) are required to hold a valid certificate of professional competence. These specialists do not issue administrative acts themselves, but they participate in administrative procedures by preparing mandatory technical documentation and confirmations (for example construction designs, supervision reports, and compliance declarations), which form an integral part of the administrative file examined by the municipal construction authority. Their input constitutes a legally required factual and technical basis for the adoption of the administrative act (for example, the issuance of a building permit), while the assessment of legality and the final decision remain with the public authority.

2. **Environmental impact assessment**

Under the Law "On Environmental Impact Assessment", in particular Sections 16(3), 20(2) and 25, in administrative procedures concerning the authorisation or acceptance of a proposed activity likely to have significant environmental effects, the competent authority may, at its discretion, require the involvement of qualified experts acting as private individuals or private consultancies. Where expert assessments are requested, they constitute factual and technical evidence forming part of the administrative file, which the competent public authority (the State Environmental Service) examine before adopting the administrative act approving or rejecting the proposed activity.

3. **Law on the Alienation of Immovable Property Necessary for Public Needs**

Pursuant to Section 20(1) of the Law on the Alienation of Immovable Property Necessary for Public Needs, the authority shall determine a compensation for the immovable property to be alienated by taking into consideration an evaluation of a certified appraiser of immovable property.

It means that private expert's assessment is a legally required factual basis for the authority's administrative act determining compensation.

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4. Conformity assessment bodies in regulated products and services

Accredited conformity assessment bodies in Latvia are private legal persons (such as certification bodies, testing laboratories, or inspection bodies) accredited by the Latvian National Accreditation Bureau pursuant to the Law "On Conformity Assessment" and Cabinet Regulations No. 754 of 1 January 2024 "Regulations on the Evaluation, Accreditation and Supervision of Conformity Assessment Bodies". Their inspections, testing, or certification reports constitute technical evidence examined by the competent public authority in administrative procedures (such as market surveillance or sectoral supervision) before adopting the relevant administrative act.

For instance, in procedures concerning the placing of regulated products on the market, a conformity certificate issued by an accredited private body is examined by the competent market surveillance authority (such as the Consumer Rights Protection Centre) prior to adopting an administrative act approving, restricting, or prohibiting market placement.

5. Cabinet Regulations on the Handling of Property and Documents Seized in Administrative Offence Cases

Under Paragraph 31 of the relevant Cabinet Regulations, the authority may invite a specialist or expert for the purpose of deciding on the disposal or destruction of seized property. Furthermore, pursuant to Paragraph 39(2), the value of seized property must be assessed by a certified valuer in cases where valuation requires specific biological, chemical, or technical expertise. Such expert assessments constitute factual evidence forming part of the administrative file.

6. Medical product authorisation

Under the Pharmaceutical Law and Cabinet Regulations No. 376 of 23 June 2006 "Procedures for the Registration of Medicinal Products", the State Agency of Medicines adopts administrative decisions on medicinal product authorisation on the basis of a scientific evaluation of documentation submitted by the applicant. This evaluation is inherently based on specialised expert knowledge prepared outside the authority and examined as part of the administrative file prior to the adoption of the administrative act.

7. Cadastral information and private providers

In administrative procedures relating to land and real estate, cadastral and topographic data recorded in the State Real Estate Cadastre constitute mandatory factual material for decision-making under the Real Estate State Cadastre Law. Such data are prepared and updated in accordance with Cabinet Regulations issued on the basis of that Law, often on the basis of measurement works carried out by qualified private surveyors, and are examined by the competent authority as evidence for establishing the facts.

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

Under Sections 40 and 41(1)(1) of the State Administration Structure Law, administrative tasks may be entrusted to private persons only where all of the following conditions are met:

the delegation is expressly provided for in an external legal act,
the task can be performed more effectively by a private person, and
effective public supervision over the performance of the task is ensured.

The involvement of private individuals in administrative proceedings without delegation of decision-making power is governed primarily by sector-specific legislation. Such laws may require or allow the participation of private specialists, professionals, or service providers for the preparation of technical documentation, expert assessments, measurements, or evaluations forming the factual basis of an administrative decision.

The Administrative Procedure Law regulates the procedural involvement of private individuals acting as experts and regulating how evidence, including expert opinions prepared by private individuals, is examined and assessed once it forms part of the administrative file. In particular, Section 59 governs the use of expert opinions where specialised knowledge is required, and Section 62(1) governs the assessment of evidence by the authority.

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

Directly by law .... ✓
By an administrative act .... ☐
By contract .... ✓
Other .... ✓

Administrative tasks may be entrusted to private individuals directly by sectoral legislation, which defines the task and the requirements applicable to the private person. Examples include the Construction Law (certified construction specialists preparing mandatory technical documentation), the Law "On Environmental Impact Assessment" (involvement of private experts in environmental impact assessment), and laws requiring certified appraisers to provide valuations forming a mandatory factual basis for administrative acts.

Where a law so provides, a competent authority may authorise or appoint a specific private individual by a procedural decision or other individual decision to perform a defined preparatory or technical task (for example expert assessments or technical verification), while the final administrative decision remains with the public authority.

Administrative tasks may be entrusted to private individuals by contract, where such an arrangement is authorised by legislation, in order to obtain specialised professional input required for administrative decision-making. In practice, this, for example, includes procedures under the Law on the Alienation of Immovable Property Necessary for Public Needs, where the authority concludes a contract with a certified immovable property appraiser to prepare a valuation forming a mandatory factual basis for the administrative act on compensation, as well as administrative offence proceedings where contracts are concluded with certified valuers or other specialists for the valuation or examination of seized property. In all such cases, the contract organises the

performance of a technical task, while the assessment of legality and adoption of the administrative act remain with the public authority.

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 .... ☐

The involvement of private individuals in administrative procedures is predominantly concentrated in the preparation of the administrative act. Private individuals are primarily entrusted with fact-finding, verification, and expert assessment tasks requiring specialised technical or professional knowledge, such as the preparation of mandatory technical documentation, expert opinions, evaluations, or certifications. These inputs form part of the administrative file and serve as evidential material examined by the competent authority when adopting the administrative act. Examples are mentioned in previous answers.

Private individuals may, to a limited extent, also be involved in the implementation of an administrative act, where execution requires technical or professional actions, for example where licensed private contractors carry out demolition works ordered by an administrative act requiring the removal of an unlawful or unsafe structure. Such activities serve to execute the adopted administrative act and do not involve independent decision-making.

It is also not excluded that the issuance of administrative acts may be delegated to private individuals, however, in practice such cases are rare (see the answer 2(i)).

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 .... ☐

Private individuals may perform advisory tasks, providing expert opinions, assessments, or technical advice to support administrative decision-making. Examples include expert opinions obtained under Section 59 of the Administrative Procedure Law, environmental experts involved in environmental impact assessment procedures, and certified construction specialists preparing

professional opinions and documentation (detailed examples mentioned in answer 2(i)). These inputs are advisory and evidential and do not bind the authority's legal assessment.

Decision-making tasks, understood as the adoption of administrative acts or the exercise of administrative discretion, may be entrusted to private individuals, however, in practice such cases are rare (see the answer 2(i)).

Private individuals may be entrusted with fact-finding, verification, and technical assessment tasks. Examples include certified appraisers preparing valuation reports required by law, certified construction specialists verifying compliance with technical standards, and experts establishing factual circumstances in environmental, construction, or property-related procedures (detailed examples mentioned in answer 2(i)).

Private experts and certified professionals may apply legally defined criteria to established facts and provide legally relevant conclusions (for example determining the value of immovable property for expropriation in accordance with statutory valuation rules, or assessing compliance with binding technical standards). Such legal qualification of facts is preparatory and evidential in nature; the final legal assessment and adoption of the administrative act remain the exclusive responsibility of the public authority.

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.

Latvian law provides for explicit prohibitions on the involvement of private individuals in administrative proceedings with regard to certain core administration tasks. These prohibitions arise from legislation, in particular Section 41 of the State Administration Structure Law, which enumerates administration tasks that may not be delegated.

In particular, the following administration tasks may not be delegated to private individuals:

1. sectoral policy-making and development planning;
2. coordination of sectoral activities;
3. supervision of institutions and administrative officials;
4. approval of the budget of public entities, distribution of public financial resources, and control over such resources;

5. issuance (adoption) of administrative acts, except where expressly provided for by an external legal act;
6. administration tasks related to the external and internal security of the State, except where expressly provided for by law;
7. representation of the Republic of Latvia in economic, military, or political unions and their institutions, except where expressly provided for by law;
8. administration tasks ensuring the implementation and supervision of the human rights guaranteed by the Constitution, where the procedures and institutions have been determined by the legislator;
9. other administration tasks which by their nature form the basis of State administration functions and may be performed only by institutions.

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 .... ✓
Selection based on criteria .... ✓
Other .... ☐

In Latvian law, certification procedures for private individuals involved in administrative proceedings are predominantly based on selection according to statutory qualification criteria. Participation in examinations or testing may form part of the competence assessment within such procedures, but examinations are not usually a standalone or decisive certification mechanism.

An example of this approach is provided by certified immovable property appraisers. Under Cabinet Regulations Nr.559 of 23 September 2014 on Certification of Immovable Property Appraisers and Supervision of Professional Activity, certification is granted to private individuals who meet statutory qualification criteria, including appropriate higher education, documented professional experience in property valuation, and compliance with professional standards (para 4). Participation in a theoretical knowledge examination is required in specific cases (for example, for obtaining the status of an appraiser assistant) (para 6). Only persons holding such a certificate are entitled to prepare valuation reports with legally relevant effect in administrative procedures, for example when determining compensation under Section 20(1) of the Law on the Alienation of Immovable Property Necessary for Public Needs.

An integrated model applies also to construction specialists. Under Sections 13(1)-(9) of the Construction Law, construction specialists (including designers, construction supervisors, and construction managers) must hold a valid certificate of professional competence in order to participate in construction-related administrative procedures. The certification procedure,

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regulated by Cabinet Regulations No. 169 of 20 March 2018 Regarding Competence Evaluation and Supervision of Independent Practice of Construction Specialists, is structured primarily as selection based on statutory qualification criteria, including education, professional experience, continuing professional development, and compliance with professional and ethical requirements. Competence assessment may include also testing or examination elements, but these function as part of an overall evaluation of compliance with the criteria, rather than as an independent or decisive certification examination.

Latvian case-law also clarifies the "criteria" for who qualifies as such an expert in the meaning of Section 59(2) of the Administrative Procedure Law: the Supreme Court (Senate) has held that an expert in this context is a competent specialist who has good knowledge of a technical, economic, medical, or other field and can provide a qualitative assessment or opinion (judgment of 13 May 2011, case No. SKA-210/2011, para 13).

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 .... ☐
- Selection from a list/register based on criteria .... ✓
- Absolute discretionary power of the Administration .... ☐
- Selection by the citizen [upon a declaration] .... ✓
- Other .... ✓

In Latvia, private individuals entrusted with administrative or preparatory tasks are not selected by random choice, nor may the Administration exercise absolute discretion. The selection must always be based on statutory qualification criteria and be subject to review under the Administrative Procedure Law.

In a number of administrative procedures, the citizen or applicant selects the private individual, provided that the selected person meets the requirements laid down by law. For example, under Section 13 of the Construction Law, construction specialists may participate in construction-related administrative procedures only if they hold a valid certificate of professional competence and are entered in the Construction Information System register in accordance with Cabinet Regulations. In this case, the concrete certified specialist is chosen by the construction initiator, while the competent authority merely verifies compliance with the statutory criteria. A similar approach applies in environmental impact assessment procedures, where the developer selects qualified experts to prepare the required studies, and the authority assesses the submitted documentation.

In other cases, the authority itself selects the private individual or body from a list or register based on statutory criteria. This applies, for instance, in regulated product and service sectors, where conformity assessment bodies are chosen from among those accredited by the Latvian National Accreditation Bureau pursuant to the Law "On Conformity Assessment". Likewise, under

the Law on the Alienation of Immovable Property Necessary for Public Needs, the authority selects a certified immovable property appraiser and concludes a contract with that appraiser in order to obtain a valuation forming the factual basis of the administrative act. Where the authority concludes a contract for the provision of services and the contract value and other conditions laid down in public procurement legislation are met, the selection of the private individual or body may be carried out through a public procurement procedure.

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 ☐

If yes, ✓

General normative act (e.g. Code of Administrative Procedure) ✓

Specific normative acts .... ✓

Codes of Conduct, good practices (soft law) .... ✓

Other .... ☐

General normative act

The Administrative Procedure Law applies to administrative proceedings as a whole and governs how evidence is obtained, assessed, and used, including expert input provided by private individuals.

Procedural safeguards under the Administrative Procedure Law ensure that private individuals' input does not replace the authority's own assessment. Pursuant to Section 59(1)-(2) of the Administrative Procedure Law, the authority must obtain the information necessary for decision-making, including documents and expert opinions where special knowledge is required. Under Section 63(1), once the relevant facts have been established and the participants in the administrative proceeding have been heard, the authority is required to evaluate the circumstances of the case and adopt the administrative act. Furthermore, in accordance with Section 60(2), the authority may not rely on information obtained by unlawful methods. Accordingly, the final evaluation of the evidence and the legal assessment remain the exclusive responsibility of the public authority.

Specific normative acts

Sectoral legislation and implementing Cabinet Regulations explicitly regulate who may act as a private participant, what tasks they may perform, and how their activity is supervised. For example, Construction Law and implementing Cabinet Regulations on the assessment and supervision of construction specialists, which regulate certified construction specialists' duties, competence, and liability, or Law on Conformity Assessment and implementing regulations, which regulate the activities, independence, and supervision of accredited conformity assessment bodies.

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Codes of Conduct

In certain certification regimes, codes of professional conduct and ethical rules adopted by certification bodies apply as supplementary instruments. For example, certified construction specialists and certified immovable property appraisers are subject to professional ethical rules applied by certification bodies under Cabinet Regulations governing their certification and supervision; breaches of such rules may lead to disciplinary measures, including suspension or withdrawal of certification.

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

Incompatibilities .... ✓

Impediments .... ✓

Criminal or disciplinary liability .... ✓

Other .... ✓

Incompatibilities arise from both general administrative law principles and sector-specific legislation. Under the Administrative Procedure Law, principles of impartiality and objective examination of the case require that evidence (including expert opinions) be obtained from persons who do not have a personal interest in the outcome. Sectoral acts and Cabinet Regulations governing certified professionals (for example construction specialists and immovable property appraisers) impose explicit independence and conflict-of-interest requirements as a condition for certification and continued professional activity.

Impediments operate through procedural exclusion mechanisms. An authority must assess whether expert input is objective and reliable. Where a private individual has a conflict of interest or lacks independence, the authority must disregard the opinion or require replacement, ensuring that the administrative act is based on impartial evidence.

Private individuals involved in administrative tasks are subject to several forms of legal responsibility under Latvian law. They may incur disciplinary liability, which is exercised by the relevant certification or accreditation bodies in accordance with sectoral legislation, for example through the suspension or withdrawal of professional certificates of construction specialists or certified appraisers. In addition, where their conduct constitutes an offence, such persons may also be subject to administrative or criminal liability, including for the provision of false information, falsification of documents, corruption, or abuse of trust, pursuant to the applicable criminal law and administrative offence legislation.

Impartiality and integrity are also ensured through institutional supervision. Certification bodies supervise certified professionals on an ongoing basis. Accreditation bodies (for example in conformity assessment) monitor compliance with independence and impartiality requirements.

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

Sectoral legislation and implementing Cabinet Regulations governing certification regimes provide for withdrawal or suspension of certification and, where applicable, disciplinary sanctions, including exclusion from professional activity. In fields where professional organisations operate, breaches of professional or ethical rules may also result in disbarment or disciplinary measures within professional associations.

Private individuals may further be subject to administrative or criminal penalties, such as fines or other sanctions, under general administrative offence or criminal law, for example in cases of provision of false information, document falsification, or corruption.

If an error or unlawful conduct by a private individual has affected the factual basis or legality of an administrative act, the act may be revoked or annulled in accordance with the Administrative Procedure Law, following review or appeal.

4. Administrative checks [controls]

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

- Yes ✓
- No ☐

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

- A priori ✓
- A posteriori ✓
- At any time ✓

Before adopting an administrative act, the authority verifies whether the private individual involved meets the statutory requirements and whether the submitted documentation or expert

input complies with legal and technical standards, pursuant to the Administrative Procedure Law (Sections 59 and 63) and relevant sectoral legislation.

After the task has been performed or the administrative act adopted, checks may be carried out through supervision under sectoral legislation and Cabinet Regulations.

Where provided by law, competent authorities or certification bodies may carry out ongoing supervision of certified or authorised private individuals throughout the validity of their certification or authorisation.

iii. How are checks activated?

Following a complaint/administrative appeal

Ex officio

Checks may be initiated upon a complaint or appeal submitted by a participant in the administrative proceeding or an affected third party. Under the Administrative Procedure Law, the authority must review the factual basis and legality of the administrative act, which includes reassessing expert opinions or technical input provided by private individuals.

Public authorities and certification or supervision bodies may also initiate checks on their own initiative, in accordance with sectoral legislation and Cabinet Regulations, where there are indications of non-compliance or as part of routine supervision.

iv. How extensive are the checks?

Checks based on sampling

Mandatory checks for all actions

Within an individual administrative procedure, the authority must in every case examine and evaluate the materials prepared by private individuals before adopting an administrative act. This entails mandatory, case-by-case verification of the relevance, completeness, and reliability of the submitted materials, but does not mean that the authority supervises or verifies every operational or technical step performed by the private individual.

Outside individual proceedings, supervision of certified or authorised private individuals is often carried out on a sampling or risk-based basis, as provided for in sectoral legislation and implementing Cabinet Regulations.

v. What is the nature of the checks?

Of legality

Of the substance, of appropriateness

Public authorities verify whether the involvement and actions of private individuals comply with applicable legal requirements, including competence, independence, procedural rules, and

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statutory conditions, pursuant to the Administrative Procedure Law and relevant sectoral legislation.

Authorities also assess the substantive correctness and adequacy of expert opinions, technical documentation, or other materials prepared by private individuals, to the extent necessary to establish the facts of the case and to adopt a lawful and reasoned administrative act.

vi. What is the type of checks?

On persons

On actions

Public authorities and certification or supervision bodies verify whether private individuals meet and continue to meet personal requirements laid down by law, such as professional qualification, certification validity, independence, and absence of conflicts of interest, in accordance with sectoral legislation and Cabinet Regulations.

Authorities also check the actions performed by private individuals, in particular the quality, correctness, and reliability of expert opinions, technical documentation, or other preparatory acts used in administrative proceedings, as part of the authority's duty to establish the facts and evaluate the circumstances of the case under the Administrative Procedure Law.

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

Yes

No

Under Latvian law, the conclusions, opinions, or assessments provided by private individuals (such as experts or certified professionals) are not binding on the Administration. They constitute factual or technical evidence that the authority must examine and evaluate, but the authority retains full responsibility for establishing the facts and for the legal assessment and adoption of the administrative act, in accordance with the Administrative Procedure Law.

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) .... □

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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.

Latvian administrative case-law does not contain a distinct category of "typical" cases, but courts have examined such involvement indirectly when reviewing the legality and factual basis of administrative acts, as illustrated by the following examples.

The Supreme Administrative Court (Senate) held that, a valuer's assessment is evidence that must be evaluated. If there is reason to think the commission's opinion or a certified valuer's valuation is wrong, the court is not bound by it and must itself determine the compensable value using procedural instruments (Senate judgment of 30 August 2019 in case No. SKA-603/2019).

The Senate treated the initial environmental impact assessment screening conclusion (that a full environmental impact assessment is or is not required) as an intermediate step, generally not separately challengeable, with judicial review occurring through the final decision on the proposed activity. The court also framed the review as checking whether the competent authority sufficiently identified the significance of impacts, which in practice turns on the quality of underlying technical material submitted in the procedure (Senate judgment of 30 October 2012 in case No. SKA-139/2012).

For the purposes of Administrative Procedure Law Section 59(2), an "expert" can be a knowledgeable specialist and the authority's obtaining of an expert view under Section 59 is not subject to the formal court-expert rules applicable in judicial proceedings. The Senate held that the appellate court had unjustifiably concluded that an expert opinion could not constitute unambiguous evidence of the fact of signature forgery within the meaning of Section 14, para 7 of the Law "On the Register of Enterprises of the Republic of Latvia". Accordingly the appellate court wrongly treated the authority-used expert opinion as inadmissible evidence, and stressed that such expert input can be used by the administration when establishing facts (Senate judgment of 13 May 2011 in case No. SKA-210/2011).

In another case, the Senate likewise held that the appellate court had unjustifiably excluded an expert opinion from the body of evidence, relying on insufficient reasoning and without assessing the conclusions of the expert examination (Senate judgment of 30 June 2015 in case No. SKA-228/2015).

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The Senate recognises that the ambiguities regarding the conclusions of the expert opinion indicated by the applicant to the appellate instance constituted sufficient grounds for the verification of the expert opinion at a court hearing. By organising the verification of the expert opinion at a court hearing, the applicant would have had the possibility to obtain an explanation of the justification of the conclusions, thereby eliminating the ambiguities indicated by the applicant in relation to the expert opinion and its substantiation. Thus, the appellate instance unjustifiably failed to organise a court hearing for the verification of the expert opinion (Senate judgment of 30 September 2025 in case No. SKA-778/2025).

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?

First, it should be explained that in Latvia, public service in the civil sphere is organised as a combination of civil service and employment-based public administration.

Civil service, in the strict legal sense, exists only within the direct state administration. It applies to positions classified as civil servant posts under the Civil Service Law. Civil servants are appointed through open competition, are politically neutral, and perform functions related to the formulation and implementation of public policy, as well as the exercise of state authority.

In local governments, as well as in institutions of derived and indirect public persons, civil service does not exist. In these institutions, employment is based on labour law in accordance with the Labour Law, even though employees perform public functions or ensure the implementation of public administration tasks.

In addition, Latvia operates career service systems in certain civil internal affairs institutions, such as law enforcement, border control, fire and rescue services, and prison administration. These career services are regulated by special laws and are characterised by service ranks, a hierarchical structure, and specific public authority powers. They are distinct from both civil service and ordinary employment relationships and are limited to civil internal security functions.

From the above, it follows that the recruitment of private individuals as senior managers within the Administration in Latvia reflects the general structure of the public service system. In almost all civil public administration institutions, individuals are recruited as private individuals through open competition, with the legal status of the individual determined after appointment.

In the direct state administration, successful candidates may acquire the status of civil servants under the Civil Service Law. In local governments and in institutions of derived and indirect public

persons, employment under labour law is the only applicable model. As a result, senior managers across most administrative institutions are recruited as private individuals in formal terms, except in career service systems regulated by special laws.

The objectives of such recruitment include ensuring professional competence, managerial capacity, and sector-specific expertise, supporting the effective performance of public administration functions, and enabling adaptability and knowledge transfer within the Administration.

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?

In Latvia, the permissibility of recruiting senior managers who do not belong to the hierarchy of the civil service depends on the institutional setting rather than on the managerial level as such.

In the direct state administration, senior management is in principle exercised within the civil service framework, and recruitment outside the civil service hierarchy is possible only where explicitly provided for by law.

In local governments and in institutions of derived and indirect public persons, civil service does not exist. Consequently, senior managers in these sectors are recruited outside the civil service hierarchy under employment relationships governed by labour law.

By contrast, recruitment outside the civil service hierarchy is not permissible in career service systems regulated by special laws in the civil internal affairs sector, where senior managerial positions are reserved for officials holding the relevant service status and ranks.

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

The selection of external senior managers within the Administration is based on general merit-based recruitment principles applicable to all candidates.

Candidates are selected through open and competitive procedures, on the basis of professional qualifications, relevant work experience, managerial competence, and integrity. The assessment typically includes the evaluation of education, leadership skills, sector-specific knowledge, strategic and analytical capacity, and the ability to perform public administration functions in a politically neutral and lawful manner.

Where applicable, additional statutory requirements may apply depending on the institutional setting, such as eligibility criteria laid down in the Civil Service Law, labour law, or special legislation governing career service systems.

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

Decision-making

Advisory

Other ✓

External senior managers in Latvia primarily perform decision-making functions, exercising executive authority over organisational, financial, and operational matters within the competence of the institution. In addition, they carry out managerial and supervisory duties, including strategic planning, coordination, and oversight of institutional activities, rather than purely advisory roles.

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

Civil liability of the State ✓

Personal liability of the manager (civil, criminal, disciplinary) ✓

Damage caused to a private person by an unlawful act or omission of a senior manager acting in the exercise of public authority gives rise to liability of the State, meaning that the injured person may claim compensation from the State. The existence of State liability does not exclude the manager's personal liability, and the State may subsequently exercise a right of recourse against the individual manager in cases provided for by law. The liability of the State in such cases is enforced through administrative proceedings.

Senior managers are subject to personal disciplinary liability under public service or employment law, and may also incur civil or criminal liability under general law where the error constitutes unlawful conduct, such as abuse of office, negligence causing damage, or corruption.

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.

Latvia applies a combination of governance models, with the strongest emphasis on Digital Era Governance and selected elements of New Public Management and Public Value Management, while New Public Governance plays a more limited role.

Digital Era Governance is the most prominent approach. Latvia has systematically digitised public administration through e-government solutions, including the national e-services portal Latvija.lv, electronic identification and e-signature systems, electronic case management, and inter-institutional data exchange via the State Information Systems Interoperability Platform. These tools are used to simplify procedures, reduce administrative burden, improve accessibility of public services, and ensure transparency and traceability of administrative actions.

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Elements of **New Public Management** are reflected in performance-oriented management practices, such as results-based budgeting, efficiency and expenditure control mechanisms, and the use of performance indicators in public institutions and agencies. These practices aim to promote rational use of resources, accountability of managers, and financial discipline, particularly in agencies and State-owned entities.

Public Value Management elements are visible where public administration reforms focus not only on efficiency, but on the quality and usefulness of public services for society as a whole. In practice, this means placing emphasis on how services are experienced by users, whether they achieve socially desirable outcomes, and whether they genuinely address public needs, for example through user-centred public service design, training civil servants to improve service quality, and assessing the broader social impact of legislation and policy measures.

By contrast, **New Public Governance**, understood as extensive co-governance and network-based decision-making with non-State actors, is present mainly in consultative and participatory formats, but does not constitute the dominant organisational model of Latvian public administration.

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

There is no single constitutional or statutory provision that expressly establishes or mandates the organisation of public administration according to a specific governance model.

Instead, elements of these models are implemented through ordinary legislation, Cabinet of Ministers regulations, policy planning documents, and strategic programmes. For example, digitalisation and data-driven administration are promoted through sectoral laws and national digital strategies, performance-oriented management through budgetary and financial regulation, and public value considerations through policy planning and regulatory impact assessment requirements. These models therefore operate as practical and policy-driven approaches, rather than as formally codified organisational principles.

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

The Administration stricto sensu

Public enterprises

Other public entities

Elements of these governance models, in particular Digital Era Governance and performance-oriented management, are widely used in ministries and other direct State administration institutions, for example through digitalised procedures, electronic case management, performance planning, and results-based budgeting.

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New Public Management elements are especially visible in State-owned enterprises and capital companies, where management is organised around efficiency, financial discipline, performance indicators, and accountability of senior management.

iv. Are the policies for achieving the objectives designed:

- At national level ✓
- At regional level ☐
- By subject-matter ✓
- By taking into account specific public entities ✓
- Other ☐

Core policies for public administration reform, digitalisation, budgetary discipline, and performance management are designed at national level, primarily through laws, Cabinet of Ministers regulations, and national policy planning documents. Many policies are designed by sector or subject-matter, with tailored solutions reflecting the specific needs of each field. Policy instruments often differentiate between ministries, agencies, regulatory bodies, and State-owned enterprises, taking into account their functions, size, and operational context.

While regional and local authorities implement national policies, the design of these governance models is not primarily carried out at regional level.

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

Specific objectives for the action of the Administration are set out in policy planning documents, budgetary frameworks, and institutional performance plans. Examples include measurable objectives, such as the objective to expand the use of digital public services and ensure that key administrative procedures are available electronically, the objective to reduce administrative burden for businesses and citizens as defined in public administration reform programmes, and objectives related to efficient and lawful use of State budget resources established through budget programmes and sub-programmes approved by the Parlament (Saeima).

At the institutional level, these objectives are translated into annual action plans and performance indicators, for example targets for the number of digitised procedures, processing times for administrative cases, or compliance with budgetary limits, which are monitored through annual reports and budget execution reviews.

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?

While the exact indicators and methods may allow managerial discretion, institutions and senior managers are legally obliged to pursue and report on the achievement of the set objectives.

Failure to achieve objectives may lead to managerial or disciplinary consequences, including negative performance evaluation, non-renewal of fixed-term contracts, or other measures under public service or employment law. Persistent failure to meet legally defined objectives may also trigger institutional supervision measures, restructuring, or intervention by superior authorities. Failure to achieve objectives may also result in budgetary consequences, such as reduced funding, reallocation of resources, or stricter financial oversight in subsequent budget cycles.

For civil servants and senior managers, achievement of set objectives may be reflected, for example, in performance evaluations or eligibility for performance bonuses. At the institutional level, achievement of objectives may influence budgetary decisions, including continuation or adjustment of funding, allocation of additional resources for priority reforms.

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 ☐

Compliance is assessed through internal control systems, audits, inspections, and legality checks, including reviews by supervisory authorities and the State Audit Office.

Effectiveness is evaluated using performance indicators linked to the achievement of policy outcomes and institutional objectives set in policy planning documents and annual action plans.

Efficiency is assessed through indicators such as processing times, output indicators, and resource-to-output ratios, particularly in agencies and service-providing institutions.

Economy is monitored through budget execution controls, expenditure reviews, and financial audits, ensuring that public resources are used lawfully and prudently.

Progress towards **strategic objectives** is evaluated through national and sectoral strategy monitoring, annual reporting, and performance reviews of institutions and senior managers.

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 …………………………………... ✓

Arbitration is not permitted for disputes concerning administrative acts or the exercise of public authority. Disputes arising from public law relationships fall within the exclusive jurisdiction of administrative courts and cannot be removed from judicial control by arbitration agreements.

The Administrative Procedure Law expressly provides for the possibility of settlement in administrative proceedings and before the administrative court. Mediation may be used as a supportive method in this context, but it is not an autonomous or widely institutionalised ADR mechanism.

In addition to judicial review, Latvian law provides for the contestation of administrative acts within the public administration through an internal administrative appeal to a higher administrative authority. Where a higher administrative authority exists, an administrative act must generally be contested at that level before judicial proceedings are initiated. Where no higher administrative authority exists, the individual may choose either to submit the challenge to the same authority or to bring the case directly before an administrative court.

Furthermore, individuals may apply to the Ombudsman, who is empowered to examine complaints concerning the actions or omissions of public authorities and public officials. The Ombudsman may assess compliance with the law, fundamental rights, and principles of good administration. Although the Ombudsman's opinions and recommendations are not legally binding, they constitute an important non-judicial mechanism for addressing administrative grievances and strengthening accountability in public administration.

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*

Latvian law confirms the restrictive nature of ADR in administrative disputes: while the Administrative Procedure Law allows settlement only within the limits of legality and public interest, the State Administration Structure Law further provides that settlement (administrative contract) shall be entered if the applicable legal norms grant freedom of action to the institution

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with respect to the issuance of administrative acts, their contents or with respect to actual actions (Section 80(1)).

Moreover, entering into an administrative contract is not permissible if the form of the contract is not appropriate for the regulation of the particular legal relations, especially if such contract would be in conflict with the principles of State administration or would disproportionately restrict the legal protection of a private individual (Section 80(2)). Administrative contracts shall not restrict the rights of third parties (Section 84).

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?

This option is expressly provided for in legislation.

Under the Administrative Procedure Law, an institution examining a submission on the contestation of an administrative act is required, prior to taking a decision, to consider the possibility of entering into a settlement (administrative contract) and, where such a possibility exists, to inform the private person about the settlement process and possible provisions of the settlement (Section 80[1]).

Similarly, during judicial proceedings, where the court considers that a settlement is possible, it may explain the possibilities of entering into a settlement (administrative contract) to the participants and discuss potential settlement conditions (Section 107[1]).

In addition, State Administration Structure Law provides that an administrative contract may be entered into in order to terminate a legal dispute, subject to statutory limitations (Section 80).

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?

Under the Administrative Procedure Law, the provisions on settlement (Sections 80[1] and 107[1]) are framed primarily in the context of an existing administrative dispute, that is, where an

administrative act has already been contested before the authority or the court. In this sense, settlement functions mainly as a mechanism for resolving disputes that are already under way.

At the same time, Latvian law also allows settlement to have a preventive function. Section 80[1] expressly requires an institution, when examining a submission contesting an administrative act, to consider the possibility of entering into a settlement before adopting a decision, which may prevent the dispute from escalating into judicial proceedings. In addition, an administrative contract concluded in accordance with the State Administration Structure Law may, in certain cases, be used to resolve disagreements at an early stage and thereby avoid the formal emergence or continuation of an administrative dispute, provided that all statutory conditions are met.

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)?

Latvian law does not formally distinguish between an application for annulment limited to legality and an appeal on the merits providing full review.

However, case-law has developed functional limits to the scope of review. While courts may fully review facts and evidence, they do not replace the administration's discretion where the law grants discretionary power. In such cases, judicial review focuses on whether discretion was exercised lawfully, proportionately, and without arbitrariness, rather than substituting the court's own assessment for that of the authority.

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?

In Latvian administrative law, the framework for settlement is legally regulated, but the practical conduct of the settlement process is largely left to party autonomy.

Administrative Procedure Law (Sections 80[1] and 107[1]) regulates when and how the possibility of settlement must be considered and facilitated by the authority or the court. At the same time, once the parties decide to pursue settlement, the practical conduct of the settlement process is largely based on party autonomy. The parties negotiate the content and terms of the settlement themselves, subject to statutory limits. In this regard, the State Administration Structure Law regulates the formal framework for settlement-type administrative contracts, including requirements for lawful content (Section 81) and transparency obligations relating to administrative contracts (Section 82).

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?

The Supreme Court (Senate) has held that an administrative contract concluded for the purpose of terminating a legal dispute has the nature of a settlement, and that, by its substance, the legal regulation of settlement under civil law applies by analogy. As a consequence, such a settlement has the same binding force as a final court judgment and therefore cannot be unilaterally challenged or revoked (decision of 5 April 2013, case No. SKA-399/2013, para. 10).

Accordingly, judicial review of the settlement is not open in the same manner as review of an administrative act. As a rule, the only admissible claim related to a settlement is a claim for its performance, where one party has failed to comply with its obligations. Other types of claims challenging the settlement are admissible only in exceptional circumstances, namely where the settlement was concluded under fraud or coercion. A mistake (error) may justify later challenge only in rare cases, where it is established that the error was not caused by a lack of due care when concluding the settlement. In all other cases, applications seeking to contest the settlement are inadmissible, and the settlement remains legally binding and effective (decision of 31 October 2018, case No. SKA-1526/2018, para. 8).

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?

As explained in the previous answer, such a settlement has the same legal force as a final court judgment; the possibilities to revoke or challenge it are very limited, and enforcement may be pursued through the courts only in accordance with those strict limits.

Which court has jurisdiction over disputes concerning such enforcement?

Disputes concerning the enforcement of a settlement concluded in an administrative dispute fall within the jurisdiction of the administrative courts.

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 ☐

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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 ✓

iia. 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?

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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 ✓

Latvian law does not prohibit the use of mediation in administrative disputes, and mediation is, in principle, theoretically possible within the administrative process. However, Latvian law does not provide for a formal or autonomous mediation procedure in administrative law. In practice, mediation has not developed as a commonly used mechanism in administrative disputes, as disputes concerning the exercise of public authority are primarily resolved through administrative procedures, settlement mechanisms expressly provided by law, and judicial review under the Administrative Procedure Law.

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?

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Is it mandatory or optional?

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

A legislative provision

A general principle of law

Arbitration in administrative disputes is generally not compatible with the Latvian administrative law framework, as disputes concerning the exercise of public authority are required to remain subject to judicial review by administrative courts. This understanding is also reflected in the structure and scope of the Arbitration Law, which is designed to govern arbitration in private law matters and does not envisage arbitration as a mechanism for resolving disputes arising from public law relationships or the exercise of public authority.

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.

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?

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

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?

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:

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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?