



INTERNSHIP REPORT AND SUMMARY

Identification of participant

Name: Steinkühler

First name: Martin

Nationality: German

County of exchange: Sweden

Identification of the exchange

Hosting jurisdiction/institution: Högsta Förvaltningsdomstolen

Country: Sweden

Dates of the exchange: October 6th till October 17th, 2025

SUMMARY

My two-week stay at Sweden's Supreme Administrative Court (Högsta Förvaltningsdomstolen) provided me with a comprehensive and valuable insight not only into the work of the court, but also into the Swedish judiciary as a whole. I was able to participate in several deliberations and discussions of the Supreme Administrative Court, as well as visit three other courts – the Supreme Court (Högsta domstolen), the Administrative Court of Appeal in Stockholm (Kammarrätten i Stockholm), and the Land and Environment Court of Appeal (Mark- och



miljööverdomstolen) – and the Council on Legislation (Lagrådet). Observing the similarities and differences in addressing the same tasks and applying what is sometimes the same law (EU law) was equally fascinating, enriching, and inspiring.

I. Programme of the exchange

The visit began with a meeting with the President of the Supreme Administrative Court, followed by an introduction to the court's working methods by two court assistants. The next day—and on three subsequent days of my visit—I was able to participate in court deliberations, for which I had access to the respective reports prepared by the judges' assistants. On the third day, two court assistants gave a presentation on the career path to becoming a judge, followed by an introduction to the organization and administration of the Supreme Administrative Court by the court's Administrative Director. The following day, I had the opportunity to visit the Land and Environmental Appeals Court. The discussions there focused on the judicial handling of lawsuits against state infrastructure projects, such as road construction. In addition to the requirements of EU law, the discussion also addressed the evaluation of the case law of the European Court of Justice. The week concluded with a very informative discussion about the preparation and processing of cases by the court assistants.

The second week began with a visit to the Council on Legislation—an institution that does not exist in Germany—and the Supreme Court. Two days later, I had the opportunity to learn about the handling of asylum cases in Sweden at the Stockholm Administrative Court of Appeal. Throughout both weeks, there were also numerous opportunities to exchange ideas with the Supreme Administrative Court judge responsible for my case. This was very helpful, as it allowed me to discuss many questions and topics in detail.

In addition, there was a social program, including a very interesting visit to the National Museum.

II. The hosting institution

The Supreme Administrative Court was established in 1909 as the Royal Supreme Administrative Court (Kunglig Majestäts regeringsrätt), after the Supreme Court had previously also been responsible for administrative disputes. In 1972, the court became also organizationally independent from the government, which involved moving to its own building on the island of Riddarholmen. Since 1975, the court no longer issues its rulings in the name of the King, and in 2011, it was renamed the Supreme Administrative Court (Högsta Förvaltningsdomstolen).

The Swedish administrative court system consists of three levels, with—below the Supreme Administrative Court—twelve administrative courts as courts of first instance and four courts of appeal as courts of second instance. Four administrative courts also serve as migration courts; for these, the Administrative Court of Appeal in Stockholm is the court of second and final instance. Compared to Germany, the jurisdiction of Swedish administrative courts is both broader and narrower. Swedish administrative courts decide tax and social security disputes, for which there are separate courts in Germany, and are responsible for public procurement proceedings, which fall under the jurisdiction of the civil courts in Germany. Environmental law cases, on the other hand, are decided in Sweden by the Land and Environmental Courts, which are part of the civil court system, whereas in Germany such cases are heard before the administrative courts.

The filing of an appeal generally requires leave to appeal by the appellate court. However, decisions of the government and its authorities that affect rights within the meaning of Article 6(1) of the European Convention on Human Rights must

be challenged directly before the Supreme Administrative Court, which decides these proceedings as a court of first and last instance without the need for prior leave to appeal. The Supreme Administrative Court also has direct jurisdiction for preliminary rulings in tax law matters. Where leave to appeal is required, it presupposes that the case raises and is capable of deciding a fundamental question, or that other exceptional circumstances exist that justify granting leave to appeal. Unlike German law to the Federal Administrative Court, the Swedish procedural law grants the Supreme Administrative Court broad discretion in this regard. The Supreme Administrative Court decides on the admissibility of an appeal with one judge (in cases where the appeal is clearly without merit) or with three judges. If the appeal is admissible, or if leave to appeal is not required, the court decides the main proceedings with a panel of five judges. The court is not limited to legal questions but can also decide factual matters; however, this power is exercised sparingly in practice.

The Supreme Administrative Court consists of 16 judges and approximately 85 staff members. It is divided into three judicial divisions and one administrative division. Two judges at a time are seconded to the Legislative Council for a period of one or two years. Furthermore, judges can be temporarily seconded to the Supreme Court, and conversely, judges from there can be seconded to the Supreme Administrative Court.

III. The law of the host country

My particular interest lay in the handling of legal challenges against large infrastructure projects, such as the construction of highways or railway lines. Unlike in Germany, where a single permit is issued encompassing all necessary authorizations, against which legal action must be brought before the administrative courts—often the Federal Administrative Court as the court of first and last instance—the realization of such projects in Sweden requires several official decisions, which can be challenged before different courts.

An appeal against the decision of the Swedish Transport Administration (Trafikverket) regarding whether and where such a project will be built must first be lodged with the government, i.e., the responsible ministry. If the appeal is unsuccessful, the government's rejection—insofar as it affects rights within the meaning of Article 6, paragraph 1 of the European Convention on Human Rights—must be challenged directly before the Supreme Administrative Court. If further environmental permits are required for the construction of the project, legal action against these must be brought before the Land and Environmental Courts. Whether this could lead to certain environmental objections arising from European Union law—in particular the EIA, the Habitats or the Birds Directive—being raised in multiple court proceedings, I have not yet been able to definitively determine.

IV. The comparative law aspect of the exchange

In addition to the differences described above, I noticed (or at least gained the impression) in the aforementioned legal proceedings that environmental organizations in Sweden do not challenge infrastructure projects with the same vehemence as in Germany. This seems to be particularly evident in the scope of the objections raised against a project; while in Germany, such permits are often challenged very comprehensively and in great detail, lawsuits in Sweden appear to focus on individual points of criticism.

Significant differences are also apparent in the composition, organization, and working methods of the Supreme Administrative Court and the Federal Administrative Court.

While the judges of the Federal Administrative Court almost without exception have a "classic" judicial career, i.e., prior service at an administrative court and a higher administrative court (albeit often interrupted by secondments to

government agencies, ministries, and/or supreme courts), many judges of the Supreme Administrative Court spent many years in government agencies, ministries, or universities, and often never worked at a court after completing their legal training.

At the Supreme Administrative Court—as at the lower courts—cases are prepared by assistants. They draft expert opinions, participate in the court's deliberations, and prepare the draft decision, which is then finally reviewed and decided by the judges. At the Federal Administrative Court, however, cases are generally prepared by the judges themselves, who also draft the decisions.

The decisions of the Supreme Administrative Court are very concise and precisely formulated. While the German Constitution, as interpreted by the Federal Constitutional Court, obliges courts to address all essential arguments of the parties in their judgments, the Supreme Administrative Court limits itself to providing reasons for its decision. This is entirely sufficient in itself and results in judgments that are not only shorter but also more concise and understandable than in Germany. The fact that courts in Germany (must) address the essential arguments of the parties may serve less as a (self-) monitoring measure to ensure that the court has actually considered all submissions than as a means of (hoped-for) persuasiveness of the decision. That this is not considered necessary in Sweden may be due to the fact that trust in institutions is generally much higher there than in Germany.

Finally, I was also impressed that all members of the court agree on annual goals for the court in order to ensure sound jurisprudence and a positive working environment.

V. The European aspect of the exchange

In lawsuits against large infrastructure projects, courts must always consider not only national law but also EU law and the case law of the European Court of Justice. It was extremely interesting to discuss this with my Swedish colleagues and to see that we all face the same problems – including the comprehensibility and practicality of the European Court of Justice's case law on environmental law. We agreed that a pragmatic approach is preferable to a formalistic and dogmatic one.

VI. "Good practice" within the host jurisdiction

The breadth of experience among judges, the brevity and clarity of judgments, and the cooperation of all court members in setting and implementing objectives for the court — these are some of the aspects worth considering in other countries as well. Whether a judge prefers to handle cases independently or have them prepared by assistants is likely a matter of personal preference. Comprehensive support from assistants certainly requires fewer judgeships, but it also presupposes that a sufficient number of exceptionally qualified assistants are available. In Germany, only the Federal Constitutional Court currently utilizes extensive support from research staff.

VII. The benefits of the exchange

The exchange of experiences with colleagues from the Supreme Administrative Court was very enriching and inspiring. This applies not only to the fact that it provided insight into differences, but also to the fact that we were able to identify commonalities. National legal systems and cultures limit the direct transferability of different working methods and organizational structures, but I was able to gain many ideas that I can also apply to my own work. Especially when it comes to the prerequisites, conditions, and limits of the rule of law,



looking at other legal systems committed to the same goal helps to gain a broader and more balanced perspective than if one only thinks within the confines of one's own national law.

VIII. Suggestions

The goal I pursued with my visit—to gain insight into both the organization and working methods of the Supreme Administrative Court and the judicial handling of lawsuits against infrastructure projects in Sweden, with particular consideration of EU law—was not only achieved but far exceeded. To describe the organization of my stay as perfect and the court's and my colleagues' hospitality as overwhelming would be an understatement. As a country with a long tradition of the rule of law and democracy, Sweden is one of the leading lights of the European Union. The support and trust that its institutions, including its courts, have earned among the population is exemplary. Having the opportunity to experience this first-hand for two weeks has left me feeling incredibly empowered.

