



INTERNSHIP REPORT AND SUMMARY

Identification of the participant

Name: GRECO

First Name: RAFFAELE

Nationality: ITALY

Country of exchange: SLOVAK REPUBLIC

Identification of the exchange

Hosting jurisdiction: SUPREME ADMINISTRATIVE COURT OF THE SLOVAK REPUBLIC

City: BRATISLAVA

Country: SOLOVAK REPUBLIC

Dates of the exchange: 24 APRIL – 5 MAY 2023

SUMMARY

The two-weeks individual exchange I had at the Supreme Administrative Court of the Slovak Republic was very well organized and included a number of meeting with many judicial and administrative authorities as well as attending an hearing. It was programmed and managed taking into account the information I sent to the organizers about my specific working experiences and interests. It included a meeting with the Judges and the staff of the Court, in which we exchanged our experiences and practices about the organization and working of administrative trials, as well as a lecture I was asked to deliver to the students of law in the academy, about the history and organization of Italian administrative jurisdiction. I drew useful information and suggestions for my ordinary work, both from the meetings I had and the talks and exchanging of knowledge and experiences I had the chance to have with the colleagues of the Court.

REPORT

I. Programme of the exchange.

The 2-week exchange I attended at the Supreme Administrative Court (SAC) of the Slovak Republic was very well organized and managed by the staff in charge for the International relationship of the Court. Before beginning to draft it, they asked me to send a brief resume of my career and interests,



so they could tailor the programme according to the specific topics and matters I deal or have dealt with in my daily activity, or anyway on my areas of interests.

As it turns out from the programme attached, it took me to take part in one hearing only (because of the scarce number of public hearing which are in fact held before the SAC), but included a number of meeting which were all of extreme interest to me. Those meeting involved the main offices and institutions of the Court itself: the President and Vice President; many colleagues Judges I met after the hearing and in different times, including a general meeting in which I was asked to deliver a short speech about the organization and working of the Italian administrative jurisdiction; the administrative offices of the Court including e.g. the Department of Analytic Activities.

Furthermore, many meetings outside the Court were included in the program: both with the main judicial institutions, such as the Judicial Academy and the Judicial Council of the Slovak Republic, and with public authorities engaged on matters in which I have a special interest, such as the President of the Public Procurement Office and the representatives of the Ministry of Environment, the Ministry of Justice and the Bratislava City Hall.

Taking advantage of the fact that many judges of the SAC act also as professors (that is not allowed in my Country), I was also invited to deliver a lecture about “History and organization of Italian administrative jurisdiction” for students at the Faculty of Law of Comenius University in Bratislava.

Last but not least, I had the chance to meet the colleagues of the Supreme Administrative Court of the Republic of Poland, a delegation of which were visiting the SAC in the beginning days of my traineeship.

The whole exchange was organized and managed by the Department of International Relations and Protocol of the SAC, and in many of the above meetings I was also accompanied by Judges or Assistants of the Judges of the Court.

II. The hosting institution

The SAC of the Slovak republic is a very young judicial institution, having been introduced in the Slovak legal system only in 2021. It acts as a last instance Court on the administrative cases dealt by Regional Courts in first instance, as well a one-degree Judge in the disciplinary proceedings against Judges and other employers of the judiciary.

The most interesting feature of the SAC’s functioning to me is the fact they never hold public hearing to deal the appeals against the first instance judgments, which they decide only basing on written files. Though a public hearing is scheduled when the judgment must be issued: that day people interested can appear in the Court where the judgments are publicly read and explained.

Public hearings are always held, instead, for the disciplinary cases. In such occasion, the panel is made of five Judges, one of them are lay Judges appointed by the professional order which the accused person belongs.

III. The law of the host country

The main procedural peculiarity I appreciated is the above mentioned lacking of public hearings, a features which marks a relevant difference with the Italian system (in which public hearing seems never renounceable). This evidently depend on the relatively new organization and ruling of the administrative trial in Slovakia and the consequential lower impact of historical tradition compared with a system in which the administrative jurisdiction dates back to XIX Century.

That stimulated my reflections about the possibility to introduce changes in the Italian procedural law, as the temporary end extraordinary rules introduced during the period of health emergency already showed an higher flexibility in the organization of Judges' work (different regimes according to the matters involved in the cases, possibility to avoid the oral discussions of the parties or to request for it depending on the specific needs of the single case etc) could improve and optimize the service Court must provide to the community.

IV. The comparative law aspect in your exchange

Despite the apparently relevant differences in the proceedings, I could note that there are substantial similarities in the approach of the colleagues of SAC to the administrative controversies compared with the main interpretative guidelines developed in our daily experiences. That is evident with regards to the most important general principles involved in the decision of the cases, and more generally considering the overall conception of the institutional role of the administrative judges, whose task is to find the best balancing between private citizens' rights and interests and public interest which must inspire the exercise of public authorities' power.

Another topic which is quite peculiar is the special competence the SAC as in the disciplinary procedures against the Judges and other employers of the judiciary (except for the lawyers). Slovak system is totally different in it than the Italian one, in which such a provision would be impossible because of the attitude each corporation holds in defending their autonomy and self-government.

As for the organizational aspects, I was very positively impressed by the management of the cases, in which the Judges in charge for them are really helped by the Court's structure, which is based on the presence of one or more Assistants who are put beside the Judges themselves and the Department of Analytic Activities, whose competences include studies and case-law researches helping them in preparing and instructing the files.

I was also very impressed by my meeting with the Director of the Center for Legal Aid, which has been instituted inside the Ministry of Justice in order to provide legal assistance to disadvantaged people who cannot afford it. In my opinion the choice to entrust that task to a public office which is financed by the State is much more able to guarantee the effectiveness of legal aid to indigent people than the system introduced by Italian legislation about the so called gratuitous assistance.

As for the substantial law, I found extreme interest in my meeting with the representative of City Hall of Bratislava, in which they explained the organization and contents of the Slovak law concerning town planning and constructions rules. For what I understood such system, if compared with the

Italian one, is fitter to ensure the flexibility which is necessary to rule the urban development during the time in a framework in which the different competences of State and local authorities are clear at the same time.

Finally I could mention the meeting with the representatives of Legislative Office of the Ministry of Justice, in which I could note how the processes of law-making in our two Countries are very clear with regards both to the matters involved in the Ministry's competences and to the specific ways in which bills and laws are drafted.

V. The European aspect of the exchange

References to European law were done especially in my meeting with the representatives of the Ministry of Environment. In that occasion, we could confront both the ways with which national legislations implemented the EU directives about environmental impact in our Countries both the different problems such rules pose to public authorities and Judges.

For what I understood, the problem of selecting people who can be admitted to take part in the administrative procedures of environmental evaluation is more deeply felt in Slovakia than in Italy. Instead we noted many similarities in the problems arising about the restoring of polluted areas and removing the environmental damages. Generally speaking, Slovak system differs from the Italian system for being structured so to encourage the administrative remedies to the above mentioned critical issues, avoiding they are brought before the Judges as far it is possible.

VI. "Good Practice" within the host jurisdiction

If I must mention a feature of the Slovak procedural system I find worth to be exported in the Italian law, I could tell the practice to schedule public hearings in which the final judgments that conclude the cases are summarized and explained by the Judges themselves to the people interested. Colleagues told they do an effort to explain their decisions in simple words so they are understandable to the common people. An analogue option could be very useful in Italy, where it is difficult to explain our judgments to the public opinion and they are often wrongly described by media.

Under the organizational point of view, the institution of an office in charge to help the Judges to study the files collecting the rules and case-law which are relevant to the case surely must be taken into account. It could give an essential contribution in improving the daily work of Judges, who must usually do everything by themselves in Italy in preparing the cases.

VII. The benefits of the exchange

Apart from everything I have already told, my traineeship to SAC gave my confirmation of the utmost utility of meeting foreign colleagues and confront our different experiences and practices. I had the chances to talk with many colleagues during my staying in Bratislava and we could very usefully and interestingly exchange information about our daily work, the history and functioning of our Courts, the relations with the Governments and so on. In my opinion that is a further enrichment of our overall



baggage of knowledge and experience which adds to everything else in helping the development of a common vision of how to manage and enforce the rule of law.

VIII. Suggestions

Seeing only the programming and developing of my Exchange, I could not find anything wrong or needing an improvement. I could draw a more general suggestion from my experience, and that is to follow everywhere the same pattern the Slovak International staff adopted in organizing the individual traineeship, in order to make them mostly focused on the visitor's experiences and needs, and definitely as much fruitful as possible.

