

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Results

Survey 178988

Number of records in this query:	29
Total records in survey:	29
Percentage of total:	100.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for A1

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

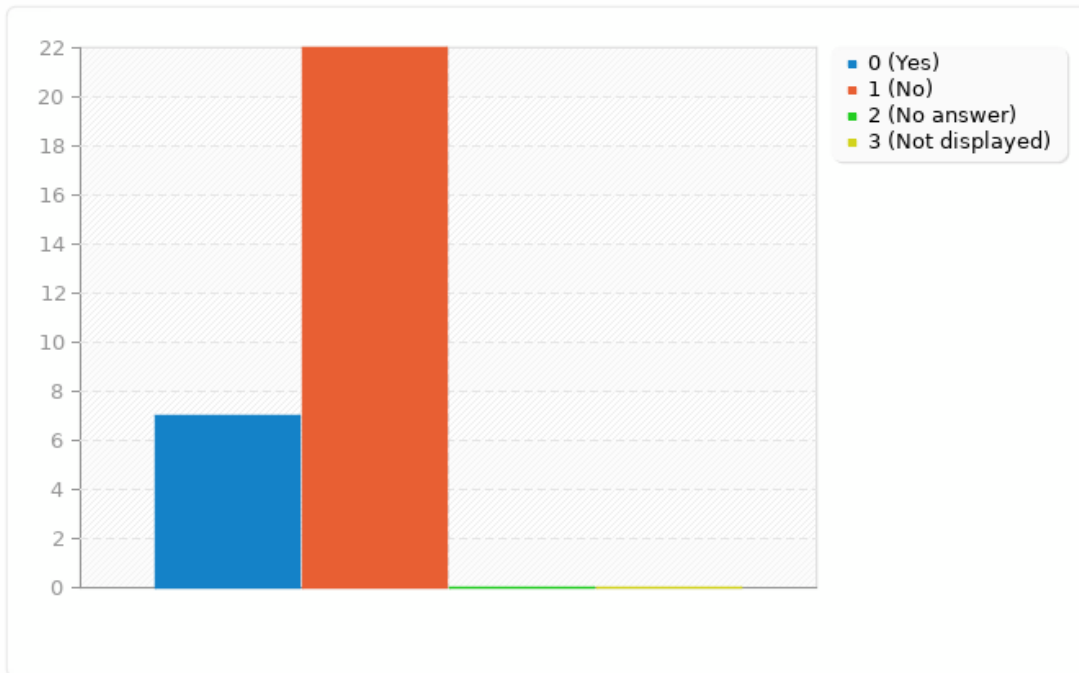
Answer	Count	Percentage
Yes (Y)	7	24.14%
No (N)	22	75.86%
No answer	0	0.00%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for A1

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for A2

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

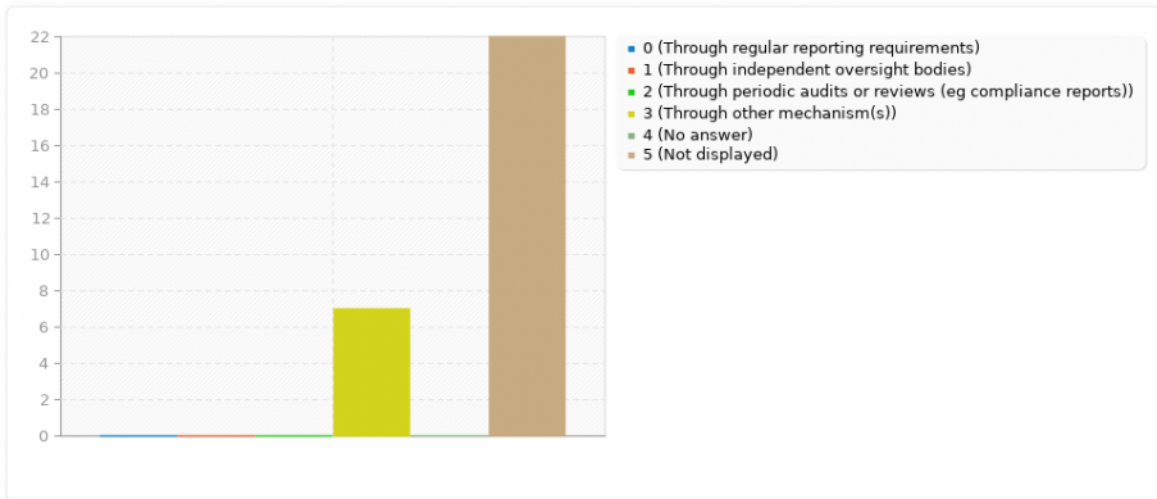
Answer	Count	Percentage
Through regular reporting requirements (A1)	0	0.00%
Through independent oversight bodies (A2)	0	0.00%
Through periodic audits or reviews (eg compliance reports) (A3)	0	0.00%
Through other mechanism(s) (A4)	7	24.14%
No answer	0	0.00%
Not displayed	22	75.86%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for A2

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?

Answer	Count	Percentage
Answer	7	24.14%
No answer	0	0.00%
Not displayed	22	75.86%

ID	Response
5	<p>The Administrative Court in the Serbian legal system is part of the judicial power. The enforcement of final decisions on administrative disputes consists of the actions taken by the plaintiff i.e. the defendant authority and the interested party. Their behavior in enforcing the judgment depends on the outcome of the completed administrative dispute.</p> <p>When the authority (defendant authority) fails to comply with a judgment, a party may request the court to resolve the administrative matter by rendering a judgment. In this situation, the court reports to the authority that supervises the work of that authority.</p>
8	<p>. In our legal system, the Superior Administrative Court (SAC) has several mechanisms to monitor whether administrative authorities comply with court rulings against them. These mechanisms aim to ensure the enforcement of judicial decisions and uphold the rule of law.</p> <ol style="list-style-type: none">1. Enforcement Proceedings: The SAC can initiate specific enforcement proceedings upon request by the affected party if an administrative authority fails to comply with a court ruling. These proceedings obligate the authority to act in accordance with the judgment.2. Periodic Fines for Non-Compliance: The court has the authority to impose periodic fines on administrative authorities that do not execute a court's decision. This financial pressure incentivizes compliance and prevents undue delays.3. To obtain the appropriate testimony from individuals to demand the criminal liability that may apply.4. Judicial Review of Non-Compliance: The SAC can review acts or omissions of administrative authorities that suggest non-compliance with its rulings, ensuring that the decisions are respected and implemented effectively.5. Contempt of Court Measures: In extreme cases, the SAC may hold public officials accountable for contempt of court, which can lead to legal consequences.6. Failure to comply with the Supreme Court's decisions by administrative authorities can lead to:<ul style="list-style-type: none">- State liability for damages: If non-compliance causes damage to individuals, they can claim compensation.- Criminal liability: Willful failure to comply with judicial rulings can constitute the crime of disobedience, as outlined in the Spanish Penal Code. <p>These mechanisms are critical in maintaining judicial authority and ensuring that the separation of powers is respected. They reflect the legal system's commitment to ensuring that administrative actions align with legal and constitutional mandates.</p>
9	<p>In the Portuguese legal system, Article 176(1) of the Code of Administrative Procedure (CPTA) states that, in cases in which the Supreme Administrative Court (STA) is the court of first instance, the interested party may request that the obligation to execute the judgment be enforced before the STA</p>
13	<p>In 2019, within the framework of a project under the Operational Programme "Good Governance", co-financed by the European Union through the European Social Fund a working group of judges from the Supreme Administrative Court of the Republic of Bulgaria (SAC) was established to prepare a study-analysis of the effectiveness of the judicial review of local administration acts for the period 2014 – 2018. The Report summarized the reasons that led to the non-compliance, the ways of legal protection of the parties and outlined measures to overcome the vicious practices in this regard.</p>
15	<p>Le Conseil d'Etat est compétent sur les demandes d'exécution de ses décisions juridictionnelles et des décisions rendues par les juridictions administratives spéciales (L. 911-5 et R. 931-2 du code de justice administrative (CJA)).</p>

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

D'un point de vue organisationnel, depuis 1986, un membre du Conseil d'État consacre en qualité de rapporteur général adjoint, puis de délégué à l'exécution, une partie de son temps, à l'animation d'une délégation à l'exécution en charge des procédures d'exécution qui étaient, antérieurement à la loi du 8 février 1995, de la seule compétence du Conseil d'État pour l'ensemble de la juridiction administrative.

À la suite des modifications apportées par le décret du 6 avril 2017, la section du rapport et des études, devenue depuis 2024 section des études, de la prospective et de la coopération (SEPCO), est le seul point d'entrée des demandes d'exécution des décisions du Conseil d'État.

L'article L. 911-5 du CJA permet aux « parties intéressées » de demander « au Conseil d'Etat de prescrire les mesures nécessaires à l'exécution d'une de ses décisions ou d'une décision d'une juridiction administrative spéciale, en assortissant le cas échéant ces prescriptions d'une astreinte » (article R. 931-2 du CJA). Ces demandes tendent au prononcé d'une injonction ou d'une astreinte a posteriori, en cas d'inexécution de la décision juridictionnelle en cause. Ce dispositif comporte deux phases, l'une administrative qui, si elle échoue, est suivie d'une phase juridictionnelle.

Lorsque le Conseil d'Etat est saisi d'une demande d'exécution, s'ouvre, en vertu de l'article R. 931-3 du CJA, une procédure administrative, diligentée par la SEPCO. Le délégué à l'exécution de la section « peut accomplir toutes diligences pour assurer l'exécution de la décision juridictionnelle qui fait l'objet de la demande ». Si la présidente de la section estime que la demande est infondée ou que la décision a été exécutée, elle procède à son classement.

En revanche, lorsque la présidente de la section estime, à l'issue des diligences effectuées auprès de l'autorité administrative, que des mesures d'exécution, incluant éventuellement le prononcé d'une astreinte, doivent être prescrites par voie juridictionnelle, elle adresse une note au président de la section du contentieux, exposant les circonstances de droit et de fait de l'affaire ainsi que les diligences accomplies et, le cas échéant, la composition du « comité restreint » qui a rendu un avis conformément à l'article R. 931-3 du CJA, ainsi que le sens de cet avis.

Le président de la section du contentieux ouvre alors, par une ordonnance non susceptible de recours, une procédure juridictionnelle. Il procède également à cette ouverture dans trois autres hypothèses :

- lorsque le demandeur conteste, dans le délai d'un mois suivant sa notification, la décision de classement de sa demande d'exécution par la présidente de la SEPCO ;
- à l'expiration d'un délai de six mois courant à compter de la saisine du Conseil d'Etat, sauf à ce que la présidente de la SEPCO estime que l'exécution de la décision est possible à court terme et octroie un délai supplémentaire pouvant aller jusqu'à quatre mois ;
- lorsque la présidente de la SEPCO, à l'issue de la demande qu'elle a faite d'office auprès de l'administration en application de l'article R. 931-6 du CJA en vue d'obtenir des justifications de l'exécution d'une décision, saisit le président de la section du contentieux d'une demande d'astreinte d'office. Il s'agit ici d'une procédure d'auto-saisine propre à la seule SEPCO créée par le décret de 2017. Cela n'existe que devant le Conseil d'État et pas devant les tribunaux et les cours. Cette procédure, unique dans son genre, permet à la SEPCO via la délégation à l'exécution de demander d'office à l'administration de justifier de l'exécution de certaines décisions rendues par la section du contentieux. Si, à l'issue des diligences effectuées au cours de la procédure administrative, il estime nécessaire que soit ouverte une procédure juridictionnelle afin de prononcer une astreinte d'office, la présidente de la SEPCO saisit le président de la section du contentieux à cette fin, lequel procède alors à cette ouverture par ordonnance.

L'affaire est alors « instruite par une chambre conformément aux dispositions régissant la procédure devant le Conseil d'Etat statuant au contentieux » (article R. 931-5 du CJA). Les pièces produites devant la SEPCO et la note de sa présidente sont jointes au dossier et communiquées aux parties, en vue d'un jugement de l'affaire en urgence.

La formation de jugement prescrit, par une décision juridictionnelle, les mesures qu'appelle l'exécution de la décision, le cas échéant assorties d'une astreinte, sur le fondement de l'article L. 911-5 du CJA.

Cette possibilité est toutefois exclue lorsque :

- la décision dont l'exécution est demandée a prononcé une astreinte « préventive », sur le fondement de l'article L. 911-3 du CJA. En pratique, cette hypothèse de rejet est rare, les requérants saisissant alors le Conseil d'Etat d'une demande de liquidation de l'astreinte sur le fondement de l'article R. 931-7 du CJA. Si toutefois une telle demande était présentée au Conseil d'Etat, il est d'usage de la regarder comme tendant à la seule liquidation de l'astreinte et de lui appliquer, par suite, les dispositions de l'article R. 931-7 du CJA ;

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- la demande d'exécution a été adressée au Conseil d'Etat par le requérant alors qu'elle ressortit, en application de l'article L. 911-4 du CJA, à la compétence d'un TA ou d'une CAA, cette juridiction n'ayant pas opéré de renvoi. En pratique, le renvoi à la juridiction compétente devrait être opéré par la SRE dès la phase administrative ou, en cas d'oubli, par une ordonnance du président de la section du contentieux simultanément à l'ouverture de la procédure juridictionnelle ;
- lorsque le Conseil d'Etat a déjà fait application des articles L. 911-1 et L. 911-2, c'est-à-dire qu'il avait déjà assorti sa décision initiale d'une injonction le cas échéant assortie d'une astreinte, visant à l'exécution de la chose jugée. L'injonction facilite l'exécution de la chose jugée, en précisant les mesures devant être prises, en fixant un délai, en désignant l'administration responsable de cette exécution. Depuis l'entrée en vigueur de la loi du 23 mars 2019 de programmation 2018-2022 et de réforme pour la justice, des injonctions et astreintes préventives peuvent, même lorsque le juge n'a pas été saisi de conclusions en ce sens, être prononcées d'office, à condition que les parties aient été préalablement invitées à présenter leurs observations. Le Conseil d'Etat a déjà utilisé à plusieurs reprises cette faculté (cf. notamment CE, 7 février 2020, Confédération paysanne, n° 388649)

Lorsque le Conseil d'Etat statuant au contentieux a prononcé une astreinte, il transmet le dossier à la SEPCO, conformément à l'article R. 931-7 du CJA, celle-ci étant par ailleurs destinataire des justificatifs de l'exécution présentés par l'administration.

Le décret du 6 avril 2017 permet à la SEPCO d'assurer le suivi de l'exécution des décisions prononçant une astreinte y compris contre une personne privée (occupant irrégulier du domaine public dans le cadre des contraventions de grande voirie). La section peut effectuer de nouvelles diligences, au terme desquelles elle « fait part » à la section du contentieux de l'état d'avancement de l'exécution de la décision.

Le président de la section du contentieux, les présidents adjoints, les présidents de chambre ou les conseillers d'Etat désignés à cet effet peuvent faire application des dispositions de l'article R. 122-12 du CJA et prononcer un non-lieu par ordonnance (CE, 16 juillet 2014, Mme Talboux, n° 362230, B).

A compter de la date de prise d'effet de l'astreinte, la section du contentieux statue sur sa liquidation (article R. 931-7 du CJA). En vertu de l'article L. 911-7 du CJA, la juridiction ne peut modifier le taux de l'astreinte définitive lors de sa liquidation (sauf si l'inexécution provient d'un cas fortuit ou de force majeure) alors qu'elle peut modérer ou supprimer l'astreinte provisoire, même en cas d'inexécution constatée. Ces possibilités existent également s'agissant des astreintes prononcées dans le cadre des contraventions de grande voirie (CE, 15 octobre 2015, Voies navigables de France, n°s 338746 et a., B).

Lorsqu'il est procédé à la liquidation de l'astreinte, l'article L. 911-8 du CJA prévoit par ailleurs, en vue d'éviter tout enrichissement indu de la victime, qui peut par ailleurs obtenir des dommages-intérêts, qu'une partie de l'astreinte peut ne pas être versée au requérant mais à l'Etat (à l'exception des astreintes prononcées dans le cadre des contraventions de grande voirie, cf. CE, 15 octobre 2015, Voies navigables de France, précité). Cette possibilité ne joue pas lorsque c'est l'Etat qui est débiteur de l'astreinte, de sorte que le juge pourra attribuer l'intégralité du montant de l'astreinte au requérant ou, à l'inverse, ne pas condamner l'Etat à verser la part restante après condamnation à verser une fraction au requérant (CE, 30 mars 2001, Epoux Ribstein, B).

S'ils demeurent des spécificités de procédures propres au Conseil d'Etat, à l'instar de la procédure d'auto-saisine de l'article R. 931-6 du CJA, des dispositifs analogues (injonctions et astreintes préventives ou a posteriori dans le cadre de demande d'exécution) existent devant les tribunaux et cour administratives d'appel.

26

There is no monitoring or reporting system of the execution of court decisions by the administrative authorities. However, if failure to execute a court decision (order or judgment) or a compromise approved by the court is brought to the court's attention, the court may impose a fine of up to 32,000 euros on the participant in proceedings whose fault this is (§ 248 section 1 of the Code of Administrative Court Procedure (CACP)). In imposing the fine, the court takes into consideration the time that has elapsed since the judgment became final, as well as any other circumstances, which possess significance in relation to the imposition of the fine and the setting of the amount of the fine. If a period of time reasonable for execution of the court decision has elapsed since the imposition of the previous fine, yet the decision has still not been executed, the court may impose the fine again (§ 248 section 2 of CACP). A fine for a failure to comply with the judgement of the Supreme Court and circuit court is imposed by the administrative court (§ 248 section 3 of CACP). A party may appeal the first instance court order by which a fine for failure to execute a court decision or a compromise approved by the court is imposed or denied to the circuit court of appeal and to the Supreme Court (§ 248 section 4 of CACP). The Supreme Court has jurisdiction to impose a fine itself in

the appeal proceedings, if necessary.

27

According to art. 94 par. 4 of the Hellenic Constitution (as in force after the 2001 revision) "The civil or administrative courts may be assigned any other competence of an administrative nature, as prescribed by law. These competences include taking measures for the Administration to comply with judicial decisions. Judicial decisions are also enforceable against the State, local government bodies and legal entities under public law, as prescribed by law". Article 95 par. 5 of the Constitution reads as follows: "The Administration shall be bound to comply with judicial decisions. The breach of this obligation shall render liable any competent agent, as prescribed by law. Law shall prescribe the measures necessary for ensuring the compliance of the Public Administration".

The law referred to was adopted in 2002 (L. no. 3068/2002) and, as in force, prescribes, *inter alia*, that:

- "The State, local government bodies and other legal entities governed by public law are obliged to comply without delay with judicial decisions and take every necessary action to fulfill this obligation and execute the decisions" (art. 1 par. 1), "The competence to take the measures provided for in article 3 for the Administration's compliance with judicial decisions is assigned to a three-member council: a) ... b) of the Council of State, if it concerns decisions of this court, ..." (art. 2 par. 1), "If, upon request by the interested party, the competent three-member council finds a delay, omission or refusal to comply or inadequate compliance with a judicial decision, it shall call on the authority required to comply to state its views within one month and to submit the information at its disposal. Subsequently, if, after the relevant investigation, it determines that the delay, omission or refusal to comply or inadequate compliance with the judicial decision is unjustified, it shall call on the authority required to comply to comply with the judicial decision within a reasonable period of time that it shall set itself, which may not exceed three months" (art. 3 par. 1), "The three-member council may appoint a judge with at least the rank of appellate judge or equivalent, as a delegate to express his opinion of his own motion and to provide the necessary assistance, as to the appropriate manner of compliance with the decision, to the authority obliged to comply. The public authority obliged to comply may always request from the delegate judge instructions on the appropriate manner of compliance with the decision" (art. 3 par. 2), "If the authority required to comply does not comply with the decision within the prescribed period, the three-member council shall confirm the non-compliance of the Administration with the judicial decision and shall determine a financial amount to be paid to the person concerned as a penalty for the Administration's non-compliance with the judicial decision. ... If, after the infliction of the financial penalty, the Administration continues to fail to comply with the judicial decision, the three-member council may, after repeating the procedure set out in this article, inflict a new financial penalty" (art. 3 par. 3).

- Particularly interesting is the provision of article 3 par. 7, according to which "The three-member council shall draw up, at the end of each year, a special report on the cases of non-compliance of the Administration with judicial decisions submitted to it, which shall be submitted to the Prime Minister, the President of the Parliament, the Minister of Justice and the Minister of the Interior, Public Administration and Decentralization". Such special reports have been drawn every year until 2010 (last report no. 30/2011), when L. 3900/2010 prescribed that every administrative court (and Chamber within the Council of State) shall be competent for the compliance of the Administration with its own rulings (and as a result multiple three-member panels were formed in every court).

Also to be noted that according to executive presidential decree no. 61/2004:

- "The petition for determination of the Administration's non-compliance with a judicial decision shall be submitted free of charge to the secretariat of the court that issued the decision or to the secretariat of the relevant supreme court, which shall forward it without delay to the [three-member] council" (art. 2 par. 1).

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for A4

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

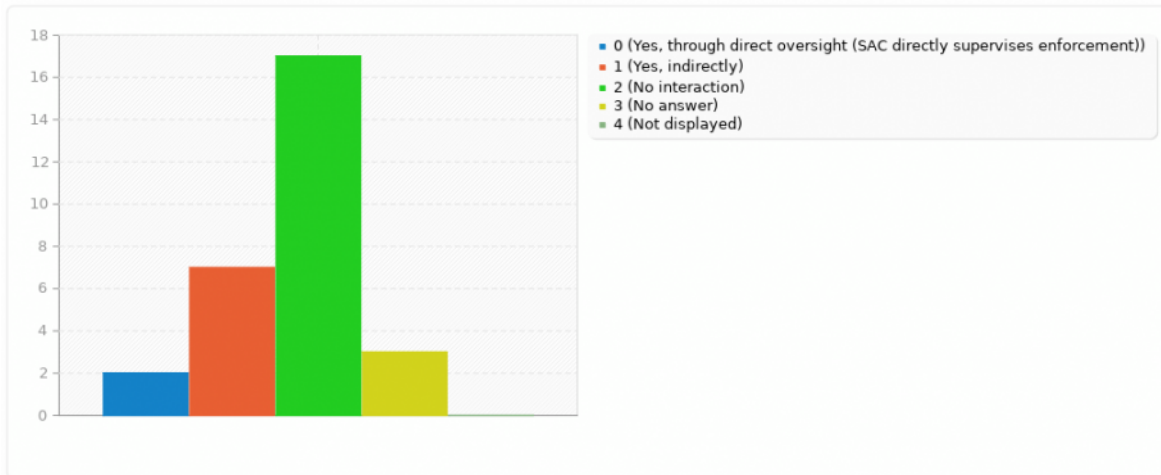
Answer	Count	Percentage
Yes, through direct oversight (SAC directly supervises enforcement) (A1)	2	6.90%
Yes, indirectly (A2)	7	24.14%
No interaction (A3)	17	58.62%
No answer	3	10.34%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for A4

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for A5

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

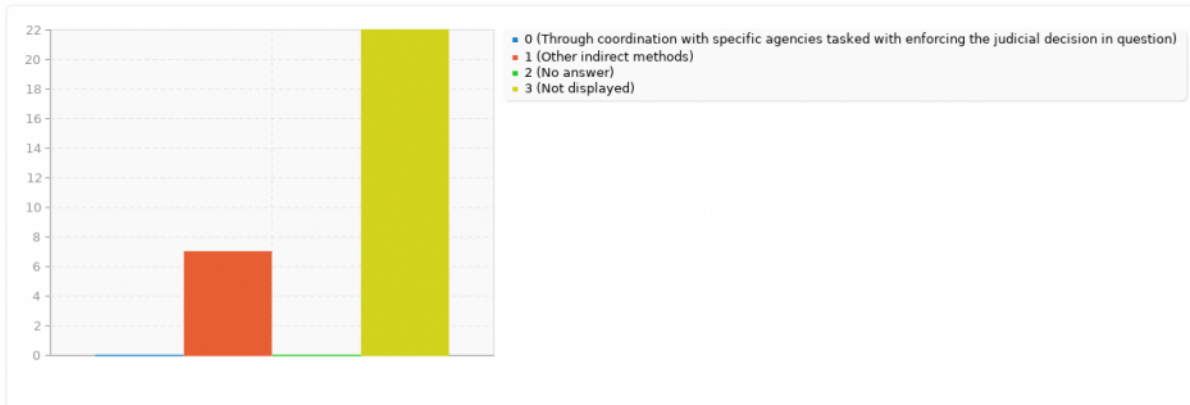
Answer	Count	Percentage
Through coordination with specific agencies tasked with enforcing the judicial decision in question (A1)	0	0.00%
Other indirect methods (A2)	7	24.14%
No answer	0	0.00%
Not displayed	22	75.86%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for A5

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for A6

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

Answer	Count	Percentage
Answer	7	24.14%
No answer	0	0.00%
Not displayed	22	75.86%

ID	Response
5	<p>The Law on State Administration in Article 3 prescribes supervision over the public authority: "The work of state administration authorities shall be subjected to supervision of the Government. The National Assembly shall supervise the work of state administration authorities through supervision of the work of the Government and the members of the Government.</p> <p>Through the administrative dispute the courts shall supervise the legality of individual acts of state administration authorities passed in administrative matters".</p> <p>In accordance with the Article 70 of the Law on Administrative Disputes, "If the competent body, after annulling the administrative act, passes an administrative act contrary to the legal opinion of the court, or contrary to the comments made by the court in relation to the proceedings, and the plaintiff files another law suit, the court shall annul the challenged act and as a rule resolve the matter itself by a judgement, unless that is not possible due to the nature of the matter or due to the exclusion of the full jurisdiction by the law. The judgement rendered in case referred to in paragraph 1 of this Article shall replace the act by the competent body in its entirety. If the court deems that due to the nature of the matter it is unable to resolve the matter itself, it shall be bound to explain it separately. The court shall notify the body responsible for supervision of the work of the body about the case referred to in paragraph 1 of this Article".</p> <p>In accordance with the Article 71 of the Law on Administrative Disputes, "If the competent body, following the annulment of the administrative act does not pass a new administrative act immediately or within no more than 30 days, or pass an act on the enforcement of the judgement pursuant to Article 43 of this law, the party may by means of a separate filing request such an act to be passed. - 19 - If the competent body does not pass the act referred to in paragraph 1 of this Article even after seven days from this request, the party may by means of a separate filing request the court which rendered the judgement to pass this act. Upon the request by the party referred to in paragraph 2 of this Article, the court shall request the competent body to inform it of the reasons why it did not pass the administrative act. The competent body shall provide this information immediately, within no more than seven days. If it fails to do so, or if the information given, in the opinion of the court, does not justify the failure to enforce the court judgement, the court shall render a ruling which shall replace the act by the competent body in its entirety. The court shall serve the ruling referred to in paragraph 3 of this Article on the body competent for enforcement, and at the same time inform the body responsible for supervision. The body responsible for enforcement shall execute this ruling without delay".</p>
7	<p>An interaction (before an actual phase of compliance for non-enforcement of the judgment) is possible on the basis of Article 112(5) c.p.a. (Code of Administrative Trial), according to which: 'Appeals under this article may also be proposed in order to obtain clarification as to the means of compliance'.</p>
9	<p>With regard to interaction with administrative bodies in the enforcement of decisions taken against them, it should be noted that if the decision was taken at first instance by the STA, the administration has the possibility of invoking the existence of a legitimate reason for non-enforcement (Articles 163 and 175 of the CPTA).</p>
13	<p>In accordance with Article 174 of the Administrative Procedure Code (APC), the court is obligated to stipulate a time limit when requires to do so to ensure that the administration issues an administrative act or document. In the event of an implicit refusal by the administrative authority, a copy of the court decision shall be dispatched to the relevant authorities under Article 307 of the APC for the imposition of a penalty under Article 302 of the APC.</p>
15	<p>Aux côtés des procédures d'exécution à proprement parler existent également les demandes d'éclaircissements. La SEPCO en application de l'article R. 931-1 du code de justice</p>

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

administrative, d'une demande présentée par l'administration à laquelle il revient d'exécuter une décision du Conseil d'État ou d'une juridiction administrative spécialisée, et qui souhaite obtenir des précisions sur les modalités d'exécution de cette décision. Il s'agit d'éclairer à la demande d'une autorité administrative, le sens et la portée d'une décision de juge administratif (administration centrale, établissement public, collectivité territoriale, personne privée gérant un service public etc.). Au Conseil d'État, l'instruction tend à se rapprocher du fonctionnement des autres sections administratives, des réunions peuvent être organisées avec les administrateurs en charge du dossier afin d'obtenir toute information nécessaire. A noter que de telles demandes peuvent être effectuées sur renvoi d'un président de tribunal administratif ou de cour administrative d'appel, qui assurent le suivi de l'exécution de leurs jugements et arrêts, mais qui peuvent toutefois renvoyer la demande d'éclaircissement dont il a été saisi à la SEPCO du Conseil d'État, « dans l'intérêt d'une bonne administration de la justice » (article R. 921-1 CJA).

Par ailleurs le rapport d'activité annuel et public du Conseil d'État comprend une partie relative à l'exécution des décisions juridictionnelles, ce qui peut constituer un moyen de pression efficace à l'égard des administrations chargées de l'exécution des décisions des juridictions administratives.

- 16 Although it is not explicitly stipulated as a mandatory provision for public administrative bodies to follow, as the use of discretion conferred upon the public administrative authority is recognised, a court's decision often provides guidance for future administrative acts (e.g., when the challenged act or part thereof is rescinded and the public administrative body is instructed to re-evaluate the matter and adopt a new decision). For instance, the court may outline specific principles, certain legal institutes, or concepts of law that must be borne in mind and adhered to in the public administrative body's new attempt of reasoning its decision. Once an administrative court's decision upholding a complaint becomes final—except in cases where judgments are enforceable urgently (e.g., court orders granting interim relief)—a certified copy (transcript) of the decision is sent for execution to the public administrative body whose acts have been challenged in the case (Art. 99(1) of the Law on Administrative Proceedings). According to Article 16(1) of the Law on Administrative Proceedings, a final court judgment or ruling is binding on all state institutions, officials, and civil servants, as well as on companies, institutions, organizations, and other natural and legal persons, and must be enforced throughout the entire territory of the Republic of Lithuania.
- 17 Le Conseil d'État de Belgique est compétent pour contrôler la légalité de la nouvelle décision qui est prise par l'autorité administrative à la suite de l'annulation d'un acte adopté par elle. De plus, si l'annulation de cet acte administratif emporte, dans le chef de l'autorité administrative concernée, une obligation d'adopter un nouvel acte et qu'elle ne le fait pas, le Conseil d'État est aussi compétent pour annuler la décision de rejet résultant du silence de l'autorité (article 14, § 3, des lois coordonnées sur le Conseil d'État, ci-après, les "LCCE")

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?

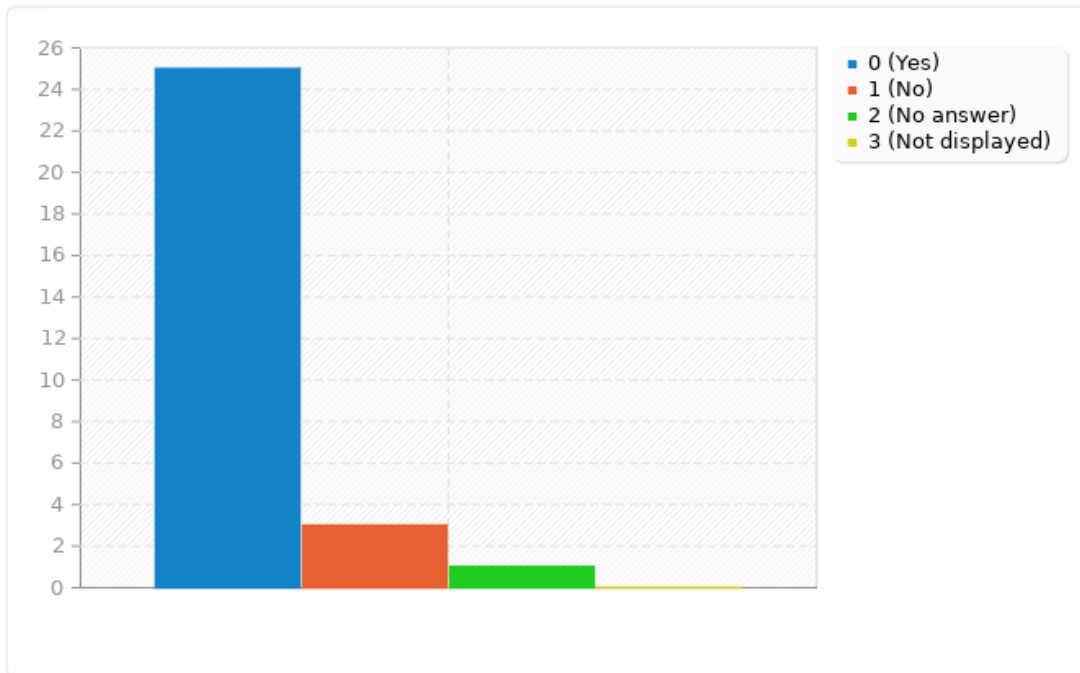
Answer	Count	Percentage
Yes (Y)	25	86.21%
No (N)	3	10.34%
No answer	1	3.45%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?

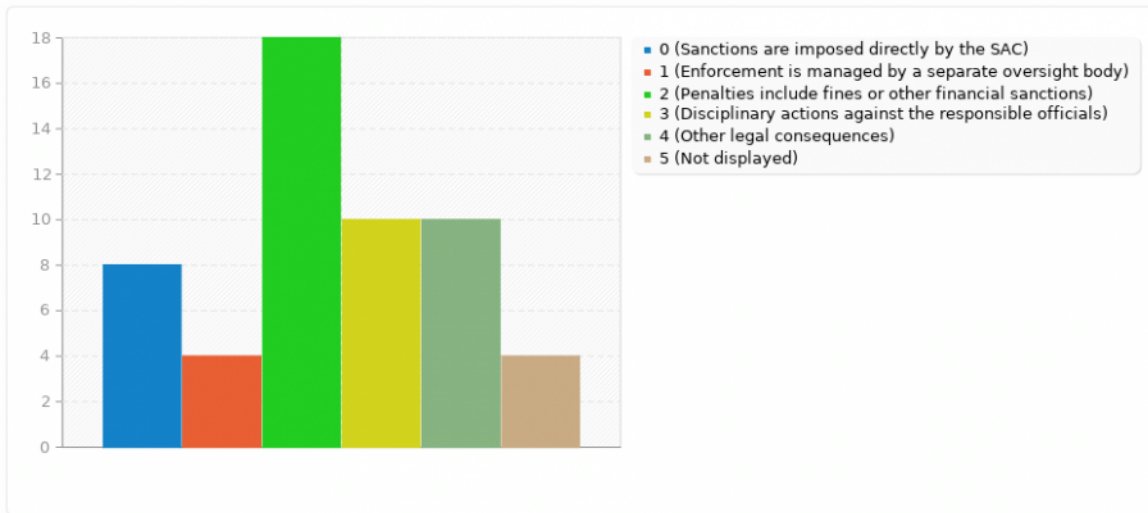
Answer	Count	Percentage
Sanctions are imposed directly by the SAC (SQ001)	8	27.59%
Enforcement is managed by a separate oversight body (SQ002)	4	13.79%
Penalties include fines or other financial sanctions (SQ003)	18	62.07%
Disciplinary actions against the responsible officials (SQ004)	10	34.48%
Other legal consequences (SQ005)	10	34.48%
Not displayed	4	13.79%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?

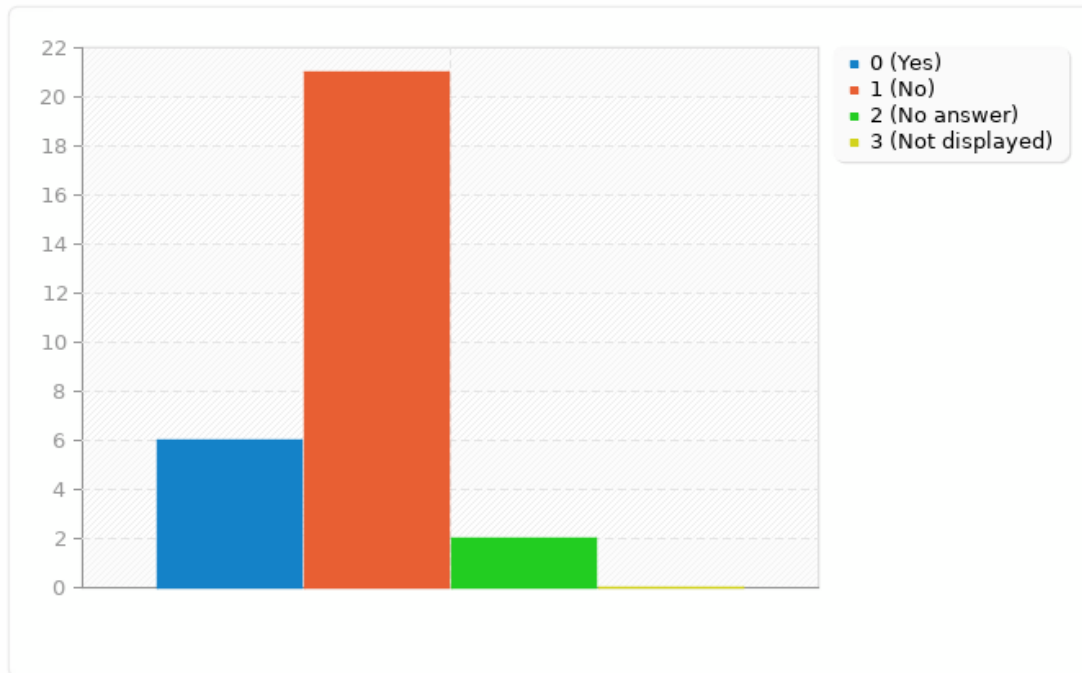
Answer	Count	Percentage
Yes (Y)	6	20.69%
No (N)	21	72.41%
No answer	2	6.90%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for A10

Please explain.

Answer	Count	Percentage
Answer	6	20.69%
No answer	0	0.00%
Not displayed	23	79.31%

ID	Response
5	The Administrative Court of the Republic of Serbia does not exercise hierarchical supervision over the work of the administrative bodies. It monitors the implementation of the decisions only in procedures initiated by the party.
8	There are several factors that may hinder the enforcement of its rulings by the administration, such as lack of resources, administrative resistance, delays in execution or lack of coordination between agencies. Another problem is the declaration of unconstitutionality by the Constitutional Court of its decisions, which is becoming increasingly frequent.
12	NB the answer to A9 is NO, but we wanted to include this elaboration:

The Administrative Jurisdiction Division of the Council of State (AJD) does not monitor whether its decisions are enforced.

The GALA does not provide for a special procedure that concerns the request for the integral execution of the sentence in the situation where it appears that the administrative authority does not comply with a judgement (after the judgment has been handed down).

Parts of the AJD judgment that need to be executed if not complied with by the administrative authority are the order to the administrative authority to take a new decision in accordance with the judgment after annulment, and the order to pay compensation for court fees, legal costs or damages. No execution is needed for the annulment, the decision that all or part of the legal consequences of the annulled act shall be allowed to stand, and the decision that its judgment shall take the place of the annulled act.

The only general possibility provided for by the Dutch General Administrative Law Act (GALA) to ensure the enforcement of its judgments is that the administrative court may determine, in its judgement on the merits, that as long as the administrative authority does not comply with that judgment, an astreinte (to be fixed in the judgment) shall be payable by the legal entity designated by the court to a party designated by the court (see article 8:72(6) GALA). According to article 611c of the Code of Civil Procedure (Wetboek van Burgerlijke Rechtsvordering), which applies accordingly, the party is entitled to let the astreinte be enforced.

More specifically, if the AJD annuls a decision and decides that the administrative authority needs to take a new decision, but the administration does not take a (new) decision within the prescribed time limit, it is liable for fixed damages every day it hasn't taken a decision up to a maximum of 42 days after a party has sent the administration written notification it hasn't taken a decision on time. After receiving this notice and two weeks after the decision period has expired, the administrative authority will forfeit a penalty (4:17 GALA). This penalty applies to every day that the authority is in default, with a maximum of 42 days. In an appeal against the failure to take a decision within the prescribed time, the AJD upon request shall determine the amount of the penalty forfeited pursuant to article 4:17 GALA (see article 8:55c GALA). In addition, the AJD shall attach an additional penalty payment to his ruling for each day that the administrative body fails to comply with the ruling (article 8:55d(2) GALA).

According to article 611c of the Code of Civil Procedure (Wetboek van Burgerlijke Rechtsvordering), which applies accordingly, the party is entitled to let the penalty payments be enforced.

If the AJD annuls a decision and the administrative authority subsequently takes a new decision a party can appeal against that new administrative decision if he is of the opinion that the new administrative decision does not comply with the judgment. The court will then judge whether the new decision is in compliance with the judgment. If not, the court will annul the new decision. After the annulment the administration has to take new decision, except when the court decides to take an administrative decision itself.

The administration is also liable for any damage caused by a new decision which is still unlawful or for not taking a decision within the prescribed time limit. A party can request an

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

administrative court to order the administration to pay compensation for any damage caused by a new decision which is still unlawful or for not taking a decision within the prescribed time limit. However, the general administrative courts are not competent to decide on requests for compensation exceeding 25.000 euro, with the exception of fiscal and social security cases. A party has to start a civil procedure against the administration to claim compensation for amounts higher than 25.000 euro. The civil courts are also competent to decide on claims for amounts lower than 25.000 euro.

To the extent that a judgment provides for compensation for court fees, legal costs or damages as referred to in the GALA, the judgment constitutes an enforceable title which can be enforced in accordance with the provisions of the Code of Civil Procedure (article 8:76 GALA).

In order to be able to let a judgment be executed, the party needs to request the AJD for an engrossment of the judgment. The standard copy of the judgment, that parties receive in first instance, is not sufficient for execution. According to article 430 of the Code of Civil Procedure, the gross copies of judgments rendered in the Netherlands can be executed throughout the Netherlands. They must be headed by the words: "In the name of the King". They cannot be executed unless the party against whom the execution will be directed has been officially notified of the judgment. Therefore the party who wishes the judgment to be executed needs to hire a bailiff, who formally informs the administrative authority of the judgment (in the way as described in articles 48 and 49 of the Code of Civil Procedure). If the administrative authority does not voluntarily comply with the judgment, the bailiff may proceed to enforcement measures. These may include seizure of movable property, seizure of immovable property or the seizure of bank accounts.

Disputes that concern the execution of the sentence can be brought before a civil court in accordance with article 438 of the Code of Civil Procedure. Parties can also bring an unlawful action due to the non-execution of a judgment before the civil court (non-contractual liability). See article 6:162 of the Dutch Civil Code (Burgerlijk Wetboek).

Question A9 was answered negative, since the AJD is not involved in the execution of its judicial decisions. More generally spoken, the parties seem not to be faced with major challenges in ensuring the enforcement of the AJD's decisions by administrative authorities. However, a <https://www.rechtspraak.nl/SiteCollectionDocuments/research-memoranda-nr-1-2024.pdf>, states that there is a relatively large amount of literature on (the improvement of) internal processes and implementation, but little empirical research on the effects or outcomes of administrative law procedures.

- 13 The Supreme Administrative Court has observed inconsistent case law concerning the application of Articles 287-290 of the Administrative Procedure Code (APC)
In accordance with Article 287 of the APC, in instances where the action in question is incapable of being executed by another individual and is contingent exclusively on the will of the debtor, the enforcement authority is obligated to impose a pecuniary sanction in the amount of BGN 50 to BGN 1,000 per week on the obligated citizen, in the event of culpable non-performance. A fine of BGN 500 to BGN 10,000 per week on the obliged organization, in addition to a fine of BGN 50 to BGN 1,000 per week on those representing the organization, except for persons authorized by the organization.
Fines and financial penalties are imposed until the obligation to perform a certain action is fulfilled.
For example, in the case of *Bratanova v. Bulgaria* (ECtHR), following the revocation in January 2009 of an implied refusal on the part of the Mayor of Sofia Municipality - Bankya District to issue a sketch or other document, the mayor of Sofia Municipality - Bankya District had previously declined to issue such document, indicating whether the contested property had undergone development. However, in 2010, the mayor again withheld the document, a decision that was subsequently declared null and void by a ruling of the Supreme Administrative Court (SAC) in May 2012. This judgment was not adhered to, resulting in the SAC imposing a fine of BGN 1,000 on the mayor in accordance with Article 304 of the Administrative Procedure Code (APC). However, the municipality ultimately failed to issue the requested documents, thereby hindering the ongoing restitution procedure. In this case, the European Court of Human Rights (ECtHR) has determined that Article 6 § 1 is applicable in similar situations, as the Law on Liability of the State and Municipalities for Damages (LPLM) is deemed an ineffective domestic remedy.

- 27 Last year (2024) 29 petitions for determination of non-compliance were filed with the Council of State and at the same time 23 reports finding non-compliance were issued by the relevant panels of the Court and another 30 decisions either rejecting this or the previous year's petitions (after finding compliance) or inflicting pecuniary sanctions, due to persisting non-

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

compliance, varying from 15.000 to 70.000 euros. So, in general, Public Administration tends to comply with the Court's decisions.

31

Article 146.5(A) of our Constitution provides that the SCC has jurisdiction, as the law stipulates, to examine and decide whether there has been compliance with its judgments, and impose, if necessary, sanctions in case there is no compliance. Even though the term was included in our jurisdiction in 2015, no law has yet been enacted. Hence, even though the SCC has jurisdiction, it cannot exercise it.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for B1

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

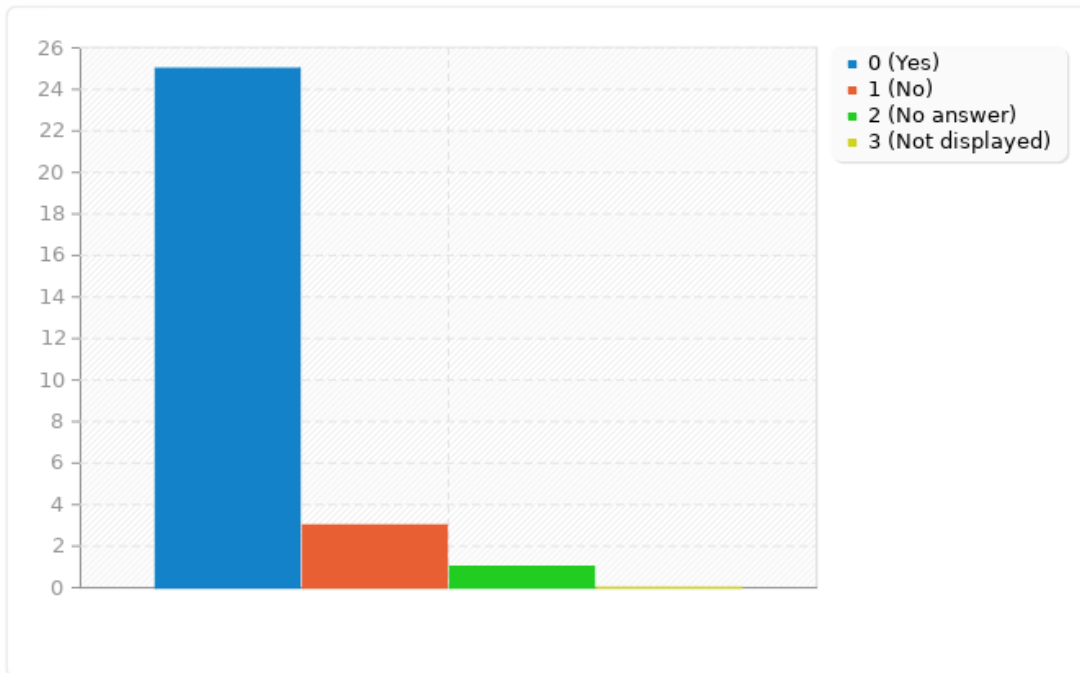
Answer	Count	Percentage
Yes (Y)	25	86.21%
No (N)	3	10.34%
No answer	1	3.45%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for B1

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for B2

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

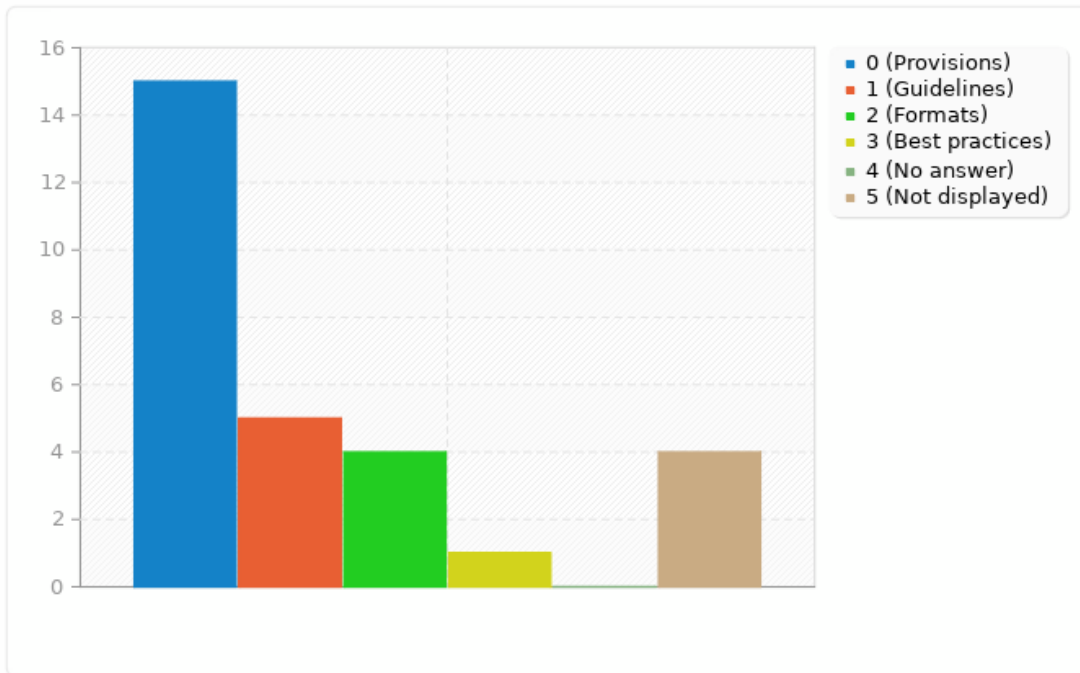
Answer	Count	Percentage
Provisions (A1)	15	51.72%
Guidelines (A2)	5	17.24%
Formats (A3)	4	13.79%
Best practices (A4)	1	3.45%
No answer	0	0.00%
Not displayed	4	13.79%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for B2

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for B3

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

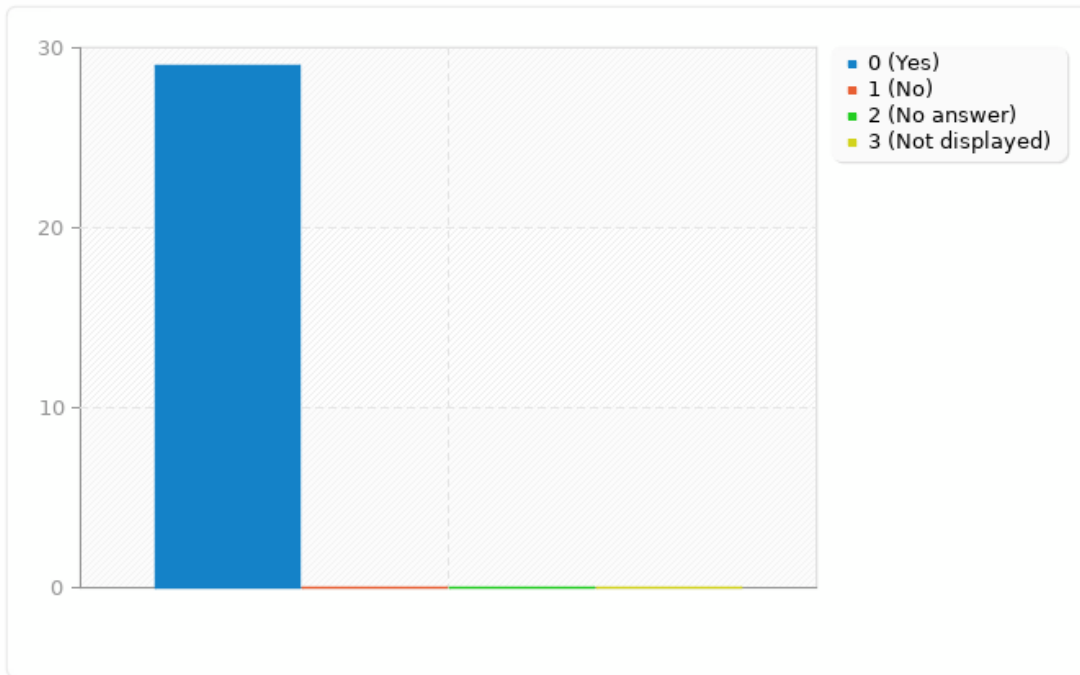
Answer	Count	Percentage
Yes (Y)	29	100.00%
No (N)	0	0.00%
No answer	0	0.00%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for B3

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for B4

More specific?

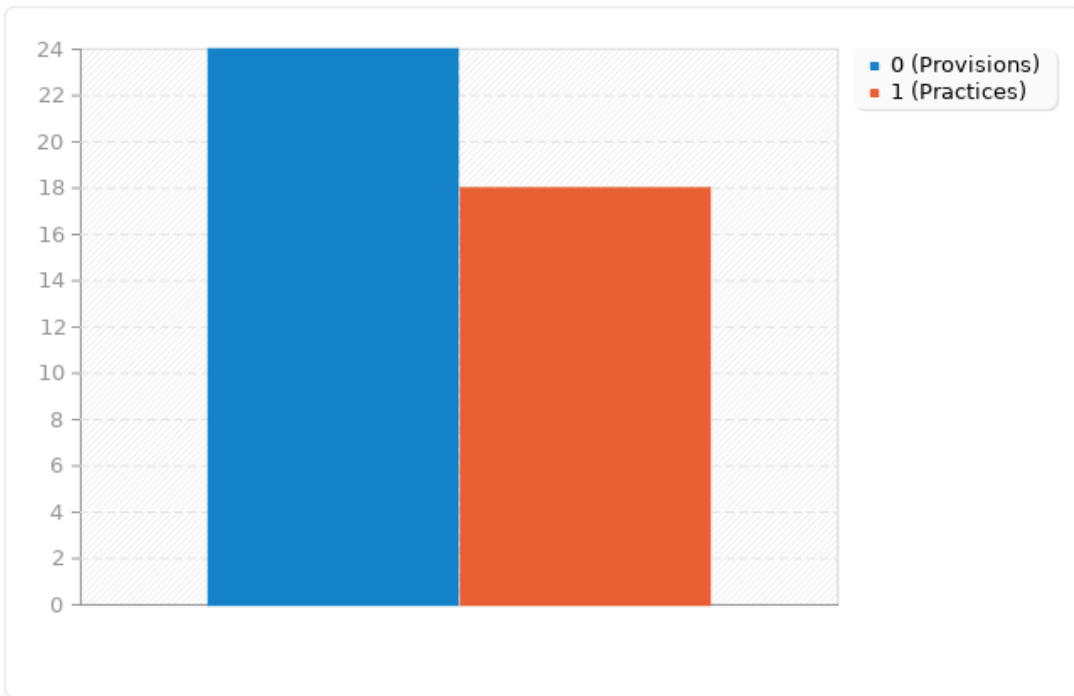
Answer	Count	Percentage
Provisions (SQ001)	24	82.76%
Practices (SQ002)	18	62.07%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for B4

More specific?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for B5

Please explain what provisions.

Answer	Count	Percentage
Answer	24	82.76%
No answer	0	0.00%
Not displayed	5	17.24%

ID	Response
1	Provisions in the Code of Organisation and Civil Procedure (COCP)
3	<p>The publication of the decisions of the High Court of Cassation and Justice of Romania is governed by several legal provisions and is influenced by specific practices aimed at ensuring transparency and access to justice.</p> <p>The legal obligation to publish the case-law of the Supreme Court of Cassation and Justice on its website derives from the interpretation of Article 14, point i) of the Regulation on the Organization and Administrative Functioning of the High Court of Cassation and Justice, according to which one of the duties of the vice-presidents of the supreme court is to ensure the regular publication of the case-law of the court.</p> <p>Specific legal provisions are established with regard to the judgments delivered by the High Court of Cassation and Justice within the mechanisms of unification of judicial practice. Thus, under Article 517 para. (3) of the Code of Civil Procedure, the judgments delivered in the resolution of appeals in the interest of the law shall be published no later than 15 days from the drafting of the reasoning in the Official Journal of Romania, Part I. The same legal obligation of publication is also established with regard to preliminary rulings delivered for the resolution of points of law, by a joint interpretation of the provisions of Art. 521 para. (2) of the Code of Civil Procedure and Article 517 para. (3) of the same normative act.</p> <p>There are also express provisions regarding the obligation to publish definitive court decisions annulling in whole or in part an administrative act of a normative nature, established by Article 23 of Law no. 554/2004, according to which Definitive court decisions annulling in whole or in part an administrative act of normative nature are generally binding and shall have force only for the future. They must be published, after the reasoning is drafted, at the request of the courts, in the Official Journal of Romania, Part I, or, as the case may be, in the official journals of the counties or of the municipality of Bucharest, and are exempt from the payment of publication fees.</p>
4	<p>Sec. 38a Administrative Court Act (Verwaltungsgerichtshofgesetz - VwGG) provides that if a considerable number of proceedings concerning appeals are pending before the Supreme Administrative Court in which similar legal issues are to be resolved, or if there is reason to assume that a considerable number of such appeals will be filed, the Supreme Administrative Court may pronounce this by means of a decision, which has certain legal effects. Pursuant to sec. 4 para. 9 Federal Law Gazette Act 2004 (Bundesgesetz über das Bundesgesetzblatt 2004 - Bundesgesetzblattgesetz - BGBIG) such decisions of the Supreme Administrative Court as well as the legal summaries of the respective final decision, which are used to summarise the legal statements of the decision, shall be published in the Federal Law Gazette, which is part of the online Federal Legal Information System (RIS - https://www.ris.bka.gv.at/Bgbl-Auth/).</p>
5	<p>After the public hearing, the court shall immediately render and announce the judgment together with the most important reasons. In complex cases, the court may render a judgment within 15 days from the conclusion of the hearing at the latest.</p> <p>If the court cannot render a judgment, i.e. a decision after the public hearing because it needs to determine a fact, for the establishment of which it is not necessary to hold a new public hearing, the court will issue a judgment without public hearing, within no more than 8 days from the day when the fact is established.</p>
6	<p>As to the provisions regarding the drafting of the operative part of the court ruling, according to the Law on Proceedings before Administrative Courts (Article 138), operative part of the judgment includes: designation of the court, first and last names of judges, recording clerk, as well as public prosecutor who has participated in the case (if any), the date and place of the hearing of the case and of rendering the judgment, the first and last name or the name of the complainant, the subject-matter of the complaint and the determination of the case by the court.</p>

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

As to the provisions concerning publishing of the court's decisions, there must be distinguished two meanings of the term "publishing": 1) about the pronouncement (announcement) of the court's decision, 2) the publishing of the court's decisions in case-law database accessible for the general public.

Ad 1) As a rule, the court's decision has to be pronounced at the public session at which the hearing has been closed.

The pronouncement of the court's decision includes the reading of its operative part and presentation of the principal reasons for the determination of the case (reasoning of the decision). The court's decision (its operative part) issued in camera session shall be served on the parties and is immediately made publically available at the registry of the court for a period of 14 days. In any case, the Supreme Administrative Court provides, ex officio, reasons for judgments and orders (court's decisions) within thirty days.

Ad 2) The legal basis for the publishing of court's decisions is the Order of the President of the Supreme Administrative Court No. 30 of 26 May 2022 (legal base is Article 34 of the Law on the System of Administrative Courts) on the anonymisation and accessibility of administrative court decisions through information systems. Under this special regulation the Supreme Administrative Court maintains the Central Database of the Jurisprudence of Administrative Courts (<http://orzeczenia.nsa.gov.pl/>), consisting of anonymized versions of judgments and decisions of administrative judiciary, as well as an internal Central Database of Case-law and Information on Cases, that is accessible i.a. for every administrative judge. The Central Database contains almost all court decisions of the SAC since 2004 and selected decisions from 1980 to 2003 and almost all decisions of administrative courts of first instance since 2004. All decisions are accessible in an anonymized version. The Database is free and provides the full text of a decision.

7 Article 89 (2) and (3) c.p.a.

'2. The judgment, which cannot be changed after it is signed, is immediately made public through its deposition with the secretariat of the court which delivered it.
3. The secretariat acknowledges the deposition of the judgment at the foot of the page, adds the date and signature, and within five days communicates it to the interested parties.'

8 Further provisions concern the possible obligation to obscure personal data. The Supreme Administrative Court of Spain, formally known as the Contentious-Administrative Chamber of the Supreme Court (Sala de lo Contencioso-Administrativo del Tribunal Supremo), has well-defined provisions and practices for publishing its decisions. These practices are rooted in principles of transparency, legal certainty, and public access to judicial information. Below are the key aspects:

1. Legal Framework for Publishing Court Decisions

- **Constitutional Mandate:** Article 120.3 of the Spanish Constitution establishes that judicial proceedings and rulings must be public, except in cases where the law provides otherwise to protect interests such as national security, privacy, or the rights of minors.
- **Ley Orgánica del Poder Judicial (LOPJ):** Articles 234 and 235 of the LOPJ require the publication of judicial decisions, ensuring access to case law for both the public and legal professionals.
- **Law on Transparency and Access to Public Information (Ley 19/2013):** This law supports the principle of open access to public information, including judicial rulings.

2. Official Platform for Publication

- **CENDOJ Database:** The Centro de Documentación Judicial (CENDOJ), an entity of the Consejo General del Poder Judicial (CGPJ), is the official platform for publishing court decisions in Spain. It provides free online access to the case law of all Spanish courts, including the Supreme Court.
- **Scope of Publication:** Decisions of the Supreme Court's Contentious-Administrative Chamber are systematically published on CENDOJ's platform. The database is regularly updated to ensure timely availability of new rulings.

3. Anonymization of Personal Data

- **Data Protection Compliance:** In accordance with the General Data Protection Regulation (GDPR) and Spanish data protection laws, published decisions are anonymized to protect the identities of individuals involved. This includes redacting names, addresses, and other personal information that may identify parties.

4. Types of Decisions Published

- **Binding and Precedential Decisions:** All judgments of the Supreme Court, especially those that establish binding jurisprudence or interpret complex legal provisions, are made publicly accessible.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- Non-Precedential Decisions: Even rulings that are not considered precedents are generally published, except for decisions deemed confidential or restricted by law.
5. Searchable Database and Accessibility
- Search Functionality: The CENDOJ database allows users to search decisions by keywords, case numbers, dates, legal areas, or specific judicial organs.
 - Access for Legal Professionals and Public: The platform is freely available to the general public, ensuring transparency and access to justice.
 - Advanced Tools: The database includes advanced search filters for legal professionals, enabling detailed research and analysis of case law.
6. Special Provisions for Notable Decisions
- Summaries and Press Releases: For cases of significant public interest, the Supreme Court issues summaries or press releases to ensure clear communication of the rulings to the general public.
 - Media Briefings: The Supreme Court occasionally holds media briefings to explain the implications of major decisions, ensuring accurate public understanding.
7. Future Enhancements
- Use of Artificial Intelligence: There are ongoing efforts to integrate AI tools into the CENDOJ platform to improve search efficiency and provide legal professionals with insights, trends, and analysis of case law.
 - Accessibility Features: Enhancements are being made to ensure compliance with accessibility standards for persons with disabilities.

9	Article 30(2) of the CPTA stipulates that the judgments of the Supreme Administrative Court and the Central Administrative Courts, as well as the judgments and sentences of the Administrative Appeals Courts, are subject to mandatory electronic publication in a case law database.
10	The provisions of the Courts' Order (Art 7. and others) specify that the Supreme Court is responsible to publishing courts' decisions, including the decisions of the Supreme Court itself. In practice the obligation is interpreted in the way that the jurisprudence of the Higher Courts (including the Administrative Court) and the Supreme Court is published online, but the first-instance decisions only in of a special importance of a given case. All judicial decisions are accessible to the public in accordance with the law, respecting the protection of personal data and other legally protected interests.
20	The Law on Courts of the Republic of Croatia provides that all Court's final decisions must be published on the special web site.
12	Regarding spatial planning decisions, according to article 1.2.3 of the Spatial Planning Decree and article 14.4 of the Environmental Decree, spatial planning decisions have to be made available digitally online on a so called "national facility". The AJD therefore requires, with reference to the principle of legal certainty and the aforementioned articles, that final judicial rulings that influence a spatial planning decision must be processed digitally on that national facility as well.
13	In accordance with Art. 64, as last amended in State Gazette No. 17 of 2019, the Judiciary Act stipulates that the acts of the courts, with the exception of those in criminal cases, by which the defendant is sentenced to serve a corresponding punishment, shall be published immediately after their pronouncement on the website of the respective court. This publication shall be in compliance with the requirements for the protection of personal data and the Law on the Protection of Classified Information. The publication of the aforementioned acts is to be conducted in a manner that prevents the identification of the individuals concerned. In instances pertaining to civil or health status matters, the reasons for the decisions made shall be withheld. The Supreme Administrative Court has adopted Internal Rules for the deletion of personal data from the content of judicial acts and documents, which are published on the website of the Supreme Administrative Court or sent for publication in the Official Gazette.
15	Conformément à la loi n° 2019-222 du 23 mars 2019 de programmation 2018-2022 et de réforme pour la justice, est mis en ligne après anonymisation du nom et prénoms des personnes physiques mentionnées dans le jugement, lorsqu'elles sont parties ou tiers (article L10 CJA) sur l'open data de la juridiction administrative, l'ensemble des décisions rendues par : <ul style="list-style-type: none">• le Conseil d'Etat (depuis 30 septembre 2021)• les cours administratives d'appel (depuis le 31 mars 2022)• les tribunaux administratifs (depuis le 30 juin 2022)
16	In accordance with Article 39 of the Law on Courts of the Republic of Lithuania, final decisions of the Supreme Administrative Court of Lithuania are anonymised and published in the Register of Legal Acts (unless otherwise expressly provided by law), which is open

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

access. It is also worth noting that administrative court decisions declaring a normative (regulatory) administrative act (or part of it) unlawful may additionally be published in the press (e.g., a newspaper) (Art. 119 of the Law on Administrative Proceedings). Furthermore, conclusions regarding the breach of the oath by a member of a municipal council or a mayor are published on the website of the Supreme Administrative Court of Lithuania (Art. 122 of the Law on Administrative Proceedings).

17 Suivant l'article 28, alinéa 4, des LCCE, le Conseil d'État assure la publication de ses arrêts dans les cas, les formes et les conditions déterminés par arrêté royal délibéré en Conseil des ministres. Voy. à ce sujet l'arrêté royal du 7 juillet 1997 relatif à la publication des arrêts et des ordonnances de non-admission du Conseil d'État.

19 This matter is regulated by the Code of Administrative Justice. The specific provisions state that a judgment is delivered orally if a hearing was held, otherwise it is delivered by posting a shortened version on the official notice board. The written version of the judgment should be prepared within one month of delivery. The Supreme Administrative Court ("SAC") also issues the Collection of Decisions of the SAC where the key decisions are published.

22 Courts are obliged to publish final decisions on the merits, decisions terminating proceedings, decisions on urgent measures and decisions suspending the enforceability of a decision of an administrative body within 15 working days of the date on which the decision becomes final.

23 Sections 163-166 of Act CLXI of 2011 on the Organisation and Administration of Courts (hereinafter referred to as the "Courts Act") regulate the publication of decisions delivered by the Curia, according to which these decisions must be published in a digital and anonymized form within 30 days from being written down. This provision covers uniformity decisions, decisions issued in uniformity complaint proceedings, decision on the merits of the case, quashing decisions, and decisions on the merits of the petition for cassation in accordance with Section 163 (1) and (1a) of the Courts Act. In addition, the conceptual contents of decisions or, in the absence of that, their summary and references to the applied laws should also be indicated.

24 There is a "Directive on the Publication of Council of State Decisions". The foresaid directive regulates the procedures and principles regarding the publication of decisions made by the Chambers and Boards of the Council of State.

25 According to Section 20 of the Rules of Procedure of the SAC (Korkeimman hallinto-oikeuden työjärjestys, Statutes of Finland, no. 136/2024), decisions by a composition consisting of at least five members that are important with respect to the application of law in other similar cases or otherwise of great legal importance may be published as precedents. The composition that decided on the case shall decide on whether or not the decision will be published. The composition deciding the case shall draw up a summary of the precedent entailing the legal question based on which the case is published, as well as explanatory information on the case and grounds for the decision, if necessary. The summary of the precedent shall be published in both the language of the proceedings as well as in the other national language on the day when the decision is given or as soon as possible thereafter. The composition deciding the case may also decide to publish a decision that is deemed to attract high societal or other interest ("other published decisions").

26 According to the § 232 section 1 and § 234 of CACP the judgment or order of the Supreme Court is transmitted to parties. A copy of the judgment or order is sent to the parties within five days following its giving. The day on which the judgment or order is given is the day on which it is signed.

All the judgments and orders of the Supreme Court are published on the webpage of the Supreme Court and in the State Gazette.

27 According to article 93 par. 3 of the hellenic Constitution every court judgement must be pronounced in a public sitting. However, according to article 26 par. 2 of L. 4938/2022 (Code on the courts' organisation and on the status of the members of the judiciary) not everyone (other than the parties) has access to the non-anonymised text of the judicial decision: "third parties [can obtain such copies], only if they have a legal interest, at the discretion of the judge presiding over the court and under the additional conditions of law no. 4624/2019" [in execution of the Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data].

28 Part 5 of the Supreme Court Rules concerns the Court's judgments and orders. Rule 31 provides that a judgment may be (a) delivered in open court, or (b) if the Court so directs, promulgated. Rule 32 concerns Orders.

29 The Danish Court Administration manages the operation of a digital decision database where court decisions are published, cf. article 9 of the act of the Danish Court Administration (Domstolsstyrelsesloven) and article 1 of the Executive Order on the Decision Database (Bekendtgørelse om Domsdatabasen).

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for B6

Please explain what practices.

Answer	Count	Percentage
Answer	18	62.07%
No answer	0	0.00%
Not displayed	11	37.93%

ID	Response
1	<p>Best practices in Malta involve ensuring that the judgment's operative part is clearly framed, with unambiguous language used to outline the decision's requirements. These best practices are designed to avoid confusion or misinterpretation by the administrative authorities. Furthermore, practices include the publication of decisions, which serves both transparency and accountability, ensuring that both the public and relevant authorities are aware of the court's ruling. which serves</p>
3	<p>The judgments are published on the website of the High Court of Cassation and Justice in an anonymized form, i.e. by anonymizing the personal data of the parties or other persons involved, in accordance with Regulation (EU) no. 679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.</p> <p>Some of the judgments, depending on the points of law analysed, are also published on the website of the Supreme Court in the form of summarized decisions, which are likely to facilitate the public the identification of the essential points of law analysed.</p> <p>There are also annual publications on the relevant case-law at the level of the supreme court, namely the Cassation Bulletin, the Jurisprudence Bulletin and the Disciplinary Jurisprudence Bulletin.</p>
4	<p>Pursuant to sec. 17 VwGG an office of records shall be organized with the Supreme Administrative Court. This office records the decisions of the Supreme Administrative Court, registers them and analyses them. The focus of the analysis is the formation of legal summaries, which are used to summarise the legal statements of a decision. The decisions and the corresponding legal summaries are published in anonymized form in the online Federal Legal Information System (RIS). All decisions of the Supreme Administrative Court from 1990 onwards are available online in the Federal Legal Information System.</p> <p>In addition, the media office of the Supreme Administrative Court publishes a selection of recent decisions on the homepage of the Supreme Administrative Court (https://www.vwgh.gv.at/rechtsprechung/aktuelle_entscheidungen/index.html).</p>
5	<p>Decisions of the Administrative Court are published on the Court's website (https://www.up.sud.rs/lat/sudska-praksa-odluke/) and the Case Law Database of the Supreme Court (http://sudskeodluke.sud.rs/sudska-praksa) in accordance with the Rulebook on Replacement and Omission (pseudonymization and anonymization) of Data in the Court Decisions (available at the Administrative Court's website). This Rulebook regulates the manner of replacement and omission of the data in the court decisions, which are published or made available to the public, in accordance with the law which regulating personal data protection.</p> <p>The criteria for the selection of decisions to be published on the website of the Administrative Court are the following: (1) Whether the selected decisions express the legal standings and opinions of the Administrative Court adopted at the Sessions of all judges; (2) Whether the decisions are of public interest in respect of current social events (migration, protection of competition and other); (3) Whether the decisions are related to the administrative matters in which the claims are most commonly filed before the Administrative Court and for which there is a need to predict the outcome of the administrative dispute, at least in reasonable level of certainty.</p>
8	<p>Please, see B5</p> <p>The Supreme Administrative Court of Spain adheres to robust practices for publishing its decisions through the CENDOJ platform, balancing the principles of transparency, legal certainty, and privacy. These practices ensure that judicial decisions are accessible to the public and legal professionals, fostering trust in the judicial system and supporting the development of Spanish jurisprudence.</p>

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- 12 The AJD publicizes every judgment on its website, except for two categories of judgments:
- judgments in which the AJD rules a case is manifestly not admissible or unfounded;
- judgments in immigration law cases in which an abbreviated reasoning is given.
This means the AJD publicizes about 56% of its judgments on its website (www.raadvanstate.nl). The judgments of the AJD are also publicized on the website of the Dutch judiciary (www.rechtspraak.nl).
- 14 All judgments of the Supreme Court are published on the websites of the Supreme Court and the Courts Service.
- 16 The Supreme Administrative Court of Lithuania, for example, publishes on its website requests for a preliminary ruling referred to the Court of Justice of the European Union, requests to give advisory opinions referred to the European Court of Human Rights, and requests to examine the legality of laws and Government decrees referred to the Constitutional Court of Lithuania. It also publishes on the Court's website decisions on the legality of normative (regulatory) administrative acts falling within the jurisdiction of administrative courts, including those declaring a normative (regulatory) administrative act (or part of it) lawful. Additionally, the Supreme Administrative Court of Lithuania has established the Department of Judicial Practice. The Legal Research Unit within this Department continuously monitors the Court's case law, regularly prepares reviews of its case law—including decisions in cases heard by chambers of extended composition—and publishes these reviews on the Court's website.
- 18 All decisions are published on the courts website. In addition, the court publishes a yearbook with most of the decisions of the last year. A retired judge of the court is the editor of this product.
- 19 The SAC's internal guidelines on the case law database and the SAC's Rules of Procedure set out the relevant practices. For example, a record sheet must be created for every final decision, and these decisions are then published on the court's website, which is accessible to the public.
- 21 Tous les arrêts de la Cour administrative et du Tribunal administratif (jurisdiction de première instance) sont publiés de manière anonymisée sur le site www.justice.public.lu
- 22 We provide publishing on our website with a simple search engine.
- 25 Guidelines regarding drafting the operative part: The SAC's internal guidelines on drafting the operative part of the judgment shall be written as clearly as possible. The guidelines expressly note that the decision must be unequivocally / unambiguously executable. One of the objectives of the strategy process by the SAC is that decisions of the SAC are expertly and intelligibly written and clearly structured.
- Practices concerning publication: The SAC has previously adopted an internal guideline on publication. Said guideline mostly reflects the contents of the Rules of Procedure, cited above in B5. According to the guideline and SAC practice, the most pertinent decisions of the SAC are published on the SAC's web page as well as in the Ministry of Justice's online database Finlex on the date of giving judgment.
- 27 The anonymised texts of the Council of State decisions can be freely accessed by anyone via the Court's portal: <https://www.adjjustice.gr/webcenter/portal/ste/ypiresies/nomologies>.
- 28 The Supreme Court Practice Direction 6 concerns, inter alia, judgments. Paras 6.27-6.30 concern the handing down and publication of judgments. Para 6.25 concerns the embargo on judgments - disclosure of the result of the appeal or any aspect of the judgment before its handing down is strictly prohibited, and can be punished as contempt of court.
- The Supreme Court Practice Direction 8 concerns, inter alia, orders. Para 8.30-8.33 concerns the enforcement of orders. The enforcement of orders made by the Court is dealt with in paragraph 13 of Practice Direction 40B which supplements Part 40 of the Civil Procedure Rules ("CPR). This provides for an application to be made in accordance with CPR Part 23 for an order to make an order of the Supreme Court an order of the High Court.
- 29 The Danish Supreme Court publishes all its decisions with a summary on its website and its own decision database. The court also posts a link to the decision on its Twitter/X-account. In addition a Danish Supreme Court judgement will normally be published in the law journal "Ugeskrift for Retsvæsen".
- 30 Decisions are published online in a government-owned, but at the same time commercial website. Every panel also decides if a decision is published in the official bulletin of the court. Decisions are also available at the website of the court.
- 31 All the judgments of the SCC are published in the Cyprus Law Reports and they are also in the official website of the Court, in CYLAW and LEGINET (online legal libraries) Everybody can have access to the judgments.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C1

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

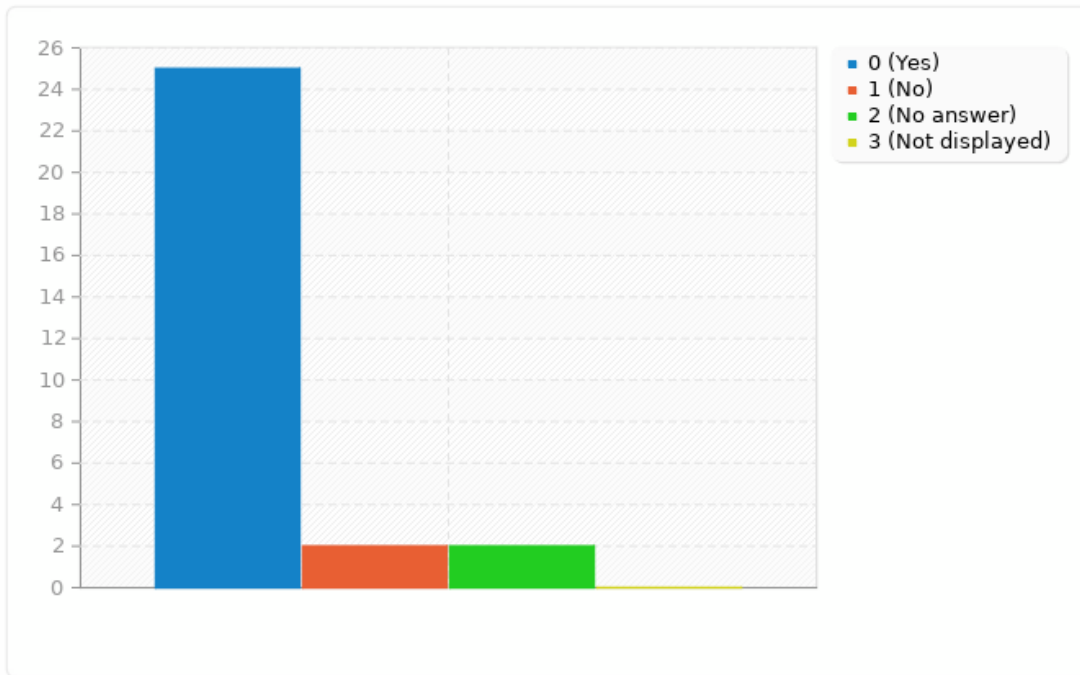
Answer	Count	Percentage
Yes (Y)	25	86.21%
No (N)	2	6.90%
No answer	2	6.90%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C1

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C2

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

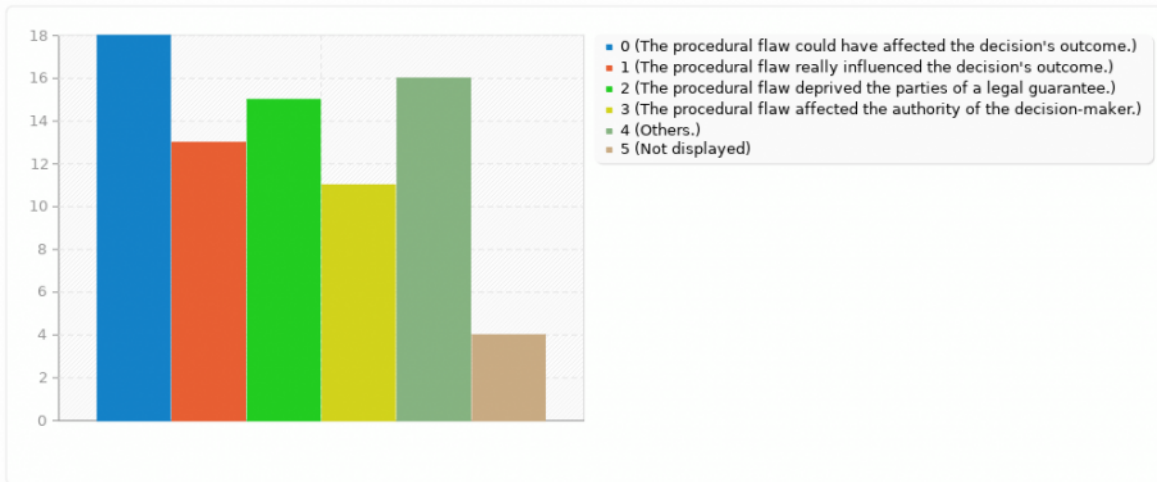
Answer	Count	Percentage
The procedural flaw could have affected the decision's outcome. (SQ001)	18	62.07%
The procedural flaw really influenced the decision's outcome. (SQ002)	13	44.83%
The procedural flaw deprived the parties of a legal guarantee. (SQ003)	15	51.72%
The procedural flaw affected the authority of the decision-maker. (SQ004)	11	37.93%
Others. (SQ005)	16	55.17%
Not displayed	4	13.79%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C2

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C3

Please explain which other conditions.

Answer	Count	Percentage
Answer	16	55.17%
No answer	0	0.00%
Not displayed	13	44.83%

ID	Response
3	<p>By the norms included in Art. 1 para. (1) and (2) and Art. 8 para. (1), the Law no. 554/2004 provides private law entities with a subject administrative litigation mechanism, in which the legal sanction of annulment intervenes in the case of an unlawful administrative act, which has harmful effects on the subjective right or legitimate interest asserted by the plaintiff. The specificity of the administrative litigation action is that of the verification of the legality of an administrative act, both as a result of a legal action initiated by a party who invokes a subjective right which he claims to have been violated by the issuance of the contested administrative act, and as a result of a legal action initiated by a party who invokes only a legitimate interest which he claims to have been harmed by the act in question, the allegation of harm being of essence, the mere appeasement of some legality flaw not being sufficient. Therefore, given that the essence of subjective administrative litigation is the condition of harm, the legal sanction of nullity applies only in the case of unlawful administrative acts that have caused harm.</p> <p>Thus, even in the case of allegation of procedural flaws in the administrative act subject to review by the court, its annulment can intervene only when the condition of harm, specific to subjective administrative litigation, is also fulfilled.</p>
4	<p>A final complaint against the ruling of a first instance administrative court to the Supreme Administrative Court is admissible pursuant to art. 133 para. 4 of the Austrian Constitution (Bundes-Verfassungsgesetz, B-VG), if the decision depends on a legal question of fundamental importance, in particular because the ruling departs from relevant prior decisions of the Supreme Administrative Court, such case law does not exist or the legal question to be solved has not been answered in uniform manner by the previous case law of the Supreme Administrative Court. In order for the Supreme Administrative Court to declare an appeal as admissible, the applicant needs to succeed in pointing out a legal question of fundamental importance.</p>
7	<p>Pursuant to Article 21-octies (2), Law No. 241/1990, "A measure adopted in breach of procedural rules or rules on the form of documents cannot be annulled where, by reason of the binding nature of the measure, it is clear that its substantive content could not have been different from that actually adopted. An administrative measure is in any event not voidable for failure to communicate the commencement of proceedings if the administration proves in court that the content of the measure could not have been different from that actually adopted"</p>
9	<p>The jurisprudence of the STA has accepted, albeit under certain conditions, the principle of the use of the administrative act or the theory of inoperative defects, according to which there is no justification for annulling an act, even if it is vitiated by an infringement of law or form, if, given the binding nature of the conduct in question, the act to be pronounced cannot have a different content from that given to it or cannot be less harmful than the act to be annulled. In other words, in cases where the annulment of the act would be pointless because the subsequent execution of the judgment would determine the practice of the same act as the one annulled, it is justified to maintain the challenged act, even if it is vitiated by a formal irregularity or a breach of law.</p>
10	<p>Some procedural flaws are deemed absolute, and such determined expressly by the procedural law. In these cases the annulment is not dependent on the effect this flaw has on the outcome of the case.</p>
20	<p>Article 126 (3) Law on Administrative Disputes:</p> <ol style="list-style-type: none">1. if a judge who, pursuant to Article 15 of this Act, had to be exempted participated in the delivery of the judgment, or if a person who does not have the status of a judge participated in the delivery of the judgment2. if the court has wrongly ruled that there are no conditions for conducting the dispute referred to in Article 46 paragraph 1 of this Act3. where a decision has been taken to assess the legality of an individual decision which is

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- not the subject of the dispute
4. if the court has resolved the dispute without holding a hearing contrary to Article 98 of this Act
5. if the party was not given the opportunity to participate in the administrative dispute
6. if the court has rejected a party's request to use its own language in the proceedings in accordance with Article 11 of this Act, and the party complains about it
7. if the party was not represented by a legal representative or by a person authorised for representation
8. if, contrary to the law, the public was excluded at the hearing.
- 12 For a decision to be upheld when a procedural flaw is identified, it is required that it is likely that, if the procedural flaw had not occurred, no other decision would have been taken. Furthermore, it must be likely that the interested parties (including interested parties who are not parties to the proceedings) have not been disadvantaged by the procedural flaw. A defect cannot be ignored if financial consequences for the appellant cannot be excluded. If it is not likely that the interested parties have not been disadvantaged, the decision will be annulled.
- 14 Answer: In the case of *Rawson v. Minister for Defence* [2012] IESC 26, a summary of the principal bases for judicial review was given as follows:
"While the circumstances in which a decision made by a public person or body may be found to be unlawful are varied, it is possible to give a non-exhaustive account of the principal bases by reference to which such a finding might be made. First, the decision must be within the power of the person or body concerned. Second, the process leading to the decision must comply both with fair procedures and with whatever procedural rules may be laid down by law for the making of the decision concerned. Third, the decision maker must address the correct question or questions which need to be answered in order to exercise the relevant power and in so doing must have regard to any necessary factors properly taken into account and must also exclude any considerations not permitted. Fourth, in answering the proper questions raised and in assessing all matters properly taken into account the decision maker must come to a rational decision in the sense in which that term is used in the jurisprudence." [at para. 6.2]
- 15 En contentieux de l'excès de pouvoir en vertu de la jurisprudence dite Danthony, un vice affectant le déroulement d'une procédure administrative préalable, suivie à titre obligatoire ou facultatif, n'est de nature à entacher d'illégalité la décision prise que s'il ressort des pièces du dossier qu'il a été susceptible d'exercer, en l'espèce, une influence sur le sens de la décision prise ou qu'il a privé les intéressés d'une garantie (CE, Assemblée, 23 décembre 2011, M. Claude Danthony et autres, n° 335033, A)
- 16 Any of the above conditions may be considered sufficient to annul the contested administrative decision. Article 91 of the Law on Administrative Proceedings provides that one of the grounds to annul a contested act (or a part thereof) may be finding it unlawful, particularly if it was adopted in violation of the basic procedures, especially the rules which were to ensure objective evaluation of all circumstances and validity of the decision. However, not every infringement of a formal procedure constitutes grounds for declaring an administrative act unlawful, unless the law explicitly prescribes such a consequence. The key criterion for assessing the impact of a procedural infringement on the lawfulness of an administrative act is whether it was likely to result in an unjustified decision. In other words, the infringement must be essential—one that failed to ensure an objective evaluation of all circumstances or was likely to lead to an unreasonable decision. It is also worth noting, that Article 16 of the Law on Public Administration enables a public administration body to declare its own unlawful administrative decision invalid, as well as, in cases prescribed by law, an unlawful decision of a subordinate body. An unlawful administrative decision ceases to have effect from the moment a decision declaring it invalid enters into force, unless the public administration body, by way of a reasoned decision, declares it invalid from the moment of its adoption (*ab initio*). In all cases, administrative decisions adopted as a result of unlawful influence or fraud shall be deemed null and void from the moment of their adoption.
- 18 The Swedish SAC works under a leave to appeal-system, and only grave and important procedural errors in the courts below will a reason to give leave to appeal as such. Generally, leave to appeal will only be granted in cases which raises a legal issue for which there is a need for guidance. In extra-ordinary cases of legal or factual mistakes leave to appeal may be granted in other cases, but that is very rare in practice.
- 19 For example, if the proceedings before the court were vitiated by a defect in the conditions of the proceedings, if the case was decided by a judge who was disqualified from hearing the case, if the court was improperly constituted or if a decision was made against a party as a result of a criminal offence committed by the judge.
- 22 An appeal in cassation may be based on the ground that the administrative court, in the

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

proceedings or in its decision-making, infringed the law by improper procedural procedure which prevented a party from exercising its procedural rights to such an extent that the right to a fair trial was infringed.

A cassation complaint may be based on the ground that the administrative court, in the proceedings or in its decision-making, violated the law by improper procedural procedure which prevented a party from exercising its procedural rights to such an extent that the right to a fair trial was violated.

If:

- the administrative court did not have jurisdiction to decide the case;
- the party who was a party to the proceedings did not have standing;
- the party to the proceedings did not have full capacity to act independently before the administrative court;
- the same matter has previously been finally decided or proceedings have previously been initiated in the same case;

the administrative court shall take those defects into account of its own motion.

23 Section 88 (1) (c) of Act I of 2017 on the Code of Administrative Litigation (hereinafter referred to as the "Administrative Litigation Act") states that a claim may be dismissed if there is a procedural violation that had no substantial impact on the merits of the case. At the same time, Section 92 (1) of the Administrative Litigation Act exhaustively defines those cases which lead to the abrogation of the administrative act and these are the following:

- a) the administrative act is null and void or invalid on grounds specified by law, or has an essential formal deficiency due to which it should be considered non-existent,
- b) the infringement caused by the violation of the substantial rules of the previous administrative proceedings cannot be remedied in the lawsuit,
- c) the administrative body based its act solely on statutory provisions that are not applicable in the case, or
- d) the administrative act may not be changed.

Section 123 (1) of Act CL of 2016 on General Public Administration Procedures (hereinafter referred to as the "Public Administration Procedures Act") determines as to which administrative act is considered null and void. In the event of nullity, the administrative act may be quashed without examining all other circumstances.

Cases not listed in the answer to question C2: For example, the involvement of an additional client would have been necessary during the administrative procedure; the contents of the official decision contradict the guidance provided by the court.

25 As a main rule, the SAC only reviews the grounds that a party submitted in their appeal/application. In municipal appeals cases, the standard of review is limited to cassation. In administrative appeals matters, the court has in addition power to amend an individual administrative act. Regarding absolute procedural requirements, the court also has a duty, when dealing with a particular case, to review *ex officio* the legality of an individual administrative act. There are no formal conditions for annulment on the grounds of procedural errors. However, the SAC only hears cases on their merits if there are grounds to grant a leave to appeal. One of the possible grounds is that there is special cause for referring the matter to the SAC due to a manifest error that has occurred in the matter (Section 111, para 1, count (2) of the Administrative Judicial Procedure Act, 808/2019). Minor procedural flaws that have not affected the decision's outcome generally do not, in and of themselves, constitute grounds for granting leave to appeal. All of the scenarios cited above in C2 could constitute grounds for granting leave to appeal and consequently annulling the decision at hand. Some procedural requirements (e.g. conflict of interest, right to be heard) are deemed of a more absolute nature, entailing that the threshold for granting leave to appeal and annulling is more easily met. Some procedural flaws in decisions taken by administrative authorities can, however, be made up for in the proceedings before lower administrative courts before the matter reaches the SAC, thus removing the need to annul.

29 The following three conditions must be met in order to declare an administrative decision void: 1) there must be a legal defect, 2) the defect must be significant, 3) there must be no substantial circumstances that speak against voiding the decision.

If these conditions are met, the court can choose to annul the decision (or parts of the decision, correct the decision, or it can choose to refer the case back to the administrative court.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?

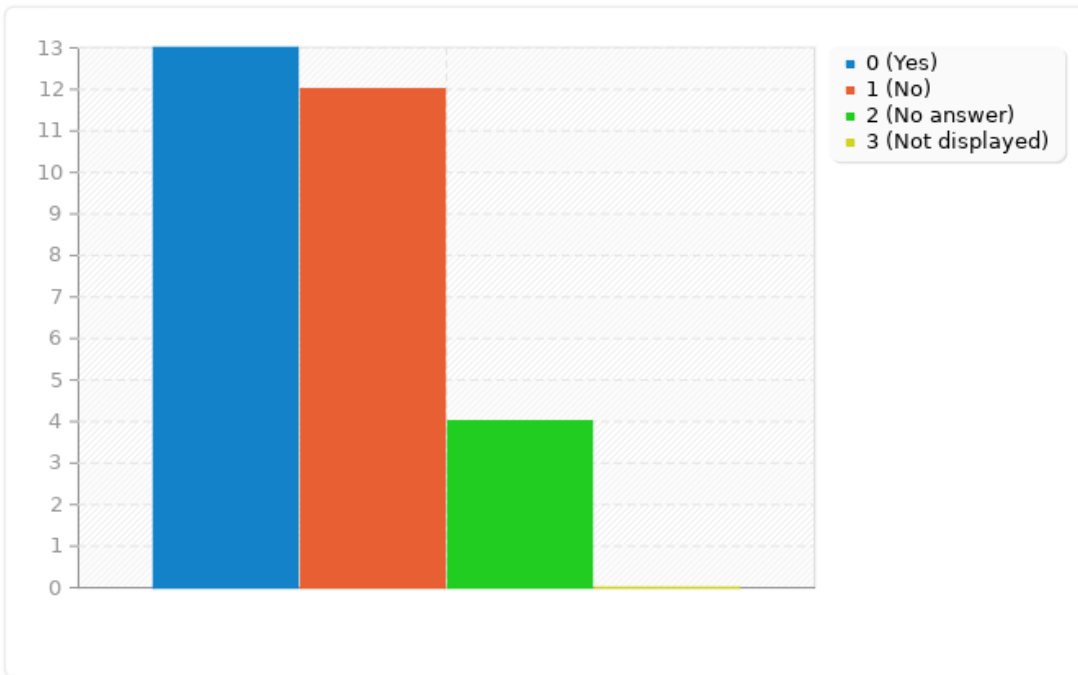
Answer	Count	Percentage
Yes (Y)	13	44.83%
No (N)	12	41.38%
No answer	4	13.79%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C5

What type of legal tool can be used?

Answer	Count	Percentage
Answer	13	44.83%
No answer	0	0.00%
Not displayed	16	55.17%

ID	Response
4	Pursuant to sec. 289 para. 1 Federal Fiscal Code (Bundesabgabenordnung - BAO) the Federal Fiscal Court may set aside decisions if they have been appealed to the Supreme Administrative Court or the Constitutional Court and if, inter alia, the facts on which they are based have been established incorrectly in an essential aspect or have been assumed contrary to the files or, if procedural rules have been disregarded which, if complied with, could have resulted in a different decision. If the decision is set aside, the case returns to the state it was in before the decision was issued (sec. 289 para. 3 BAO).
5	The administrative body (the defendant) is obliged to eliminate the procedural deficiencies pointed out to it by the court in the judgment and to pass a new administrative act by which the complete annulment of the decision may be avoided.
7	The administration may use various powers at its disposal (e.g. ex officio annulment – Article 21-nonies Law No. 241/1990) that, by affecting the legitimacy (or permanence) of the contested act, affect the existence of the interest in bringing proceedings. However, pursuant to art. 34 (3) c.p.a. 'When, during proceedings, the invalidity of the contested measure is no longer useful to the applicant, the court establishes the illegitimacy of the act if there is an interest for compensatory damages.'
9	During the procedure, the administration may annul, rectify or revoke the contested act, with or without retroactive effect (articles 64 and 65 of the CPTA). One of the options available to the administration is to ratify and remedy an act, i.e., when faced with the illegality of an administrative act of its own, and wishing to maintain it in force in the legal order, it adopts a new act, with the same decisional effect, in which it removes from the first act a formal defect causing its invalidity. The ratifying act has replaced the ratified act in the legal order, which means that the contested action brought against that act has lost its purpose, with the result that the case is dismissed on the grounds of the impossibility of bringing proceedings, in accordance with the provisions of Article 277 e) of the Code of Civil Procedure (CPC), applicable by virtue of Article 1 of the CPTA.
10	There is a possibility in accordance with Art. 273 of the General Administrative Procedure Act for the administrative authority to rectify its mistake, followed by issuing a new administrative act. This however has to be done before the final decision of the Administrative court, so it is up to the authority to follow the legal reasoning of the plaintiff. The Administrative Court can point out the open questions in the case, but it cannot instruct the administrative authority to use this possibility. The Administrative Court can however correct a procedural flaw of the administration in its own proceedings, e. g. grant the affected party the right to be heard (Art. 59 of the Act on Administrative Dispute).
12	In 2010 the option of an interlocutory judgment has been introduced in Dutch administrative law. In such a judgment the court points out the errors in a decision (for instance a procedural mistake or insufficient reasoning) and gives the administration the opportunity or order to remedy these errors. Instructions can also be given how to remedy the errors. In the final judgment the court judges whether the administration has succeeded in remedying the errors. This is the 'administrative loop'.
13	In instances where an act is deemed null and void due to incompetence or its inherent nature precludes the resolution of the substantive issue, the court is obligated to refer the case to the relevant administrative authority, accompanied by explicit instructions concerning the interpretation and implementation of the law. In the event that the administration fails to issue an administrative act, the court shall declare the refusal null and void and refer the case as a file to the competent authority. In the event of Article 173 of the Administrative Procedure Code being invoked, the administration should, after the court has given instructions on issuing a new administrative act, comply with those

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

instructions.

In the event that, subsequent to the entry into force of the judgment, the administration issues a new administrative act or performs actions that are in direct contradiction with the judgment, such actions shall be deemed null and void. It is important to note that any interested party has the right to invoke the nullity even before the administrative court (Article 177, paragraph 2 of the Administrative Procedure Code).

- 15 En contentieux des titres exécutoires, l'annulation d'un titre exécutoire pour un motif de régularité en la forme n'implique pas nécessairement, compte tenu de la possibilité d'une régularisation éventuelle par l'administration, que les sommes perçues par celle-ci sur le fondement du titre ainsi dépourvu de base légale soient restituées à l'intéressé. Le titre soumis à la juridiction reste annulé mais lorsqu'une juridiction est saisie de conclusions tendant à ce qu'il soit enjoint à l'administration de restituer des sommes perçues sur le fondement d'un titre de perception ainsi annulé, il lui appartient de prescrire la mesure demandée en fixant le délai au terme duquel l'administration devra restituer ces sommes si elle n'a pas émis, avant l'expiration de ce délai, un nouveau titre de perception dans des conditions régulières (CE, 11 décembre 2006, Mme Mas, n° 280696 pour annulation de titre exécutoire pour une irrégularité de forme).
- 17 En contentieux de l'excès de pouvoir, lorsque l'acte a été annulé en raison d'un vice de légalité externe, l'administration peut néanmoins reprendre le même acte au fond en respectant les formes et la procédure qui s'imposent (voir par exemple, CE, 30 novembre 2001, El Ouakty, n° 219131). Dans cette hypothèse l'acte en cause reste également annulé mais un acte équivalent, purgé du vice, en cause peut être repris.
- 23 Un mécanisme, dénommé "décision réparatrice", est institué à l'article 38 des LCCE.
- 23 Following the submission of a statement of claim and a statement of defence, a decision may be revoked or amended once until the administrative lawsuit is closed with a final decision; this may be done within one year from the date of the notification of the decision in accordance with the contents of the statement of claim pursuant to Section 115 (6) of the Public Administration Procedures Act. If, on the basis of the statement of claim, the administrative body establishes that the decision violated laws, it shall revoke or amend it. If the authority agrees with the contents of the statement of claim and there is no opposing client in the case, or if clients jointly submit a statement of claim, it may revoke the lawful decision or amend it in accordance with the contents of the statement of claim. If the client accepts the amended or revoked decision, the court shall terminate the lawsuit. This possibility exists for administrative bodies until the final judgment is issued; therefore, this possibility no longer exists during cassation proceedings before the Curia as a forum for extraordinary remedy.
- 25 According to Section 50 of the Administrative Procedure Act (434/2003), an authority may remove its own decision and make a new decision on a matter if a procedural error has occurred in the decision making. This procedure is available for the authority even where the erroneous decision has been appealed before courts. NB however, that in this procedure the administrative authority acts on its own initiative, not prompted by the court.
- 26 There is no direct legal tool stipulated in legal acts. However, there are some principles stated in the case law, which give the administration an opportunity to prevent the decision under review being annulled. Court's case law is based on § 58 of the Administrative Procedure Act, which states that repeal of an administrative decision cannot be demanded solely for the reason that procedural requirements are violated upon issue of the administrative decision or the administrative decision does not comply with the requirements for formal validity if the above-mentioned violations cannot affect the resolution of the matter.
- According to the case law, for example, the court does not annul an administrative act if the legal basis for the issue of that act has been determined incorrectly, but the administrative authority should have made the same decision applying the correct legal basis. Similarly, the court shall not annul an administrative act if the reasons for it are incomplete or even missing, but the administrative authority shall provide convincing reasons in court proceedings and shall be able to prove that the same reasons were used when issuing the administrative act. However, the reasoning of the administrative act cannot transfer entirely to the court proceedings.
- 27 According to article 50 of the presidential decree no. 18/1989 codifying legal provisions on the procedure before the Council of State, as amended by L. 4274/2014, under the title "Consequences of the Court's decision [following exercise of judicial review/action for annulment]": "1. The decision accepting the action for annulment declares the annulment of the contested act and entails its legal repeal with regard to everyone, whether it is a regulatory or an individual act. 2. ... 3. In cases of omissions, when the Council accepts the action it refers the case to the competent authority to carry out the due action. 3a. The Court, if it is led to annul the administrative act challenged by an action for annulment due to a defect

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

that can be covered retrospectively and if it considers, in view of the nature of the defect and its effect on the content of the challenged act, that the annulment of the act is not necessary to restore legality and to ensure the right to judicial protection, as well as in the event of the applicant failing to take due legal action, may, in consideration of the legal interests of the parties, issue a preliminary ruling, which shall be notified to all parties, and request the competent service either to take specific action to eliminate the defect or to fulfill the due legal action, setting an exclusive reasonable deadline for this, which may not be less than one month nor more than three months. No evidence shall be taken into account if submitted after the expiry of this deadline. After the expiry of the above deadline and within fifteen days, the other parties may submit a memorandum with their allegations on the actions of the Administration and the evidence it has submitted. In the event of application of the provisions of the previous paragraphs, the publication of the preliminary ruling shall entail the suspension of the execution of the contested act, in the part that has not been executed until the publication of the final decision. 3b. ... 3c. ... 3d. The application of paragraphs 3a, 3b, and 3c shall not affect claims for damages/compensation. 4. ...”.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C6

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

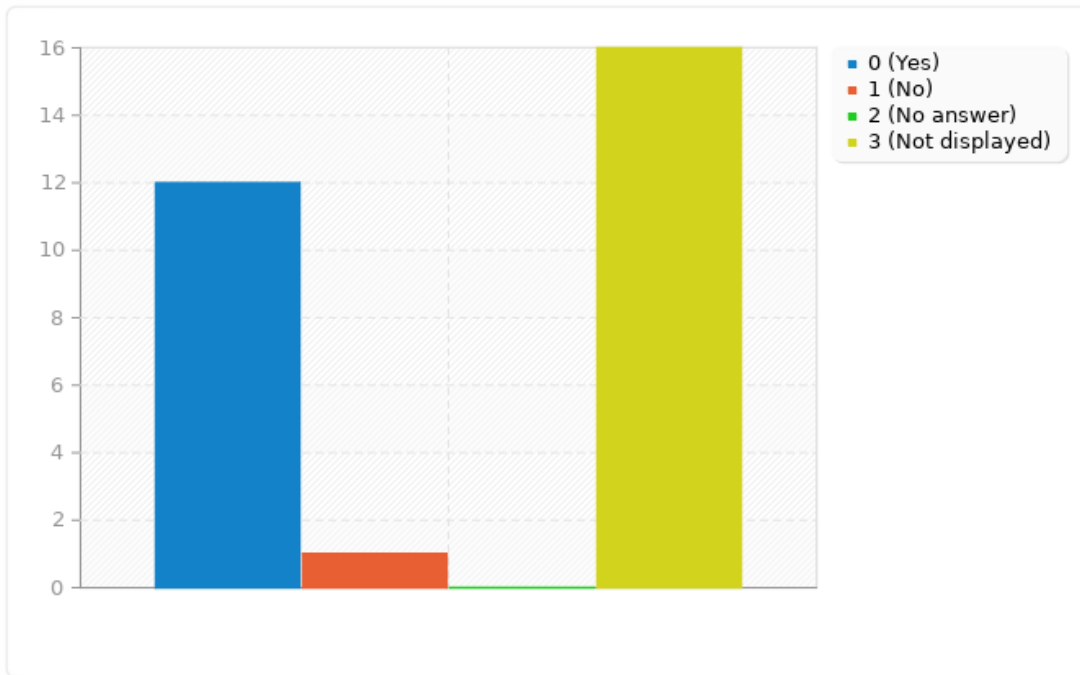
Answer	Count	Percentage
Yes (Y)	12	41.38%
No (N)	1	3.45%
No answer	0	0.00%
Not displayed	16	55.17%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C6

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C7

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

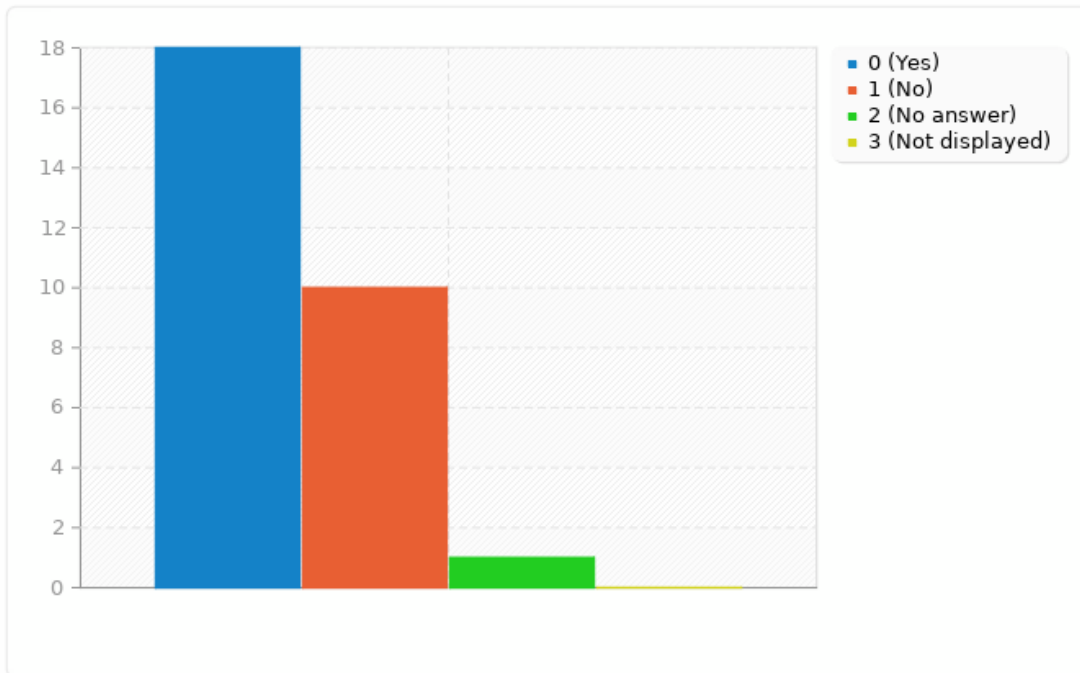
Answer	Count	Percentage
Yes (Y)	18	62.07%
No (N)	10	34.48%
No answer	1	3.45%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C7

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C8

Please specify.

Answer	Count	Percentage
Answer	18	62.07%
No answer	0	0.00%
Not displayed	11	37.93%

ID	Response
4	<p>Decisions of the first instance administrative courts become formally legally binding as soon as they are issued and are therefore immediately enforceable. The enforceability of the decisions can be suspended only upon application (sec. 30 VwGG); such an application can only be filed if the decision itself is contested before the Supreme Administrative Court. The suspension of the challenged act ensures that the applicant does not suffer any adverse consequences from the contested decision for the duration of the proceeding before the Supreme Administrative Court.</p> <p>Without being provided for in the VwGG, according to the case law of the Supreme Administrative Court (see e.g. VwGH 29.1.2015, Ro 2014/07/0028), the appellant may - on the basis of directly applicable Union law - request other provisional measures, with the effect that the appellant is provisionally granted a legal position, the granting of which was refused by the challenged decision on the basis of a national legal provision (possibly in conflict with European Union law).</p> <p>If the Supreme Administrative Court sets aside a decision of a first instance administrative court, the case returns to the state it was in before the decision was issued (see sec. 42 para. 3 VwGG). The VwGG provides no legal basis to postpone the effects of an annulment by the Supreme Administrative Court.</p>
5	<p>In accordance with the Article 43, "When it finds that the challenged administrative act should be annulled, the court shall render a judgement in order to decide the administrative matter, if the nature of the matter so allows and if the facts of the case give a reliable foundation for doing that. This judgement shall completely replace the annulled act (dispute of full jurisdiction)".</p>
7	<p>Two cases can be distinguished:</p> <ul style="list-style-type: none">- the first case concerns the annulment judgment. Some decisions of the Italian Council of State (CDS 2755/2011 and Opinion No. 1233 of Section Plenary on 26th June 2020,) hold that (as in the case of ex officio annulment) the administrative court may derogate from the general rule that declares the continued effectiveness of the contested act pending the adoption of a new replacement measure (or it may defer the effects of the annulment of the contested act found to be unlawful, or not defer them at all, establishing only the conforming effects capable of determining the replacement of the measure).- The second case is that of the exercise of precautionary power.
10	<p>There is a possibility for the Supreme Court to order an Interim measure (Art. 84 of the Act on Administrative Dispute) that would keep in force the legal consequences of the act annulled by the Administrative Court until the decision of the Supreme Court is reached.</p>
12	<p>Article 8:72(5) GALA determines that the court may grant provisional relief. The administrative court shall determine at which moment in time the provisional remedy shall cease to have effect. In addition, according to article 8:72(4) the court may determine that all or part of the legal consequences of the annulled act shall be allowed to stand. It appears that the court can also determine that legal consequences of the annulled act shall be allowed to stand temporarily.</p>
13	<p>In cases where provisional execution of individual or general administrative acts, agreements before the administrative authorities or before the courts and administrative contracts has been granted, these acts shall be executed notwithstanding that the proceedings for their judicial challenge have not been completed (Article 268 of the Administrative Procedure Code).</p>
15	<p>Le juge peut toutefois décider de ne pas conférer à l'annulation un caractère rétroactif et de différer ses effets dans le temps. Cette possibilité de moduler dans le temps les effets d'une annulation a d'abord été utilisée, dans le domaine des décisions réglementaires (CE, Assemblée, 11 mai 2004, Association AC ! et autres, n° 255886). Elle trouve aussi à</p>

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

s'appliquer, à la suite de la décision CE, 12 décembre 2007, M. Sire, n° 296072, aux décisions individuelles. Cette limitation des effets de l'annulation peut n'affecter qu'une partie de l'acte litigieux et peut intervenir d'office sur demande de l'une des parties ou même sur demande d'un intervenant.

Il est à noter que si ce pouvoir n'est pas à proprement parler limité à des domaines spécifiques, il ne peut toutefois pas être mis en œuvre dans le cas d'une annulation prononcée pour méconnaissance du droit de l'Union tel qu'interprété par la Cour de justice de l'Union européenne dans un arrêt où elle a rejeté les conclusions dont elle était saisie quant à une limitation dans le temps des effets de cet arrêt (CE, 28 mai 2014, Association Vent de colère ! Fédération nationale et autres, n° 324852).

Toutefois, la CJUE, saisie d'une question préjudicielle sur le point de savoir si dans le cas d'une annulation pour méconnaissance du droit de l'Union européenne, le juge administratif peut décider lui-même de moduler les effets de l'annulation (CE, 26 juin 2015, Association France Nature Environnement, n° 360212) a dit pour droit, d'une part, qu'une juridiction nationale peut, lorsque le droit interne le permet, exceptionnellement et au cas par cas, limiter dans le temps certains effets d'une déclaration d'illégalité d'une disposition du droit national qui a été adoptée en méconnaissance des obligations prévues par la directive 2001/42/CE du 27 juin 2001, à la condition qu'une telle limitation s'impose par une considération impérieuse liée à la protection de l'environnement et compte tenu des circonstances spécifiques de l'affaire dont elle est saisie. Elle a précisé que cette faculté exceptionnelle ne saurait toutefois être exercée que lorsque toutes les conditions qui ressortent de son arrêt C-41/11 du 28 février 2012, Inter-Environnement Wallonie et Terre wallonne, sont remplies. Ainsi, une juridiction dont les décisions ne sont plus susceptibles de recours est obligée de saisir la CJUE à titre préjudiciel sauf si aucun doute raisonnable n'existe (CE, 3 novembre 2016, Association France Nature Environnement, n° 360212 ; voir également CE, Assemblée, 19 juillet 2017, Association nationale des opérateurs détaillants en énergie, n° 370321 qui a indiqué que « la faculté de moduler dans le temps les effets d'une annulation contentieuse ne peut, s'agissant d'une annulation résultant d'une méconnaissance du droit de l'Union européenne, être utilisée qu'à titre exceptionnel et en présence d'une nécessité impérieuse »).

- 16 Article 85 of the Law on Administrative Proceedings allows the court to postpone the execution of its decision in accordance with the civil procedure rules set out in the Civil Code of the Republic of Lithuania. The execution of a court decision may be postponed only in exceptional circumstances, and it is essential to determine whether the suspension will safeguard the future enforcement of the decision and whether it will not undermine the decision itself. Furthermore, the principles of equality and proportionality, as well as legitimate expectations and the interests of the claimant, must not be infringed. The right to postpone the execution of a court decision is not limited to specific areas, it rather largely depends on the facts of each case (e.g., where temporary regulation of legal relations is necessary).
- 17 Suivant l'article 14ter des LCCE, "À la demande d'une partie adverse ou intervenante, et si la section du contentieux administratif l'estime nécessaire, elle indique ceux des effets des actes individuels annulés ou, par voie de disposition générale, ceux des effets des règlements annulés, qui doivent être considérés comme définitifs ou maintenus provisoirement pour le délai qu'elle détermine.
La mesure visée à l'alinéa 1er ne peut être ordonnée que pour des raisons exceptionnelles justifiant de porter atteinte au principe de la légalité, par une décision spécialement motivée sur ce point et après un débat contradictoire. Cette décision peut tenir compte des intérêts des tiers".
- 19 The SAC is not able to postpone the enforceability of its own decision by which an individual act has been annulled.

However, the SAC may grant suspensive effect to a cassation complaint at the request of the complainant. Therefore, it can suspend the effects of the contested decision of regional court, including, for example, the annulment of the decision of the administrative authority, until the end of the proceedings before the court. We provided responses to the following questions (C9 and C10) in relation to the suspensive effect.
- 22 The decision of the administrative court is binding until the SAC decides otherwise. A suspensive effect of cassation appeal may be granted at the request of the participant, which may postpone the effects of the decision. In some areas, the effect of the contested decision of the administrative court is suspended ex lege by the lodging of an appeal in cassation. These include public procurement, certain financial matters, administrative punishment, detention and administrative expulsion.
- 23 Section 92 (2) of the Administrative Litigation Act allows the court to quash an administrative act by indicating the precise date of its abrogation instead of annulment with ex tunc effect. It

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- 24 can do this if it is justified by the protection of the public interest, legal security, or a particularly important interest of the persons affected by the judgment. Thus, the court may even determine a specific date pro futuro until the administrative act ceases to be effective. According to the article 27 of Law No 2577 on Procedure of Administrative Justice, filing an action in the Council of State or the administrative courts shall not prevent the execution of the administrative procedure which is the subject of the action. The Council of State or the administrative courts can decide to suspend the execution by showing justification if the implementation of the administrative procedure both results in damage that are hard to recover or impossible to recover from and if the administrative procedure is expressly in contradiction to the law. As a rule, filing actions arising from tax disputes at the tax courts shall suspend the collection procedures of the part of the levied taxes, duties, charges and similar financial liabilities and the increases and penalties thereof which is the subject of the action.
- 25 According to Section 124, para 3 of the Administrative Judicial Procedure Act (808/2019), upon annulling a decision, the SAC may at the same time order continued compliance with the annulled decision until a new decision is made in the matter.
- 26 In addition, under Section 123 of the same Act, the SAC may prohibit enforcement or order suspension of enforcement of a lower court's decision in a pending case where the lower court has annulled an individual act. According to § 231 section 1 and § 168 section 1 of CACP the court may order execution of the judgment to be ensured by measures of interim protection, or order interim protection to apply until a new administrative decision is issued to replace the decision which was annulled in the judgment. According to § 251 section 1 subsection 1 of the CACP the interim measure may also include suspension of the validity or enforcement of the administrative decision contested.
- 27 First of all see par. 3a. in fine above (under C5). See also par. 3b. and 3c. of art. 50 of the aforementioned presidential decree no. 18/1989, as in force: "3b. In the event of an action for annulment directed against an administrative act, the Court, weighing the factual situations that have arisen at the time of its implementation, in particular in favour of the bona fide subjects, as well as the public interest, may determine that the effects of the annulment refer to a point in time subsequent to the time of its entry into force and in any case prior to the time of publication of the decision. 3c. The finding of illegality of the regulatory act during its incidental review, for reasons relating to the competence of the body issuing the decision and to a violation of essential formality, may not lead to the annulment of an individual act, provided that, in the judgment of the court, a long period of time, depending on the circumstances, has elapsed since the entry into force of the regulatory act that is being reviewed incidentally and the consequences of its illegality to the detriment of the individual act may undermine legal certainty".
- 28 Section 29A(1)(a) of the Senior Courts Act 1981 provides for 'suspended quashing orders' - ie, for a quashing order to include provision "for the quashing not to take effect until a date specified in the order".
- 29 The question is unclear to us, including whether act refers to an administrative decision (which is the subject of previous questions) or adopted law (which seems to be the subject of the following question) The court does not have the power to force an "act" to remain in force if the issuing authority has annulled said act.
- If the question concerns suspensive effect we can confirm that the court has the power to temporarily postpone the consequences of a ruling (e.g. concerning annulment) from a lower court during appeal.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C9

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

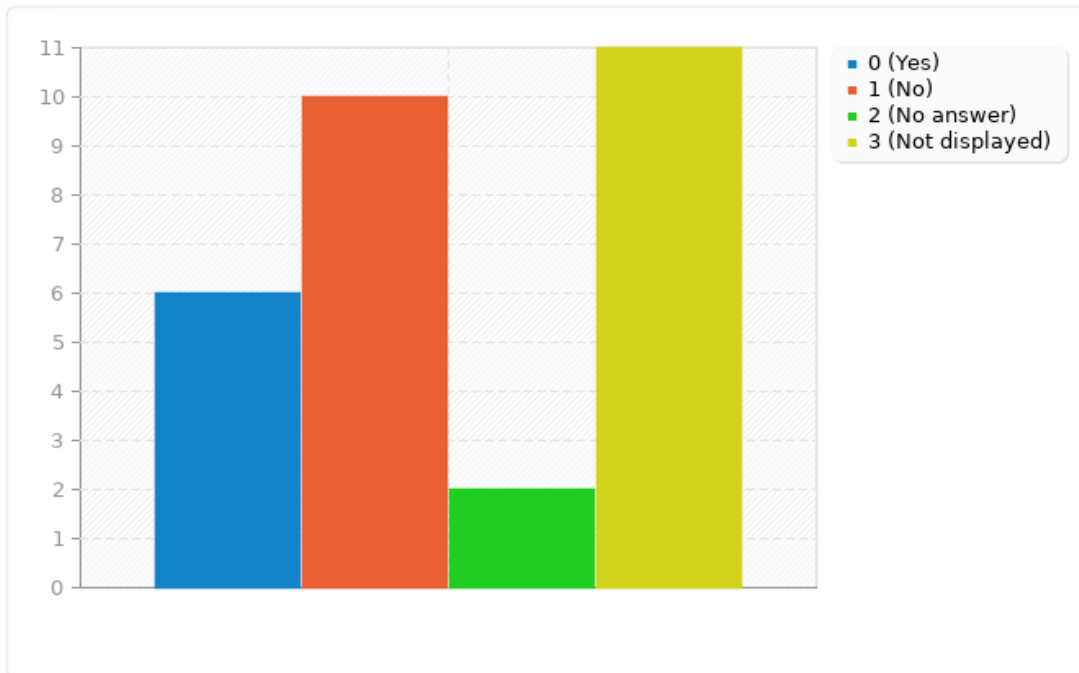
Answer	Count	Percentage
Yes (Y)	6	20.69%
No (N)	10	34.48%
No answer	2	6.90%
Not displayed	11	37.93%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C9

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C10

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

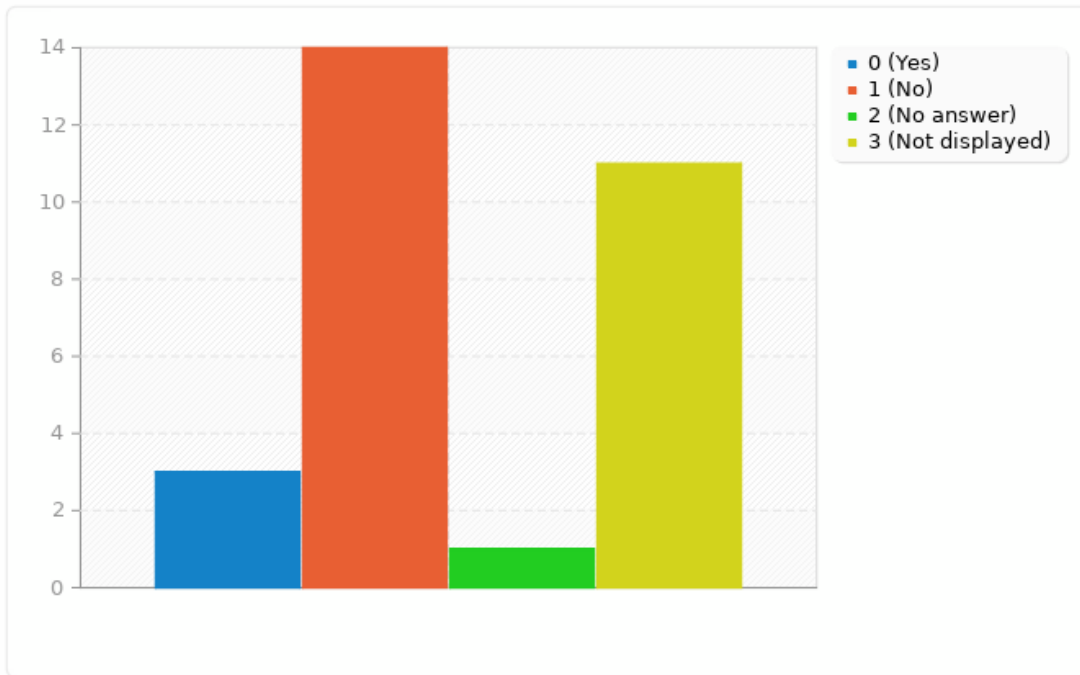
Answer	Count	Percentage
Yes (Y)	3	10.34%
No (N)	14	48.28%
No answer	1	3.45%
Not displayed	11	37.93%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C10

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C11

Please explain.

Answer	Count	Percentage
Answer	3	10.34%
No answer	0	0.00%
Not displayed	26	89.66%

ID	Response
4	Suspensive effect may be granted by the Supreme Administrative Court upon application pursuant to sec. 30 para. 2 VwGG, if the contested decision is subject to enforcement, if there are no compelling public interests to the contrary and if, after weighing the public interests affected and the interests of other parties, the implementation of the contested decision or the exercise of the right granted by the contested decision would be disproportionately disadvantageous for the appellant.
5	In accordance with the Article 43, "A dispute of full jurisdiction is excluded when the subject of the administrative dispute is an administrative act passed based on a discretionary assessment. Exceptionally, in certain matters, a dispute of full jurisdiction may be expressly excluded by a special law".
10	There is no competence of administrative justice to rule on the validity of general acts of the administration, only individual administrative acts.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C12

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

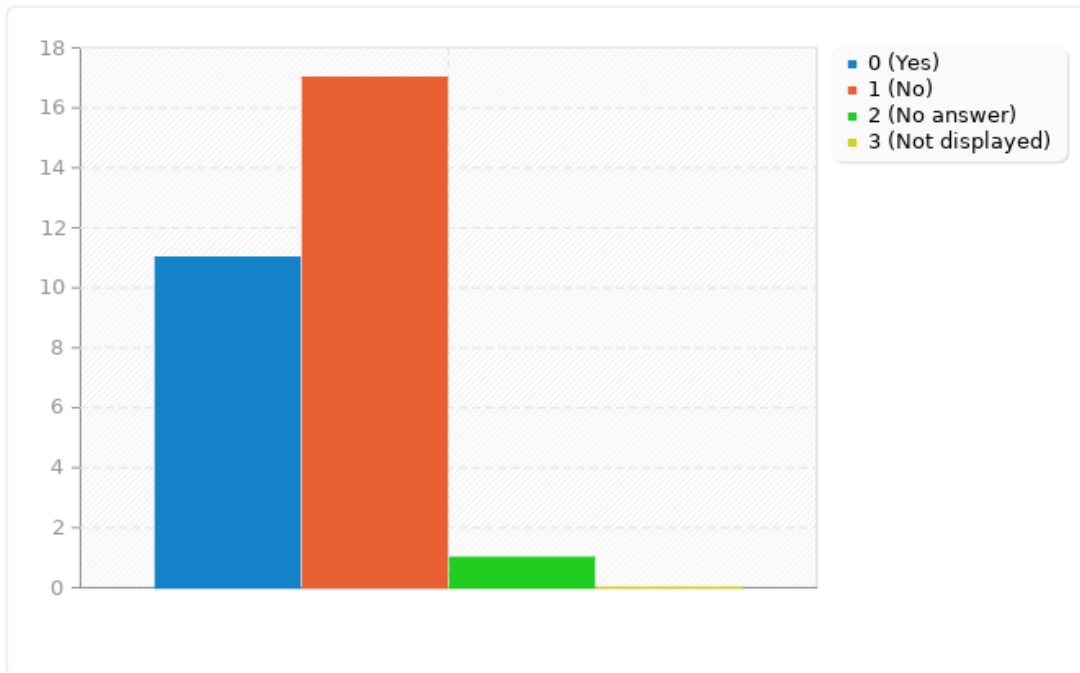
Answer	Count	Percentage
Yes (Y)	11	37.93%
No (N)	17	58.62%
No answer	1	3.45%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C12

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C13

Please specify.

Answer	Count	Percentage
Answer	11	37.93%
No answer	0	0.00%
Not displayed	18	62.07%

ID	Response
5	-
12	As a general rule only individualised decisions are susceptible to judicial review by administrative courts. Article 8:3 GALA excludes generally binding regulations from direct judicial review by administrative courts. The legality of generally binding provisions can only be challenged directly through an action on the basis of article 6:162 Civil Code (governing fault liability) with the civil court. Nonetheless, administrative courts do have the competence to indirectly review generally binding rules and policy rules when assessing the lawfulness of an individualised decision (exceptieve toetsing). This indirect judicial review can, for example, lead to a judgment of the administrative court which states that the general rule on which an individual decision was based is contrary to general principles of law, general principles of good administration and/or higher law. In that case, the court can either declare that the general rule is not binding, or decide it may not be applied in the given case. In the latter situation, the court maybe could decide as well that the rule can still be applied for a certain time, but may not be applied after this.
15	cf réponse en C8
16	According to Article 119 of the Law on Administrative Proceedings, administrative court decisions declaring a normative (regulatory) administrative act (or part thereof) unlawful must, in all cases, be officially published in the Register of Legal Acts. As a general rule, when an administrative court declares a normative (regulatory) administrative act (or part thereof) unlawful, such an act ceases to be applicable from the date of the official publication of the final decision of the administrative court (Art. 118(1) of the Law on Administrative Proceedings). However, taking into account the specific circumstances of the case and the potential negative legal consequences, where the court assesses the legality of a regulatory administrative act in abstracto, the official publication of the decision declaring the relevant normative (regulatory) administrative act (or part thereof) unlawful in the Register of Legal Acts may be postponed. This effectively means that the contested act will not be rescinded until that date, despite the court having already ruled it to be incompatible with the law. The right to postpone the official announcement of an administrative court decision is not limited to any specific areas, it largely depends on the facts of each case (e.g., when it is necessary to temporarily regulate legal relations, ensure legal certainty, respect the legitimate expectations of individuals, protect the public interest, etc.).
17	Suivant l'article 14ter des LCCE, "À la demande d'une partie adverse ou intervenante, et si la section du contentieux administratif l'estime nécessaire, elle indique ceux des effets des actes individuels annulés ou, par voie de disposition générale, ceux des effets des règlements annulés, qui doivent être considérés comme définitifs ou maintenus provisoirement pour le délai qu'elle détermine. La mesure visée à l'alinéa 1er ne peut être ordonnée que pour des raisons exceptionnelles justifiant de porter atteinte au principe de la légalité, par une décision spécialement motivée sur ce point et après un débat contradictoire. Cette décision peut tenir compte des intérêts des tiers".
19	The SAC also decides, in special proceedings, on the annulment of service regulations and on the annulment of measures of a general nature (in the second instance). In these proceedings, if the SAC finds that there is for example a conflict with the law or an excess of powers, it may annul the service regulation or measure of a general nature on a date to be determined in its judgment. However, the proceedings on the annulment of service regulation have only recently been incorporated into the Code of Administrative Justice. Consequently, there are no cases regarding this matter yet.
21	D'après l'article 7, paragraphe (3), de la loi modifiée du 7 novembre 1996 portant organisation des juridictions de l'ordre administratif, l'annulation d'un acte à caractère réglementaire a un caractère absolu, à partir du jour ou elle est coulée en force de chose jugée.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Cependant, la Cour administrative, notamment en la matière des plans d'urbanisme, actes réglementaires, se limite régulièrement à ne prononcer qu'une annulation partielle visant uniquement les immeubles soumis à son contrôle dans le cadre du litige concret dont elle est saisie, par application du principe " potius ut valeat quam ut pereat ", estimant qu'il vaut mieux sauver la disposition litigieuse plutôt que de la faire périr pour la totalité des personnes visées par le plan en question.

Dans un arrêt du 15 novembre 2019 (n° 00150 du registre), la Cour constitutionnelle a par ailleurs retenu que l'article 7, paragraphe (3), de la loi du 7 novembre 1996, en ce qu'il a un caractère absolu et produit ses effets erga omnes pour l'avenir et exclut implicitement, mais nécessairement, le caractère rétroactif des effets erga omnes de ladite annulation, n'est pas conforme à l'article 95 de la Constitution en ce qu'il limite, de façon générale et inconditionnée dans le temps, les effets de l'annulation définitive d'un acte administratif à caractère réglementaire.

L'enseignement de cet arrêt a été repris dans la Constitution révisée du Luxembourg, suite à l'entrée en vigueur de la loi du 17 janvier 2023, en son article 112, paragraphe (8) aux termes duquel :

" Les dispositions des lois déclarées non conformes à la Constitution par un arrêt de la Cour Constitutionnelle cessent d'avoir un effet juridique le lendemain de la publication de cet arrêt dans les formes prévues pour la loi, à moins que la Cour Constitutionnelle n'ait ordonné un autre délai. La Cour Constitutionnelle détermine les conditions et limites dans lesquelles les effets que la disposition a produits sont susceptibles d'être remis en cause.

Finalement, il convient encore de citer dans ce contexte un arrêt de la Cour constitutionnelle du 4 juin 2021 (n° 00166 du registre) ayant dit pour droit que l'effet immédiat d'une déclaration d'inconstitutionnalité concernant un acte réglementaire, pour l'hypothèse où pareille annulation entraînerait des conséquences manifestement excessives sur l'ordre juridique, peut être reportée à une date postérieure, le report en question ayant été fixé à une période de deux ans.

- | | |
|----|---|
| 23 | Pursuant to the Fundamental Law, the Curia has competence to examine whether a local government decree – which is qualified as a law in the Hungarian legal system – is contrary to other legislation. If the Curia establishes that a local government decree under review violates other, higher-level legislation, it shall quash it; however, it may set a date of expiry for the local government decree or for its provision differently if it is justified by the legal security or the protection of the fundamental rights of entities that fall under the scope of the local government decree in accordance with Section 146 (4) of the Administrative Litigation Act. |
| 24 | Please see the answer to question C8. |
| 27 | Refer to answer under C8. |
| 28 | See C8, above. |

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C14

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

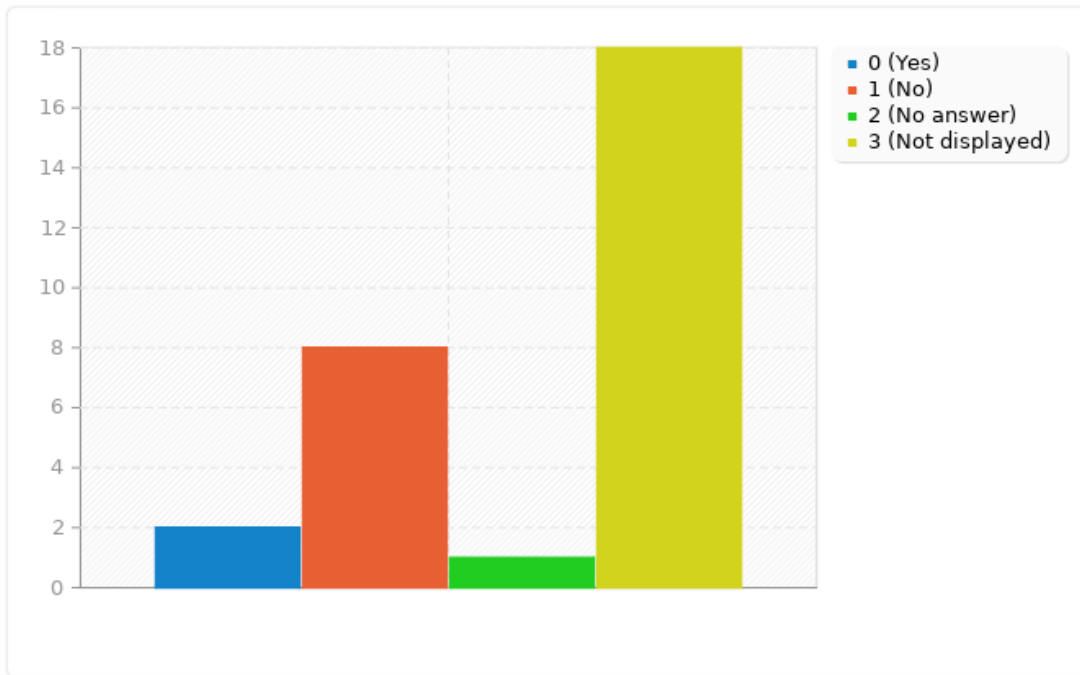
Answer	Count	Percentage
Yes (Y)	2	6.90%
No (N)	8	27.59%
No answer	1	3.45%
Not displayed	18	62.07%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C14

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C15

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

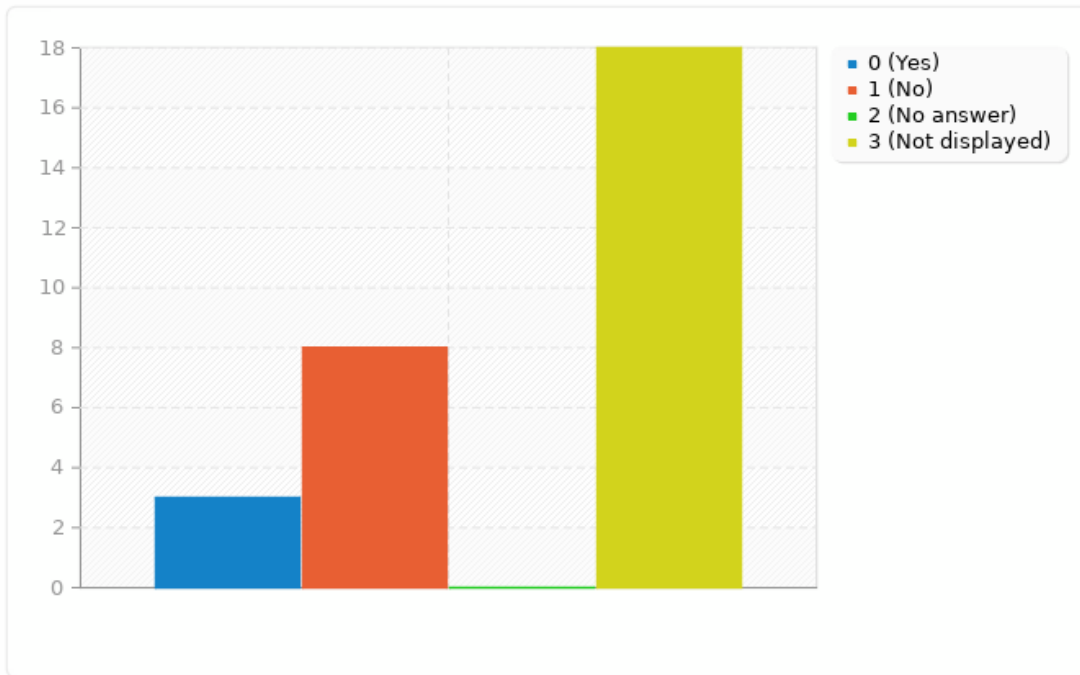
Answer	Count	Percentage
Yes (Y)	3	10.34%
No (N)	8	27.59%
No answer	0	0.00%
Not displayed	18	62.07%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C15

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C16

Please explain.

Answer	Count	Percentage
Answer	3	10.34%
No answer	0	0.00%
Not displayed	26	89.66%

ID	Response
5	With regard to the assessment of the compliance of the general acts of a local self-government unit with its statute, the jurisdiction of the Administrative Court is prescribed (Article 83, paragraph 2 of the Law on Local Self-Government).
19	This power is restricted only to the two areas mentioned above, i. e. the proceedings on the annulment of service regulations and on the annulment of measures of a general nature.
23	The rule cited in point C13. applies only to municipal decrees. At the same time, those regulations of general scope which are applicable in individual cases may also be the subjects of an administrative dispute together with the individual decisions. In this case, the Curia may resort to pro futuro revocation cited in point C8.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C17

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

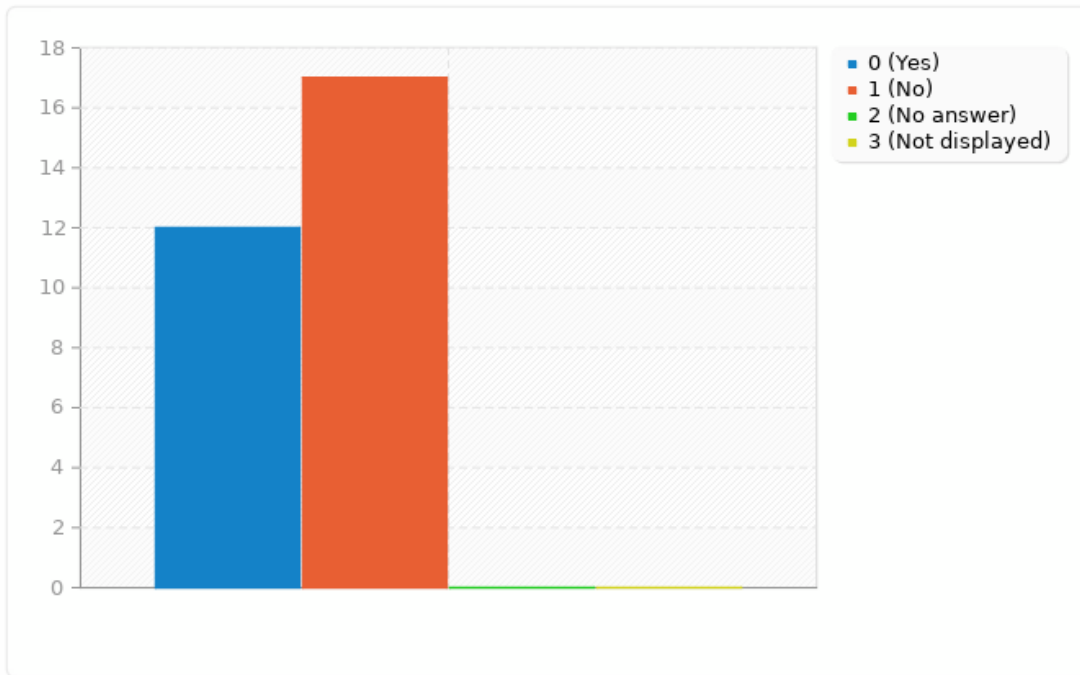
Answer	Count	Percentage
Yes (Y)	12	41.38%
No (N)	17	58.62%
No answer	0	0.00%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for C17

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D1

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

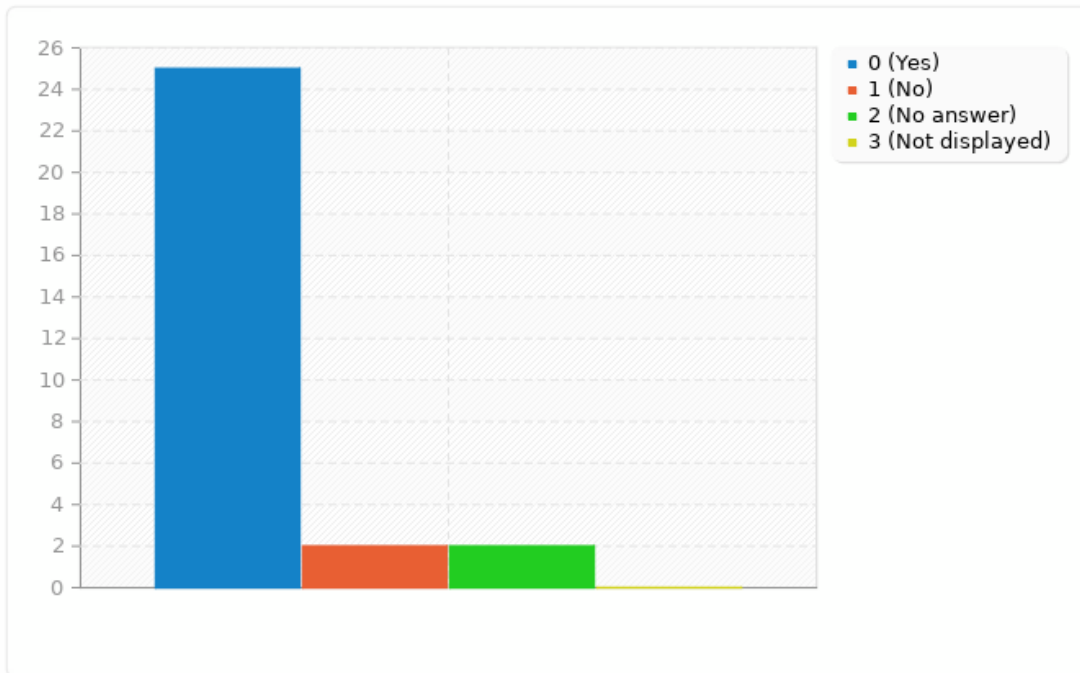
Answer	Count	Percentage
Yes (Y)	25	86.21%
No (N)	2	6.90%
No answer	2	6.90%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D1

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D2

Please specify in which cases.

Answer	Count	Percentage
Answer	25	86.21%
No answer	0	0.00%
Not displayed	4	13.79%

ID	Response
1	Monetary judgments. When a party is ordered to pay a specific sum of money.
3	In the Romanian system of administrative litigation, according to the provisions of Article 22 of Law no. 554/2004 on administrative litigation, the final court decisions pronounced in accordance with the provisions of this law are enforceable titles.
4	<p>In our understanding, self-executing judgments are decisions that directly confer rights or shape legal relationships without further action and thus do not require enforcement proceedings or other additional measures by administrative authorities or courts to take effect.</p> <p>In Austria, in general, only judgments that are not subject to any enforcement mechanisms (see Q D3 and D4) can be self-executing. However, not all non-enforceable judgments are self-executing. For example, decisions regarding the discontinuation of administrative criminal proceedings are non-enforceable but self-executing, because the discontinuation closes the administrative penal proceedings definitively and does not need any further action to take effect. Conversely, if the Supreme Administrative Court annuls a decision under review, the Supreme Administrative Courts' decision is also non-enforceable, but it is not self-executing, because the first instance administrative court has to rule on the matter again. However, if the Supreme Administrative Court overturns the contested decision and decides on the merits itself, this decision is enforceable (but not self-executing; rather, enforcement proceedings must be initiated if necessary).</p>
5	<p>The judgment rendered in an administrative dispute is binding. An appeal cannot be filed against the judgment rendered in an administrative dispute (final judgment). (Article 7 of the Law on Administrative Disputes).</p> <p>The judgment may be enforced when it becomes final. (Article 68 of the Law on Administrative Disputes)</p>
6	Because of the cassatory nature of the judgments, this situation is rare. It concerns judgments in which a claim was founded justified and the content of the court's judgment does not need any enforcement to be effective. It is the case when the court discontinues the administrative proceeding if it is the only legally possible outcome that stipulates from the judicial control. Then the court can in a judgment replace the administrative authority in deciding about a discontinuation of the administrative procedure. This judgment is self-executing because there is no need for any action of administrative authorities.
7	Reference may be made to those judgments that produce effects of an exclusively legal nature and do not require any modification of the material reality (an example is the judgment annulling the act ex officio).
8	<p>Certain types of rulings in the contentious-administrative jurisdiction are inherently self-executing because they:</p> <ul style="list-style-type: none">• Clearly define the actions to be taken.• Do not require further discretionary decisions or procedures by the administration. <p>a) Annulment of Administrative Acts</p> <ul style="list-style-type: none">• When a judgment declares an administrative act null and void, the legal effect of the nullity is automatic. The act is considered as if it never existed, and no additional administrative action is required to annul it.• Example: The annulment of a fine or a sanction imposed by the administration. <p>b) Recognition of Rights</p> <ul style="list-style-type: none">• If the judgment grants a specific right to an individual (e.g., recognition of a pension, reinstatement in a public position, or payment of a sum of money), the ruling can often be executed immediately without requiring further procedural steps by the administration. <p>c) Condemnatory Judgments</p> <ul style="list-style-type: none">• Judgments ordering the administration to pay a specific sum of money are often self-executing, as the court's decision provides the exact obligation that the administration must fulfill.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Not all judgments are self-executing. In some cases, the administration retains a degree of discretion or procedural steps are necessary for compliance:

- Administrative Discretion: Some judgments require the administration to adopt new acts or make decisions to comply with the ruling (e.g., reopening a tender process, reissuing a corrected decision).
- Complex Execution: When a judgment involves complex measures, such as urban planning adjustments or environmental remediation, further administrative procedures may be required.

- 9 This is the case with constitutive decisions, i.e. judicial decisions that have the power to create, modify or extinguish a legal relationship. In the case of Portugal, we have subpoenas for the protection of rights, freedoms and guarantees (Article 109(3) of the CPTA); Article 157(3) of the CPTA provides for the possibility of requesting an order for the protection of rights, freedoms and guarantees. Article 157(3) of the CPTA provides for the possibility of requesting, in the context of proceedings to enforce an unenforceable administrative act that has not been duly enforced by the Administration, the issuing of a judgement that produces the effects of a permit that has been unlawfully refused or omitted; in the context of proceedings to enforce a judgement, where the practice of a legally due administrative act with binding content is at issue, the court may issue a judgement that produces the effects of the unlawfully omitted act, under the terms of Article 164(4)(c) of the CPTA. Article 164(4)(c) of the CPTA, Article 167(6) and Article 179(5) of the CPTA apply.
- 10 When the administrative act is annulled, the obligation to issue a new act in accordance with the instructions and reasoning of the Administrative Court is not subject to further approval of any administrative authority.
There is also a possibility of Administrative Court to decide on the merits of the case and substitute the annulled administrative act with its own judgement. This is done in relatively few cases, but it gives a direct effect to the ruling without a need for any further procedure of the administration.
- 20 If the Court annuls the decision of an administrative body which was issued in ex officio procedure, there is no need of execution.
- 12 No execution is needed for the annulment, the decision that all or part of the legal consequences of the annulled act shall be allowed to stand, and the decision that its judgment shall take the place of the annulled act.
- 13 The Code of Administrative Procedure establishes a framework for the voluntary execution of enforceable decisions, including judgments, rulings, and orders. The debtor is entitled to voluntarily comply with the obligation as stipulated in the enforcement order within a period of 14 days. If the debtor voluntarily fulfils the obligation, enforcement proceedings shall be discontinued.
- 14 In *Paul Barry v. The Commissioner of An Garda Síochána, The Minister for Justice, Equality and Law Reform, The Attorney General and Ireland* [2020] IEHC 307, it was noted that “the technical procedure for orders of certiorari was changed significantly by the Rules of the Superior Courts (Judicial Review) 2011, which introduced a provision that the order of certiorari is essentially self-executing”. The other reliefs available in judicial review cases generally require some positive or negative action on the part of the administrative body and so cannot be considered self-executing.
- 15 L'article L. 11 du CJA dispose que « les jugements sont exécutoires ». Il en résulte que l'administration a l'obligation d'exécuter les décisions juridictionnelles, qu'il s'agisse des décisions de fond (autorité de la chose jugée) ou du juge des référés (autorité de la chose décidée).
- 16 In the Lithuanian legal system, when a judgment itself produces legal effects, no additional enforcement measures are required. For example, a judgment of an administrative court declaring a normative (regulatory) administrative act (or part thereof) unlawful is considered self-executing, meaning it has legal effects without the need for a specific enforcement procedure. According to Article 118(1) of the Law on Administrative Proceedings, a normative (regulatory) administrative act (or part thereof), as a rule, cannot be applied from the date of the official announcement of the final judgment of the administrative court declaring that act (or part thereof) unlawful.
- 17 Suivant l'article 37, alinéa 1er, du Règlement général de procédure (arrêté du Régent du 23 août 1948 déterminant la procédure devant la section du contentieux administratif du Conseil d'État), les arrêts sont exécutoires de plein droit.
- 19 In Czech administrative court proceedings, most decisions on the merits are enforced as soon as they have become enforceable. Only if the decision imposes an obligation on a party of the proceedings, the other party is entitled to initiate enforcement proceedings before civil courts.
Therefore, in most cases the use of enforcement mechanisms is not necessary. Typically,

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

these are decisions dismissing the action, annulling the contested decision (and sending the case back for further consideration), declaring the decision null and void, waiving the imposition of a fine, declaring the intervention unlawful, declaring the election void, determining the administrative authority competent to decide the case, etc.

21 Dans des matières où la juridiction administrative dispose d'un pouvoir de réformation, lui permettant de substituer sa décision à la décision initiale de l'administration, les jugements ou arrêts, coulés en force de chose jugée, peuvent être considérés comme auto-exécutoire, telles des amendes administratives.

22 In accordance with the code of administrative court procedure, the SAC is competent to rule on the following matters: A) in election matters, to keep a candidate on the list of candidates, to register the list of candidates and to accept the candidate's name and surname as a candidate for the office of President of the Slovak Republic, to declare the election invalid, B) to annul the contested election result, or C) to annul the decision of the election commission and to declare the duly elected candidate elected. In the political agenda, it may decide that the petition for registration of a political party is not deficient and it may also decide to dissolve the political party. In a competence dispute, it may determine which of the public authorities has competence to carry out administrative proceedings in the matter.

25 According to Section 81, para 1 of the Administrative Judicial Procedure Act (808/2019), in an ordinary appeal case the SAC may: 1) uphold the decision appealed against; 2) reverse the decision appealed against; 3) return the matter for renewed consideration; 4) amend the decision appealed against; or 5) transfer the appeal to the competent authority or court.

According to Section 82, para 2 of the same Act, when approving an application for administrative litigation, the SAC may 1) order payment based on a legal relationship governed by public law or an administrative contract, or performance of some other measure based on such a legal relationship; or 2) confirm an interest, right or obligation based on a legal relationship governed by public law or an administrative contract.

In all cases, the SAC's judgments take effect immediately without a need for any further implementing action.

26 All the judgments, in which the court imposes concrete obligations on the administrative authorities in the operative part of the judgment, have to be enforced by the authorities after they have become final. However, there are some examples, where the operative part of the judgment has itself law-forming effect and no further action from the administrative authority is needed. For example, if in the operative part of the judgment, an administrative act is being annulled or the act was found unlawful, the corresponding legal change is deemed to have taken place, when the judgment enters into force and no further enforcement of the judgment is necessary. However, when in examples mentioned latter, the administrative authority is required to reverse the effects of an administrative act, an enforcement of the judgment is needed.

27 As previously mentioned (under C5), the Council of State decision accepting the action for annulment declares the annulment of the contested act and entails its legal repeal with regard to everyone (*erga omnes*), whether it is a regulatory or an individual act. No formal/further retreat of the act declared null and void (normally *ex tunc*) is needed.

28 A quashing order ordinarily has immediate effect and renders a decision or measure invalid from the time at which it was made (apart from suspended or prospective-only quashing orders - see C8).

Generally, UK courts refrain from making coercive orders against the executive and instead grant declaratory orders, because the UK government/administrative authorities can generally be relied on to comply with court judgments (including declaratory judgments), as part of the Rule of Law and the mutual trust that exists between the government and the courts in the UK. As such, declaratory orders are considered an effective remedy. For judicial discussion of this, see Lord Reed, giving the judgment in *Craig v Her Majesty's Advocate* (for the Government of the United States of America) and another [2022] UKSC 6, at paras 44-46.

A declaratory order has important legal consequences, as Lord Reed explained in *Craig v HM Advocate*, at para 46. First, the legal issue which forms the subject matter of the declaration is determined and is *res judicata* as a result of the order being granted: *St George's Healthcare NHS Trust v S* [1999] Fam 26, 59-60. Second, a minister who acts in disregard of the law as declared by the courts will normally be acting outside his authority as a minister, and may consequently expose himself to a personal liability for wrongdoing.

However, where a legally enforceable duty (to act or refrain from acting) has been established, the court is capable of making a coercive order: see, for example, *M v Home*

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Office [1994] 1 AC 377 and Davidson v Scottish Ministers [2005] UKHL 74. In M v Home Office, a mandator interim injunction had been granted against the Home Secretary, which had been breached by his department. The House of Lords held that the injunction had been properly granted and, following its breach, the Home Secretary could properly be found in contempt of court. However, no punishment was considered necessary beyond the payment of costs. Lord Woolf emphasised, at pp 422-423, that the court's jurisdiction to grant interim and final injunctions against officers of the Crown should only be exercised in the "most limited circumstances".

In JS v Cardiff City Council [2022] EWHC 707, the local authority was found to be in contempt of court for its failure to comply with the terms of a mandatory injunction. The defendant local authority had been required to complete future placement planning and produce a care and support plan for the claimant (a young adult with ASD, ADHD, anxiety disorder, and severe communication and learning difficulties). This judgment makes clear that contempt proceedings may be brought against a public body for a failure to act in accordance with an order of the court. Any breach alleged to constitute contempt must be strictly proved, according to the criminal standard of proof (beyond reasonable doubt). The burden of proof is on the party alleging the contempt. In relation to penalty, the High Court cited R (Bemboa) v London Borough of Southwark [2002] EWHC 153 (Admin), where it was held that the gravity of a local authority's contempt could be adequately marked by the "public humiliation" of the court's judgment, compared with a financial penalty which would only disadvantage local residents.

30 The quashing of an administrative act or a regulation.

31 Under Article 146 of our Constitution, any judgments of the SCC shall be binding on all courts and all organs or authorities in the Republic and shall be given effect to and acted upon by the organ or authority or person concerned

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D4

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

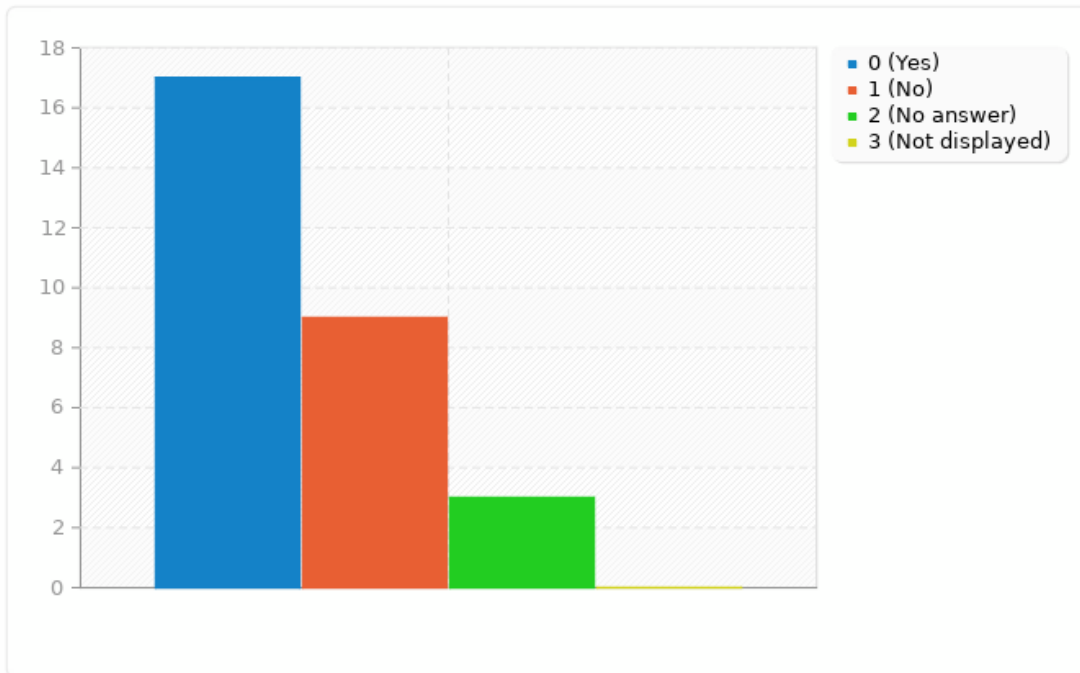
Answer	Count	Percentage
Yes (Y)	17	58.62%
No (N)	9	31.03%
No answer	3	10.34%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D4

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D5

Please explain.

Answer	Count	Percentage
Answer	17	58.62%
No answer	0	0.00%
Not displayed	12	41.38%

ID	Response
4	<p>In general, in Austria, declaratory judgments and judgments that change or create new legal relationships or obligations are not enforceable, but legally binding as soon as they are final. Decisions of the Supreme Administrative Court in the following matters are considered declaratory judgments and are not subject to any enforcement mechanism:</p> <ul style="list-style-type: none">· disputes of jurisdiction between first instance administrative courts or between one of these and the Supreme Administrative Court,· requests of an ordinary court on the legality of decisions issued by administrative authorities or first instance administrative courts,· complaints regarding the failure of a first instance administrative court to issue a timely decision,· complaints regarding the violation of data protection rights by the Supreme Administrative Court itself. <p>When the Supreme Administrative Court rejects a review by court order (i.e. because it is found to be formally defective or does not contain a legal issue of fundamental importance) or dismisses the review as unfounded, the Supreme Administrative Court's decision itself is also not enforceable. However, the contested decision of the first instance administrative court is enforceable. If the Supreme Administrative Court annuls the decision under review, the first instance administrative court has to rule on the matter again, but is bound by the legal assessment of the Supreme Administrative Court. As a result, the Supreme Administrative Court's decision is not enforceable either.</p> <p>Therefore, only certain decisions in which the Supreme Administrative Court decides on the merits of the matter (sec. 63 para. 2 VwGG) and decisions on a request for the award of reimbursement of expenses (sec. 59 para. 4 VwGG) are directly enforceable.</p>
5	<p>Article 42 paragraph 2 of the Law on Administrative Dispute – “If the lawsuit is accepted and the claim is to determine the illegality of the act without legal effects, or the claim is consisted of only determination whether the defendant has repeated his/her previous act already annulled before the court – the court shall limit itself to the requested determination”.</p>
6	<p>All judgments in which a court dismissed a claim are not subject to any enforcement mechanism. Case files are returned to an administrative authority and any legal action is taken. In this situation, an administrative act (and not a judgment) is a subject of enforcement.</p>
8	<p>Yes, there are judgments in the contentious-administrative jurisdiction in Spain that are not subject to enforcement mechanisms, but they are limited to specific types of rulings. These judgments are characterized by their declarative nature, where the court's decision merely acknowledges a legal situation or establishes a legal interpretation without imposing obligations or requiring action from any party.</p> <p>1. Declaratory Judgments</p> <ul style="list-style-type: none">• Definition: Declaratory judgments recognize or affirm the existence or non-existence of a legal right, duty, or status but do not require enforcement because they do not impose any actionable obligation.• Examples:<ul style="list-style-type: none">• A judgment declaring that a regulation is unconstitutional or void from its inception.• A ruling interpreting a legal provision without ordering specific action by the administration or individuals.• Why Not Enforced: These judgments provide clarity or legal certainty but do not involve obligations that require further action. <p>2. Dismissals or Negative Judgments</p> <ul style="list-style-type: none">• Definition: Judgments where the court rejects the claims of the plaintiff or determines that the contested administrative act is lawful.• Examples:<ul style="list-style-type: none">• A judgment upholding the validity of an administrative sanction or regulation.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- A dismissal of a lawsuit for procedural reasons, such as lack of standing or filing outside the statutory time limit.

- Why Not Enforced: These judgments confirm the status quo and do not result in any new obligations or actions.

3. Judgments That Depend on Future Acts

- Some rulings establish principles or rights that are not immediately enforceable because their practical application depends on future administrative acts or decisions.

- Example:

- A judgment recognizing a general legal principle (e.g., a particular interpretation of tax law) but not tied to a specific enforcement scenario.

- 10 The Administrative Court can issue a declaratory judgement that just determines the legality or illegality of the administrative act in question and has no further legal consequences.
- 20 If the claim is denied
- 12 See answers under A10 and D2.
- 13 Only individual or general administrative acts that have entered into force, or administrative acts that are subject to provisional execution, are enforceable if the obligation incurred has become due and is enforceable. Administrative acts which do not contain such obligations, in particular obligations of conduct, are unenforceable.
One of the reasons why the final court act cannot be executed in due time is that the natural or legal person has in the meantime filed a request for protection against unlawful enforcement. This protection can be categorized as either claim protection under Art. 292 and Art. 293 of the Administrative Procedure Code, or procedural protection by appealing against unlawful actions and omissions of the authority under Art. 271, regulated in Art. 294 - 298 of the Administrative Procedure Code.
- 14 A judge may issue a declaration, which is a clarification on the particular law and/or a declaration on the rights of the affected parties. This is not subject to enforcement.
- 15 L'effet automatique de l'annulation juridictionnelle, à savoir la disparition rétroactive de l'acte annulé, peut dans certains cas se suffire à lui-même et ne nécessiter aucune action particulière de la part de l'administration. Cette dernière est alors simplement soumise à une double obligation, ne plus appliquer l'acte annulé (CE, 20 mai 1988, Nardin, n° 59657) et ne pas reprendre un acte identique (CE, 30 juillet 1997, Caisse des dépôts et consignations, n° 141939).
Même lorsque l'annulation d'un acte n'implique aucune mesure d'exécution, l'autorité de la chose jugée impose à l'administration de ne pas reprendre, par la suite, un acte entaché de la même illégalité que celle qui a été censurée. (CE, 22 juillet 2015, M. Chatillon, nos 374434, 387086). Par construction même, la contestation de cette nouvelle décision est étrangère à l'office du juge de l'exécution. À titre d'exemple, lorsque l'administration décide de licencier à nouveau un agent public réintégré à la suite de l'annulation contentieuse d'un premier licenciement, la contestation de la légalité du second licenciement constitue un litige distinct du litige ayant conduit à l'annulation du premier.
- 16 A notable example is a court decision annulling an administrative act or declaring it unlawful. In such cases, execution is often automatic, as the annulment itself restores the legal situation that existed prior to the contested act.

According to Article 92 of the Law on Administrative Proceedings, the annulment of an administrative act means that, in the specific case, the previous legal status is reinstated, and the violated rights or legitimate interests of the applicant are restored. However, this does not automatically reinstate the validity of any prior administrative act that had been replaced by the annulled decision.

Because of this automatic legal effect, administrative court rulings that annul administrative acts can be classified as self-executing judgments that do not require coercive enforcement measures.

As mentioned before, an administrative court judgment declaring a normative (regulatory) administrative act (or part thereof) unlawful is also not subject to any enforcement mechanism. As a rule, when a normative (regulatory) administrative act (or part thereof) is declared unlawful it cannot be applied from the date on which a final judgment of the administrative court declaring that act (or part thereof) unlawful has been officially announced, i.e. published on the Register of Legal Acts.

- 19 See answer in D2. The Czech legal system does not distinguish between the "self-execution" of a decision and the "enforceability" of a decision. Court decisions are either enforceable or not. Only if they are enforceable is it possible to use an enforcement mechanism if the party

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

so requests. As noted above, most decisions in administrative justice proceedings are enforced as soon as they are enforceable and the use of any further enforcement mechanism is not necessary. Only if the decision imposes an obligation on a party of the proceedings, the other party is entitled to initiate enforcement proceedings before civil courts. These include for example cases imposing an obligation to provide a party with necessary information based on the Act on Free Access to Information or an obligation of the administrative authority to end inaction and issue a decision.

- 21 Aucu mécanisme d'exécution n'est nécessaire pour les jugements ou arrêts prononçant l'annulation d'une décision administrative, le dispositif de la décision de la juridiction administrative étant suffisant en lui-même et faisant disparaître de l'ordonnancement juridique l'acte administratif visé.
- 22 Please see our answer in D2. The decision methods listed in D2 do not require any additional execution process, they are self-executing decisions.
- 25 The enforcement mechanism provided under the Finnish Enforcement Act only concerns such judgments which lay down enforceable obligations (e.g. payment obligations, injunctions etc.; see question F11). Where the judgment does not lay down any obligation, there are no enforcement mechanisms available under the Finnish law. An example of a judgment by the SAC without an enforce mechanism is a decision to uphold an environmental permit granted by the competent authority. The permit applicant may "execute" the judgment by starting the activity, but if the operator chooses not to do so, there is no need for enforcement.
- 30 Declaratory judgments.
- 31 Separate procedures need to be instituted in case the judgment concerns omission of the administration to act.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D6

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

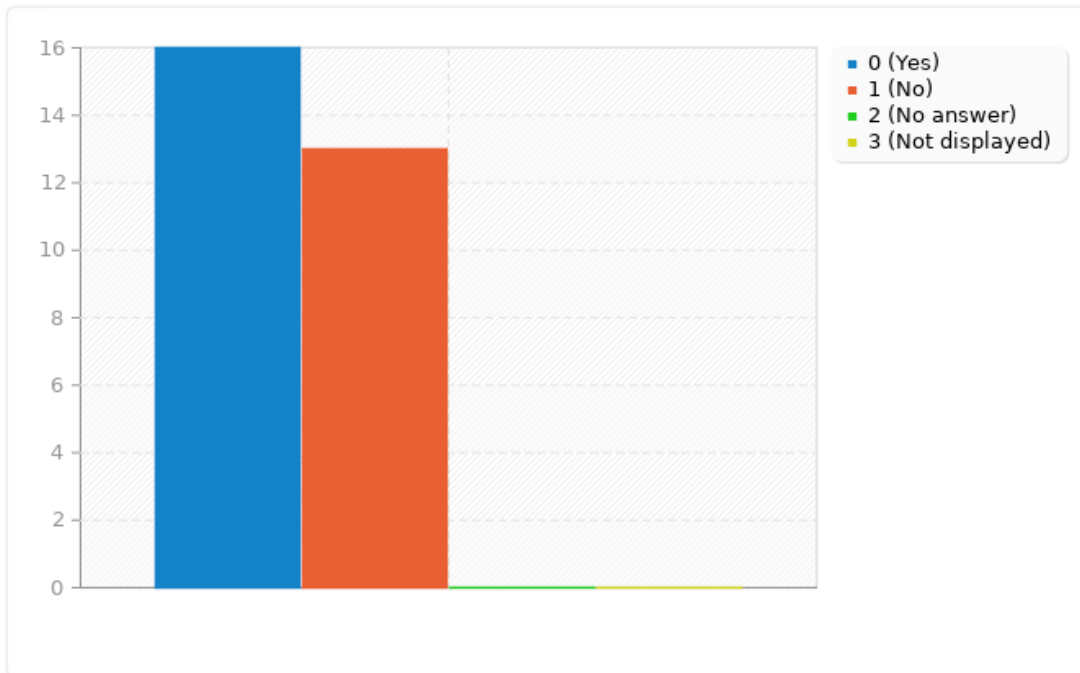
Answer	Count	Percentage
Yes (Y)	16	55.17%
No (N)	13	44.83%
No answer	0	0.00%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D6

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D7

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

Answer	Count	Percentage
Answer	15	51.72%
No answer	1	3.45%
Not displayed	13	44.83%

ID	Response
3	<p>The enforce enforceability of court judgments in Romania is established by law and does not strictly depend on the inclusion of an enforceability provision in the text of the decision. However, for the sake of clarity, particularly in cases where the law requires immediate enforceability, this is indicated in the enacting terms in the form: "Enforceable", "Enforceable by operation of law", etc.</p>
4	<p>Example for a decision on a request for the award of reimbursement of expenses: The province XX must reimburse the complainant expenses in the amount of € XX within two weeks or other means of execution will be enforced.</p>
5	<p>Example:</p> <p>When the court decides on a lawsuit due to the "silence of the administration", the operative part of the judgment is as follows: "the lawsuit is accepted and the defendant body is ordered to decide on the request/complaint of the party/plaintiff within 30 days from the date of receipt of the judgment."</p> <p>When the court decides on a lawsuit for the annulment of a decision, the operative part of the judgment is as follows: "the lawsuit is accepted and the decision of the second-instance defendant authority is annulled and the case is returned to the authority for re-decision".</p> <p>When the court decides in full jurisdiction, the operative part of the judgment is as follows: "the lawsuit is accepted, the decision of the second-instance defendant authority is annulled and the party's appeal is dismissed."</p>
7	<p>Pursuant to Article 88(1)(f) c.p.a., the administrative judgment has to contain 'the order that the decision be carried out by the administrative authority'.</p>
8	<p>In the Spanish contentious-administrative jurisdiction, the enforcement order (auto de ejecución) is a formal judicial document issued to ensure compliance with a judicial decision. Its wording must comply with the provisions of the Ley de la Jurisdicción Contencioso-Administrativa (LJCA), particularly Articles 103–108, and should clearly define the actions required to enforce the judgment. Here's an example of how an enforcement order might be structured and worded:</p> <p>Structure of an Enforcement Order</p> <ol style="list-style-type: none">1. Heading:<ul style="list-style-type: none">• Name of the court (e.g., Tribunal Superior de Justicia o Juzgado de lo Contencioso-Administrativo).• Case number and title of the case.2. Introduction and Recitals:<ul style="list-style-type: none">• Identification of the original judgment to be enforced (date, case number, and summary of the ruling).• Reference to the legal basis for enforcement (e.g., Articles 103–108 LJCA).3. Resolution (Decision):<ul style="list-style-type: none">• Clear and precise instructions directed to the administrative authority or parties.• Deadlines for compliance.• Warnings of consequences for non-compliance.4. Signature:<ul style="list-style-type: none">• Judge or magistrate's signature and court seal.
9	<p>The judgment of the administrative courts acts as an enforceable title, as a document containing the obligation that should have been spontaneously complied with by the administration and wasn't, motivating its judicial, coercive enforcement, on the initiative of the</p>

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- 20 person who appears in the judgment as the plaintiff/applicant, and against the person who appears in the judgment as the defendant/applicant and condemned public entity. Article 703(1)(a) CPC, ex vi Article 1 CPTA.
Article 119 Law on Administrative Disputes
Where the case is referred back to the re-enforcement procedure, the operative part of the decision of the Court call also contain an obligation on the competent authority to comply with the legal conformity and observations of the Court expressed in the statement of reasons for the decision in the re-enforcement procedure.
- 12 From articles 8:55c, 8:55d(2), 8:72(6) and 8:76 GALA it follows that the judgment constitutes an enforceable title for the elements mentioned in these articles. This title can be enforced in accordance with the provisions of the Code of Civil Procedure. In order to be able to let a judgment be executed, the party needs to request the AJD for an engrossment of the judgment. The engrossment must be headed by the words: "In the name of the King".
- 13 Administrative law obligations may arise from a court decision amending an administrative act, annulling the act, and resolving the matter on its merits. In such a case, the rights and obligations are created or negated after a judicial review of the legality of the administrative act. Furthermore, the judgment that has been enforced, insofar as it orders the return of the case to the administrative authority for the purpose of determining for example the built-up part of the immovable property, constitutes an enforceable ground and is subject to enforcement in accordance with the provisions of the Administrative Procedure Code. The enforcement order is to be granted, depending on the obligation to be enforced on the basis of the court's decision.
- 15 La République mande et ordonne au [ministre compétent] en ce qui le concerne ou à tous commissaires de justice à ce requis en ce qui concerne les voies de droit commun contre les parties privées, de pourvoir à l'exécution de la présente décision.
Pour expédition conforme,
- 17 L'article 37 du Règlement général de procédure dispose comme suit en ses deux premiers alinéas:
"Les arrêts sont exécutoires de plein droit. Le Roi en assure l'exécution. Le greffier appose sur les expéditions, à la suite du dispositif, et suivant le cas, l'une des formules exécutoires ci-après:
« Les Ministres et autorités administratives, en ce qui les concerne, sont tenus de pourvoir à l'exécution du présent arrêt. Les huissiers de justice à ce requis ont à y concourir en ce qui concerne les voies de droit commun. »".
- 19 The enforceability clause of a decision takes the form of a stamp on the decision. It shall be stamped on the original decision or on a printed copy of the original decision only after the decision has become final. The stamp reads: "This decision is enforceable from the date of...".
- 25 The sentence "Tätä kaikki asianomaiset noudattakoot" (approximately "may all those concerned abide by the afore-mentioned") is added to the end of the SAC's decisions. This phrase is of historic origin and its language somewhat archaic, making the phrase obscure to most readership. Its meaning, however, is to signal that the SAC's decision is final and cannot be appealed; this, in turn, is the general condition to the enforceability of judgments under Section 122 of the Administrative Judicial Procedure Act (808/2019). Enforceability does not, however, depend on the inclusion of the phrase in the decision.
- 26 Supreme Court's decisions are enforceable after they have entered into force. Enforcement of the decision does not require additional form of an enforcement order. The decision is enforced according to the wording of the operative part.
- 27 "IN THE NAME OF THE GREEK PEOPLE
Every bailiff is ordered to execute the above decision when requested, the prosecutors to act within their jurisdiction and the chiefs and other organs of the Police to assist when requested.
The order is certified by the drafting and signing of this".

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D8

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?

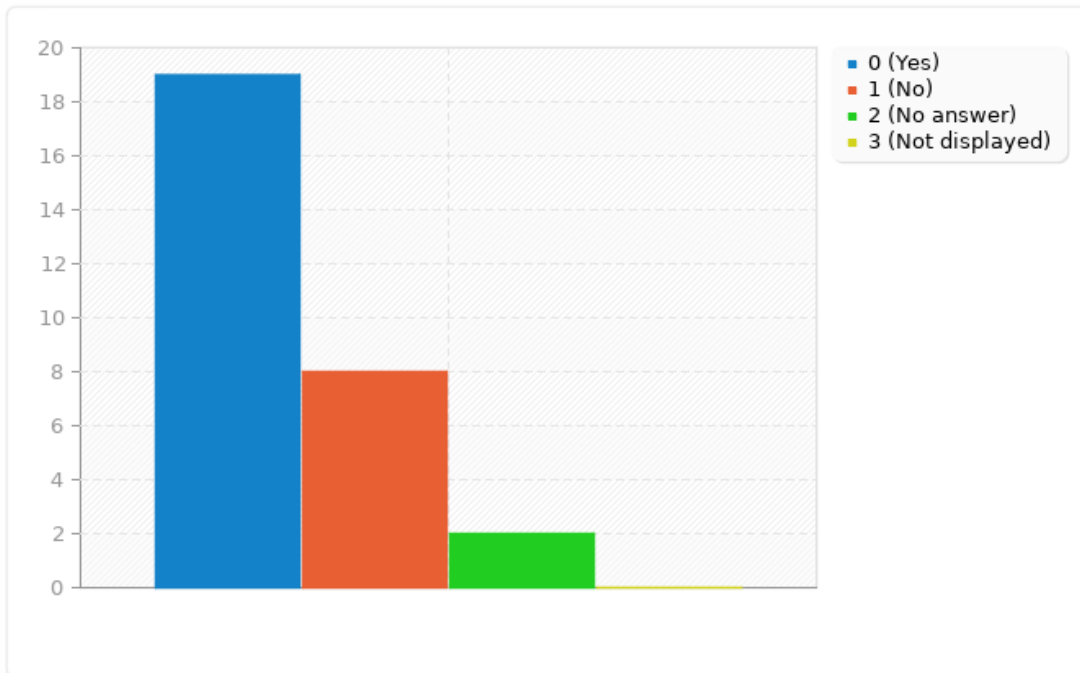
Answer	Count	Percentage
Yes (Y)	19	65.52%
No (N)	8	27.59%
No answer	2	6.90%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D8

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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D9

The court's decision includes details of enforcement:

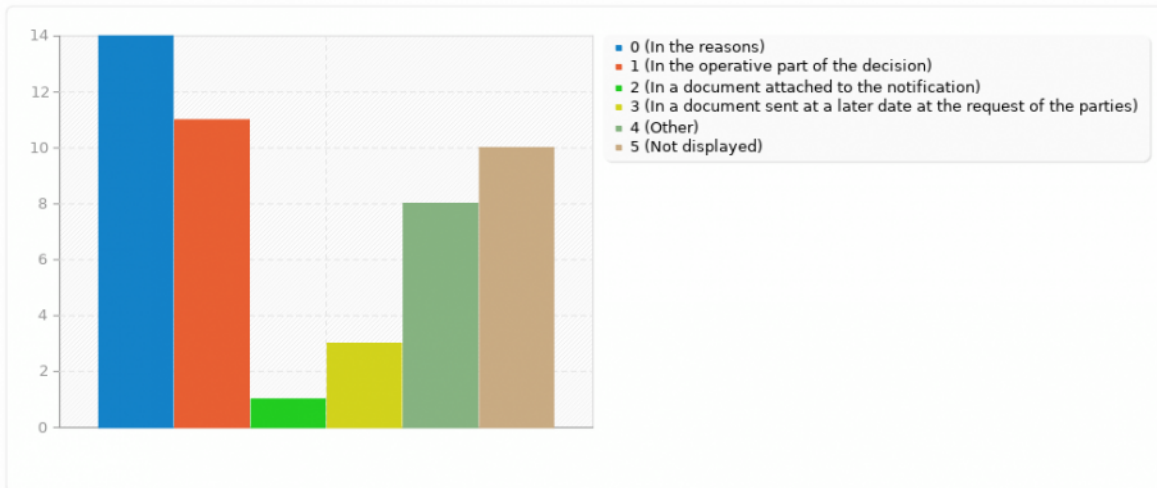
Answer	Count	Percentage
In the reasons (SQ001)	14	48.28%
In the operative part of the decision (SQ002)	11	37.93%
In a document attached to the notification (SQ003)	1	3.45%
In a document sent at a later date at the request of the parties (SQ004)	3	10.34%
Other (SQ005)	8	27.59%
Not displayed	10	34.48%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D9

The court's decision includes details of enforcement:



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D10

Please explain.

Answer	Count	Percentage
Answer	8	27.59%
No answer	0	0.00%
Not displayed	21	72.41%

ID	Response
7	If necessary, the operative part of the judgment contains binding declarations that must find concrete implementation through the cooperation of the parties.
9	<p>Decisions may include details of how they are to be implemented in their reasoning and in the relevant provisions, but always in compliance with the principle of the separation of powers. This means that the court cannot decide in advance on the content of an essentially discretionary act.</p> <p>In the Portuguese legal system, the court can review the legality of an act that has been or is presumed to have been carried out, in a direction favourable or unfavourable to the plaintiff, it can annul it and even, in the execution of a sentence, it can order the performance of the act that should have been performed in the circumstances in which the first act was performed, but it cannot, in the abstract and in general terms, order the performance of an act that is based on a discretionary power of the administration.</p>
12	<p>Some examples:</p> <p>If the judgment contains an astreinte or penalty payments, the court will determine in the judgment when forfeiture occurs, for which amount and time unit, and to which maximum. In case the court orders the administrative authority to take a new decision, it will be stated that the new decision must be taken in accordance with the ruling.</p> <p>In the case of joint appellants, it will be stated that the administrative body has fulfilled its payment obligation by paying to one of them.</p>
15	L'article R. 931-1 du code de justice administrative donne à l'autorité la possibilité de demander au Conseil d'État des éclaircissements sur les modalités d'exécution de certaines de ses décisions (le dispositif n'est pas limité aux arrêts d'annulation mais concerne également des décisions de plein contentieux), l'avis rendu suite à une telle demande d'éclaircissement pourrait aussi être regardé comme « un document envoyé ultérieurement, à la demande des parties ».
16	If necessary, the reasoning of an administrative court's decision may, to a certain extent, include details on how it is to be enforced by the administrative body. This largely depends on the specific case and the issues raised. However, under a general rule, a court cannot substitute the administrative body by conducting an administrative procedure itself and adopting a decision that falls within the public administration body's competence, as this could infringe the constitutional principle of the separation of powers.
23	If the court quashes the revised administrative act and orders the administrative body to conduct new proceedings, it must provide definite guidance in its judgment, covering all relevant points of remedying the infringement, as described in Section 86 (4) of the Administrative Litigation Act. In practice, this is included in the reasons of the judgment. Section 97 (4) of the Administrative Litigation Act states that the administrative bodies are bound by the operative part and the reasons of the court decision during the repeated proceedings and the execution of the act ordered by the court decision. And the Public Administration Procedure Act defines it as a ground for nullity if the content of the decision is contrary to the administrative court's decision issued in the given case. Therefore, the given administrative body is obliged to follow the guidance given by the court in the reasoning of the judgment and may not weigh its necessity or purpose.
25	Upon returning a matter to the administrative authority for renewed consideration, the SAC may mandate a certain result in the operative part of the decision (e.g. a permit application shall be re-considered in order for the permit to be issued). The SAC may also include binding instructions to be followed by the authority in the reasons of the decision (e.g., when a residence permit application is re-considered, the applicant shall be treated as a minor).
27	It is constant jurisprudence of the Council of State (CoS) that from the combined articles 95 par. 5 of the Constitution, 50 par. 1, 4 and 5 of presidential decree no. 18/1989 and the law

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

3068/2002 issued in execution of the above constitutional provision, it follows that the Administration, complying with a nullification decision of the Council of State, is obliged not only to consider the administrative act that was annulled by this judicial decision invalid and non-existent in the legal world, but also to take positive actions to reform it or the legal situations that were formed, directly or indirectly, based on the act or omission that was annulled or as a consequence thereof. To this end, it must revoke or amend the administrative acts based on the annulled decision and repeat the acts that it is legally obliged to issue, without the legal defect that was established in the annulment decision, so as to create a legal situation in accordance with the law within the meaning of the annulment decision. The more specific content and extent of the Administration's compliance obligations are determined by the subject matter of the annulment pronounced, namely by the nature and type of the annulled act or the legal elements that constitute the omission, as well as by the judgement or judgements on the issues examined and on which the Court ruled in the grounds of its decision, creating *res judicata* in respect of them for the specific case (CoS, Plenary session, 1834/2021, 1125/2016, 677/2010). In the specific case where the administrative act was annulled due to deficiencies in the reasoning, the Administration may repeat its act for the regulation of the specific relationship retroactively and issue an act of the same content as the annulled one, but it must, however, legally and adequately justify its new act, based on the annulling decision or on data that have not been the subject of investigation and judgment by the annulling judge, regardless of whether or not this data was known to the Administration (CoS 593/2021, 127/2019, 4091/2015, 748/2007). In any case, the new act of the Administration must not contradict what has been judged by the annulment decision and must be expressed in view of the legal and factual status of the time of issuance of the annulled act (CoS 593/2021, 748/2007, 16/2006).

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D11

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)?

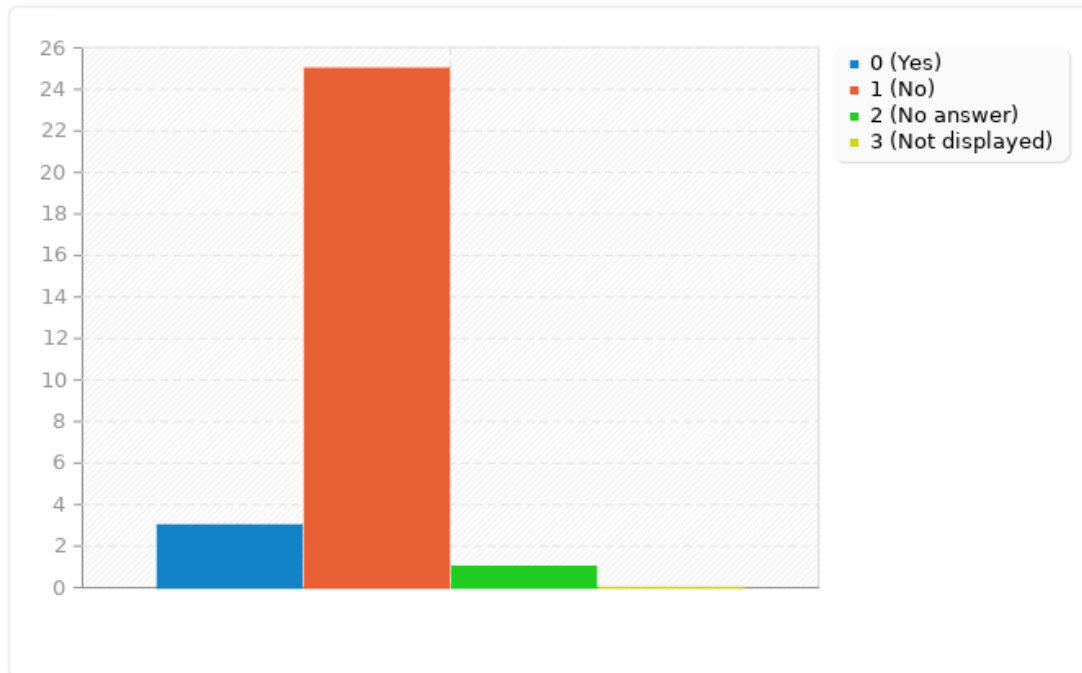
Answer	Count	Percentage
Yes (Y)	3	10.34%
No (N)	25	86.21%
No answer	1	3.45%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D11

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)?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D12

Please explain.

Answer	Count	Percentage
Answer	3	10.34%
No answer	0	0.00%
Not displayed	26	89.66%

ID	Response
4	When the Supreme Administrative Court decides on the merits of the matter, it shall also name the court or administrative authority responsible for the execution of the decision (sec. 63 para. 2 VwGG).
7	<p>The court may appoint an ad acta commissioner (Article 114 (4)(d) c.p.a.).</p> <p>In such cases, the administrative judge retains a power of control and supervision over the activity of the ad acta commissioner.</p>
21	<p>L'article 84 de la loi du 7 novembre 1996 prévoit ce qui suit :</p> <p>" Lorsqu'en cas d'annulation ou de réformation, coulée en force de chose jugée, d'une décision administrative qui n'est pas réservée par la Constitution à un organe déterminé, la juridiction ayant annulé ou réformé la décision a renvoyé l'affaire devant l'autorité compétente et que celle-ci omet de prendre une décision en se conformant au jugement ou à l'arrêt, la partie intéressée peut, à l'expiration d'un délai de trois mois à partir du prononcé de l'arrêt ou du jugement, saisir la juridiction qui a renvoyé l'affaire en vue de charger un commissaire spécial de prendre la décision aux lieu et place de l'autorité compétente et aux frais de celle-ci. La juridiction fixe au commissaire spécial un délai dans lequel il doit accomplir sa mission. La désignation du commissaire spécial dessaisit l'autorité compétente ".</p> <p>Ainsi, en cas d'inexécution d'un jugement ou arrêt coulés en force de chose jugée, la juridiction administrative peut être amenée à nommer un commissaire spécial avec la mission de prendre aux lieu et place de l'administration concernée la décision qui s'impose en vertu de ladite décision judiciaire.</p>

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D13

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?

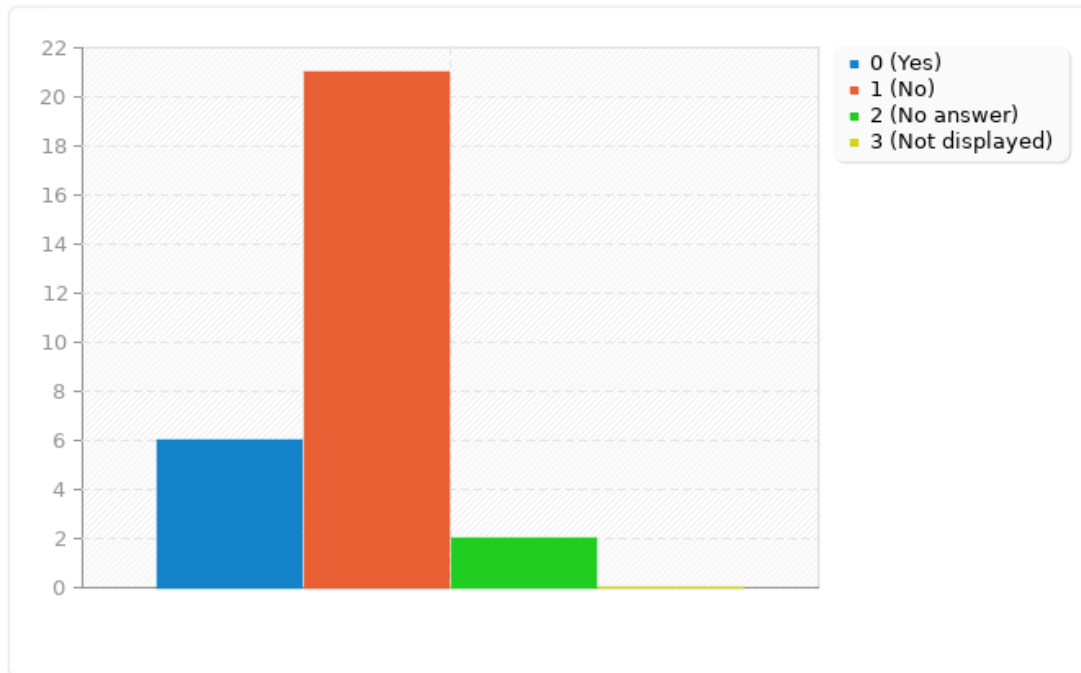
Answer	Count	Percentage
Yes (Y)	6	20.69%
No (N)	21	72.41%
No answer	2	6.90%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for D13

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?



Summary for D14

Please explain.

Answer	Count	Percentage
Answer	6	20.69%
No answer	0	0.00%
Not displayed	23	79.31%

ID	Response
9	<p>According to Article 95(4) of the CPTA, in judgments ordering the adoption of administrative acts or rules or imposing other types of obligations on the administration, the court has the power to set, of its own motion, a time limit for compliance, which may be extended in justified cases. It also has the power, where justified, to impose a penalty payment to deter non-compliance.</p>
15	<p>Il peut être fait ici état de plusieurs jurisprudences.</p> <p>Tout d'abord, dans un double souci de pédagogie et d'efficacité, le Conseil d'Etat a consacré dès sa décision d'assemblée Vassilikiotis du 29 juin 2001 (n° 213229) une démarche consistant à expliciter, dans les motifs auquel le dispositif de la décision renvoie expressément, les conséquences à tirer d'une annulation (pour l'annulation d'un acte réglementaire « en tant que ne pas » (CE, Assemblée, 29 juin 2001, Vassilikiotis, n° 213229, au Rec. ; pour l'annulation du refus d'abroger un règlement, CE, 27 juillet 2001, Titran, n° 222509, au Rec.2). Dans ces hypothèses, les motifs qui précisent les obligations de l'administration sont le support nécessaire de l'annulation (CE, Section, 28 novembre 1949, Société des automobiles Berliet, au Rec.) et en tant que tels sont revêtus de l'autorité absolue de la chose jugée (CE, 22 mars 1961, Sieur Simonet, n° 51333, au Rec.) qui s'impose à l'administration lorsqu'elle prend une nouvelle décision.</p> <p>Afin de donner toute sa portée utile à la décision juridictionnelle rendue, la jurisprudence Eden impose au juge de l'excès de pouvoir lorsque le requérant choisit de présenter, outre des conclusions à fin d'annulation, des conclusions à fin d'injonction tendant à ce que le juge enjoigne à l'autorité administrative de prendre une décision dans un sens déterminé, d'examiner prioritairement les moyens qui seraient de nature, étant fondés, à justifier le prononcé de l'injonction demandée (CE, Sect., 21 décembre 2018, Société Eden, n° 409678). Dans le sillage de cette jurisprudence, le Conseil d'Etat a, dans sa décision Société Mandataires judiciaires associés, imposé au juge saisi d'un titre exécutoire d'examiner prioritairement les moyens relatifs au bien-fondé de la décision attaquée par rapport aux moyens de régularité (CE, 5 avril 2019, Société Mandataires Judiciaires Associés, mandataire liquidateur de la Société Centre d'exportation du livre français, n° 413712, au Rec.).</p> <p>On peut noter une évolution de l'usage de l'injonction ces dernières années avec l'émergence de ce que la doctrine a désigné comme les « recours pour excès de pouvoir-injonction ». Ces recours ont principalement pour objet, par le biais de l'injonction, d'obliger l'administration à agir ou à adopter des mesures réglementaires ou d'organisation pour faire respecter la loi ou des principes constitutionnels ou conventionnels. Leur développement tient d'une part à des stratégies contentieuses, d'autre part à l'évolution de notre cadre normatif qui crée des obligations de plus en plus larges pour l'administration. Ainsi, dans l'arrêt Commune de Grande-Synthe (CE, Ass., 19 novembre 2020 Commune de Grande-Synthe et autres, puis CE, 1er juillet 2021, Commune de Grande-Synthe et autres, puis CE, 10 mai 2023, Commune de Grande-Synthe et autres), la précision avec laquelle le législateur puis le pouvoir réglementaire lui-même ont fixé les objectifs de réduction d'émissions de gaz à effet de serre pour la mise en œuvre de l'accord de Paris a conduit le juge à prononcer des injonctions fermes afin que le Gouvernement prenne des mesures propres à atteindre ces objectifs. Pour autant, le juge a rappelé qu'« en toute hypothèse, il ne lui appartient pas, dans le cadre de [son] office, de se substituer aux pouvoirs publics pour déterminer une politique publique ou de leur enjoindre de le faire » lorsque celle-ci n'est pas déjà définie, par exemple par la loi, comme c'était le cas pour les objectifs de réduction des émissions de carbone dans l'affaire Commune de Grande-Synthe. C'est ce que le Conseil d'État a souligné dans deux arrêts d'assemblée rendus le 11 octobre dernier (CE, Ass. 11 octobre 2023, Ligue des droits</p>

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

de l'homme, Syndicat de la magistrature et autres, nos467771 et 467781 ; et CE, Ass. 11 octobre 2023, Amnesty international France et autres, n° 454836), en encadrant clairement le régime contentieux de ces « REP-injonction » et la manière dont le juge doit apprécier les conclusions au regard de la portée de l'obligation en cause, alignant d'ailleurs ce régime et celui des actions de groupe visant à la cessation d'un manquement. Cette limite à l'office du juge du fond permet de ne pas mettre le juge de l'exécution dans une situation qui le conduirait à apprécier les efforts de l'administration pour déterminer une politique publique sans norme objective pour ce faire, comme le sont les objectifs chiffrés en matière environnementale qui permettent un contrôle au regard d'une politique publique qui a été définie par le législateur et le pouvoir réglementaire.

16 According to Article 96(3) of the Law on Administrative Proceedings, until a court decision is enforced, the court has the right, upon request by the parties to the proceedings, to clarify its decision without altering its substance. This legal mechanism—clarification of a court decision—may help, to some extent, facilitate enforcement when the decision could be interpreted ambiguously in terms of its direct legal consequences. It allows the court to clarify how the decision should be enforced in cases where doubts arise regarding its operative part. However, the clarification mechanism cannot be used to determine what specific decision a public administration body must adopt or what concrete actions must be taken to execute the court's ruling.

Additionally, the Law on Administrative Proceedings regulates measures to secure a claim (Art. 70). A judge may impose provisional measures to safeguard the claim upon a reasoned application by a participant in the proceedings or on the judge's own initiative. Such measures can be applied at any stage of the proceedings, provided that the participant justifies the need for them and demonstrates that failure to impose them may result in irreparable or difficult-to-remedy harm. If the applicant's complaint is upheld, the provisional measures remain in effect until the court decision is enforced. A fine may be imposed for non-compliance with these measures.

17 Suivant l'article 35/1 des LCCE, "À la demande d'une des parties au plus tard dans le dernier mémoire, la section du contentieux administratif précise, dans les motifs de son arrêt d'annulation, les mesures à prendre pour remédier à l'illégalité ayant conduit à cette annulation".

26 Since the enforcement of court decisions does not constitute a significant problem in Estonia, using extra tools or techniques is usually not necessary. However, there is a possibility to warn administrative authority in the reasoning of the decision, that when failing to comply with the decision of the court, a fine may be imposed on the administrative authority, repeatedly if necessary. Clear wording of the operative part may also facilitate the enforcement of the decision, since it makes easier for the administrative authority to enforce the decision and motivates to follow the ruling of the court.

27 Refer to answer under D10.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E1

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

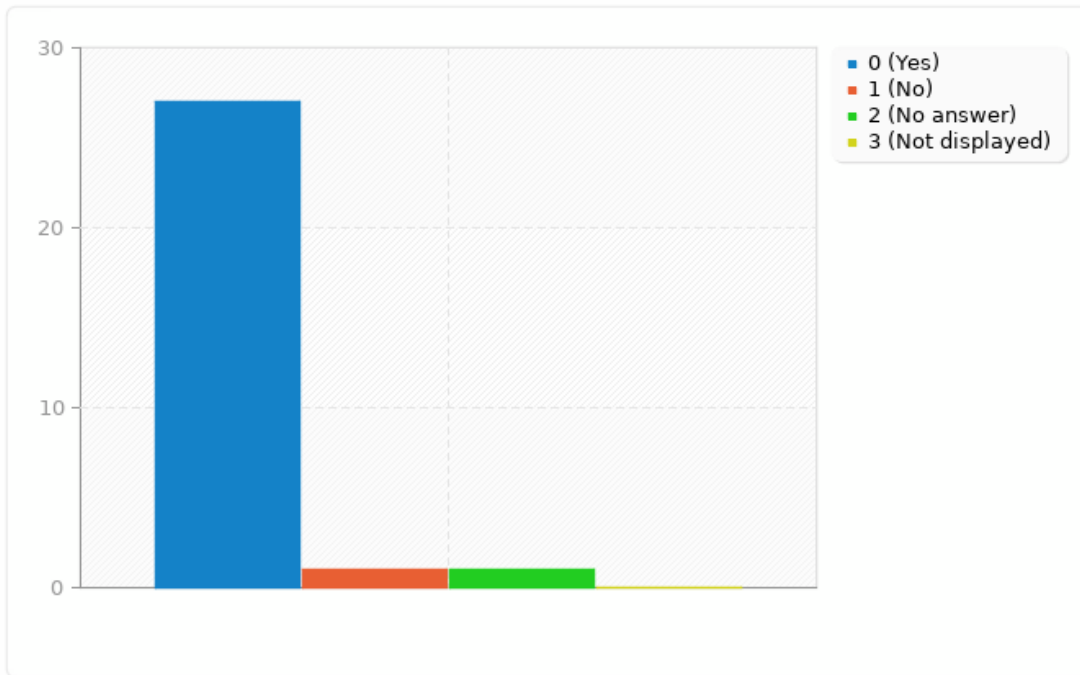
Answer	Count	Percentage
Yes (Y)	27	93.10%
No (N)	1	3.45%
No answer	1	3.45%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E1

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E2

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

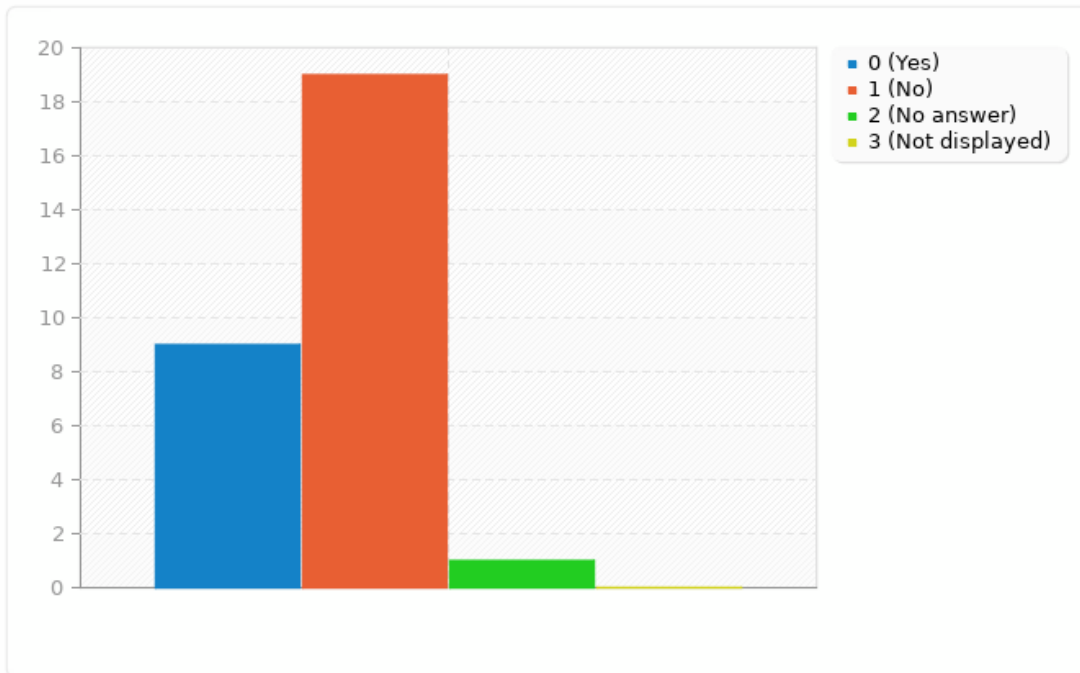
Answer	Count	Percentage
Yes (Y)	9	31.03%
No (N)	19	65.52%
No answer	1	3.45%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E2

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E3

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

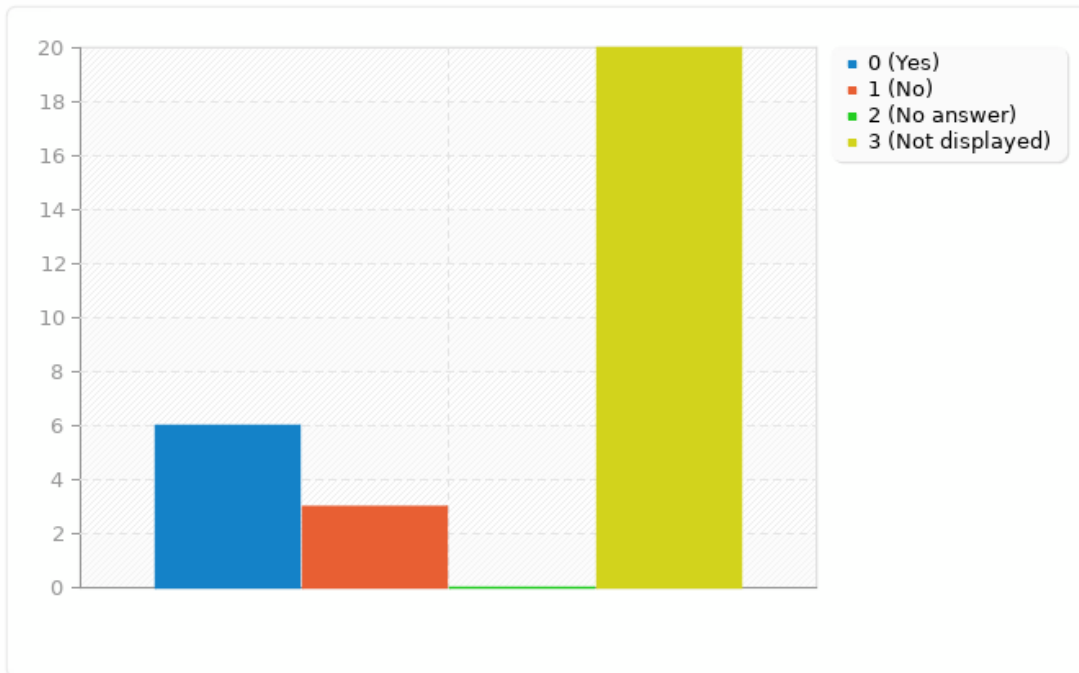
Answer	Count	Percentage
Yes (Y)	6	20.69%
No (N)	3	10.34%
No answer	0	0.00%
Not displayed	20	68.97%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E3

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E4

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

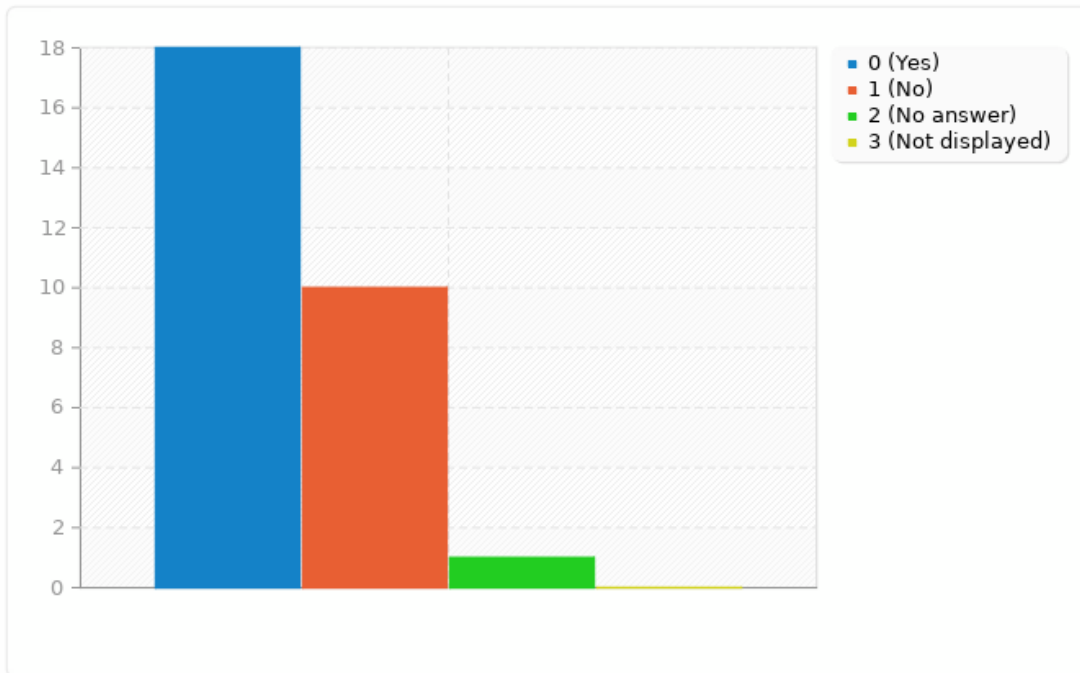
Answer	Count	Percentage
Yes (Y)	18	62.07%
No (N)	10	34.48%
No answer	1	3.45%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E4

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E5

Please specify which mechanisms your court uses.

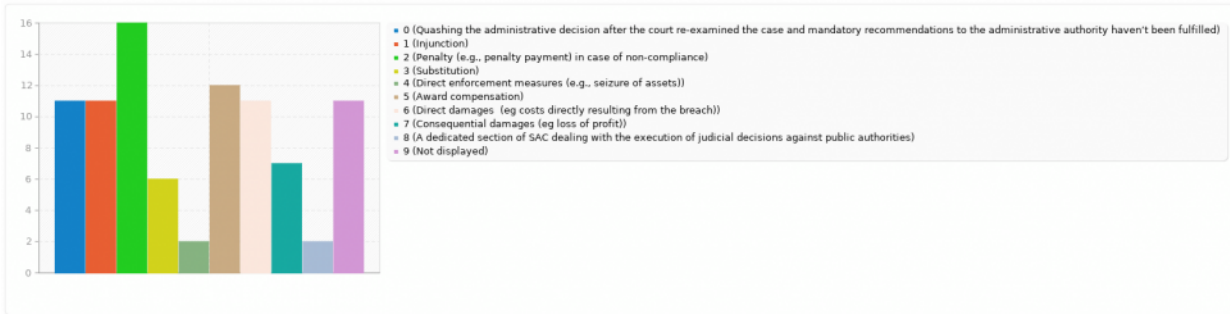
Answer	Count	Percentage
Quashing the administrative decision after the court re-examined the case and mandatory recommendations to the administrative authority haven't been fulfilled (SQ001)	11	37.93%
Injunction (SQ002)	11	37.93%
Penalty (e.g., penalty payment) in case of non-compliance (SQ003)	16	55.17%
Substitution (SQ004)	6	20.69%
Direct enforcement measures (e.g., seizure of assets) (SQ005)	2	6.90%
Award compensation (SQ006)	12	41.38%
Direct damages (eg costs directly resulting from the breach) (SQ007)	11	37.93%
Consequential damages (eg loss of profit) (SQ008)	7	24.14%
A dedicated section of SAC dealing with the execution of judicial decisions against public authorities (SQ009)	2	6.90%
Not displayed	11	37.93%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E5

Please specify which mechanisms your court uses.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E6

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

Answer	Count	Percentage
Answer	10	34.48%
No answer	1	3.45%
Not displayed	18	62.07%

ID	Response
7	<p>Pursuant to Article 112 (3), c.p.a. 'It is possible to propose, also in a single instance in the court of compliance, an action of ordering the payment of sums by way of appreciation and interest accrued after the res judicata court judgment, as well as claims for damages related to the impossibility or at least, the non-performance in a specific form, total or partial, of the judgment or its violation or evasion.'</p>
8	<p>In cases of non-enforcement of judgments, in addition to the corresponding coercive measures, the general rules of liability for damages also apply. This means that the failure to comply with a judicial ruling generates an obligation to compensate for the direct damages and lost profits caused by the non-enforcement.</p> <p>The principle underlying this obligation is that non-compliance not only undermines the authority of judicial decisions but also directly harms the rights of the affected party. As such:</p> <ol style="list-style-type: none">1. Direct Damages: The administration or party failing to comply must compensate for any concrete and measurable losses directly resulting from the lack of enforcement.2. Lost Profits: The obligation also extends to compensating for lost opportunities or economic benefits that the affected party would have reasonably obtained if the judgment had been enforced in a timely manner. <p>This dual framework of coercive measures and liability for damages ensures that judicial decisions are respected and that individuals or entities suffering harm due to non-compliance are adequately compensated.</p>
9	<p>If the court finds that there is a legitimate reason for non-execution, it will order the administration and the claimant to agree on the amount of compensation due for non-execution, including consequential damages.</p>
12	<p>The General Administrative Law Act highlights the following actions:</p> <ul style="list-style-type: none">- Compensatory actions for compensation of damages suffered as a result of an unlawful decision (art. 8:88 (1)(a) GALA) or an unlawful action in preparation of an unlawful decision (art. 8:88 (1)(b) GALA);- Compensatory actions for compensation of damages suffered as a result of not making a decision in time (art. 8:88 (1)(c) GALA. <p>Here, the normal criteria for unlawful decision making apply (unlawfulness, causal link, relativity etc.).</p> <p>These damages can be direct and consequential damages.</p> <p>The general administrative courts are not competent to decide on requests for compensation exceeding 25.000 euro, with the exception of fiscal and social security cases. A party has to start a civil procedure against the administration to claim compensation for amounts higher than 25.000 euro. The civil courts are also competent to decide on claims for amounts lower than 25.000 euro.</p>
14	<p>The Court may award damages to an applicant should they deem this the correct remedy – an example of the rules associated with damages in judicial review can be found in Order 84 of the Rules of the Superior Courts. Of particular relevance is the following specification from s. 25(1):</p> <p>“On an application for judicial review the Court may, subject to sub-rule (2), award damages to the applicant if:</p> <ol style="list-style-type: none">(a) he has included in the statement in support of his application for leave under rule 20 a claim for damages arising from any matter to which the application relates, and(b) the Court is satisfied that, if the claim had been made in a civil action against any

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

respondent or respondents begun by the applicant at the time of making his application, he would have been awarded damages.”

- 15 Le régime de l'action en responsabilité pour retard ou refus d'exécution fautif, dans les cas où il en résulte un préjudice pour le bénéficiaire de la condamnation, ne se distingue pas de celui régissant le droit commun de la responsabilité administrative qui exige la démonstration d'une faute et d'un dommage résultant de celle-ci. Le lien de causalité entre la faute et le dommage doit en principe être certain et direct. Il se distingue de celui résultant de la simple inexécution. Par exemple en matière d'obligation par l'administration de paiement de sommes d'argent les intérêts dus relèvent du contentieux de l'exécution et non d'une action en responsabilité qui doit réparer un préjudice distinct.
- 16 In cases where a public administration body's unlawful actions (including non-compliance with a court decision) have caused damage to the claimant, compensatory claims may be brought before the administrative courts. Recoverable damages include direct and consequential losses, as well as non-pecuniary damage. For example, loss of property (e.g., goods damaged before the relevant licence is issued by the public administration body) or incurred expenses (e.g., storage costs for goods pending the issuance of a licence) may constitute direct damages.
- 17 Via le mécanisme de l'indemnité réparatrice, institué à l'article 11bis des LCCE, le Conseil d'Etat peut allouer à la partie requérante qui poursuit l'annulation d'un acte administratif une somme, à charge de l'auteur de celui-ci, destinée à compenser le préjudice lié à l'illégalité de cet acte.
- 26 In case of omission, that is when the administrative authority has failed to comply with the judgment (for example failed to issue a new residence permit), state liability claim against the authority can be filed to the administrative court (§ 37 section 2 subsection 4 of CACP). Compensation for damage caused by an omission may be claimed only if an administrative act is not issued in due time or a measure is not taken in due time and the rights of a person are violated thereby (§ 7 section 2 of State Liability Act (SLA)). Compensation for damage caused to the person may be claimed only if damage could not be prevented and cannot be eliminated by the protection or restoration of rights by primary legal remedies (§ 7 section 1 of SLA). A causal link between the omission and the damages claimed has to be determined. Pecuniary damage can be claimed. Pecuniary damage shall be compensated for in money. Compensation shall create the financial situation in which the injured party would be if their rights were not violated (§ 8 section 1 of SLA). However, the damage shall not be compensated for to the extent that prevention of damage was not the purpose of the obligation or provision due to the non-performance of which the compensation obligation arose (§ 127 section 2 of Law of Obligations Act (LOA)). Any gain received by the injured party as a result of the damage caused, particularly the costs avoided by the injured party, shall be deducted from the compensation for the damage unless deduction is contrary to the purpose of the compensation (§ 127 section 5 of LOA). Direct damages can for example be direct costs or fees resulting from the omission.
- 27 According to settled case-law of the Court, in the event of non-compliance or improper compliance of the public authority with a judicial decision, the injured party has the right to bring an action for damages before the competent administrative court under article 105 of the Introductory Law to the Civil Code. See also answer under E7.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E7

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

Answer	Count	Percentage
Answer	7	24.14%
No answer	0	0.00%
Not displayed	22	75.86%

ID	Response
7	Please see the answer to question E.6
12	See answer E6.
	We would like to give an explanation to question E11, because the correct answer is sometimes: If in an individual case the conditions for substitution are not met, for example because the law grants a discretionary power to the administrative authority and it is not yet clear how the authority wishes to use this, the court will limit itself to giving an order to the administrative authority to take a new decision, and the administrative procedure will therefore not be terminated. This might be different when a new decision is not absolutely necessary, for example when the decision was not on request, or when there is no longer any interest in the decision
15	La perte de chance est indemnisable dans les mêmes conditions que pour toute action en responsabilité.
16	In cases where a public administration body's unlawful actions (including non-compliance with a court decision) have caused damage to the claimant, compensatory claims may be brought before the administrative courts. Recoverable damages include direct and consequential losses, as well as non-pecuniary damage. For example, foregone revenue (e.g., when not being able to sell goods (and receive profit) without a licence issued by the public administration) may constitute consequential damages.
17	Le manque à gagner à la suite de l'adoption d'un acte administratif irrégulier peut être indemnisé, via le mécanisme de l'indemnité réparatrice, grâce au concept de la perte d'une chance d'obtenir l'avantage espéré.
26	Please also see answer to question E6. Proprietary damages also include loss of profit, for example loss of income or loss of business profit or monetary grant. However, if damage is established but the exact extent of the damage cannot be established, including in the event of future damage, the amount of compensation shall be determined by the court (§ 127 section 6 of LOA).
27	It is settled case-law of the Council of State that from the provisions of article 95 par. 5 of the Constitution, according to which the Administration has an obligation to comply with court decisions, of article 1 of the relevant executive law 3068/2002, as well as of article 50 par. 4 of presidential decree no. 18/1989, which establishes the obligation to comply specifically with the annulment decisions of the Council of State, it follows that, in the event of annulment of an act e.g. imposing a fine, which has already been paid by the person liable together with any surcharges, the total amount paid must be returned to the payer, plus the statutory interest provided for at that time, because only in this way are things restored to the situation that would have been if the act that was annulled had not been issued (CoS 3064/2014, 3131/2003). Consequently, the refund of this amount (fine, any surcharges and legal interest) may be sought by filing an action for damages under Article 105 of the Introductory Law to the Civil Code, in the event of non-compliance or improper compliance by the Administration with its above obligation, which directly results from the annulment decision (CoS 3064/2014, 3131/2003).

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ001)[Quashing the administrative decision after the court re-examined the case and mandatory recommendations to the administrative authority haven't been fulfilled]

Initiation of the mechanism.

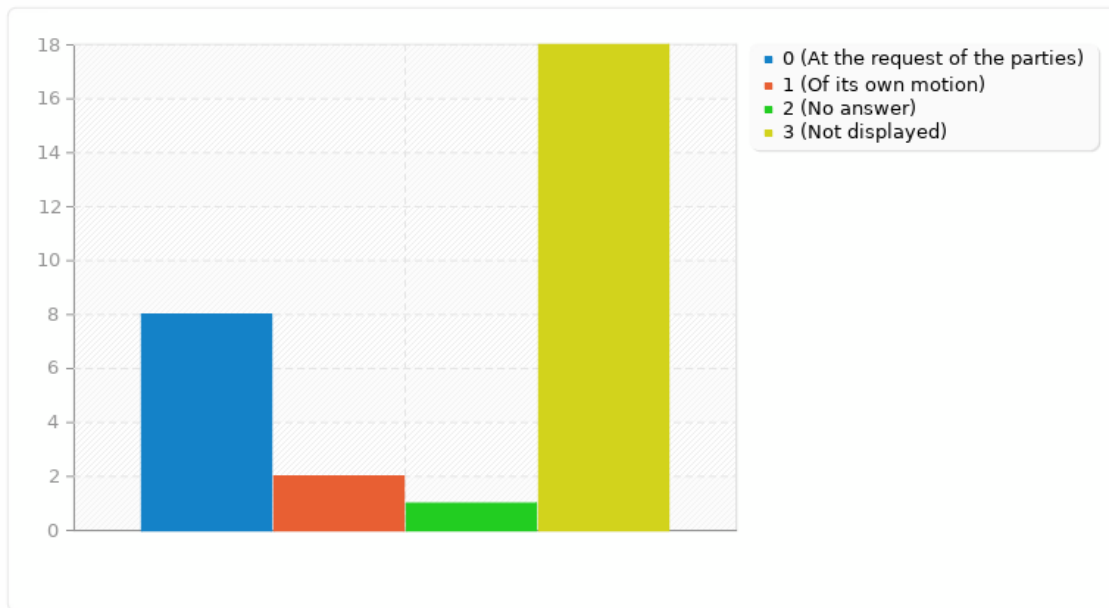
Answer	Count	Percentage
At the request of the parties (A1)	8	27.59%
Of its own motion (A2)	2	6.90%
No answer	1	3.45%
Not displayed	18	62.07%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ001)[Quashing the administrative decision after the court re-examined the case and mandatory recommendations to the administrative authority haven't been fulfilled]

Initiation of the mechanism.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ002)[Injunction]

Initiation of the mechanism.

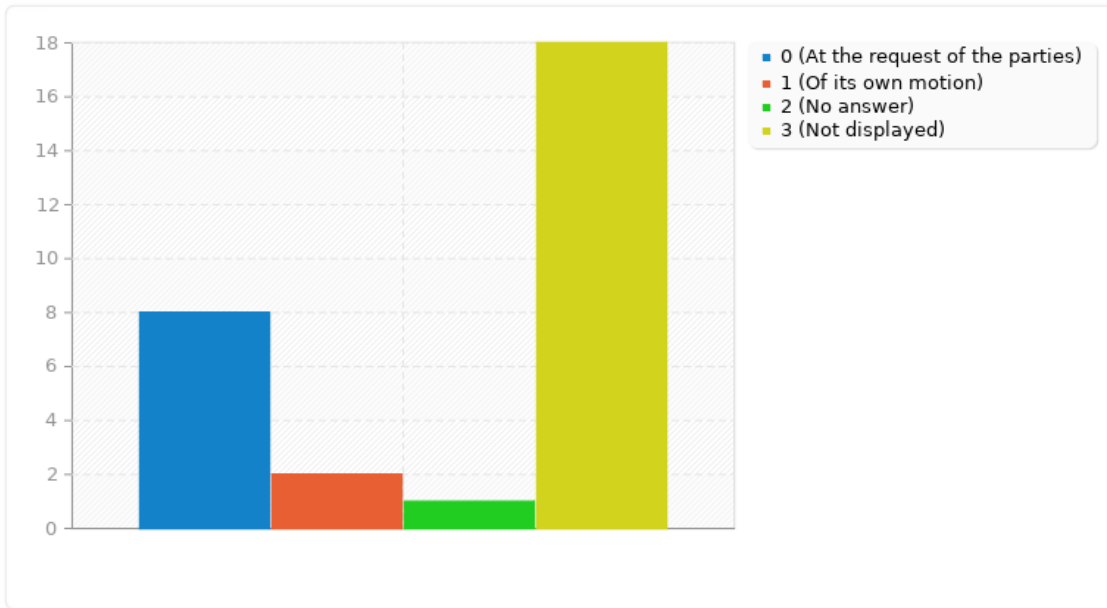
Answer	Count	Percentage
At the request of the parties (A1)	8	27.59%
Of its own motion (A2)	2	6.90%
No answer	1	3.45%
Not displayed	18	62.07%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ002)[Injunction]

Initiation of the mechanism.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ003)[Penalty (e.g., penalty payment) in case of non-compliance]

Initiation of the mechanism.

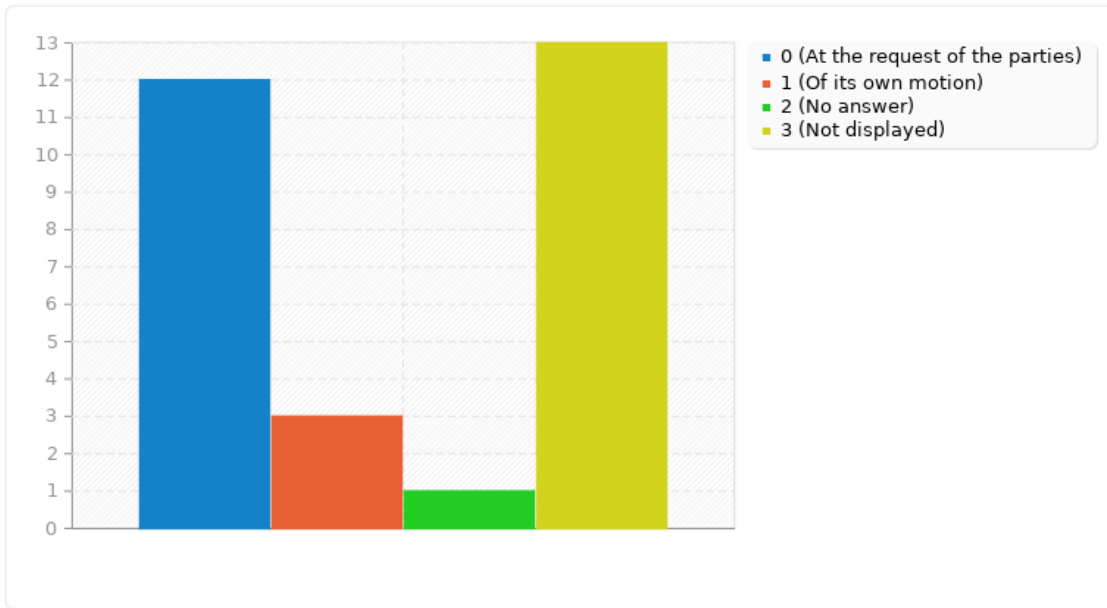
Answer	Count	Percentage
At the request of the parties (A1)	12	41.38%
Of its own motion (A2)	3	10.34%
No answer	1	3.45%
Not displayed	13	44.83%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ003)[Penalty (e.g., penalty payment) in case of non-compliance]

Initiation of the mechanism.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ004)[Substitution]

Initiation of the mechanism.

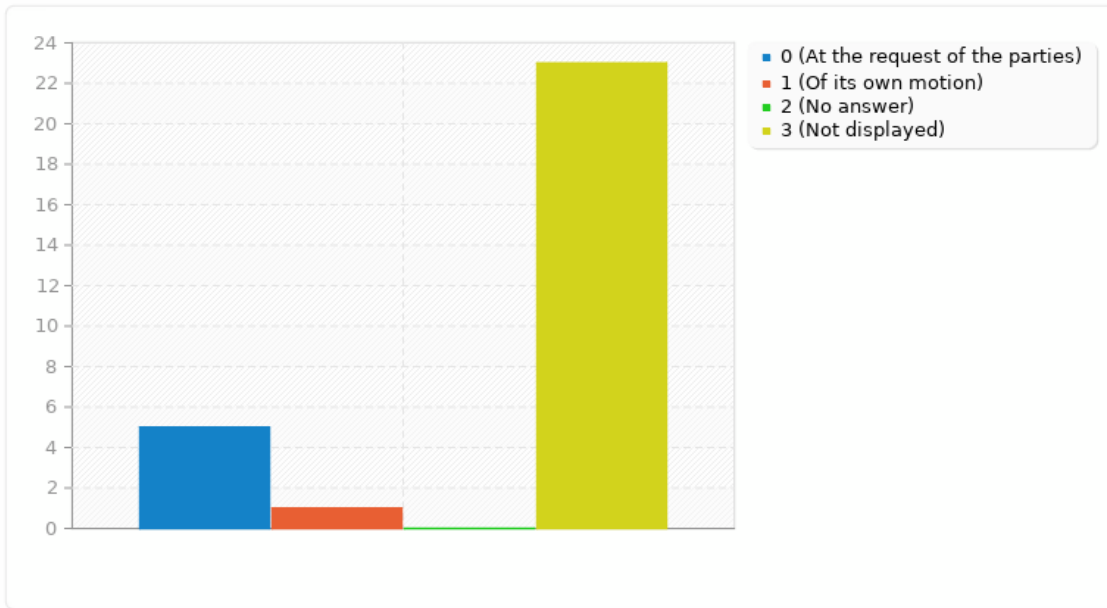
Answer	Count	Percentage
At the request of the parties (A1)	5	17.24%
Of its own motion (A2)	1	3.45%
No answer	0	0.00%
Not displayed	23	79.31%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ004)[Substitution]

Initiation of the mechanism.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ005)[Direct enforcement measures (e.g., seizure of assets)]

Initiation of the mechanism.

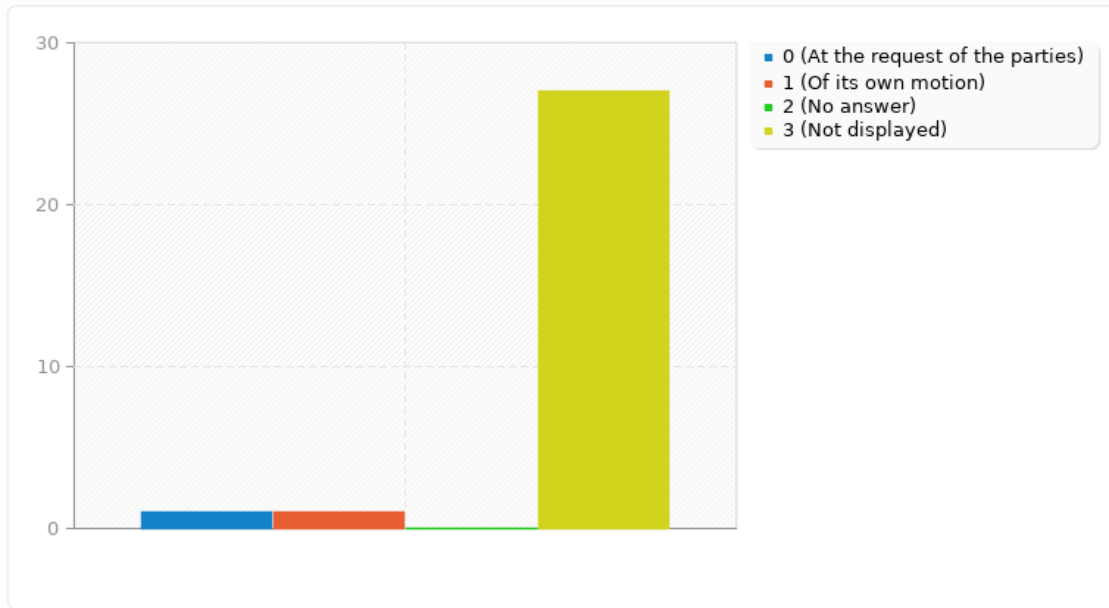
Answer	Count	Percentage
At the request of the parties (A1)	1	3.45%
Of its own motion (A2)	1	3.45%
No answer	0	0.00%
Not displayed	27	93.10%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ005)[Direct enforcement measures (e.g., seizure of assets)]

Initiation of the mechanism.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ006)[Award compensation]

Initiation of the mechanism.

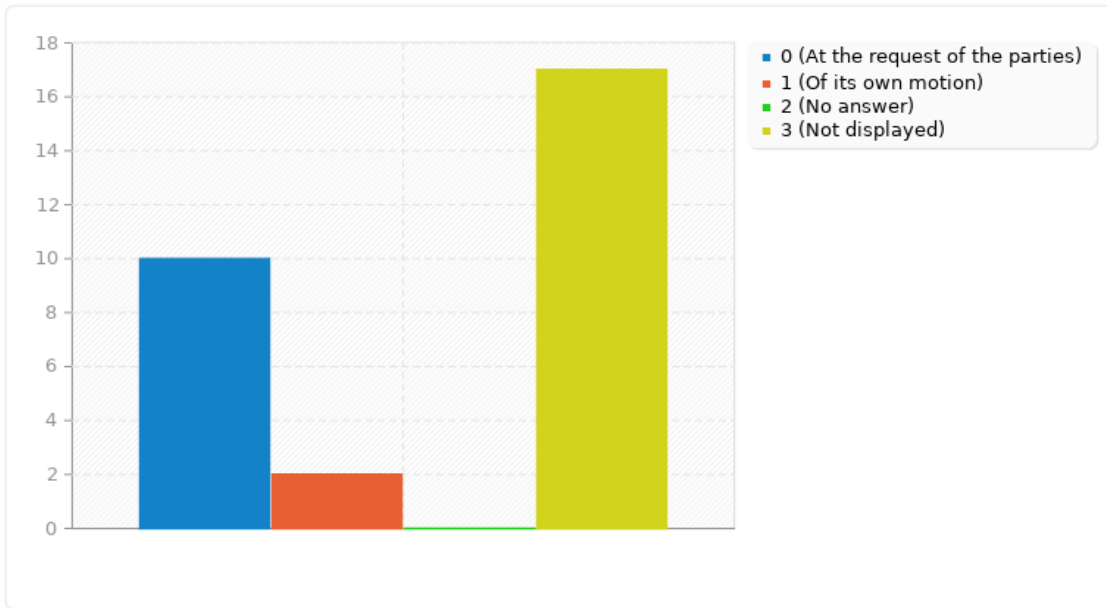
Answer	Count	Percentage
At the request of the parties (A1)	10	34.48%
Of its own motion (A2)	2	6.90%
No answer	0	0.00%
Not displayed	17	58.62%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ006)[Award compensation]

Initiation of the mechanism.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ007)[Direct damages (eg costs directly resulting from the breach)]

Initiation of the mechanism.

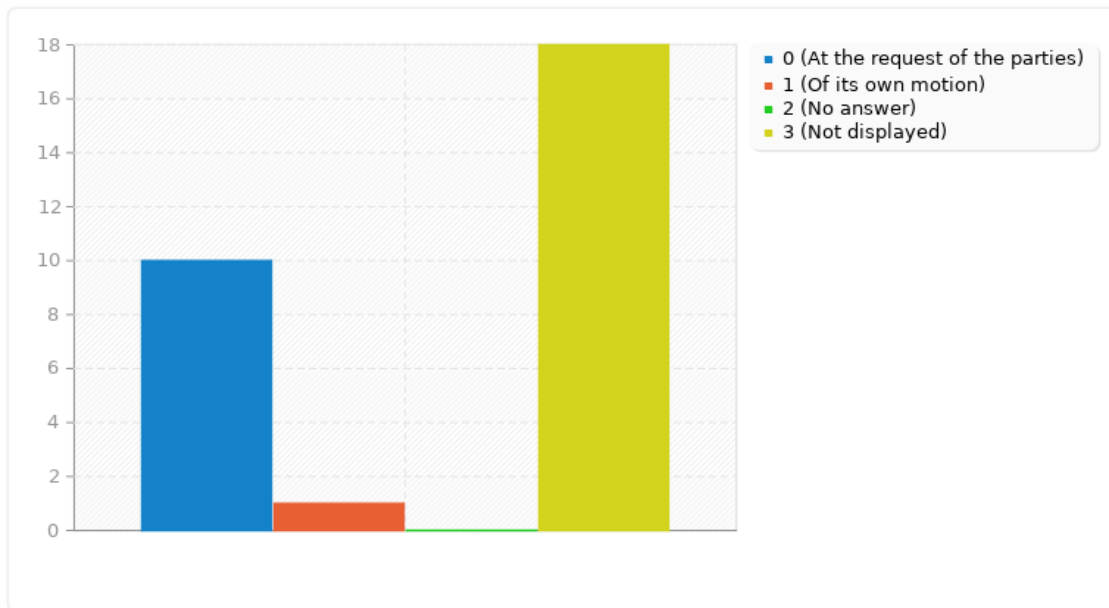
Answer	Count	Percentage
At the request of the parties (A1)	10	34.48%
Of its own motion (A2)	1	3.45%
No answer	0	0.00%
Not displayed	18	62.07%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ007)[Direct damages (eg costs directly resulting from the breach)]

Initiation of the mechanism.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ008)[Consequential damages (eg loss of profit)]

Initiation of the mechanism.

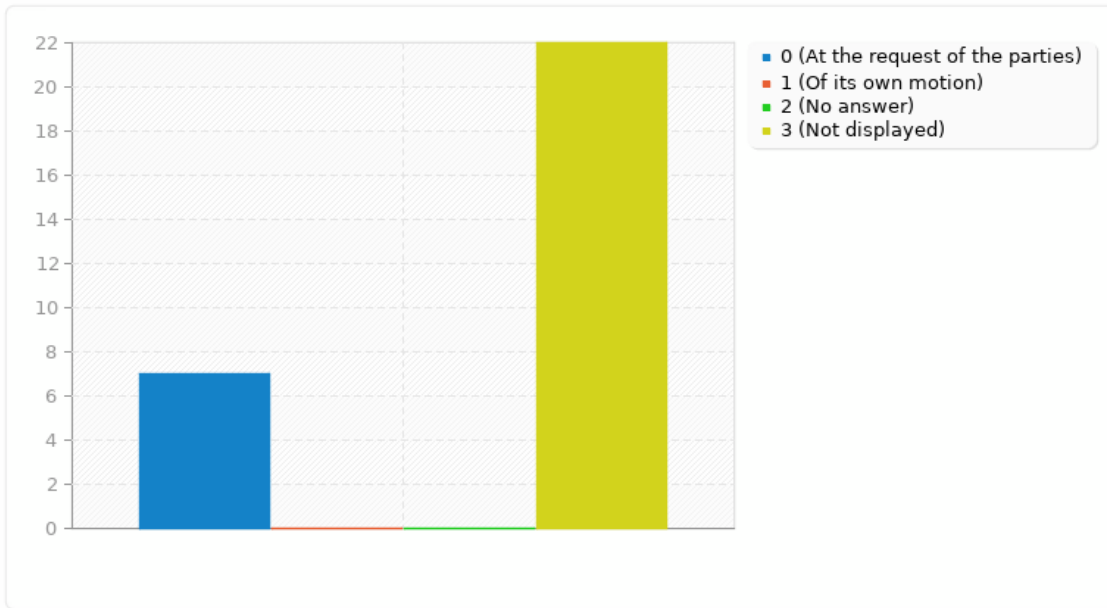
Answer	Count	Percentage
At the request of the parties (A1)	7	24.14%
Of its own motion (A2)	0	0.00%
No answer	0	0.00%
Not displayed	22	75.86%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ008)[Consequential damages (eg loss of profit)]

Initiation of the mechanism.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ009)[A dedicated section of SAC dealing with the execution of judicial decisions against public authorities]

Initiation of the mechanism.

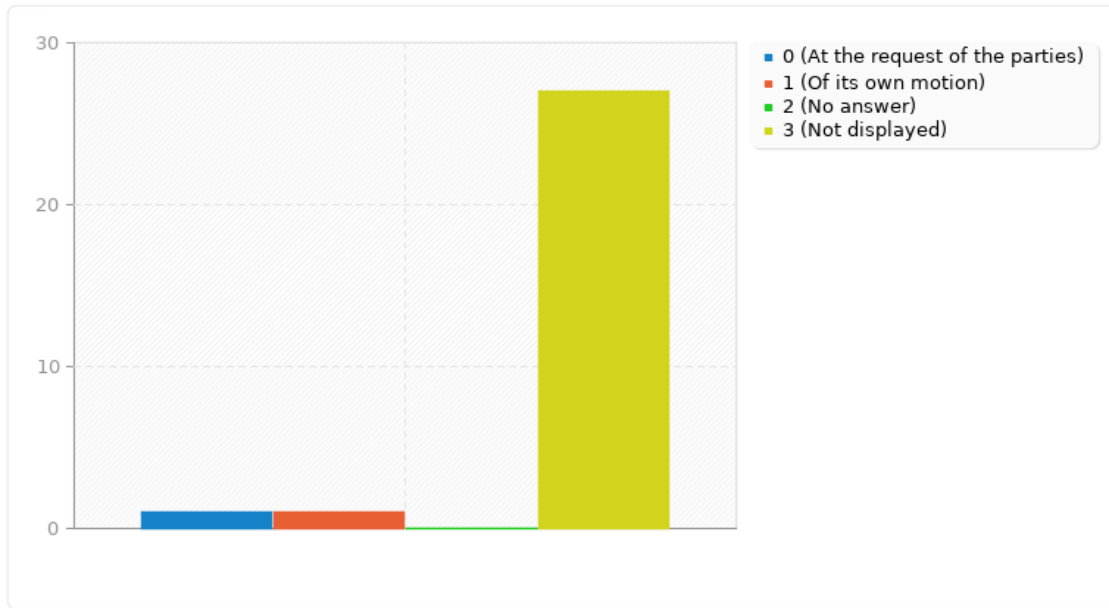
Answer	Count	Percentage
At the request of the parties (A1)	1	3.45%
Of its own motion (A2)	1	3.45%
No answer	0	0.00%
Not displayed	27	93.10%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E8(SQ009)[A dedicated section of SAC dealing with the execution of judicial decisions against public authorities]

Initiation of the mechanism.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ001)[Quashing the administrative decision after the court re-examined the case and mandatory recommendations to the administrative authority haven't been fulfilled]

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

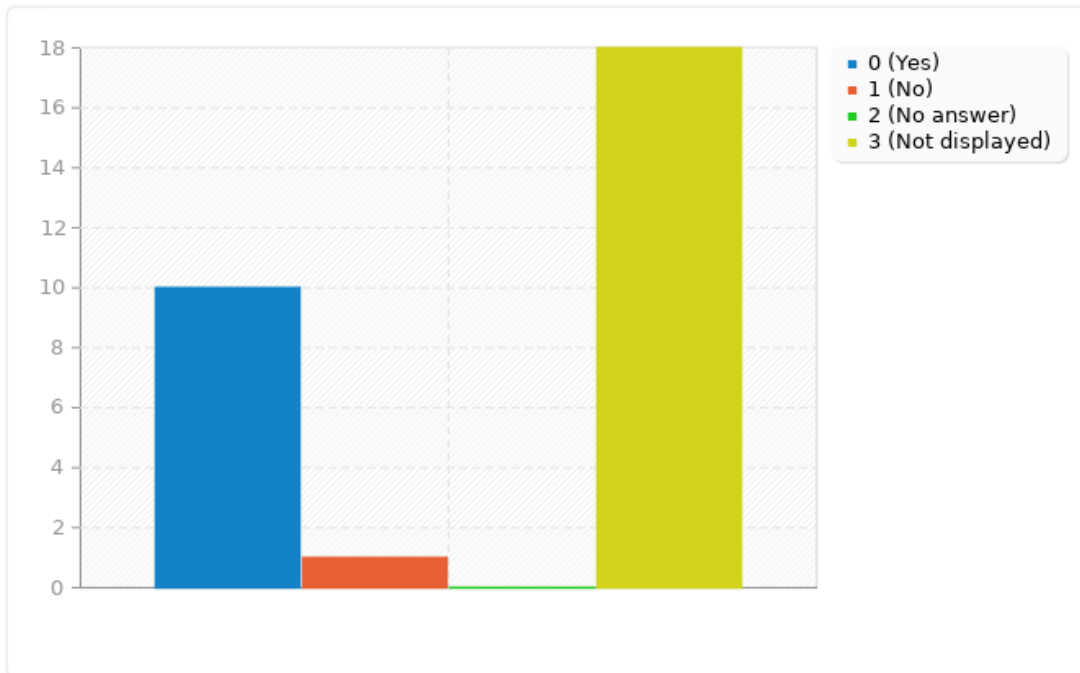
Answer	Count	Percentage
Yes (A1)	10	34.48%
No (A2)	1	3.45%
No answer	0	0.00%
Not displayed	18	62.07%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ001)[Quashing the administrative decision after the court re-examined the case and mandatory recommendations to the administrative authority haven't been fulfilled]

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ002)[Injunction]

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

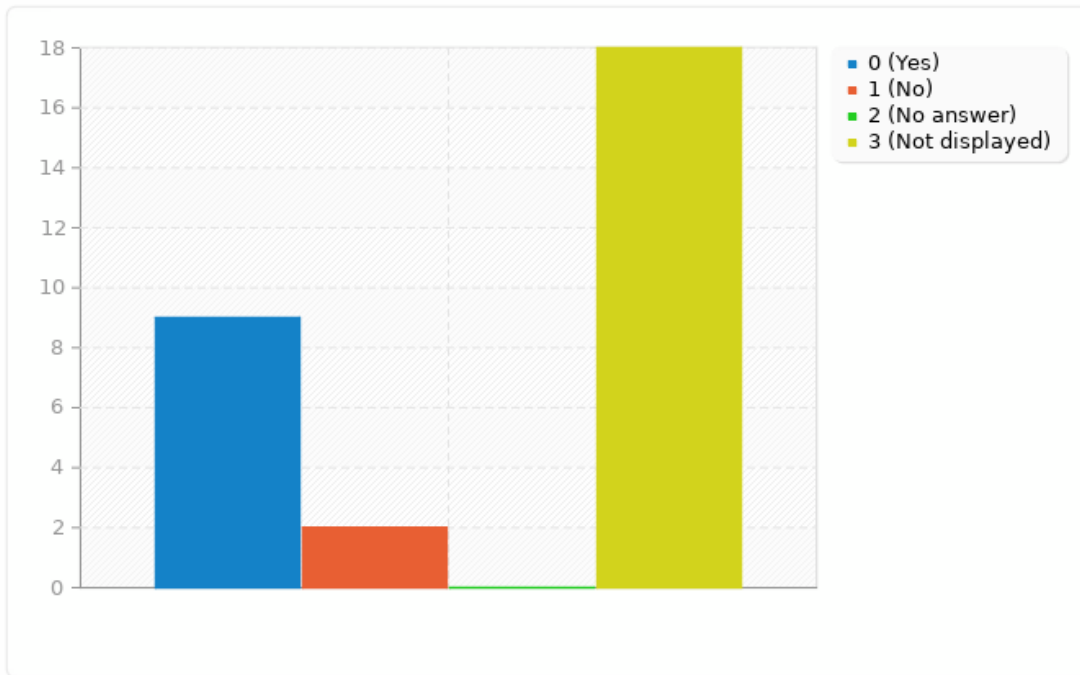
Answer	Count	Percentage
Yes (A1)	9	31.03%
No (A2)	2	6.90%
No answer	0	0.00%
Not displayed	18	62.07%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ002)[Injunction]

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ003)[Penalty (e.g., penalty payment) in case of non-compliance]

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

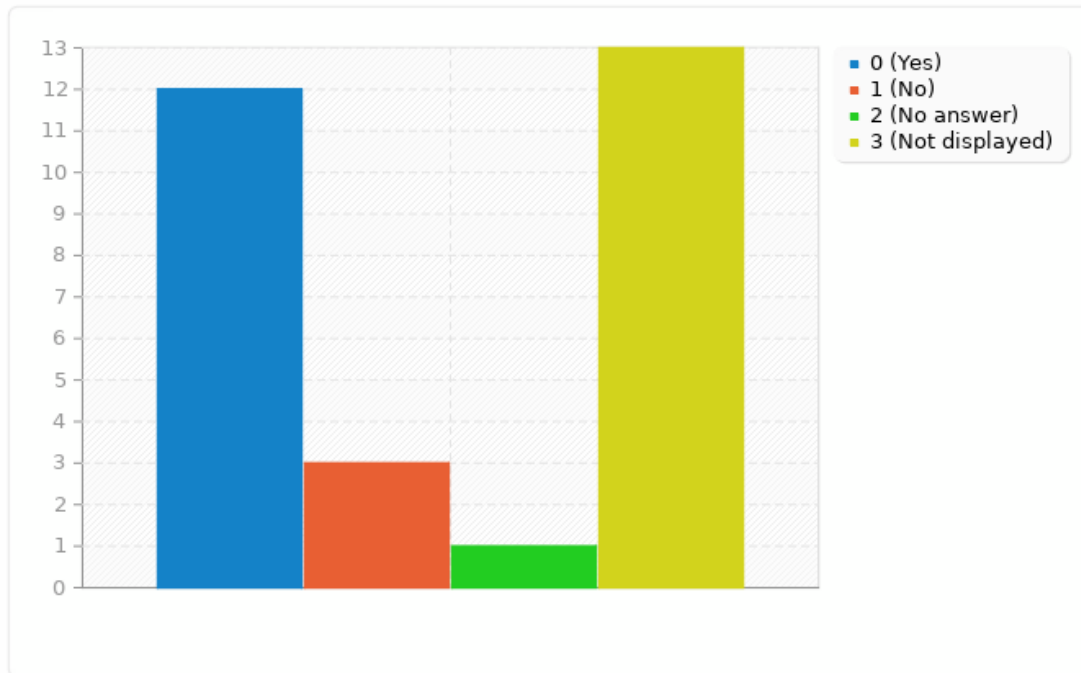
Answer	Count	Percentage
Yes (A1)	12	41.38%
No (A2)	3	10.34%
No answer	1	3.45%
Not displayed	13	44.83%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ003)[Penalty (e.g., penalty payment) in case of non-compliance]

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ004)[Substitution]

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

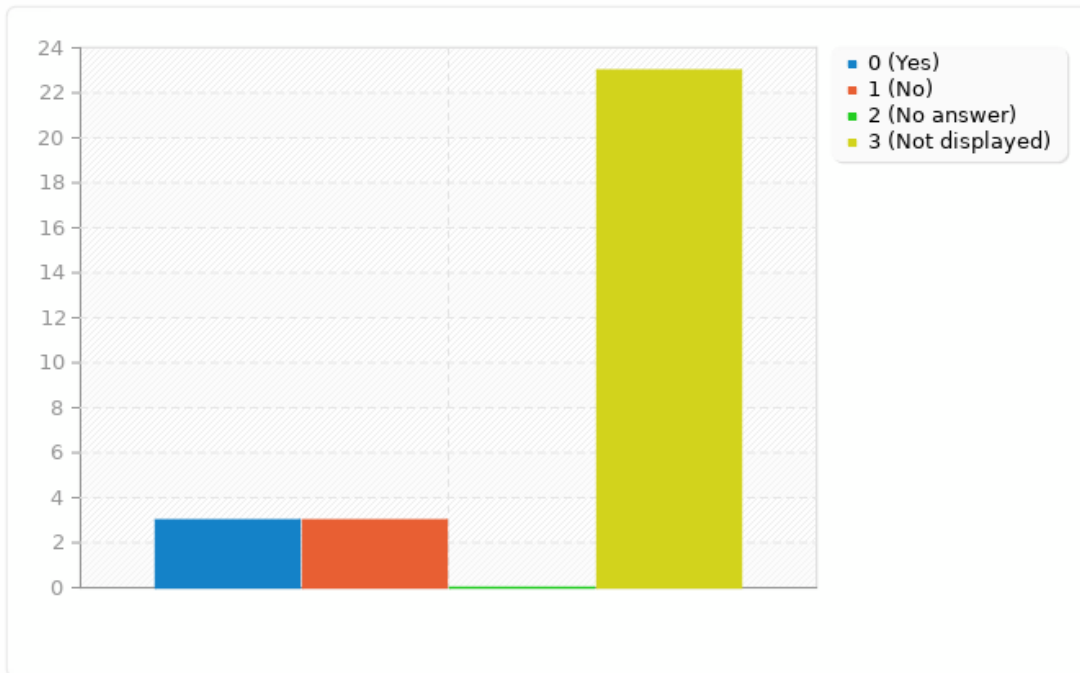
Answer	Count	Percentage
Yes (A1)	3	10.34%
No (A2)	3	10.34%
No answer	0	0.00%
Not displayed	23	79.31%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ004)[Substitution]

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ005)[Direct enforcement measures (e.g., seizure of assets)]

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

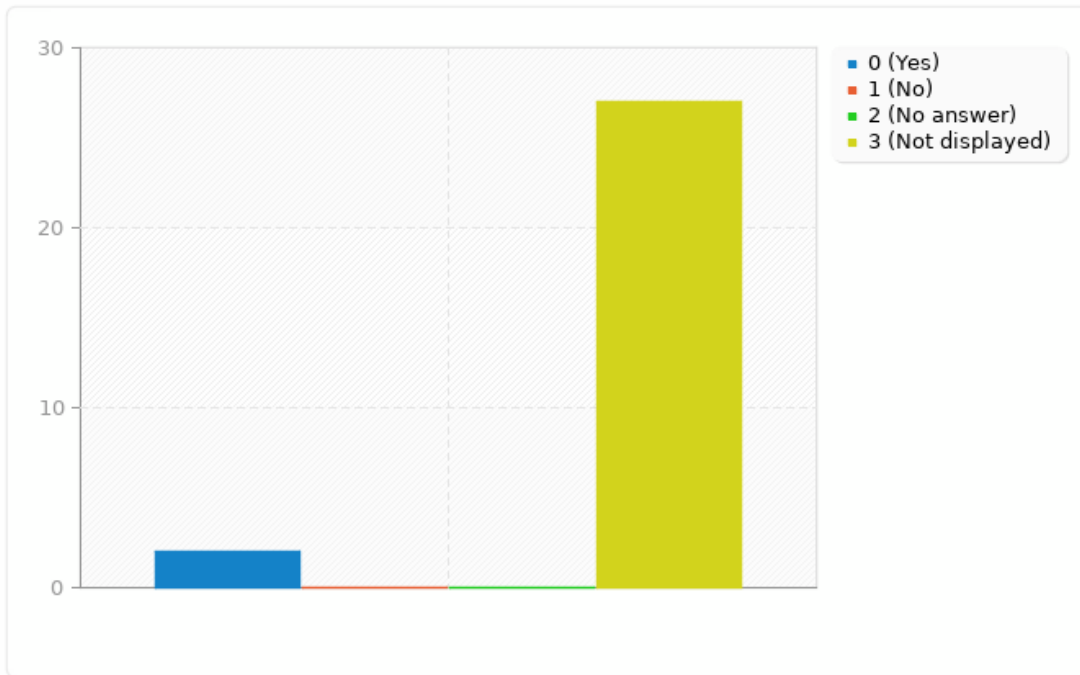
Answer	Count	Percentage
Yes (A1)	2	6.90%
No (A2)	0	0.00%
No answer	0	0.00%
Not displayed	27	93.10%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ005)[Direct enforcement measures (e.g., seizure of assets)]

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ006)[Award compensation]

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

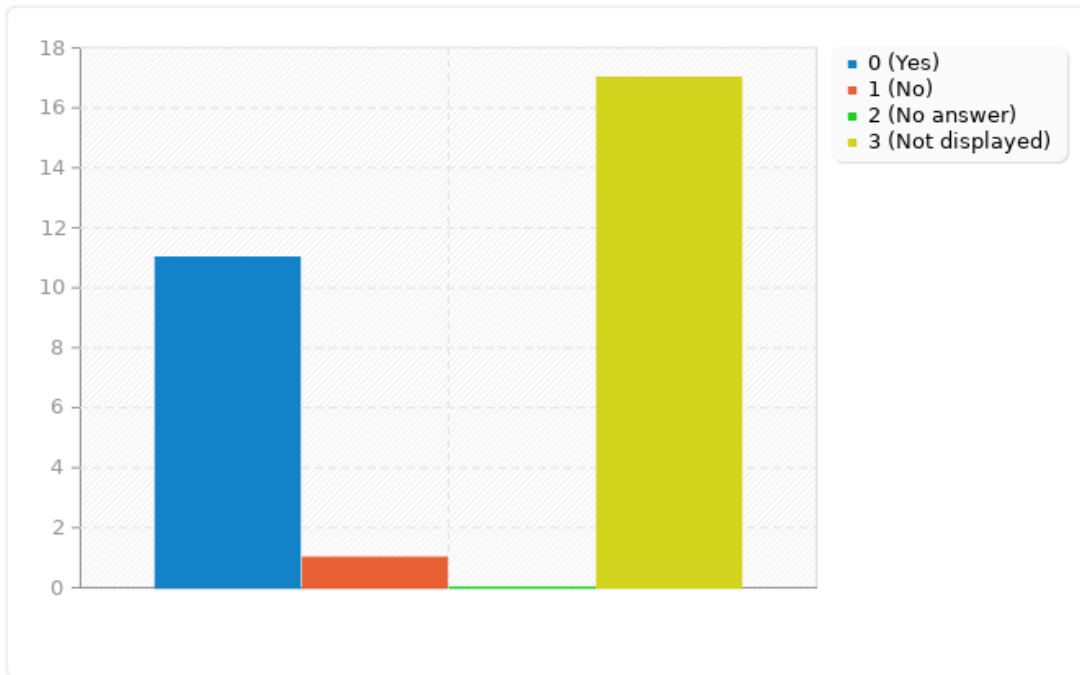
Answer	Count	Percentage
Yes (A1)	11	37.93%
No (A2)	1	3.45%
No answer	0	0.00%
Not displayed	17	58.62%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ006)[Award compensation]

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ007)[Direct damages (eg costs directly resulting from the breach)]

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

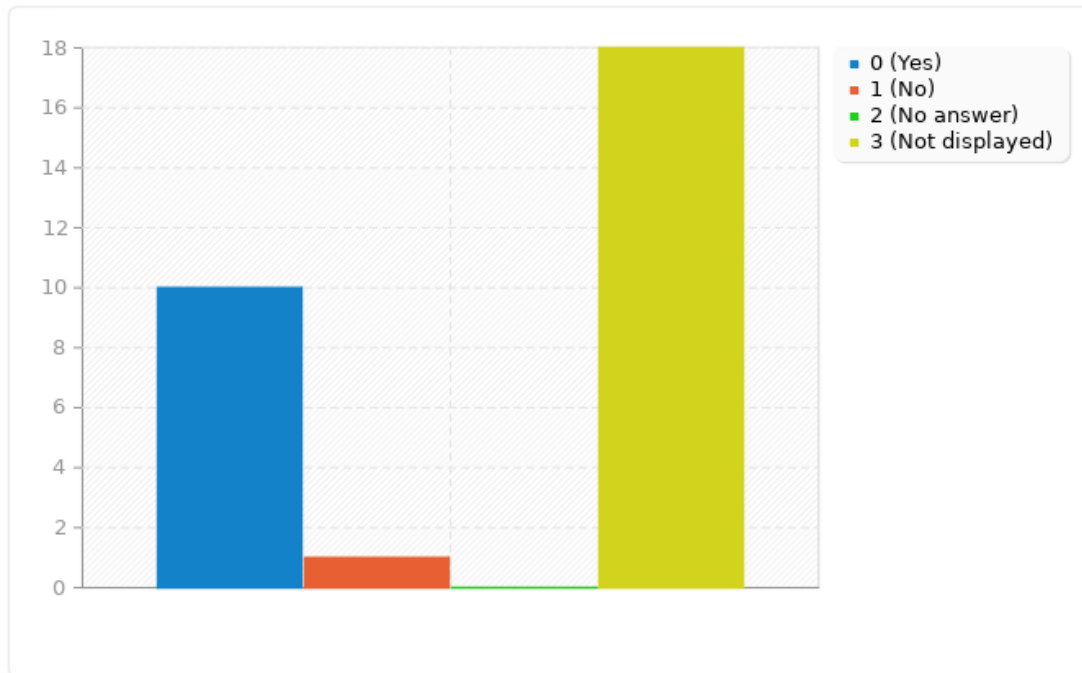
Answer	Count	Percentage
Yes (A1)	10	34.48%
No (A2)	1	3.45%
No answer	0	0.00%
Not displayed	18	62.07%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ007)[Direct damages (eg costs directly resulting from the breach)]

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ008)[Consequential damages (eg loss of profit)]

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

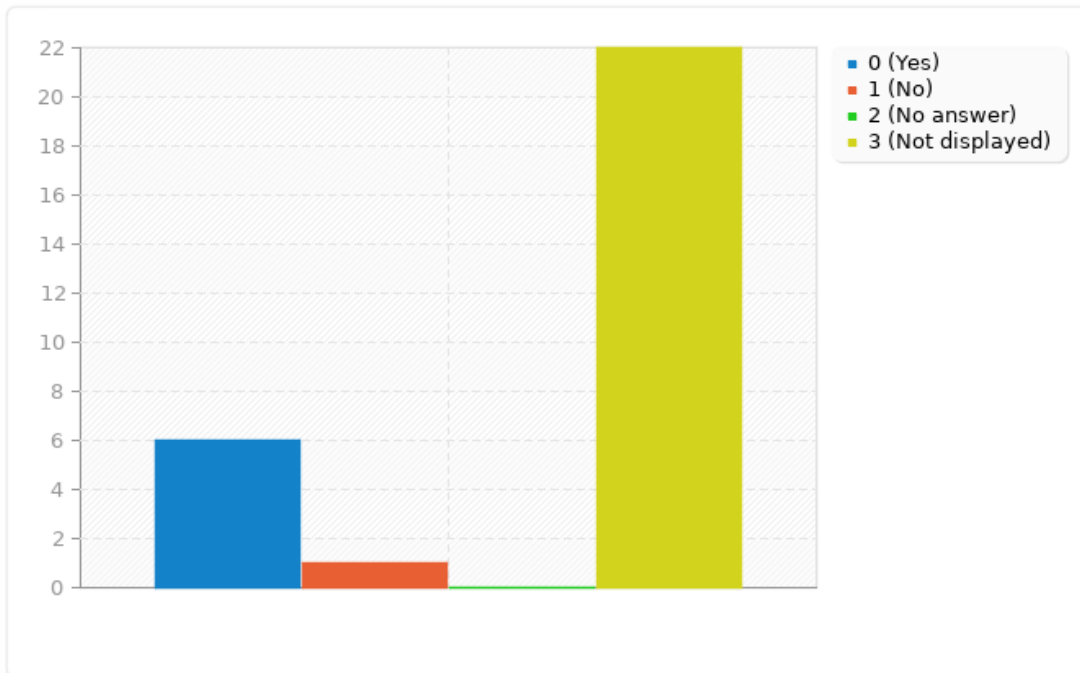
Answer	Count	Percentage
Yes (A1)	6	20.69%
No (A2)	1	3.45%
No answer	0	0.00%
Not displayed	22	75.86%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ008)[Consequential damages (eg loss of profit)]

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ009)[A dedicated section of SAC dealing with the execution of judicial decisions against public authorities]

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

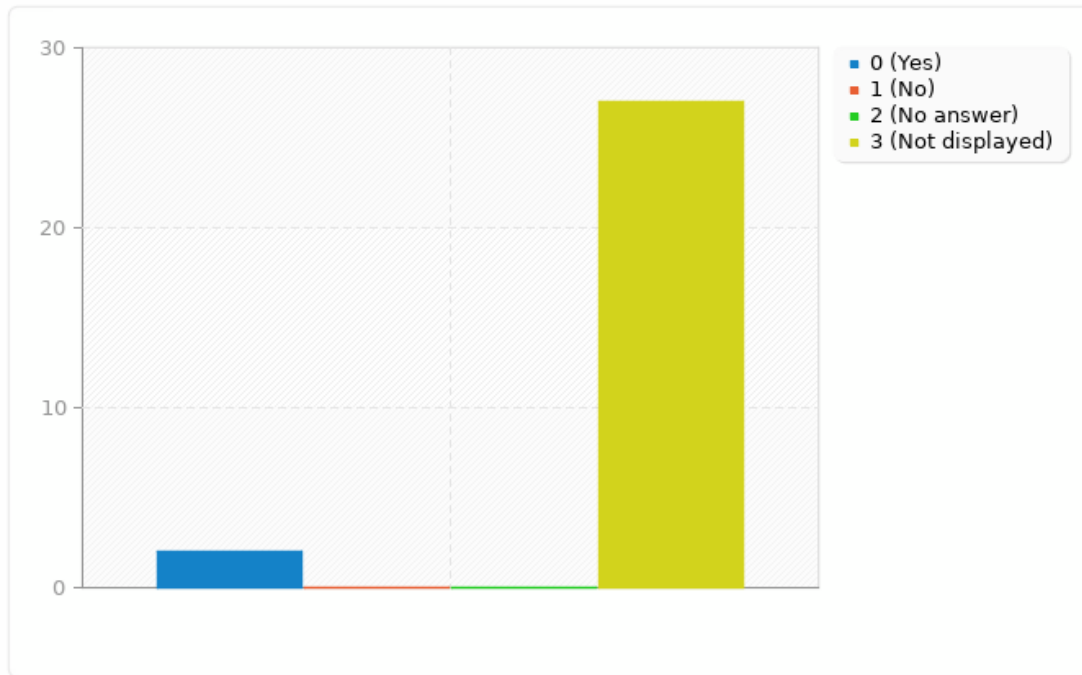
Answer	Count	Percentage
Yes (A1)	2	6.90%
No (A2)	0	0.00%
No answer	0	0.00%
Not displayed	27	93.10%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E9(SQ009)[A dedicated section of SAC dealing with the execution of judicial decisions against public authorities]

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E10

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

Answer	Count	Percentage
Answer	6	20.69%
No answer	0	0.00%
Not displayed	23	79.31%

ID	Response
9	Substitution is only applied to requests for an order to perform a legally due administrative act with binding content - 167.6 of the CPTA.
15	<p>L'ensemble de ces techniques ne sont pas limitées à certains types d'affaires mais certaines ne sont d'usage qu'en excès de pouvoir tandis que d'autres ne le sont qu'en plein contentieux.</p> <p>Ainsi, par la technique du « remplacement » nous faisons référence à celle de la substitution de motifs. Elle consiste pour le juge, saisi d'un moyen de défense en ce sens présenté par l'administration auteur de la décision attaquée (CE, 5 février 2014, Société Pludis, n° 367815), y compris un organisme collégial (v. CE, 13 mars 2006, SARL Marseille Diffusion, n° 268988, s'agissant d'une autorité administrative indépendante), à substituer au motif erroné sur lequel repose la décision attaquée un motif justifiant cette décision. Elle est soumise à des conditions précisées par la jurisprudence. Ainsi, en excès de pouvoir (CE, Section, 6 février 2004, Mme Hallal, n° 240560) :</p> <ul style="list-style-type: none">- le juge doit d'abord mettre à même l'auteur du recours de présenter ses observations sur la substitution sollicitée ;- le nouveau motif de droit ou de fait doit pouvoir légalement justifier la décision attaquée ;- il doit être fondé sur la situation existant à la date de la décision attaquée ;- le juge doit apprécier s'il résulte de l'instruction que l'administration aurait pris la même décision si elle s'était fondée initialement sur ce motif ;- cette substitution ne peut priver le requérant de garanties procédurales liée au nouveau motif. <p>En plein contentieux : v. en matière de sanctions, CE, 23 novembre 2001, Compagnie Nationale Air France, n° 195550 ; en matière contractuelle, CE, 17 juin 2015, Montpellier, n° 388596 ; en matière fiscale, CE, 20 juin 2007, Ministre de l'économie c/ SA Ferette, n° 290554.</p> <p>Le juge ne peut y procéder d'office (CE, Section, 6 février 2004, Mme Hallal, n° 240560 ; CE, 4 février 2013, Section de communes de Brousse-et-Selves, n° 346584), à la différence de la substitution de base légale. Pour autant, il n'est pas nécessaire que l'administration formule une demande expresse de substitution de motifs, c'est-à-dire qu'elle indique expressément qu'elle sollicite une telle substitution : il suffit que l'administration fasse valoir que sa décision en litige est légalement justifiée par un motif, de droit ou de fait, autre que celui initialement indiqué, de telle sorte que l'auteur du recours soit, par la seule communication des écritures de l'administration, mis à même de présenter ses observations sur la substitution de cet autre motif au motif initial (CE, 19 mai 2021, Commune de Remire Montjoly, n° 435109). Le juge n'est jamais tenu de faire droit à une telle substitution de motifs, lorsqu'elle lui est demandée.</p> <p>S'agissant de l'octroi de dommages et intérêts ceux-ci ne peuvent résulter que de la mise en oeuvre par la partie lésée d'une action en réparation.</p>
17	La technique du remplacement, prévue à l'article 36, § 1er, alinéa 2, des LCCE ne vaut que si la nouvelle décision à prendre "résulte d'une compétence liée de la partie adverse".
23	In the case of a default lawsuit, only a call for performance and a fine may come under discussion conceptually, not annulment.
27	According to article 3 par. 6 of L. 3068/2002, in the event of a court decision awarding a certain amount of money, the petition of the first paragraph [for determination of a delay, omission or refusal to comply or inadequate compliance with a judicial decision by the competent three-member council], shall be submitted only if the forced execution attempted by the person awarded the money has been unsuccessful or it is obvious that it would be

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

unsuccessful.

30

The quashing only takes place in actions directed against an administrative act or a regulation. Thus, declaratory actions or actions which aim at the issuance of an administrative act do not imply quashing.

Penalties are only feasible in actions concerning administrative acts.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?

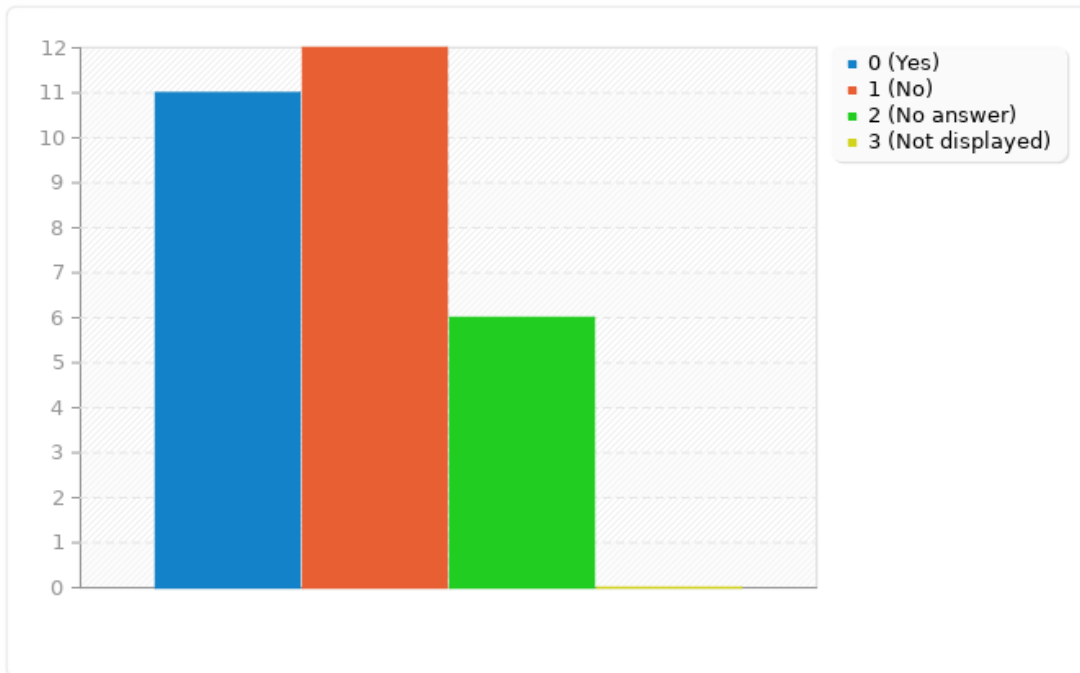
Answer	Count	Percentage
Yes (Y)	11	37.93%
No (N)	12	41.38%
No answer	6	20.69%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E12

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

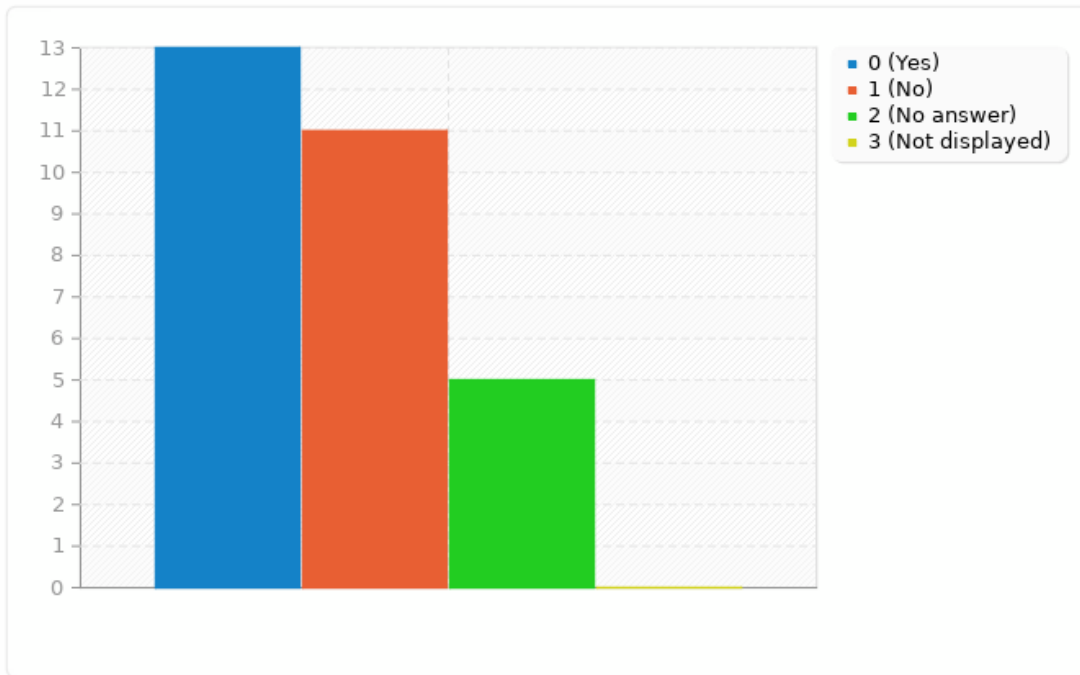
Answer	Count	Percentage
Yes (Y)	13	44.83%
No (N)	11	37.93%
No answer	5	17.24%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E12

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E13

Please indicate which time limit.

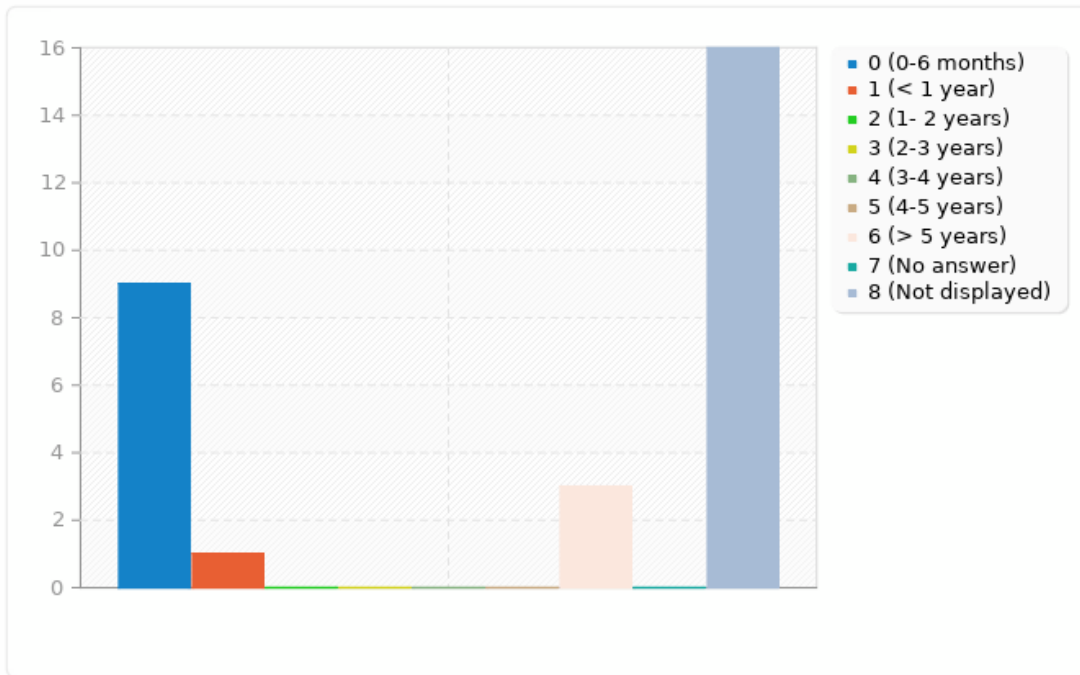
Answer	Count	Percentage
0-6 months (A1)	9	31.03%
< 1 year (A2)	1	3.45%
1- 2 years (A3)	0	0.00%
2-3 years (A4)	0	0.00%
3-4 years (A5)	0	0.00%
4-5 years (A6)	0	0.00%
> 5 years (A7)	3	10.34%
No answer	0	0.00%
Not displayed	16	55.17%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E13

Please indicate which time limit.



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E14

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

Answer	Count	Percentage
Answer	13	44.83%
No answer	0	0.00%
Not displayed	16	55.17%

ID	Response
1	An application has to be filed before the court
3	According to the provisions of Article 24 of Law 554/2004, the final judgment shall be enforced voluntarily within the time limit specified therein, and in the absence of such time limit, within 30 days from the date of the final judgment. If the debtor does not execute his obligation voluntarily, it shall be enforced by forced execution, following the procedure provided for by Article 24 of Law no. 554/2004, whereby the interested party may request the enforcement court the following: (i) To impose a fine on the head of the public authority, according to the provisions of Article 24 para. (2) of the Law no. 554/2004, (ii) Compensation for the injured party: (iii) The obligation to execute under the sanction of penalties: In this regard, we also refer to the CCR (Constitutional Court of Romania) Decision no. 898 of December 17, 2015, in which the Constitutional Court of Romania, rejecting the exception of unconstitutionality of the provisions of Articles 24 and 25 of Law no. 554/2004, states that, (...) the legislature has established that the execution of final and irrevocable judgments imposing obligations on public authorities must be carried out within a certain time limit, either the one specified in the judgment or, failing that, within 30 days from the date of its final and irrevocable judgment.(...) The fines set out in Article 24 para. (2) of the Administrative Disputes Act No. 554/2004 is a procedural pecuniary sanction imposed by the court in order to ensure the enforcement of the judgment. The legislature considered it necessary to establish such a means of constraint in order to give effectiveness to the very institution of administrative judicial review, the purpose of which would be illusory in the absence of a penalty for the voluntary non-enforcement of judgments delivered in this area.
5	If, following the annulment of the administrative act, the competent authority does not render a new administrative act immediately, and within no more than 30 days, nor within a subsequent period of 7 days from the request of a party, the party may request from the Court the adoption of such act by a separate submission
7	the right to enforce the judgment is time-barred.
9	In the case of payment of a certain sum, the consequences are set out in Article 170(2) of the CPTA: if the administration fails to enforce the judgment within a maximum of 30 days from the date on which the judgment becomes final, the interested party has a period of one year in which to apply to the competent court for enforcement and, to this end, may request a) the offsetting of their claim against any debts they may have to the same legal person or ministry b) the enforcement of their claim by means of the appropriation entered annually in the decree of the Superior Council of Administrative and Tax Courts, which is intended for the payment of sums owed in execution of judicial decisions. - In other cases, the consequences are laid down in Article 176 of the CPTA. In other words, if the administration does not enforce the judgment spontaneously within 90 days, the interested party may request that the obligation to enforce the judgment be enforced before the court of first instance that issued the judgment. Applying the other consequences indicated in this questionnaire in E5.
20	The Court is entitled to impose a fine to a leader of an administrative body.
12	The answer to E13 is 0-6 months AND 5 years. The general time limit is 20 years. For damages the time limit is 5 years. Penalty payments expire six months after the day on which they were forfeited (article 611g of the Code of Civil Procedure). Failing to comply with these time limits (and the party has not taken measures to interrupt the time limit) will make the judgment non-enforcable.
13	The suspension of the enforcement proceedings is a consequence of failing to comply with that time limit. According to Article 280 of the Administrative Procedure Act the enforcement proceedings shall be suspended by order of the court in the cases provided for by law; the

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- court shall also determine the duration of the suspension, at the written request of the plaintiff; and in the event of the death or dissolution of one of the parties or if it is necessary to establish a guardianship or trusteeship.
- 15 En application des dispositions de l'article R. 921-1-1, s'agissant d'une demande présentée devant le tribunal administratif et la cour administrative d'appel et de l'article 931-2, s'agissant d'une demande présentée devant la SEPCO, elle ne peut être présentée, sauf décision explicite de refus d'exécution opposée par l'autorité administrative, qu'après l'expiration d'un délai de trois mois à compter de la notification de la décision juridictionnelle dont l'exécution est poursuivie.
- Toutefois :
- 1) Si la décision juridictionnelle a ordonné une mesure d'urgence, la demande peut être présentée sans délai ;
 - 2) Si la décision juridictionnelle a fixé à l'administration un délai pour prendre les mesures d'exécution prescrites, la demande ne peut être présentée qu'à l'expiration de ce délai.
- La phase administrative est limitée à six mois en principe mais est prorogable quatre mois, s'ouvre ensuite en cas d'échec une phase juridictionnelle.
- 16 According to Article 99 of the Law on Administrative Proceedings, once an administrative court's decision upholding a complaint becomes final—except in cases where judgments are enforceable urgently—it must be complied with (executed) within 15 calendar days, unless the court sets a different time limit. If the public administration body fails to comply within the prescribed time limit, the same administrative court, at the applicant's request, issues an executive order, which is enforced by a bailiff in accordance with the civil procedure rules set out in the Civil Code of the Republic of Lithuania. Where sums of money are recovered to the state budget, in case of recovery of damages caused by unlawful acts of public administration bodies, or where sums are recovered in connection with employment or pensions, the administrative court issues an executive order without a request from the applicant. Additionally, if an administrative court imposes measures securing the claim (which are enforceable urgently), a fine may be imposed for non-compliance with such measures (Art. 70 of the Law on Administrative Proceedings).
- 24 According to the article 28 of Law No 2577 on Procedure of Administrative Justice, the administration must establish a procedure or take an action, without delay, as required by the judgments and stay of execution decisions of the Council of State, regional administrative courts and administrative and tax courts. This period may not exceed thirty days starting from the notification of the decision to the administration under any circumstance.
- In cases where no procedure is established or no action is taken in accordance with the decisions of the Council of State, regional administrative courts and administrative and tax courts, an action for pecuniary and non-pecuniary compensation can be filed in the Council of State and at the relevant administrative court against the administration.
- A criminal complaint can be filed against a public official who fails to comply with a court decision for 'official misconduct' under the Turkish Penal Code. There is also the possibility of complaining to the ombudsman.
- 25 A time limit of 15 years applies to the enforcement through enforcement authorities of monetary obligations laid down in administrative judgments (Chapter 2, Section 24 of the Enforcement Code, 705/2007). As a main rule, after the lapse of the time limit the debt becomes time-barred and the performance obligation expires.
- 27 For other types of administrative or SAC judgments, no time limits for enforcement apply. Refer to answer under A3.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?

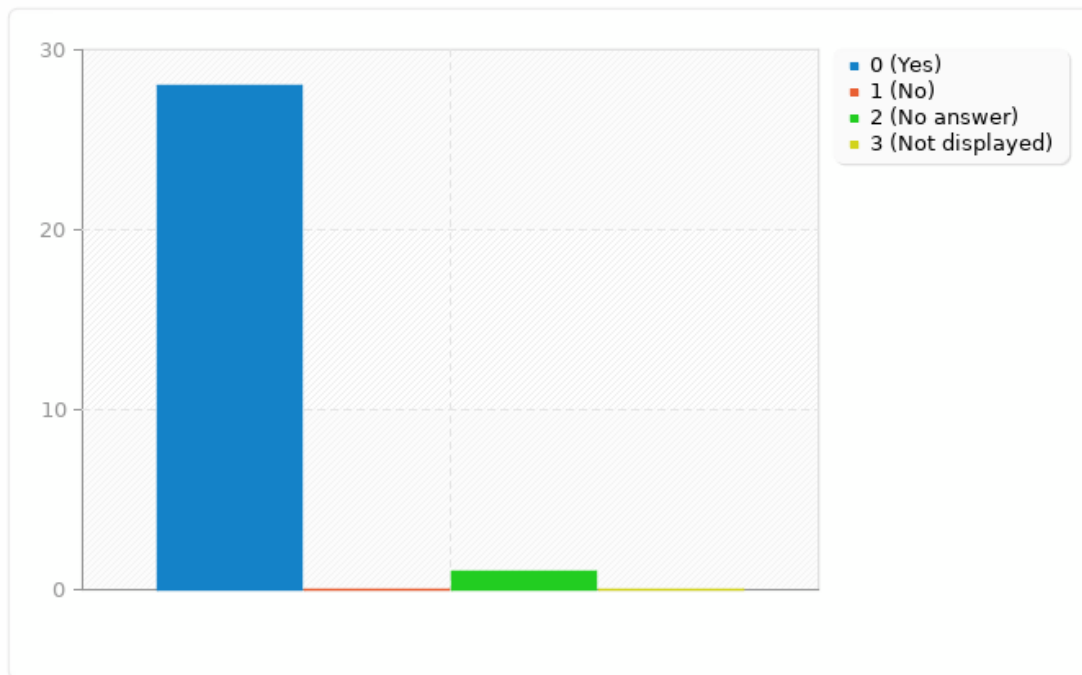
Answer	Count	Percentage
Yes (Y)	28	96.55%
No (N)	0	0.00%
No answer	1	3.45%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E16

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

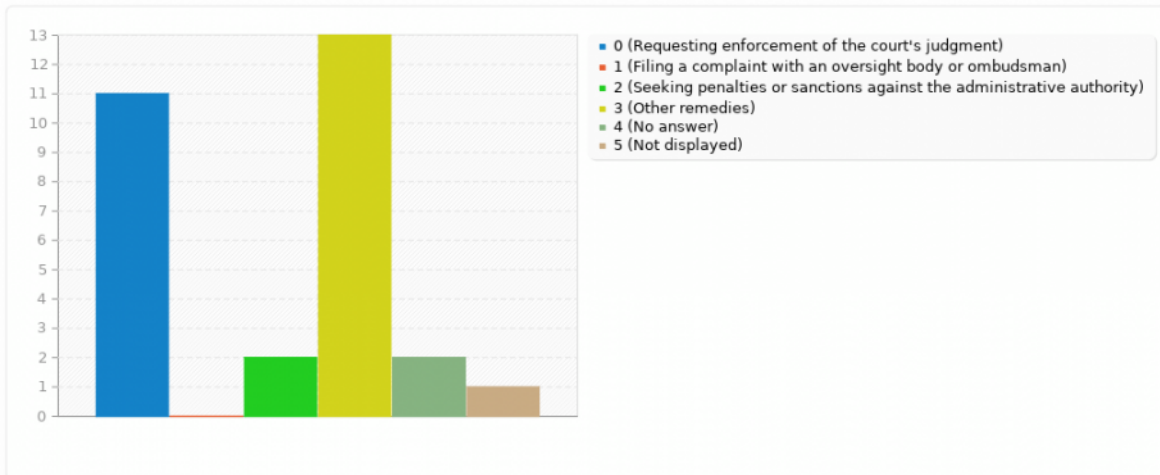
Answer	Count	Percentage
Requesting enforcement of the court's judgment (A1)	11	37.93%
Filing a complaint with an oversight body or ombudsman (A2)	0	0.00%
Seeking penalties or sanctions against the administrative authority (A3)	2	6.90%
Other remedies (A4)	13	44.83%
No answer	2	6.90%
Not displayed	1	3.45%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E16

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for E17

Please explain (what other remedies).

Answer	Count	Percentage
Answer	13	44.83%
No answer	0	0.00%
Not displayed	16	55.17%

ID	Response
4	<p>If a first instance administrative court sets aside the contested administrative decision, the administrative authority is obligated to establish, without delay and within its legal means, the legal situation corresponding to the legal opinion of the first instance administrative court in the relevant legal matter (sec. 28 para. 5 VwGVG, sec. 282 BAO).</p> <p>If the administrative authority then fails to issue a new decision within the time limit, parties may file a complaint against the silence of the Administration (art. 130 para. 1 lit. 3 B-VG). The administrative authority remains competent to issue a decision within a period of up to three months from the notification of the complaint. If the administrative authority does not, however, issue a decision, it shall submit the complaint and the files of the administrative proceeding to the respective first instance administrative court (sec. 16 VwGVG).</p> <p>Other remedies available to the party once time has lapsed are:</p> <ul style="list-style-type: none">· Requesting enforcement of the court's judgment (if the court's judgment is enforceable, in particular if no new decision by the administrative authority is required),· filing a complaint with an oversight body or ombudsman (see Q F6), and· seeking penalties or sanctions against the administrative authority (see Q F7).
5	<p>Article 72 of the Law on the Administrative Disputes prescribes that due to the damage caused by non-enforcement, i.e. untimely enforcement of a judgment rendered in an administrative dispute, the plaintiff has the right to compensation, which shall be obtained in the dispute before the competent court, in accordance with the law.</p>
6	<p>The remedy is the right of the party to the courts proceedings, after calling on the competent authority in writing to fulfil the court's decision (granting a complaint against the failure to act or excessive length of proceedings) or handle the case, to lodge a complaint on the matter, requesting that a fine (penalty) be imposed on the authority.</p> <p>The details of the court proceedings in this case are stipulated by law – the provisions of the Article 154 of the Law on Proceedings before Administrative Courts.</p> <p>Within court proceedings instituted in consequence of filing the said remedy the Court may additionally adjudicate on whether there exists or not a right or obligation, if this is allowed by the nature of the case and non-litigious circumstances of its factual and legal status. At the same time, the court shall find whether the failure to act or excessive length of proceedings by the authority have taken place in flagrant breach of law. A person, who has suffered injury because of a lack of compliance with the court's decision, shall be entitled to compensation in accordance with principles specified in the Civil Code, whereby if the administrative authority has not paid the compensation within 3 months from the filing of a claim for compensation, the entitled entity may bring action to a common court.</p> <p>The administrative court may order that the authority pay the complainant a sum of up to half the amount of the imposed penalty.</p> <p>It must be pointed out that this remedy has to be filed to the competent Regional Administrative Court via the administrative authority. The Supreme Administrative Court as a cassation court can only confirm (if the cassation appeal of the administrative authority has been filed) the correctness of the ruling of the administrative court of first instance.</p> <p>At the same time, a party may file a claim against the inaction of the public administration, after having exhausted the administrative remedies previously available to him/her.</p>
10	<p>The party has the possibility to request the Administrative Court to decide on the merits of the case (in full jurisdiction) and substitute the decision of the administration (Art. 64. and following of the Act on Administrative Dispute).</p>
12	<p>Requesting enforcement of the court's judgment and seeking penalties or sanctions against</p>

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- the administrative authority.
- 16 All the aforementioned remedies are available to the party once the time for voluntarily executing the court decision has lapsed. Additionally, compensatory claim may be brought before the administrative court, requesting compensation for pecuniary and/or non-pecuniary damage caused by a public administration body that fails to comply with a court decision within the prescribed time limit. The affected party can also file a complaint with the administrative court, arguing that the public authority is failing to act as required. If the complaint is upheld, the court may order the authority to act within a specific timeframe.
- 18 If a public authority does not take a decision within six months the individual can request a speedy resolution of the issue and if granted a decision must be taken within four weeks. If not such a request is granted, that decision can be appealed to an administrative court. (12 § of the administrative law)
- 19 In response to question E16, the 'Other Remedies' option was selected, as the form did not permit the selection of multiple options. The following description outlines the options available to the parties.
- As was explained above in D2 and D4 (D5), most decisions of the SAC are enforced as soon as they are enforceable. Only if the decision imposes an obligation on a party of the proceedings, the other party is entitled to initiate enforcement proceedings before civil courts.
- If the administrative authority considers the court's decision unlawful, but does not challenge it by filing a cassation complaint, it cannot subsequently dispute the court's legal opinion and must adhere to it. After a new administrative decision is issued, the party may file a new action. Failure to respect the court's legal opinion constitutes, in itself, a ground for annulment of the contested decision due to unlawfulness.
- A party also has the possibility of submitting an action for the failure to act.
- A special regime is set out in the Act on Free Access to Information under which the court holds an atypical authority to directly order the obligated entity to provide the requested information to the applicant (within a period of 15 days).
- A further remedy available to the parties is the option to approach the Public Defender of Rights. The latter is authorised to conduct investigations and impose corrective measures on the administrative authority.
- 22 Under Slovak law, if the competent administrative authority fails to act, an action for failure to act may be brought. Furthermore, according to the Act on the Ombudsman, a party is entitled to apply to the Ombudsman, who may investigate whether the competent administrative authority is acting properly and in a timely manner and, if not, order it to do so.
- 24 Please see the answer to question E14.
- 25 Multiple of the above options apply: requesting enforcement of the court's judgment; filing a complaint with an oversight body or ombudsman; and other remedies: an action for damages against the administrative authority / the State may be lodged with ordinary courts.
- 26 An action for damages caused by unlawful omission can be filed with the administrative court. The state liability claim is explained in more detail in answer to question E6.
- In the event of an administrative authority's delay or omission, a mandatory action may be brought (§ 37 section 2 subsection 2 of CACP). When granting a mandatory action, the court may order the administrative authority both to issue an administrative act or to take an administrative measure and to make a new decision concerning the issuing of an administrative act or the taking of an administrative measure (§ 41 section 3 of the CACP). There is also a possibility to request the court to impose a fine on the party to the proceedings who is in fault to fail to execute a court decision or a compromise approved by the court as explained in answer to question A3.
- 27 Multiple answers apply (since time limit is determined upon request of the party): 1. Requesting enforcement of the court's judgment. 2. Seeking penalties or sanctions against the administrative authority.
- For other remedies refer to answer under E6.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?

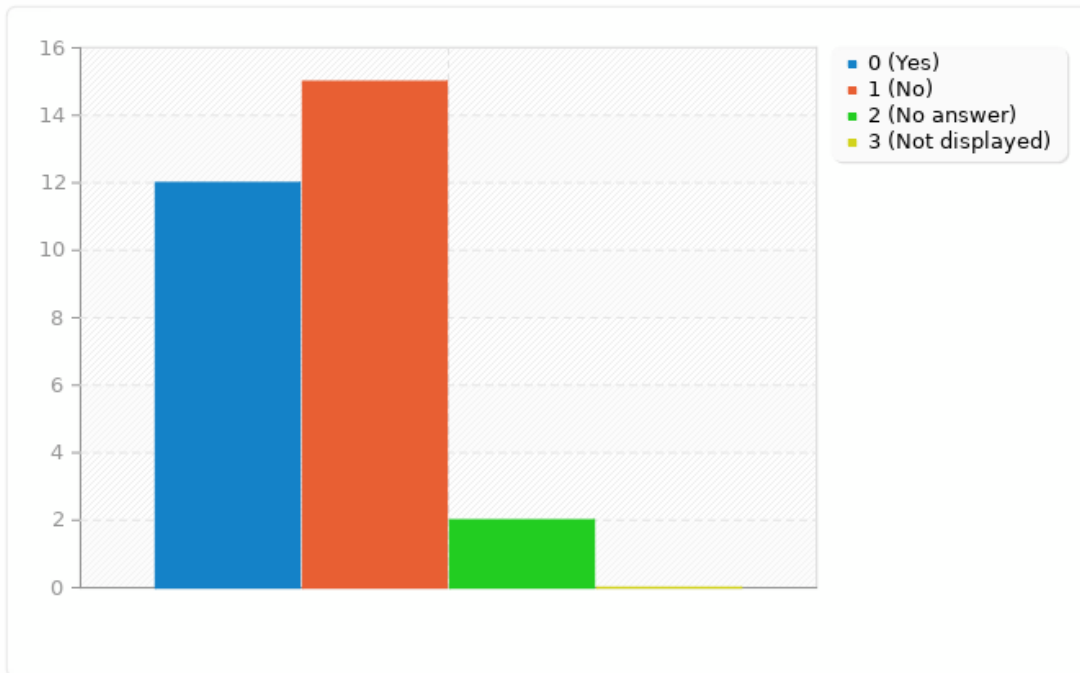
Answer	Count	Percentage
Yes (Y)	12	41.38%
No (N)	15	51.72%
No answer	2	6.90%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F2

Please explain.

Answer	Count	Percentage
Answer	12	41.38%
No answer	0	0.00%
Not displayed	17	58.62%

ID	Response
1	<p>The political responsibility of the government can come into play if non-compliance with court decisions affects public trust or breaches legal obligations.</p>
5	<p>The Ombudsman and other oversight bodies in Malta often serve a mechanism for ensuring that administrative authorities comply with court rulings.</p> <p>The supervisory public authority may take measures to achieve compliance with the court decision.</p>
6	<p>Within the enforcement proceedings (which is separate from the court-administrative proceedings statute about enforcement of administrative obligations), there are legal remedies that can be adopted to eliminate the inactivity of the public administration authority in enforcement. Every entity that has any interest (legal or factual) can bring a claim to administrative authority arguing unlawful lack of action in enforcing administrative duties. When it comes to political responsibility, it depends on many reasons, among them a duty that has to be enforced. This kind of responsibility is outside the court's jurisdiction.</p>
12	<p>The answer to F1 is actually yes AND no.</p> <p>For this, there is no specific procedure. Nevertheless, article 5 of the Dutch Constitution grants the right to everybody to submit written requests to the competent authorities.</p>
17	<p>1/ Possibilité, pour le requérant, de prendre contact avec l'autorité hiérarchiquement supérieure.</p> <p>2/ Possibilité, pour un parlementaire, de mettre en cause la responsabilité politique du Gouvernement qui refuse d'exécuter un arrêt.</p>
18	<p>If an authority does not follow a courts decision, complaints may be addressed to a higher authority or a political institution with responsibility for the issue at hand. If no other institution is an obvious choice, the parliamentary ombudsman (Justitieombudsmannen) can always be approached with such a complaint.</p>
19	<p>Central government bodies (typically ministries or the government) issue methodological guidelines to unify the actions of government bodies and to guide and direct the activities of subordinate bodies. Through such guidelines, central bodies can respond to the case law of administrative courts and issue instructions to subordinate bodies on how to proceed in their activities in a way that is based on the case law of administrative courts. An example is the Methodological Guideline on the Tax Administration's Procedure for Issuing a Security Order, issued by the General Financial Directorate in response to a series of rulings of the Supreme Administrative Court on the issuance of security orders.</p>
22	<p>According to the Act on the Organisation of Government Activities and the Organisation of the Central State Administration, ministries and other central state administration bodies also ensure compliance with the law in the area of their competence. Within the framework of observing legality in their area of competence, they also monitor whether subordinate administrative bodies comply with the decisions of administrative courts.</p>
23	<p>In proceedings for forcing performance, the court may authorize the administrative body's supervisory body to perform its obligation in compliance with the decision in the event of a judgment that establishes omission.</p> <p>It should be emphasized that, although the regulation exists, its practical application is unknown, the respondent is not aware of such a regulation, and there is no such regulation in the Curia database, either.</p>
25	<p>Yes, in the sense that a complaint can be lodged with the Chancellor of Justice or the Parliamentary Ombudsman if an administrative authority / the Government do not comply with a court decision. In certain sectors, State authorities also supervise public administration. E.g. Regional State Administrative Agencies are one of Finland's governmental enforcement authorities. They have a number of enforcement responsibilities relating to due process and constitutional rights, safety and environmental standards. Regional State Administrative Agencies are the competent enforcement authority for health</p>

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- care and social services, schools and early childhood education, rescue services, alcohol sales on and off premises, occupational safety and health, environmental health and multiple areas of commercial regulation. In some cases, they only handle complaints.
- 26 There is a possibility to perform administrative supervision, that is perform control of one administrative authority over another administrative authority (§ 75.1 section 1 of the Government of the Republic Act (GRA)). Administrative supervision of a state administrative authority includes control of the legality, and in the cases provided by law, of the expediency of the activities of the person subject to supervision (§ 75.1 section 3 of GRA)). Control of the legality may also include control over the fact whether the administrative authority enforces court decisions correctly and in timely manner.
- 28 The UK government and administrative authorities can generally be relied on to comply with court judgments, as part of the Rule of Law and the mutual trust that exists between the government and the courts in the UK. This compliance is a core principle of our constitution.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?

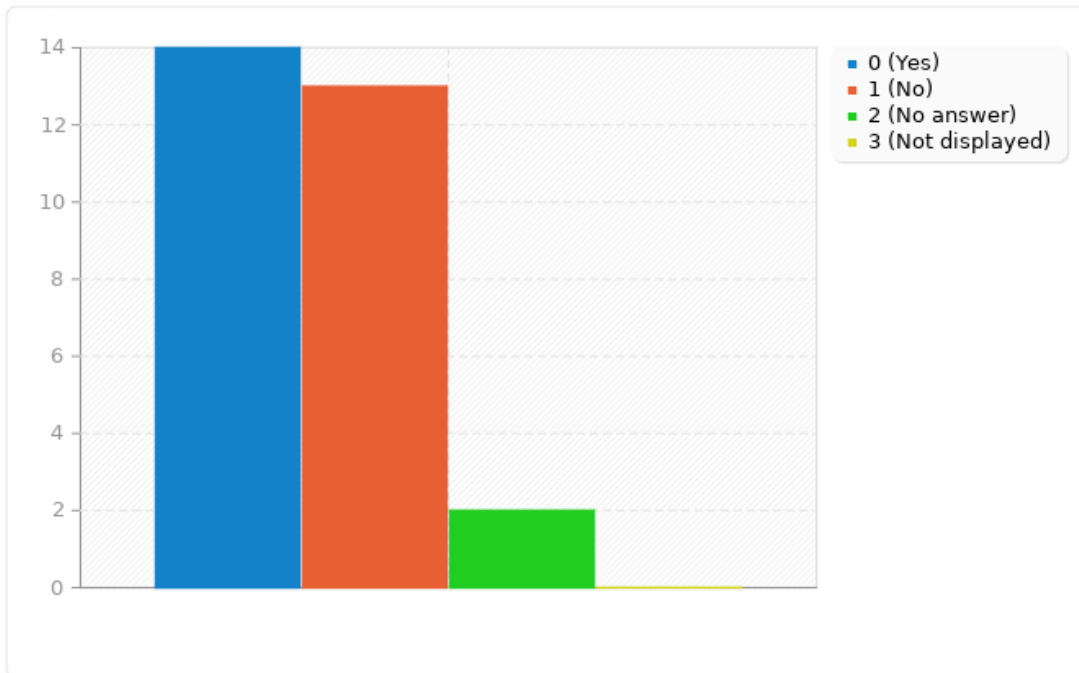
Answer	Count	Percentage
Yes (Y)	14	48.28%
No (N)	13	44.83%
No answer	2	6.90%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F4

Please explain.

Answer	Count	Percentage
Answer	14	48.28%
No answer	0	0.00%
Not displayed	15	51.72%

ID	Response
1	Yes, outside institutions can be involved in monitoring the enforcement of judicial decisions.
3	<p>Within the Legal and Litigation Department of the General Secretariat of the Government operates the Litigation and Enforcement of Judgments Service, which, according to Art. 33 points m)-l) of the Regulation on the Organization and Functioning of the General Secretariat of the Government, also carries out tasks related to the monitoring of compliance with court decisions, namely it compiles an inventory of final court decisions that have established obligations to give or to do on public debtors; it monitors the execution by public debtors of the decisions of the above-mentioned courts; to this end, it requests public debtors to provide the General Secretariat of the Government with the relevant data and information on the methods and deadlines for the execution of final judgments, as well as the existence of the funds necessary for the payment of the debt in the current year's budget; it periodically informs the Government on the situation of the execution of judgments, including the availability of funds of public debtors;</p> <p>In order to fulfill these tasks, public debtors shall communicate annually, on the basis of Article 36 para. (1) of the Regulation on the Organization and Functioning of the General Secretariat of the Government, the updated situation of the judgments pronounced against them, as well as the status of the fulfillment of the obligations to give or to do established by them. Should additional data and information be requested, they will be communicated to the General Secretariat of the Government without delay.</p>
4	<p>The execution of the decisions issued by first instance administrative courts (with the exception of the Federal Fiscal Court) is carried out in accordance with the Administrative Enforcement Act (Verwaltungsvollstreckungsgesetz 1991 - VVG) and generally falls within the responsibility of the district administration authorities. As mentioned in Q D9, pursuant sec. 63 para. 2 Administrative Court Act (Verwaltungsgerichtshofgesetz - VwGG), if the Supreme Administrative Court rules on the merits of the case, it determines the court or administrative authority that shall enforce the decision. The provisions applicable to this court or this administrative authority are then also applicable to the enforcement of the Supreme Administrative Court's decision. Decisions on the reimbursement of costs issued by the Supreme Administrative Court are enforced by the ordinary courts (sec. 3 para. 1 VVG).</p>
6	<p>All legal measures to enforce duties imposed by administrative authorities and courts are stipulated in law. From outside the administrative jurisdiction, private associations can be interested in monitoring courts' decisions. This form of monitoring is not organised in a legal term. Legal doctrine is also interested in these issues but from a theoretical point of view (how to understand the enforcement of administrative court judgments, and how to facilitate this process).</p>
8	<p>In Spanish administrations, there are departments dedicated to the enforcement of judgments.</p> <p>In the other hand, in general, academic sectors and civil society organizations often conduct and publish monitoring and follow-up reports regarding the enforcement of judicial decisions, particularly in the context of the contentious-administrative jurisdiction.</p> <p>These efforts typically focus on:</p> <ol style="list-style-type: none">1. Compliance Analysis:<ul style="list-style-type: none">• Evaluating whether public administrations effectively comply with court rulings.• Identifying cases of non-compliance or delays in execution.2. Transparency and Accountability:<ul style="list-style-type: none">• Promoting transparency in the enforcement process.• Holding administrations accountable for their actions or inactions in response to judicial decisions.3. Research and Advocacy:<ul style="list-style-type: none">• Highlighting trends, systemic issues, or areas where enforcement mechanisms may need strengthening.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- Advocating for legislative or procedural reforms to enhance compliance and efficiency in the execution of judgments.

These publications contribute to public debate, raise awareness about the importance of judicial enforcement, and support the rule of law by ensuring that judicial decisions are respected and effectively implemented.

9	The CSTAF, as an administrative body, has a direct and formal role in monitoring judgments and their execution.
15	<p>En cas d'inexécution persistante d'une décision du juge administratif la Cour des comptes peut, depuis l'entrée en vigueur, le 1er janvier 2023, de l'ordonnance no 2022-408 du 23 mars 2022 relative au régime de responsabilité financière des gestionnaires publics, qui a supprimé la Cour de discipline budgétaire et financière (CDBF), condamner au paiement d'une amende tout gestionnaire public auquel il peut être reproché l'inexécution ou le retard d'exécution d'une décision de justice.</p> <p>Dans son domaine de compétence, le défenseur des droits peut également être saisi de difficultés d'exécution par un particulier et jouer un rôle de médiateur avec l'administration en cause afin de tenter de parvenir à un règlement amiable du litige.</p>
16	A final court judgment or ruling is binding on all state institutions, officials, and civil servants, as well as on companies, institutions, organizations, and other natural and legal persons, and must be enforced throughout the entire territory of the Republic of Lithuania (Art. 16(1) of the Law on Administrative Proceedings). As a general principle, once the administrative court's decision upholding a complaint becomes final—except in cases where judgments are enforceable urgently—a certified copy (transcript) of it is sent for execution to the public administration body whose acts have been challenged in the case (Art. 99(1) of the Law on Administrative Proceedings). If the decision is not executed voluntarily by the public administrative authorities within 15 calendar days, unless the court sets a different time limit, it is enforced by a bailiff in accordance with the civil procedure rules set out in the Civil Code of the Republic of Lithuania (Art. 99(2) of the Law on Administrative Proceedings).
17	<p>1/ L'autorité de tutelle de l'administration récalcitrante peut, si un texte normatif le prévoit, envoyer sur place un commissaire spécial en vue d'exécuter l'arrêt.</p> <p>2/ La plupart des médiateurs institutionnels ("ombudsman") peuvent intervenir auprès de l'autorité administrative concernée pour l'inviter à exécuter l'arrêt.</p> <p>3/ Le juge judiciaire peut, à la demande d'un requérant, intervenir pour forcer une autorité administrative à exécuter l'arrêt du Conseil d'État.</p>
18	There can be specific authorities that supervise a certain sector, including public authorities actions, and - as mentioned above - there is always the parliamentary ombudsman as a last resort.
19	A typical example of such an institution is the Office of the Public Defender of Rights, whose task is to protect persons against the conduct by authorities and other institutions if such conduct is contrary to the law, does not correspond to the principles of democratic rule of law, or in case the authorities fail to act. The Public Defender may, on the basis of a complaint, initiate an investigation with the relevant authority. If he concludes that there has been a violation of legal regulations or other misconduct, he issues an opinion and proposes corrective measures. If the administrative authority disregards his opinion and proposals, the Defender informs the supervisory authorities or, where appropriate, the government and may disclose his findings to the public. The Defender also possesses additional powers, which he utilizes in protecting individuals from discrimination, safeguarding the rights of persons with disabilities, and ensuring the fulfillment of the right to free movement. In addition, numerous non-governmental organizations operate in the Czech Republic to monitor compliance with human rights and public interests, provide legal advice and representation, thereby contributing to the enforcement of court decisions.
22	According to the Act on the Ombudsman, if the complaint concerns the review of a final decision of a public administrative body or if the Ombudsman concludes that a decision of a public administrative body is contrary to the law or another generally binding legal regulation, he or she may refer the matter to the competent public prosecutor for processing or take other action. In doing so, he or she may require the public authority to provide him or her with the necessary files and documents, as well as an explanation of the matter to which the complaint relates. If a violation of fundamental rights and freedoms is proven, the Ombudsman shall communicate the results of the complaint, together with a proposal for measure, to the public authority against whose procedure, decision or failure to act the complaint is directed.
25	See answer to question F2
29	The Parliamentary Ombudsman must assess whether the public administration acts in

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

violation of applicable law or good administrative behaviour, or is otherwise guilty of maladministration in the performance of its duties. The Ombudsman is not, however, a court, and its decisions are not legally binding and cannot be enforced. The Ombudsman can only express their opinion on the case and cannot change an administrative authority's decision.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F5

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

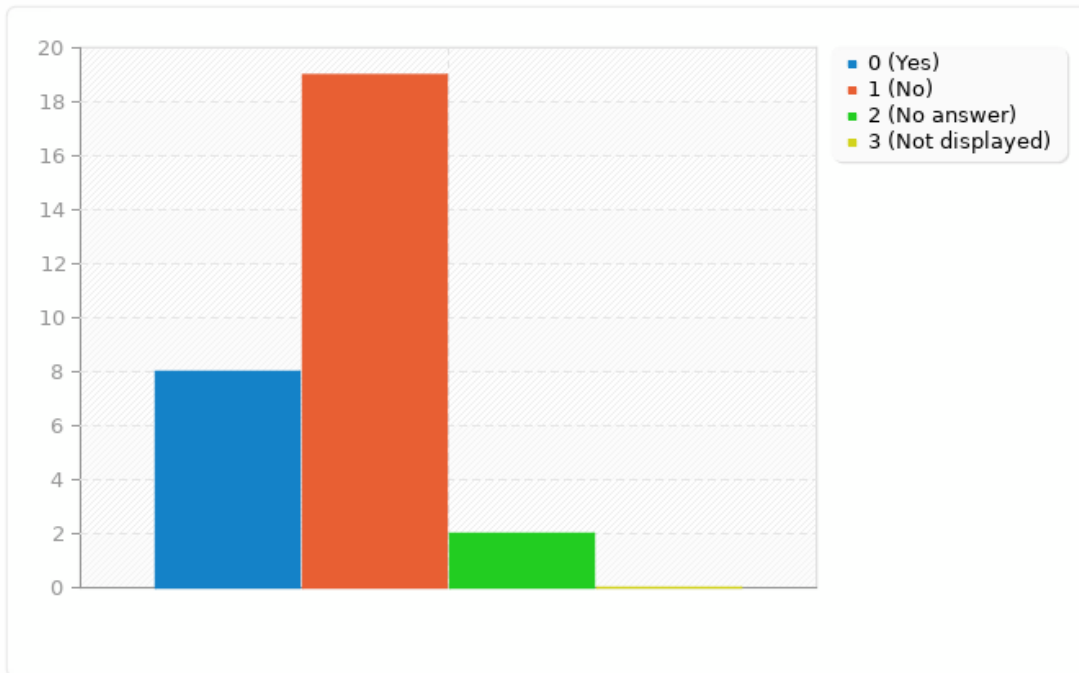
Answer	Count	Percentage
Yes (Y)	8	27.59%
No (N)	19	65.52%
No answer	2	6.90%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F5

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F6

Please explain.

Answer	Count	Percentage
Answer	8	27.59%
No answer	0	0.00%
Not displayed	21	72.41%

ID	Response
1	Government departments may have internal mechanisms and public officials may engage in consultations with the Ombudsman or other authorities to address concerns about compliance.
4	In addition, pursuant to art. 148a B-VG, anyone may lodge a complaint with the Austrian Ombudsman Board regarding alleged maladministration by the federal government, provided they are affected by such maladministration and provided they have no or no longer any legal remedy. Every such complaint must be examined by the Austrian Ombudsman Board. The complainant shall be informed of the result of the examination and of any measures taken.
5	The public authority may refer to the court for the purpose of establishing legal positions and harmonization of the case law.
8	Regarding informal practices to ensure the effective enforcement of judgments, we can highlight the importance of institutional dialogues that often take place between the Supreme Court and the administration. These dialogues facilitate mutual understanding and cooperation, improving compliance with judicial rulings. Additionally, training activities organized by the General Council of the Judiciary (Consejo General del Poder Judicial) play a significant role. These programs often include invitations to administrative officials responsible for implementing judgments, fostering better alignment between judicial and administrative practices. Similarly, in administrative training activities, members of the judiciary may be invited to participate, enhancing awareness among administrative bodies about the importance of judicial enforcement and the legal framework governing it. These informal practices contribute to strengthening collaboration between institutions and improving the execution of court decisions in a practical and efficient manner.
9	The Ombudsman's Office can play an informal role in monitoring the enforcement of judgments
10	The ombudsman could get active in a case where human rights and fundamental freedoms of the party could be affected by inactivity of the administration.
15	-Un référent au secrétariat général du gouvernement est en lien avec la SEPCO pour le suivi de l'exécution de certaines décisions de justice du Conseil d'Etat -Certaines directions d'affaires juridiques d'administrations centrales intègrent à leurs missions le suivi de l'exécution des décisions les concernant.
16	Informal practices for identifying and monitoring difficulties in enforcing court decisions include various forms, such as round table discussions, institutional visits for cooperation, scientific-practical conferences, etc.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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	22	75.86%
Liability of the State/legal entity without fault	12	41.38%
Other compensation mechanisms	3	10.34%
Other (please specify)	3	10.34%
Not applicable	4	13.79%

ID	Response
1	Action for damages or constitutional redress.
3	The liability of the State or of a legal person governed by public law in the event of non-execution or delayed execution of a court judgment in administrative contentious matters may be questioned in accordance with Law no. 554/2004, as well as the Criminal Code in so far as the execution of a court judgment is refused. According to the provisions of Article 24 para. (3) of Law no. 554/2004, in case the public authority refuses/delays with regard to the enforcement of the court judgment, the injured party may request the enforcement court to impose on the public authority or institution a fine of 20% of the gross minimum wage per day of delay, as well as to grant penalties to the injured party, to be established according to the provisions, under the conditions of art. 906 of the Code of Civil Procedure, for a maximum term of 3 months, calculated from the date of the communication of the decision on the establishment of the fine.
4	The state is liable for damages caused by its bodies in the exercise of their official duties through unlawful and culpable conduct or omission. The damage is always only to be compensated by the state in monetary terms. However, the body itself is not liable to the injured party. Pursuant to sec. 9 Liability of the Public Bodies Act (Amtshaftungsgesetz - AHG), the regional (ordinary) court in whose district the infringement was committed has exclusive jurisdiction to hear official liability claims. In order to successfully assert a claim for official liability, all legal remedies must be exhausted. Before addressing the court, the injured party must send a formal notice to the State Financial Procurator's Office. The claims are examined and the injured party is informed whether the legal entity recognises the claim. In the event of partial or total rejection of the claims, the injured party is free to assert their claims in court. In addition, as mentioned in Q F6, pursuant to art. 148a B-VG, anyone may lodge a complaint with the Austrian Ombudsman Board regarding alleged maladministration by the federal government, provided they are affected by such maladministration and provided they have no or no longer any legal remedy. Every such complaint must be examined by the Austrian Ombudsman Board. The complainant shall be informed of the result of the examination and of any measures taken.
6	This kind of liability has a civil nature. The liability based on fault is basic for the system of compensation. Nonetheless, the responsibility of the state or the legal entity (without the obligation to evidence the fault of a state) is sufficient to prove the unlawfulness of their (in)action.
7	It is possible to claim damages
8	Yes, the State can incur liability for failing to comply with a judicial decision, and this liability arises under both subjective and objective criteria in the Spanish legal system. 1. Subjective Liability This type of liability is based on fault or negligence by the administration or its officials. It arises when: • There is intentional non-compliance or deliberate delay in executing a judgment. • The administration or its representatives act negligently in failing to adopt necessary measures for compliance. In these cases, the affected party must prove: • The administration's fault or negligence. • The causal link between this fault and the damages suffered.
9	Article 22 of the CRP establishes the principle of direct patrimonial liability of public entities for damages caused to citizens, with the preconditions of the obligation to compensate being, as in civil law, the unlawful act, fault, damage and causal link. Here we find non-contractual civil liability for an unlawful act by the public administration in the event of failure to comply or delay in complying with a judicial decision. It should also be noted that, with regard to the obligation of public bodies to compensate for damage caused to citizens, default interest is also due in the event of late fulfilment of the obligation.
20	It is the competence of civil courts.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- 13 In accordance with Art. 203 of the Administrative procedure code, the administration may be subject to legal action for damages caused by non-compliance with a court decision. In the event that the claim is upheld, the defendant will be liable for damages.
- 17 responsabilité civile de l'administration
- 18 According to provisions in the tort law, state liability can arise in cases where the authorities are acting unlawful.
- 19 If damage has occurred as a result of the above-mentioned conduct, the party shall have the right to claim compensation. Liability for damage and non-pecuniary damage caused in the exercise of public authority by a decision or incorrect official procedure is governed by law (The Act on Liability of the State for Damage). In the case of state liability based on fault the right to compensation for damages is granted to parties who have been issued an unlawful decision in administrative, criminal, administrative court or civil court proceedings, and in cases of incorrect official procedures. Three conditions all at once must be met: 1. tortious conduct of the state, 2. damage in the form of damage to property or non-pecuniary damage, and 3. a causal link between the tort and the damage. The civil courts have jurisdiction over these proceedings.
- 21 La personne justifiant d'un dommage peut mettre en cause la responsabilité de l'Etat sur base de la loi du 1er septembre 1998 relative à la responsabilité civile de l'Etat et des collectivités publiques.
- 22 According to the Act on State Liability for the Exercise of Public Authority, the State is also liable for unlawful decisions of administrative courts. Liability arises when three conditions are met. First, an unlawful decision; second, damage; and third, a causal link between the unlawful decision and the damage. The state cannot exempt itself from this liability.
- 25 Liability for damages; see question F9
- 26 Court can impose a fine as explained in answer to question A3 only on the party to the proceedings who is at fault for non compliance of court's decision.
- 4 See answer above.
- 5 The Law on State Administration prescribes the objective liability of the state (the Republic of Serbia) for the damage caused to the natural and legal persons by public authorities through their illegal and improper work.
- 6 Within a procedure before a civil court, a plaintiff who suffered damage can demand compensation for non-enforcement or delay in the enforcement of a court decision. It is not the competence of the administrative court.
- 7 It is possible to claim damages
- 8 2. Objective Liability Objective liability, on the other hand, does not require proving fault or negligence. It is based on the principle that the administration is responsible for the damages caused by its actions or omissions when these are unlawful or when they result in harm not legally required to be borne by the individual. In the context of non-compliance with judicial decisions, this means: • The State or administration is liable for direct damages and loss of profits (lucro cesante) caused by the failure to comply, regardless of whether there was intent or negligence. • This liability reflects the administration's obligation to ensure the enforceability of judicial rulings and to respect the principle of legality.
- 9 There is a mechanism, provided for in the enforcement procedure itself, for compensation for legitimate reasons for non-execution, which is set out in Article 178 of the CPTA.
- 16 In cases when the public administration body's unlawful actions (including nonenforcement or a delay in the enforcement of a court decision) have caused damage to the claimant, compensatory actions against the state or municipal can be brought before the administrative courts. There are 3 conditions that have to be present in order to award compensatory damages: unlawful action(s) (or inaction), damage and a causal link between the two. Authority is liable even in the voidness of any guilt.
- 19 The Act on Liability of the State for Damage contains special provisions regarding the liability of the State without fault in the cases of detention, punishment or protective measures.
- 22 The State is also liable for damage caused by unlawful arrest, detention or other deprivation of liberty. It cannot absolve itself of this responsibility.
- 26 Claims without fault include the state liability claim for pecuniary damages, including consequential damages as explained in answer to question E6. It also includes mandatory action in case of omission or delay as explained in answer to question E17.
- 27 As mentioned before, this is the case of action for damages/compensation before the administrative courts under article 105 of the Introductory Law to the Civil Code.
- 28 JS v Cardiff City Council [2022] EWHC 707 made it clear that if a local authority has failed to comply with a court order, it is unlikely to escape being held in contempt of court by arguing that the alleged breach was excusable in the circumstances. The authority cannot merely rely on an argument that it has done its best in difficult circumstances but has been unable to do what the court ordered. Mitigating factors and explanations for default will be considered in the court's consideration of the appropriate penalty.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

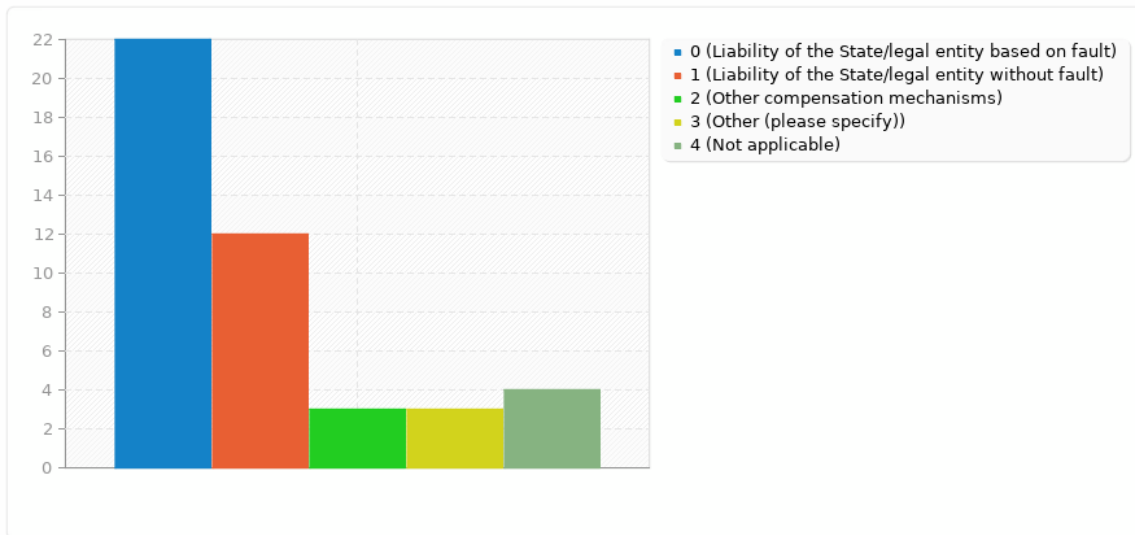
- 13 In accordance with Article 119 of the Administrative Procedure Act, a complaint may be lodged against the body or official responsible for the failure to comply with the court decision. The complaint should describe the unlawful omission or act relating to the failure to comply with the court decision. If the report is well-founded, the superior authority shall take measures to remedy the infringement or irregularity, which may result in the disciplinary liability of the offender.
- 19 The State is liable for damages caused by incorrect official procedures. Incorrect official procedure also includes the failure to perform an act or issue a decision within the time limit prescribed by law. If the law does not specify a time limit for performing an act or issuing a decision, a failure to perform the act or issue the decision within a reasonable time shall also be considered improper official conduct.
- 22 The State is liable for damage caused by maladministration. A breach of the obligation of a public authority to perform an act or issue a decision within the time limit established by law, inaction of a public authority in the exercise of public authority, unnecessary delays in proceedings or other unlawful interference with the rights, legally protected interests of natural persons and legal entities shall also be considered as maladministration.
- 13 To apply to the competent administrative court, in accordance with Article 304 of the Code of Administrative Procedure, for a fine to be imposed on the official responsible for failure to comply with the court's decision. It should be noted that this procedure is not initiated on the court's own initiative, but only on the initiative of the person interested in enforcement. If the conditions of Article 304 of the Code of Civil Procedure are met, the court imposes a fine of between BGN 200 and BGN 2000.
- 22 We can mention the disciplinary liability of the bailiff who executes decisions imposing an obligation to perform in enforcement proceedings. In the event of unnecessary delays, the bailiff is in breach of his duties, for which he may be disciplined. For disciplinary offences, he or she may be given a written reprimand, a fine and, in the case of serious disciplinary offences, suspension from office.
- 23 To assert a claim for compensation for damage caused within the scope of administrative jurisdiction, it is a prerequisite that the court hearing the administrative case – if the administrative judicial process is ensured – should establish the infringement by a final decision. The relevant legislation does not contain a liability clause, but judicial practice has created a special form of that and considers it on the basis of all the circumstances of the given case.
- 13

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F8(SQ001)[Civil liability]

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?

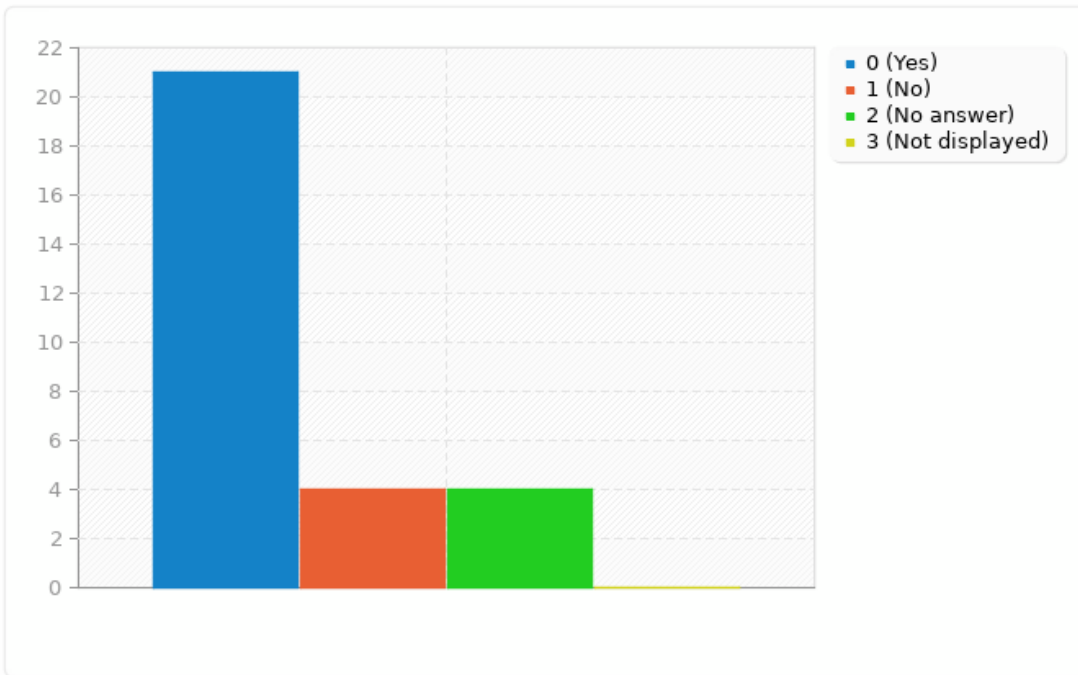
Answer	Count	Percentage
Yes (A1)	21	72.41%
No (A2)	4	13.79%
No answer	4	13.79%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F8(SQ001)[Civil liability]

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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F8(SQ002)[Disciplinary liability]

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?

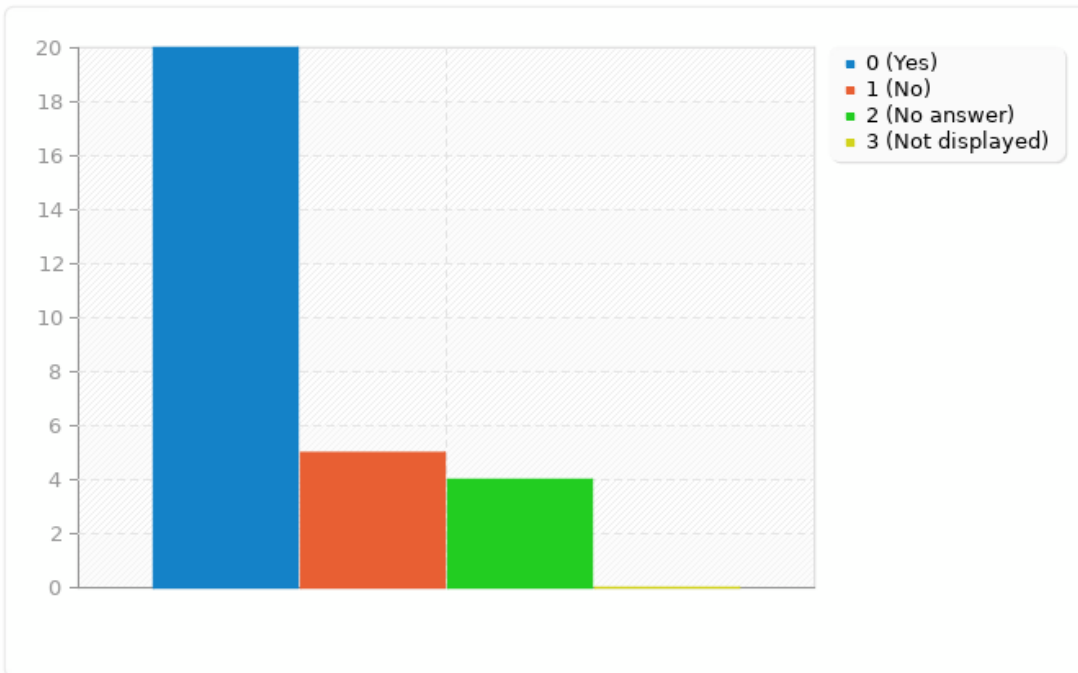
Answer	Count	Percentage
Yes (A1)	20	68.97%
No (A2)	5	17.24%
No answer	4	13.79%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F8(SQ002)[Disciplinary liability]

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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F8(SQ003)[Criminal liability]

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?

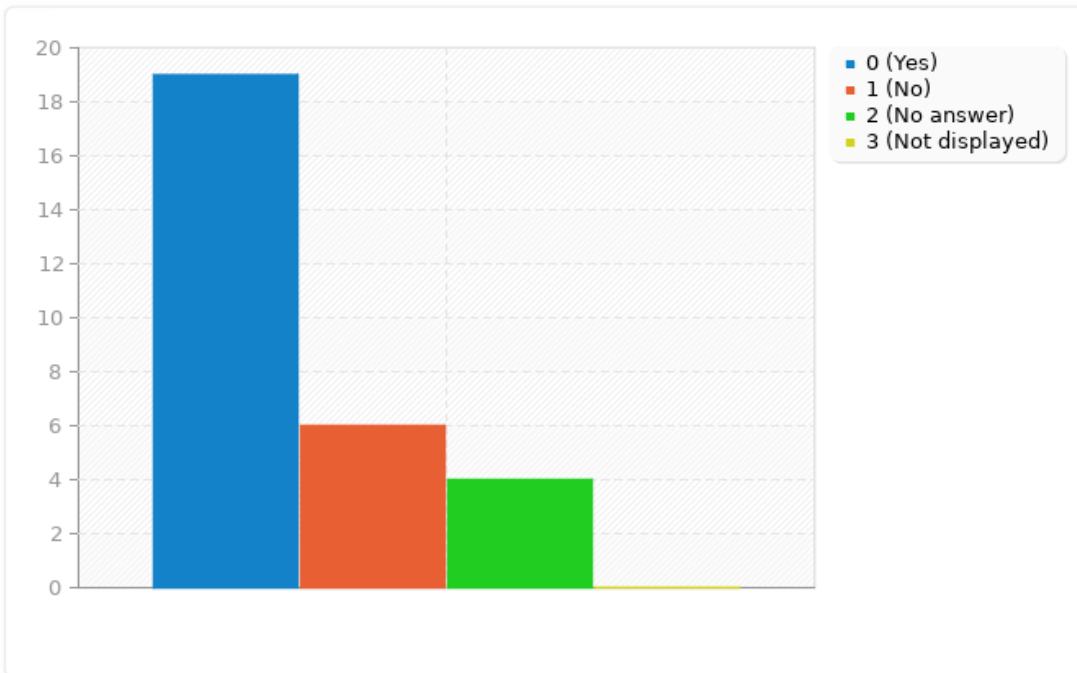
Answer	Count	Percentage
Yes (A1)	19	65.52%
No (A2)	6	20.69%
No answer	4	13.79%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F8(SQ003)[Criminal liability]

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?



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for 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?

Answer	Count	Percentage
Answer	22	75.86%
No answer	0	0.00%
Not displayed	7	24.14%

ID	Response
1	Criminal intent.
3	<p>In Romania, the liability of the party at fault for non-execution or delay in execution of a court judgment may be civil, disciplinary or criminal, depending on the nature of the act and the damage caused.</p> <p>This liability applies in particular to the heads of public authorities or other officials who, by their actions or inactions, hinder or delay the enforcement of a judgment.</p> <p>The civil liability of the person liable may be incurred for damage caused by failure to comply with a judgment.</p> <p>The legal framework for this is provided by the provisions of Article 24 para. (3) of Law no. 554/2004, according to which the injured party may claim compensation for the damages suffered as a result of non-execution or delayed execution.</p> <p>For civil liability to be incurred, the following conditions must be cumulatively met: (i) the existence of a final judgment, (ii) the culpable inaction or delay of the person responsible in the performance of the obligation, (iii) the occurrence of damage (material or moral), (iv) the existence of a causal link between the damage and the non-performance.</p> <p>In case of non-execution or delay in the execution of a court judgment, the administrative-disciplinary liability of the civil servant may be incurred, on the basis of art. 492 para. (1) of the Administrative Code, according to which the culpable breach by public officials of the duties corresponding to the public office they hold and of the rules of professional and civic conduct prescribed by law constitutes a disciplinary misconduct and entails their administrative-disciplinary liability, in the event that the act of the public official of not executing the court judgment is the consequence of the unjustified refusal to perform his duties, disciplinary misconduct provided for in Art. 492 para. (2) letter i) of the same normative act.</p> <p>The party may also be held criminally liable for failure to comply with a court judgment, where the party's act meets the constituent elements of the offense of failure to comply with a court judgment, as provided for in Article 287 of the Criminal Code.</p>
4	<p>The AHG stipulates liability for damages to third parties caused unlawfully and culpably by an executive body or an administrator in the execution of the law. Such claims must always be directed against the legal entity for which an individual acted unlawfully and culpably. Nevertheless, if the legal entity has compensated the injured party on the basis of the AHG, it may claim compensation from the acting individual who committed or caused the infringement intentionally or through gross negligence (see sec. 3 para. 1 AHG).</p> <p>Duties of federal civil servants are laid out in the Public Service Act (Beamtendienstrechtsgesetz - BDG 1979) and the Contractual Employment Act (Vertragsbedienstetengesetz - VBG). There are similar regulations for provincial and municipal employees in provincial laws. In addition, there are special laws for individual occupational groups such as the Provincial Teachers' Service Act (Landeslehrer-Dienstrechtsgesetz) or the Service Act for Provincial Teachers in Agriculture and Forestry (Land- und forstwirtschaftliches Landeslehrpersonen-Dienstrechtsgesetz).</p> <p>In the event of culpable non-compliance, civil servants must expect disciplinary prosecution. The federal legislator has made particularly serious breaches of duty punishable by the courts by creating corresponding criminal offences in the Criminal Code (Strafgesetzbuch - StGB), such as abuse of official authority (sec. 302 StGB), corruption (sec. 304 StGB), the acceptance of benefits (sec. 305 StGB) and the acceptance of benefits in order to influence (sec. 306 StGB).</p>

Therefore, if failure or delay in relation to enforcement was attributable to a culpable breach of

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- duty by a civil servant, this could invoke civil, disciplinary or criminal liability.
- 6 Rules for civil liability are perceived in the civil code. The final outcome of the civil procedure can be combined with an individual liability of a public officer stipulated in a statute about the financial liability of public officers for gross violations of the law.
In that statute, there are special premises regulated upon which a public officer can be held financially responsible for issuing a decision or judgment with a gross violation of law. However, this liability is not expressly connected with non-enforcement or delay in enforcement of an administrative court judgment.
Disciplinary liability is precise separately for every branch of administrative authorities. For public officers, this liability is regulated in a statute about the status of public officers. It is not expressly stated in this act, that a lack of enforcement of a court judgment can be a basis for this kind of liability (it is composed of a violation of a public officer's responsibilities). Non-enforcement of a court judgment theoretically can be a basis for this liability. However, there is a lack of examples on this issue.
- 7
With regard to civil liability: pursuant to Article 112,c. 3, c.pa., an action may be brought, also in a single instance before the judge of compliance, to order the payment of sums by way of revaluation and interest accrued after the judgment has become final, as well as an action for damages connected to the impossibility or in any event to the failure to execute in a specific form, in whole or in part, the judgment or to its violation or avoidance.

With regard to administrative liability: disciplinary liability may arise from the failure to execute the judgment on the part of the official who adopted the void act or who did not adopt the act required by the judgment. Secondly, the official's public liability may also arise when the breach or evasion of a judgment results in an expense for the administration.

With regard to criminal liability: if the administration violates or circumvents a judgment, it is possible that the offence of omission of official acts under Article 328 of the Criminal Code may arise.
- 8 The potential for civil and criminal liability of public officials in Spain serves as a deterrent and reinforces the binding nature of judicial decisions. Although such cases are not the most common, the legal system provides clear avenues for addressing serious breaches, ensuring accountability and protection of the rights affected by non-compliance.
Civil liability: If a public official causes harm to a person due to their failure to comply with a judgment, they may be held civilly liable. In such cases, the affected party can claim compensation for the damages and losses suffered.

Disciplinary liability: Public officials may be subjected to a disciplinary procedure if they fail to comply with judicial decisions. This may lead to sanctions such as suspension from duty or even dismissal, depending on the severity of the non-compliance.

Criminal liability: In more serious cases, such as intentional non-compliance with a judgment or abuse of power, public officials may be held criminally liable. The Spanish Penal Code provides penalties for public officials who commit crimes in the exercise of their duties, such as the crime of disobedience or abuse of authority.
- 9 In the context of criminal liability for possible offences of disobedience (art. 348 of the Criminal Code), denial of justice and prevarication (art. 369 of the Criminal Code) and refusal to cooperate (art. 381 of the Criminal Code), a civil claim for compensation may be brought in the criminal proceedings themselves, under articles 71 et seq. of the Criminal Procedure Code.
More common, however, is the joint and several liability of the heads of bodies, officials and agents in the event of wilful misconduct or serious fault, under the terms of article 8 of the State's non-contractual civil liability regime.
The State and other public entities are always liable alongside the heads of bodies, officials and agents, for functional acts, when the law imposes direct liability on them, and may subsequently exercise their right of recourse against them, when the collective entity has fully satisfied the compensation due to a third party; and this obligation to compensate arises from wilful misconduct or in which the guilty body members or agents have acted with a diligence and zeal manifestly inferior to that which they were obliged to show by reason of their position.
- 10 All types of liability are possible, although seldom practised, since they are all based on the question of fault (subjective responsibility), which often is difficult to determine. Criminal liability is dependent on establishing additional consequences (abuse of power), so it is very rarely used as a means to punish non-enforcement (and/or ignoring) the obligations based on judicial decisions of administrative court. There is no available statistical data in this regard,

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- 12 also in regard of disciplinary liability.
The liability of the legal entity to which the administrative authority belongs has to be invoked according to the rules of the Code of Civil Procedure and the Dutch Civil Code. This constitutes a procedure on its own.
- 13 The officials concerned may be subject to disciplinary action, generally under the Civil Servants Act, or may be held criminally liable under Article 296 of the Criminal Code. Alternatively, they may be held liable in tort under civil law.
- 15 Outre la mise en œuvre de la responsabilité financière des gestionnaires publics devant la Cour des Comptes, si le retard d'exécution est la conséquence d'une faute de l'agent constitutive d'une infraction pénale ou d'un manquement disciplinaire l'agent en cause peut voir sa responsabilité pénale ou disciplinaire engagée selon le cas dans les conditions propres à chacune de ces responsabilités.
- 16 When a state or municipal institution or agency compensates for damage caused by a civil servant (including non-compliance with a court decision), the Law on the Civil Service of the Republic of Lithuania regulates the right of recourse of a state and municipal institutions and agencies against the responsible civil servant (Art. 28). A state or municipal institution or agency that has compensated for damage caused by a civil servant—or, in cases where the damage results from the unlawful actions of the head of an agency, the appointing authority of that head—has the right of recourse against the civil servant for the amount paid in compensation. However, this amount cannot exceed 9 times the civil servant's average remuneration. On the other hand, where the damage was caused intentionally, the institution or agency has the right of full recourse for the amount paid in compensation. Additionally, civil servants may be subject to official (disciplinary) liability for official misconduct, such as nonfeasance or misfeasance in the performance of their duties, if the misconduct is attributable to their fault (Art. 23 of the Law on the Civil Service of the Republic of Lithuania). Furthermore, obstructing a bailiff from enforcing a court decision may constitute grounds for criminal liability (Art. 231 of the Criminal Code of the Republic of Lithuania). Similarly, failure to comply with a court decision that does not involve penalties may constitute a criminal offence (Art. 245 of the Criminal Code of the Republic of Lithuania). In the Lithuanian legal system, these forms of liability are considered autonomous.
- 17 La responsabilité civile de l'administration qui refuse d'exécuter un arrêt du Conseil d'État peut être mise en cause via l'article 6.5 du Code civil (article 1382 de l'ancien Code civil). Le plaignant doit, de manière assez classique, établir (1) une faute dans le chef de l'autorité récalcitrante, (2) le dommage subi par lui et (3) un lien causal entre cette faute et le dommage allégué.
- 18 If a civil servant wrongfully ignores a judgement to the detriment of an individual this can constitute grounds for personal liability as well as disciplinary and/or criminal sanctions against that civil servant.
- 19 Under The Act on Liability of the State for Damage, the State is liable not only for damage caused by its own authorities but also for damage caused by: independent legal and natural persons distinct from the State when performing public administration, and the authorities of territorial self-governing units, provided the damage occurred in the exercise of delegated public administration.
In relation to the injured parties, the State always guarantees and provides compensation for damage caused by the exercise of state authority on an objective basis, irrespective of fault, or absolutely, without the possibility of exemption from liability (liberation). If the State compensates for damage or provides satisfaction for non-pecuniary damage, it is entitled, under the conditions prescribed by law, to demand full reimbursement from whoever caused it. However the court may reasonably reduce the recourse payment, particularly considering the circumstances under which the damage occurred, as well as the personal and financial situation of the individual who caused it. Although, no reduction may be made if the damage was caused intentionally. The recourse claim is based on fault-based liability. The State is not entitled to seek recourse if the unlawful decision was issued because the decision-maker followed an incorrect legal opinion of the competent authority that subsequently annulled the original lawful decision during proceedings. As an ultima ratio, the provisions of the Criminal Code may also be applied. It governs criminal offenses committed by public officials, such as abuse of authority by a public official and dereliction of duty by a public official through negligence.
- 22 Civil liability is based on the Act on State Liability for the Exercise of Public Authority; this liability is objective and it is sufficient to prove damage, breach of a legal obligation and a causal link between them.

Disciplinary liability is based on the Civil Service Act and, if a judge causes unnecessary delays, disciplinary liability is based on the Judges and Lay Judges Act.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- If the Constitutional Court of the Slovak Republic decides on unnecessary delays in the proceedings before court and orders the proceedings to be continued without delay, and the court fails to act, criminal liability may be incurred pursuant to Section 350 of the Criminal Code.
- 24 According to the article 138 of Constitution, legislative and executive organs and the administration shall comply with court decisions; these organs and the administration shall neither alter them in any respect, nor delay their execution.
According to the article 28 of Law No 2577 on Procedure of Administrative Justice, the administration must establish a procedure or take an action, without delay, as required by the judgments and stay of execution decisions of the Council of State, regional administrative courts and administrative and tax courts. This period may not exceed thirty days starting from the notification of the decision to the administration under any circumstance.
In cases where no procedure is established or no action is taken in accordance with the decisions of the Council of State, regional administrative courts and administrative and tax courts, an action for pecuniary and non-pecuniary compensation can be filed in the Council of State and at the relevant administrative court against the administration.
If the judgments of the court are not fulfilled by the public officials within the given period of time, an action for compensation can be filed only against the relevant administration.
According to the Turkish Penal Code, a criminal complaint can be filed against a public official who fails to comply with a court decision for abuse of office.
- 25 Under certain conditions, public sector entity is liable for damages caused through an error or omission in the exercise of public authority (Chapter 3, Section 2 of Damages Act, 412/1974). Individual public officials are also personally liable for damages caused through an error or omission in public office and can be asked to compensate the public sector entity for any reparation they have paid to third parties (Chapter 4, Sections 2-3 of Damages Act).
- Personal disciplinary liability arises where an administrative employee breaches or neglects their official duties. They can be issued with a written warning (Section 24, Act on Public Officials in Central Government, 750/1994) or dismissed (Section 25 of the same Act).
- Personal criminal liability arises where a public official violates intentionally / through negligence an official duty and the act is not of minor significance when assessed as a whole. They can be issued with a warning or fine (negligent violation) / a fine or imprisonment up to 1 year (intentional violation) (Chapter 40, Sections 9 and 10 Criminal Code, 39/1889).
- 26 In general the administrative authority is liable for enforcing the court's decisions. The state liability claim and mandatory claim for omission or delay, explained earlier are filed against the administrative authority responsible for enforcing the decision and not against the concrete official (§17 section 2 of CACP). A fine imposed by the court is also imposed on concrete administration. However, there is a possibility to bring disciplinary actions against a concrete official if they are responsible for the enforcement of court's decision as their duty. According to Civil Service Act a disciplinary offence is the wrongful breach of duties (§ 69 of Civil Service Act (CSA)). An official shall be liable for the disciplinary offence only if the fault exists, that is negligence, severe negligence or intent (§ 74 sections 1 and 2 of CSA). However, I find the bringing of disciplinary actions against an official in the situation described rather exceptional. There is no Supreme Court's case law regarding the matter.
- 27 Article 5 of L. 3068/2002 as in force prescribes: "1. Failure to comply with the obligations provided for in Chapter A of this law [see answer under A3] or incitement to non-compliance constitutes a specific disciplinary offence for any competent official. If the failure to comply was committed with the intention of obtaining an illegal benefit for himself or another, he shall be punished with the disciplinary penalty of temporary or permanent suspension. 2. The initiation of disciplinary proceedings under this article can also be provoked by the transmission of the relevant information to the competent disciplinary body by the president of the three-member council, who, in this case, is mandatorily informed of the progress of the disciplinary procedure until the issuance of the final decision. 3. In the event of the imposition of any disciplinary penalty, according to the provisions of the previous paragraphs, employees are also subject to civil liability, in accordance with the provisions of articles 105 and 106 of the Introductory Law of the Civil Code".
Furthermore, article 6 par. 4 of presidential decree no. 61/2004 reads as follows: "The administrative authorities, in execution of their obligation under article 95, paragraph 5 of the Constitution, must comply, as the case may be, with positive action towards the content of the decision of the Council, or refrain from any action that is contrary to what was judged by it. The offender, in addition to the prosecution under Article 259 of the Criminal Code, shall also be personally liable for compensation".
- 29 The public authority can be civil liable according to the general rules of liability. The employees of the administration can be subject to disciplinary sanctions and can be liable

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

inter alia for gross negligence in the performances of their duties, cf. article 156 and 157 of the criminal code.

- 30 Civil liability of a civil servant is only possible in cases of severe negligence. The disciplinary liability depends on the breach of a professional duty - which may be the obedience to court rulings. Criminal responsibility depends on criminal law. The lack of obedience to court rulings would at the same time have to fulfill the prerequisites of a crime. The non-obedience to court rulings is not a crime by itself.

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F10

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

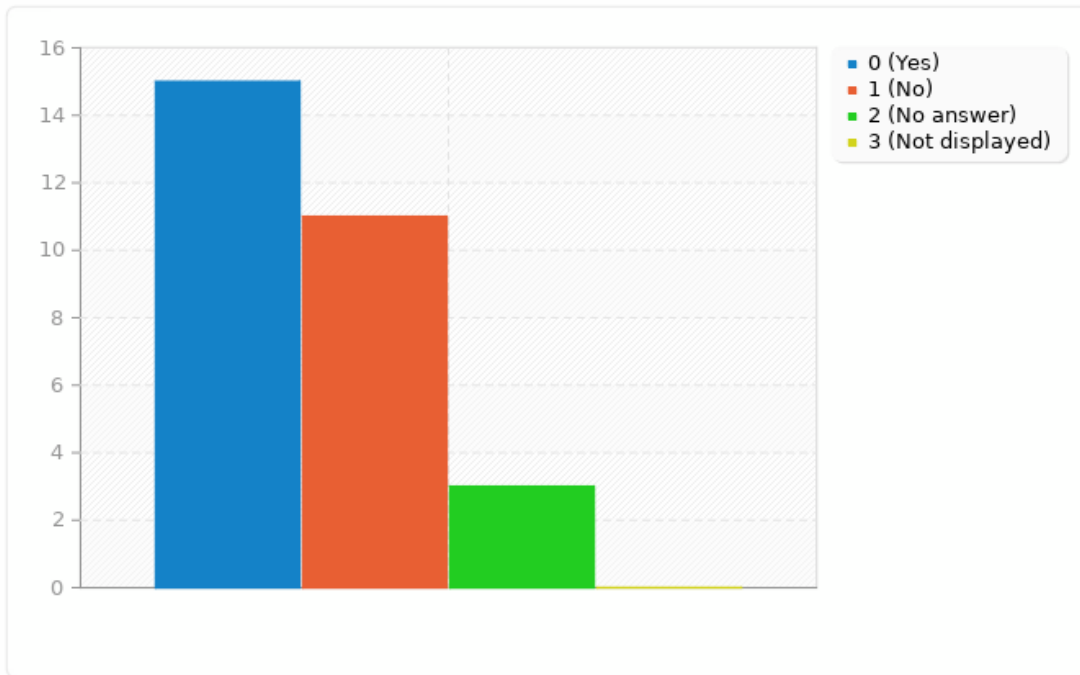
Answer	Count	Percentage
Yes (Y)	15	51.72%
No (N)	11	37.93%
No answer	3	10.34%
Not displayed	0	0.00%

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F10

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



Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

Summary for F11

Please explain under what conditions.

Answer	Count	Percentage
Answer	15	51.72%
No answer	0	0.00%
Not displayed	14	48.28%

ID	Response
1	The police can be called upon to enforce certain types of judgments by initiating criminal procedures.
3	With regard to judgments containing obligations other than those referred to in Article 24 para. (1) of Law no. 554/2004, such as the payment of damages, the dismantling of a construction, they follow the enforcement procedure regulated by the Code of Civil Procedure, in which case the court decisions are enforced by the bailiff. In practice, there may also be situations in which the police may be called upon to assist bailiffs to support the enforcement of a judgment, in particular if it is necessary to maintain public order or prevent conflicts.
10	Only in cases where there is a direct obligation of action determined in the judgement or interim order of Administrative Court, the enforcement mechanisms with the help of executive officials are possible (Art. 102 and Art. 103 of Act on Administrative Disputes). If the judgement of Administrative Court substitutes the administrative act annulled (in full jurisdiction cases), such judgements are enforced in the same way as administrative acts.
13	The enforcement authority stipulated within the Administrative Procedure Code is as follows: 1. For the enforcement of obligations against citizens and organisations, the administrative authority that issued or should have issued the administrative act shall be responsible, unless another authority is indicated in the enforcement ground or in the law. 2. For the enforcement of obligations against an administrative authority, the bailiff in whose judicial district the place of enforcement is located shall be responsible. 3. Where, after the issuance of the enforcement order, the authority is abolished, without a successor being indicated, or its competence in the matter is withdrawn, the enforcement authority shall be the authority, mentioned in Article 153, para. 2 and para 3 of the Administrative Procedure Code.
15	L'Etat est tenu de prêter son concours à l'exécution des jugements et des autres titres exécutoires. Le refus de l'Etat de prêter son concours ouvre droit à réparation. Les modalités d'évaluation de la réparation due au propriétaire en cas de refus du concours de la force publique afin d'exécuter une mesure d'expulsion sont précisées par décret en Conseil d'Etat. (article L153-1 du code des procédures civiles d'exécution) Dans une décision n° 98-403 DC du 29 juillet 1998, le Conseil constitutionnel avait eu à connaître de dispositions relatives au concours de la force publique pour obtenir l'exécution des décisions rendues par la juridiction judiciaire. Dans cette décision, il avait jugé que : « Considérant que toute décision de justice a force exécutoire ; qu'ainsi, tout jugement peut donner lieu à une exécution forcée, la force publique devant, si elle y est requise, prêter main-forte à cette exécution ; qu'une telle règle est le corollaire du principe de la séparation des pouvoirs énoncé à l'article 16 de la Déclaration des droits de l'homme et du citoyen ; que si, dans des circonstances exceptionnelles tenant à la sauvegarde de l'ordre public, l'autorité administrative peut, sans porter atteinte au principe sus-évoqué, ne pas prêter son concours à l'exécution d'une décision juridictionnelle, le législateur ne saurait subordonner l'octroi de ce concours à l'accomplissement d'une diligence administrative ».
16	According to Article 99 of the Law on Administrative Proceedings, once an administrative court's decision upholding a complaint becomes effective (final)—except in cases where judgments are enforceable urgently—a certified copy (transcript) of it is sent for execution to the public administration body whose acts have been challenged in the case. However, if the public administration body fails to comply with (execute) the decision within 15 calendar days or within another time limit set by the court, the same administrative court, at the applicant's request, issues an executive order. This order may then be enforced by a bailiff in

Quick statistics

Survey 178988 'Mechanisms and Roles of Supreme Administrative Courts for ensuring the enforcement of judicial decisions'

- accordance with the civil procedure rules set out in the Civil Code of the Republic of Lithuania.
- 17 Suivant l'article 37 du Règlement général de procédure, la formule exécutoire apposée à la suite de l'arrêt indique que "les Ministres et autorités administratives", ce qui inclut la police, sont tenus de pourvoir à l'exécution des arrêts du Conseil d'État.
- 18 There is an Enforcement Authority which provide legal help with the enforcement of judgements in general and it can also help in administrative issues, even if that is not its main function,
- 19 Parties involved in court proceedings do not have the option of direct recourse to the police to enforce a court decision, rather, they must proceed through enforcement proceedings. Under the Act on the Police of the Czech Republic, the Police shall provide protection to a person authorized to enforce a decision, provided that this person is unable to carry out the enforcement of the decision due to a threat to their life or health and requests such protection. If the enforcement officer/person could have arranged for protection through other means, they are obligated to reimburse the Police for the costs associated with providing such protection. The Police also participates in the enforcement of administrative expulsion of aliens.
- 22 If decisions contain an obligation to perform, they may be enforced by judicial execution for monetary or non-monetary performance, in particular the removal of a building and the performance of other activities pursuant to the Act on judicial bailiffs and execution activities, by authorising the execution court to entrust the execution to a judicial bailiff. The authorised bailiff shall then execute the execution according to the nature of the performance obligation. According to the Act on the Police Force of the Slovak Republic, the Police Force units shall provide protection to persons entrusted with the execution of a court decision or other public authority, if these persons cannot execute the decision due to a threat to their life or health and if the competent authority, the bankruptcy trustee, the preliminary trustee or the bailiff has requested such protection in writing.
- 24 If the court decision is not implemented, there is also the opportunity to apply Ombudsman.
- 25 Court decisions serve as grounds for enforcement of various obligations (inter alia payment obligations, performance obligations, injunctions) by enforcement authorities under the Enforcement Code (705/2007). Recourse to enforcement authorities is available to enforce court decisions where such obligations have been ordered. If that is not the case, there is no possibility of recourse to the police or other executive officials.
- 26 In order to ensure the enforcement of court's decisions, there is a possibility for a party seeking enforcement to turn to enforcement agents. Conditions for the enforcement of court's decisions in different areas of law are stated in the Code of Enforcement Procedure (CEP). More specific examples when the police is being included to the enforcement operations are stated in CEP. For example, according to § 27 section 1 of the CEP where enforcement is obstructed or there is reason to presume it will be obstructed, the enforcement agent may apply for enlisting the assistance of a police officer in the enforcement operation. Or when there is a need to search the debtor on the basis of a court order, but the enforcement agent is not of the same sex with the person to be searched, the assistance by a police officer who is of the same sex with the person to be searched, can be included (§ 28 section 5 of CEP). Or for example, in order to achieve surrender of the immovable, the agent may engage the police (§ 180 section 3 of CEP).
- 27 Refer to answer under D6.
- 29 Recourse to an enforcement court (fogedretten) is possible under the same conditions as in civil cases, as mentioned in a previous answer.