

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

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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 Slovenia (Please indicate your institution)

**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



**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 .....

**There is an explicit provision in the Article 121 of the Constitution of the Republic of Slovenia that states: "By law or on the basis thereof, legal entities and natural persons may be vested with the public authority to perform certain duties of the state administration."**

**This gives the parliament the legal basis to determine if and under what conditions the administrative tasks will be transferred to private entities, including administrative decision-making.**

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

**The delegation of administrative tasks has to be regulated by and act of parliament for every case of transferral of such tasks, meaning that there can be no general provision in the law empowering the government to decide which tasks will be delegated or not. This also means that the criteria for such a delegation have to be established for each case specifically, adapted to needs in every certain case. There is a general provision in the State Administration Act (Art 15) that states that states (also) individuals, and private law entities may also obtain public authorization to perform administrative tasks by law or on the basis of law (a) if this enables administrative tasks to be performed more efficiently and effectively than if they were performed by an administrative body, particularly if the performance of administrative tasks can be financed in whole or in part by administrative fees or user charges, or (b) if, given the nature or type of tasks, constant direct political control over the performance of tasks is not necessary or appropriate. If the law allows several natural or legal persons to apply for public authority, the selection shall be made by public tender.**

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

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

The legislation can either explicitly name the private persons that will perform administrative tasks (seldom), or it can determine that the tasks will be transferred to the private persons (legal





entities or natural persons) that fulfil certain conditions and criteria. In the latter case the delegation is done by an administrative act, based on such a provision of the law. This is quite often the case, e. g. the public authority given to technical entities for technical examination and registration of motor vehicles based on the Art. 54 and following of Motor Vehicles Act.

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 .....

**These delegations are quite common, but only if specific expertise is needed to support these tasks of the administration (see above). The delegation of the enforcement of the administrative acts is possible in theory, but in practice there are no such cases, since it is performed by State or local administration.**

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 .....

**In cases of delegation of administrative tasks all the above cases are possible. It is common to delegate the whole administrative decision making in a specific administrative matter, from the establishment of facts to the decision-making itself, not necessarily separate it in different stages of proceedings.**

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.



### 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 type="checkbox"/>            |
| Selection based on criteria .....   | <input checked="" type="checkbox"/> |
| Other .....                         | <input type="checkbox"/>            |

**As mentioned above the selection procedure is made on the basis of a public tender in all cases where such a delegation is to be given to a limited number of persons. The criteria are established by the act that foresees the public powers to be transferred, e. g. the Act on Vine, Art 49, according to which the ministry shall grant public authorization to perform the administrative tasks to legal or natural persons who meet the prescribed conditions regarding professional, spatial, and technical competence and other conditions for performing tasks under public authorization (details of these requirements are then regulated in administrative secondary legislation, bylaws).**

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"/>            |

**See above.**

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) .....             | <input checked="" type="checkbox"/> |
| Other .....   | <input type="checkbox"/>            |

**The State Administration Act states in Article 15 that when exercising public powers, public authorities have the rights and duties of administration as defined by law or other regulations. In addition to this also other specific requirements can be made to ensure proper execution of the delegated tasks.**



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

- |  |                          |
|--|--------------------------|
| Incompatibilities .....                  | <input type="checkbox"/> |
| Impediments .....                        | <input type="checkbox"/> |
| Criminal or disciplinary liability ..... | <input type="checkbox"/> |
| Other .....                              | ✓                        |

**In principle the responsibilities are the same as of the administrative bodies and civil servants, so all of the above, except disciplinary liability, which is limited to civil service.**

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   | <input type="checkbox"/> |

#### 4. Administrative checks [controls]

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

- |     |                          |
|-----|--------------------------|
| Yes | ✓                        |
| No  | <input type="checkbox"/> |

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

- |              |                          |
|--------------|--------------------------|
| A priori     | <input type="checkbox"/> |
| A posteriori | <input type="checkbox"/> |
| At any time  | ✓                        |

iii. How are checks activated?

- |   |   |
|---|---|
| Following a complaint/administrative appeal | ✓ |
| Ex officio                                  | ✓ |

iv. How extensive are the checks?

- |                          |   |
|--------------------------|---|
| Checks based on sampling | ✓ |
|--------------------------|---|



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

**As mentioned above, the State Administration Act in Art 15 stipulates that When exercising public powers, public authorities have the rights and duties of administration as defined by law or other regulations. This also means the same scope of judicial review.**

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.

**The Decision of the Supreme Court I Up 322/2015 stated that the transfer of administrative tasks to private entities and its scope must be specified in law. Therefore, the fact that a particular person holds public authority does not mean that all of their activities constitute the exercise of that authority. In other words, if the actions of a legal entity under private law do not fall within**



the scope of the given authority, it cannot be required to issue an administrative decision, and in the event of silence, an administrative dispute cannot be filed.

The judgement of the Supreme Court X Ips 313/2014 decided that the authority to perform administrative tasks is exclusively a matter of law, which means that it cannot be regulated independently by a local community through a subordinate act outside the framework of the law.

## 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?

In Slovenia such recruiting is not possible. Only civil servants are permitted to perform tasks within the administration. It is however always possible to enter the civil service also in a senior position through a public competition procedure, using also experience in the private sector as a reference for the selection.

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?

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

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

- |                 |                          |
|-----------------|--------------------------|
| Decision-making | <input type="checkbox"/> |
| Advisory        | <input type="checkbox"/> |
| Other           | <input type="checkbox"/> |





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)

## 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.

**No specific (modern) organizational model is used in the state administration, but the reforms and improvements always aim at achieving the abovementioned goals. The responsibilities are regulated in the Civil Service Act and specific legislation, e. g. Public Finances Act and others.**

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

**The Constitution states that employment in the state administration is possible only on the basis of open competition, except in cases provided by law (art. 122). This is further implemented in the Civil Service Act.**

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

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

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

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





Objectives of administrative bodies are quite often regulated by law, especially in different highly technical areas. E.g. in the Energy act different principles and goals are stated (Art 6. and following) that are binding on the administration, such as the principle of cost-effectiveness (Art 7):

*“When adopting policies, strategies, programs, plans, general and specific legal acts, and when implementing measures based on this Act and energy-related legislation, strive to achieve the lowest possible direct costs of measures for legal and natural persons and the lowest possible external costs in relation to the results achieved, taking into account the principle of lifetime costs.”*

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*

Slovenian legislation does not expressly exclude any specific category of administrative disputes from ADR but does not provide for an effective legal basis for its implementation. For this reason, the following answers in this section present only legislative framework, as there is practically no case-law or established legal practice to draw from.

The only ADR method explicitly regulated in this context is the judicial settlement (regulated by the Administrative Dispute Act) and its use is legally restricted. A settlement cannot be concluded in the following cases:

- violations of mandatory law (when the content of the agreement would contradict mandatory legal regulations or the principle of legality);
- harm to public interest (when the agreement would jeopardize the public good or the integrity of the legal order);
- administrative matters, where the law dictates a specific outcome (if the legal conditions are met) and the administration has no discretionary power to deviate from it;
- infringement of third-party rights (when the settlement would negatively affect the legal rights or interest of persons who are not parties to the agreement);
- non-disposable rights (in matters concerning personal status or fundamental rights).

## 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?

**The primary legal basis is the Administrative Dispute Act. Article 57 explicitly states that parties of the administrative procedure may conclude a settlement at any time, until the decision has been issued.**

**While the Constitution of the Republic of Slovenia provides the foundation for this legislative text through Article 157 (Judicial review of administrative acts) and Article 23 (Right to judicial protection) – which ensures the right to a fair trial, which includes the right of parties to dispose of their claims (the principle of party autonomy), as long as it does not conflict with mandatory law.**

**This option is also supported by several general principles of law (The Principle of Economy, The Principle of Party Autonomy, The Principle of Legality).**

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?

**While Article 57 of the Administrative Dispute Act specifically governs disputes already in court, there are separate legal mechanisms in the General Administrative Procedure Act that allow for administrative settlements. In case that such a settlement is reached directly between the administration and parties to administrative procedures, this also means that a court case from in such a matter will in principle not happen (Article 137).**

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)?

**Before a settlement is finalized, the court acts as a proactive guardian. Under Article 45 of Administrative Dispute Act (and the subsidiary use of the Civil Procedure Act), the judge must perform a "judicial review" of both legality and substance. The court will reject a settlement if it conflicts with mandatory regulations or the public interest, or if the settlement interferes with the rights of third parties. The parties do not have the legal right to freely dispose of the subject matter. Once signed, the settlement has the same legal quality as a final judgement. It cannot be appealed on its merits; it can however be challenged via a lawsuit for the annulment. In accordance with the second paragraph of Article 392 of the Civil Procedure Act a lawsuit for the annulment of a court settlement may be filed on four specific grounds:**

- 1. if the court settlement has been concluded in error or under duress or deception;**
- 2. if the court settlement has been concluded in respect of claims which the parties cannot dispose of ;**
- 3. if the court settlement has been concluded with the participation of a judge or a lay judge who should have been disqualified in accordance with an Act or who was disqualified by an order of the court;**





4. if the court settlement has been concluded with participation of a person incapable to be a party to a civil litigation, if, as a party to the proceedings, a legal person has not been represented by a person authorised to represent it under an Act, if a party incapable to litigate has not been represented by a statutory representative, or if the latter has not been in possession of a permission necessary for litigation or a particular act of procedure, or if a counsel has not been in possession of authorisation, save when the litigation or particular acts of procedure have been approved subsequently.

However, as mentioned above, there is currently no established case-law regarding such disputes in administrative matters.

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?

**Article 57 of the Administrative Dispute Act regulates settlement proceedings before the Court, while Article 137 of General Administrative Procedure Act provides the parties with the opportunity to reach a settlement agreement without resorting to the Court.**

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

Yes

No

If yes, by which court?

**In an administrative dispute a settlement must be confirmed and recorded by the court to be legally binding and enforceable. The settlement is written into the court transcript. The judge signs the transcript, effectively “ratifying” or confirming the agreement. Once recorded and confirmed, the settlement has the status of a final and enforceable court judgment.**

**In the case of a settlement concluded under the General Administrative Procedure Act ratification by court is not required.**

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?

**Yes. Once a court settlement is recorded and confirmed or an administrative settlement is validated by the official, it has the status of a final and binding decision. It prevents the parties from litigating the same matter again. If one party fails to fulfil their obligations, the other party**





can directly initiate enforcement proceedings without a new lawsuit. The document serves as an enforceable legal title.

Which court has jurisdiction over disputes concerning such enforcement?

**It depends on the nature of the obligation. A judicial settlement concluded in an administrative dispute is enforced against the parties under the provisions of the General Administrative Procedure Act, as it replaces the administrative act and is equivalent in effect to a judgment issued by a court in full jurisdiction. An exception is regulated in cases of the enforcement of an obligation imposed by the settlement on the State, the local community or their bodies and organizations. In such a case, a judicial settlement is in accordance with the third paragraph of Article 102 of the Administrative Dispute Act enforced under the provisions of the Claim Enforcement and Service of Process Act. A judicial settlement can be enforced in two different proceedings before different competent authorities – before an administrative body or before a civil court.**

**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

**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.

**ii.b.** If no mediation process is provided for, is this exclusion provided for in:

a legislative provision

a general principle of law

**Mediation in administrative matters would be possible only if explicitly regulated as such in an act of parliament (principle of legality of administrative action). Since this is not the case, there is no legal basis for mediation.**

### 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

**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? | <input type="checkbox"/> <input type="checkbox"/> |
| Is the participation of third parties permitted?   | <input type="checkbox"/> <input type="checkbox"/> |
| Is legal representation mandatory?   | <input type="checkbox"/> <input type="checkbox"/> |
| If yes, is legal aid available?  | <input type="checkbox"/> <input type="checkbox"/> |
| Is the hearing public?   | <input type="checkbox"/> <input type="checkbox"/> |
| Is the arbitral tribunal obliged to give reasons for its award?  | <input type="checkbox"/> <input type="checkbox"/> |
| Is the arbitral award made publicly available?   | <input type="checkbox"/> <input type="checkbox"/> |

**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?





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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?



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