



## **INTERNSHIP REPORT AND SUMMARY**

### **Identification of the participant**

Name: **Príbelská**

First name: **Petra**

Nationality: **Slovak**

Country of exchange: **Slovak Republic**

### **Identification of the exchange**

Hosting jurisdiction/institution: **Supreme Administrative Court of the Republic of  
Austria**

City: **Vienna**

Country: **Republic of Austria**

Dates of the exchange: **2.10.-13.10.2023**



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

On arrival at the court, a tour of the building was conducted, accompanied by an explanation of the history of the court (hearing rooms, consultation rooms, library, etc.) by the head of the library, who has also been working in the Analytical Activities Unit since 1994. A meeting was also held with the panels, of which there are 5 in the Court. Each panel is composed of 5 judges, i.e. 25 judges in total. During my time at the Court, I have attended every pre-trial meeting of the panels, where we have dealt with the various pending cases. I then visited the Constitutional Court accompanied by the Chancellor, who told me about the history of the Court and also familiarised me with the Court's workings and its legislation. The Supreme Court of the Republic of Austria was also one of the items on the agenda, where I was accompanied by a judge from the civil division. At the meeting we discussed the specifics of the Austrian Supreme Court, as I had also worked at the Slovak Supreme Court in the past. In addition, I also visited the newly renovated building of the Parliament of the Republic of Austria, where I took part in a lecture on the history of parliamentarism and the institution as such.

## **II. The hosting institution**

The Supreme Administrative Court was established during the Austrian monarchy, so it has a long history. The Slovak Republic was part of the monarchy for some time, but it was part of the Hungarian monarchy, so the administrative judiciary here does not have such a long history as in Austria. Since 1918, the Czechoslovak Supreme Administrative Court was established, and it is interesting to note that some judges from the Austrian court began to serve on this newly established court in Czechoslovakia, such as Emil Hácha. The first Czechoslovak court took over the entire Austrian monarchy, but the Supreme Administrative Court of the Slovak Republic, which was established in 2021, is also similar to the Austrian one, but there are noticeable differences. The fundamental differences are the 5-member chambers, as we work in the domestic court also in 3-member chambers, the absence of the electoral agenda and the disciplinary agenda only at the appellate level, i.e. there is no first-instance agenda. As regards hearings, they are rarely held (roughly every two years). Constitutional complaints against decisions are not admissible, which is also a difference compared to the Slovak court.

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

I was mostly interested in financial law, as I am professionally involved in it. The Austrian court has 3 chambers that deal with the financial agenda and we talked about the specifics of this agenda. My Austrian colleagues don't have as much of an agenda regarding VAT, they deal

more with local and excise taxes. The VAT and tax fraud issue is particularly resonant in Slovakia.

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

The system is basically the same at first glance, but elements from the monarchy are still present. The Court operates on older principles, for example, each panel has only one president, whereas in the Slovak panels there are several panel presidents. This President of the Panel, who retires at the age of 65, in our case at the age of 67, is replaced by someone else, expressly according to his age. So there are no selection procedures for presidents of panels, which are carried out in our country. In Slovakia, the public pronouncements of judgments are made in robes, whereas in the Austrian court everything is private, except for exceptional public hearings. However, the pre-trial meetings and files are structured in the same way. Not all the assistant judges are present at the panel's pre-trial meetings, only one recorder and the judges, which is a big difference from the way the Supreme Administrative Court of the Slovak Republic operates.

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

As I was mainly dealing with the financial agenda, where the cases of my Austrian colleagues mainly concern local taxes and excise duties, which are not related to the case law of the European courts, I did not have the opportunity to observe the implementation of the legal instruments of European law.

#### **VI. "Good Practice" within the host jurisdiction**

I consider the system of non-public pronouncement of judgments to be effective, but it is not possible in our country, as it runs into a constitutional problem. Public pronouncement of judgments is anchored in the Constitution. I also see single-stage disciplinary proceedings as a good practice, since at the Supreme Administrative Court of the Slovak Republic these proceedings are two-staged, although we could lighten the burden of this agenda, for example, by placing it under the newly established administrative courts.

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

The internship gave me a lot, also thanks to the use of professional legal German in practice. I also really appreciated the opportunity to learn about the history of administrative justice in Austria, which allowed me to compare different court systems within Europe. Of course, I have shared the knowledge I have gained with the panel in which I serve as the presiding judge.



This chamber also visited me personally in Vienna during my traineeship. As the domestic court will welcome a delegation from the Austrian court in December this year, I also see my internship through the prism of strengthening bilateral cooperation.

### **VIII. Suggestions**

I was very satisfied with my traineeship, so I have no reservations. However, it is worth considering the option of doing the traineeship in pairs so that there is the opportunity to also fill in the traineeship programme outside of working hours.

