



Association of the Councils of State and Supreme Administrative  
Jurisdictions of the European Union i.n.p.a.

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Association des Conseils d'Etat et des Juridictions administratives  
suprêmes de l'Union européenne a.i.s.b.l.

### **Identification of the participant**

Name: Ferreira Carvalho

First name: Paulo Filipe

Nationality: Portuguese

Country of exchange: Cyprus

### **Identification of the exchange**

Hosting jurisdiction/institution: Supreme Court of Cyprus

City: Nicósia

Country: Cyprus

Dates of the exchange: 08/05/2023 – 12/05/2023



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## **I. Programme of the exchange**

I visited the Supreme Court of Cyprus and the Administrative Court of Cyprus.

I had hearings with all the Judges from both Courts.

I assisted trials in both Courts.

I made a presentation on Portugal's Administrative and Tax Law and about my ideas on IT tools for Judges.

In annexe, I provide a copy of the program.

## **II. The hosting institution**

The hosting institution is the Supreme court of Cyprus.

At the moment is the Second Instance Court in the Cyprus Judiciary system.

In the First of July of 2023 will become the third instance court, since it will be created a different second appeal Court.

The Court functions in judicial appeal reviews panel of five Judges each panel.

## **III. The law of the host country**

Cyprus is a country of the common law system. The entire structure of the system and of the trials is common law.

In administrative matters, the applicable law follows a very much continental system, although the system of trials and appeals keeps following their general common law system.

It was very interesting to know that in terms of administrative substantive law they apply a continental system, but in what concerns trials, they apply a common law system.

## **IV. The comparative law aspect in your exchange**

I found very interesting that the matters subject to the trials were very similar to the ones I have in my country. For instance, I saw that in one administrative trial the problem was to know if a certain act of the administration could be or not impeachable, because it could be characterized as a simple execution act from a previous different act, which is a problem I saw in some of my processes.

Although the systems are different, the main principles of Law that the Judges use to decide are the same, and the solutions achieved are also very similar.

## **V. The European aspect of your exchange**

I could see the Judges of the Supreme Court apply the European Convention on Human Rights and a precedent of the European Court of Human Rights in a case of housing.

The problems concerned and the solutions were equal as if it would be a Portuguese Court.

## **VI. “Good Practice” within the host jurisdiction**

I did not find any special characteristics of administrative law or administrative litigation within the host country which I think should be exported to other countries, since the system is very different. For instance, the dead lines of the phases of the processes are defined by the law in the continental system, in the Cyprus system is the Judge that in each case, along the case, defines the various dead lines for applications, in oral reviews. Also, the civil procedure rules are defined by the Supreme Court.

What I found very interesting is that the size of the processual pieces, including sentences, are a lot smaller than in Portugal. I also found interesting nevertheless they think they are becoming too big, and are considering the possibility of implementing a size limit for lawyers petitions.

## **VII. The benefits of the exchange**

With my work exchange I gained a deeper knowledge of a different system, one that operates in a common law model.

The question that arises is if the system of my country could benefit from the introduction of a more oral system, and if that could have any benefits or gains.

This is a matter to think and discuss with my colleagues Supreme Court Judges and with University Law teachers in order to consider eventually law changes.

## **VIII. Suggestions**

I do not have any special suggestion on improvement of the Exchange Program. Since all countries have different characteristics, I think an open program intercourse as this is, in my view, the best approach.