



This questionnaire explores how the responding Supreme Administrative Courts (SACs) ensure the effective enforcement of their rulings, focusing on several key aspects. These include the importance of clear and precise judgments in facilitating enforcement, techniques to minimize the need for annulment and to neutralize their effects while preventing abuse, and the enforceability of judicial decisions, with an emphasis on ways to strengthen this within the judgment itself. It also examines the follow-up of annulment decisions, including the role of SACs in overseeing administrative actions taken in response, and mechanisms beyond SACs, such as administrative or political interventions, institutional mediation, and further jurisdictional actions to uphold res judicata.

Respondents are reminded to answer all questions exclusively from the perspective of their role as a Supreme Administrative Court (SAC), allowing the 2024 cross-sectional analysis to reflect the specific practices, challenges, and responsibilities of participating SACs.

A1. Does the SAC in your legal system have mechanisms in place to monitor whether administrative authorities comply with court rulings against them?

Yes

No

A2. Which mechanisms does the SAC have in place to monitor whether administrative authorities comply with its decisions?

Through regular reporting requirements

Through independent oversight bodies

Through periodic audits or reviews (eg compliance reports)

Through other mechanism(s)



A3. Please explain what other mechanism(s) the SAC in your legal system has in place to monitor whether administrative authorities comply with its decisions?

A4. Does the SAC in your legal system interact with administrative bodies when executing orders against them?

Yes, through direct oversight (SAC directly supervises enforcement)

Yes, indirectly

No interaction

A5. How does the SAC in your legal system indirectly interact with administrative bodies when executing orders against them?

Through coordination with specific agencies tasked with enforcing the judicial decision in question

Other indirect methods

A6. Please explain what other indirect methods are used to interact with administrative bodies during the enforcement of its rulings.

A7. Are there any legal consequences or sanctions in your legal system if an administrative authority fails to comply with the judicial decision in question?

Yes

No

A8. Which legal consequences or sanctions in your legal system are there if an administrative authority fails to comply with the judicial decision in question?

Sanctions are imposed directly by the SAC

Enforcement is managed by a separate oversight body

Penalties include fines or other financial sanctions

Disciplinary actions against the responsible officials



Other legal consequences

A9. Does the SAC in your legal system face significant challenges in ensuring the decisions which fall within its jurisdiction are enforced by administrative authorities?

Yes

No

A10. Please explain.

B1. Are there specific provisions, guidelines, formats or best practices regarding the drafting of the operative part of the court ruling in your court?

Yes

No

B2. Which provisions, guidelines, formats or best practices regarding the drafting of the operative part of the court ruling in your court are there?

Provisions

Guidelines

Formats

Best practices

B3. Are there specific provisions and/or practices concerning publishing your court's decisions?

Yes

No

B4. More specific?

Provisions

Practices



B5. Please explain what provisions.

B6. Please explain what practices.

C1. If your court identifies a procedural flaw in the decision under review, is its annulment subject to the fulfilment of further conditions?

Yes

No

C2. What are the conditions that apply in order to annul such decision?

The procedural flaw could have affected the decision's outcome.

The procedural flaw really influenced the decision's outcome.

The procedural flaw deprived the parties of a legal guarantee.

The procedural flaw affected the authority of the decision-maker.

Others.

C3. Please explain which other conditions.



C4. Is there a legal tool allowing the administration in the proceedings before court to correct a procedural flaw identified by court in the decision under review, preventing outright annulment?

Yes

No

C5. What type of legal tool can be used?

C6. Can this legal tool be used in proceedings before your (supreme) court?

Yes

No

C7. Does your court have a power to remain temporarily in force an individual act to be annulled / is annulled?

Yes

No

C8. Please specify.

C9. This power may be imposed only upon a formal request of a party involved?

Yes

No

C10. This power is restricted only to the individual acts in specific areas?

Yes

No



C11. Please explain.

C12. Does your court have a power to remain temporarily in force a regulation to be annulled / is annulled?

Yes

No

C13. Please specify.

C14. This power may be imposed only upon a formal request of a party involved?

Yes

No

C15. This power is restricted only to the regulations in specific areas?

Yes

No

C16. Please explain.

C17. Can your court impose a fine on party that file clearly unjustified (abusive) appeal?

Yes

No



D1. Within your system are there any judgments that can be considered self-executing?

Yes

No

D2. Please specify in which cases.

D3. Are there judgments in your system that are NOT subject to any enforcement mechanism?

Yes

No

D4. Please explain.

D5. Does the enforceability of your court's decisions take the form of an enforcement order in the decision itself?

Yes

No

D6. Please specify the wording of the order in question and its scope.



D7. Can your court's decisions include details of how they are to be enforced in the body of the decision itself, in a document attached to the notification or sent at a later date at the request of the parties?

Yes

No

D8. The court's decision includes details of enforcement:

Please formulate a proper question.

In the reasons

In the operative part of the decision

In a document attached to the notification

In a document sent at a later date at the request of the parties

Other

D9. Please explain.

D10. Does your system have mechanisms for designating in the decision an entity other than the court to ensure that the judgment is enforced (for example, a *commissioner ad acta*)?

Yes

No

D11. Please explain.

D12. Does your court have other tools/techniques within the decision itself to facilitate the enforcement of its decisions, whether these are tools provided for in the texts, new case-law techniques or even simple adaptations to the case in question of the reasoning or drafting of the operative part?

Yes

No



D13. Please explain.

E1. Is an administrative court judgment enforceable once it is final (e.g. no special enforcement clause, given in a special procedure, required)?

Yes

No

E2. Is the administrative court that has issued a judicial decision responsible for the enforcement of that administrative court judgment?

Yes

No

E3. Does that responsibility for enforcement arise only on an application for enforcement by a party to the proceedings?

Yes

No

E4. Are there specific techniques or mechanisms in place within your court to help enforce judicial decisions?

Yes

No

E5. Please specify which mechanisms your court uses.

Quashing the administrative decision after the court re-examined the case and mandatory recommendations to the administrative authority haven't been fulfilled

Injunction

Penalty (e.g., penalty payment) in case of non-compliance

Substitution

Direct enforcement measures (e.g., seizure of assets)

Award compensation

Direct damages (eg costs directly resulting from the breach)



Consequential damages (eg loss of profit)

A dedicated section of SAC dealing with the execution of judicial decisions against public authorities

E6. Please explain the direct damages (eg costs directly resulting from the breach).

E7. Please explain the consequential damages (eg loss of profit).

E8. Initiation of the mechanism.

	At the request of the parties	Of its own motion
Quashing the administrative decision after the court re-examined the case and mandatory recommendations to the administrative authority haven't been fulfilled	<input type="checkbox"/>	<input type="checkbox"/>
Injunction	<input type="checkbox"/>	<input type="checkbox"/>
Penalty (e.g., penalty payment) in case of non-compliance	<input type="checkbox"/>	<input type="checkbox"/>
Substitution	<input type="checkbox"/>	<input type="checkbox"/>
Direct enforcement measures (e.g., seizure of assets)	<input type="checkbox"/>	<input type="checkbox"/>
Award compensation	<input type="checkbox"/>	<input type="checkbox"/>
Direct damages (eg costs directly resulting from the breach)	<input type="checkbox"/>	<input type="checkbox"/>
Consequential damages (eg loss of profit)	<input type="checkbox"/>	<input type="checkbox"/>
A dedicated section of SAC dealing with the execution of judicial decisions against public authorities	<input type="checkbox"/>	<input type="checkbox"/>



E9. Is this specific technique or mechanism applicable to all types of administrative cases?

	Yes	No
Quashing the administrative decision after the court re-examined the case and mandatory recommendations to the administrative authority haven't been fulfilled	<input type="checkbox"/>	<input type="checkbox"/>
Injunction	<input type="checkbox"/>	<input type="checkbox"/>
Penalty (e.g., penalty payment) in case of non-compliance	<input type="checkbox"/>	<input type="checkbox"/>
Substitution	<input type="checkbox"/>	<input type="checkbox"/>
Direct enforcement measures (e.g., seizure of assets)	<input type="checkbox"/>	<input type="checkbox"/>
Award compensation	<input type="checkbox"/>	<input type="checkbox"/>
Direct damages (eg costs directly resulting from the breach)	<input type="checkbox"/>	<input type="checkbox"/>
Consequential damages (eg loss of profit)	<input type="checkbox"/>	<input type="checkbox"/>
A dedicated section of SAC dealing with the execution of judicial decisions against public authorities	<input type="checkbox"/>	<input type="checkbox"/>

E10. For which types of administrative cases are the specific techniques or mechanisms mentioned above not applicable? Please, specify.

E11. If, according to the law, the judgment of your court cannot substitute the administrative decision, may it discontinue the administrative proceeding that ended with that decision?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

E12. Is there a time limit for your Court for the enforcement of an administrative court judgment?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>



E13. Please indicate which time limit.

- 0-6 months
- < 1 year
- 1- 2 years
- 2-3 years
- 3-4 years
- 4-5 years
- > 5 years

E14. What are the consequences of failing to comply with that time limit?

E15. Does a party have any remedy against the administrative authority that has issued the administrative decision if that authority does not act in accordance with the court's judgment, e.g. by not issuing a new decision within a certain period of time?

- Yes
- No

E16. Which remedies are available to the party once time has lapsed?

- Requesting enforcement of the court's judgment
- Filing a complaint with an oversight body or ombudsman
- Seeking penalties or sanctions against the administrative authority
- Other remedies

E17. Please explain (what other remedies).



F1. Can recourse to higher administrative authorities or even the political responsibility of the government be used in your country to ensure that court decisions are respected?

Yes

No

F2. Please explain.

F3. Are people or institutions from outside the administrative jurisdiction involved in monitoring the enforcement of your decisions, whether this is their main function or one of their secondary tasks?

Yes

No

F4. Please explain.

F5. Are there any other informal practices for monitoring difficulties in enforcing court decisions within the administrations concerned?

Yes

No

F6. Please explain.



F7. Under what conditions and in what form can the responsibility of the State or the legal entity concerned be called into question for non-enforcement or a delay in the enforcement of a court decision?

Liability of the State/legal entity based on fault

Comment

Liability of the State/legal entity without fault

Comment

Other compensation mechanisms

Comment

Other (please specify)

Comment

Not applicable

Comment

F8. Can the personal civil, disciplinary or criminal liability of the defaulting party to whom this failure or delay in relation to enforcement is attributable also be invoked in your country?

Yes

No

Civil liability

Disciplinary liability

Criminal liability



F9. Please specify the conditions under which the liability in question is invoked and how it relates to other mechanisms for bringing charges against the administration concerned and its employees?

F10. Is there a possibility of recourse to the police or another executive official in your country to enforce court decisions?

Yes

No

F11. Please explain under what conditions.

Goodbye!