



INTERNSHIP REPORT AND SUMMARY

Identification of the participant

Name: Valis
First name: Juraj
Nationality: Slovak
Country of exchange: Czech Republic

Identification of the exchange

Hosting jurisdiction/institution:
City: Brno
Country: Czech Republic
Dates of the exchange: 11.05.2025 to 23.05.2025





SUMMARY

I. Programme of the exchange

The aim of the exchange program was to familiarize participants with the activities of the Supreme Administrative Court of the Czech Republic ("the Court"), with a focus on personal consultations and the mutual exchange of knowledge with judges of this court in the field of administrative law and disciplinary jurisdiction.

As part of the work program, in addition to consultation meetings with judges of the Court (usually two meetings per day) and the management of this court, I also visited the Regional Court in Brno (attending a hearing) and the Constitutional Court of the Czech Republic.

I also had a special meeting with the Documentation and Analysis Department of both the Court and the Constitutional Court of the Czech Republic, the purpose of which was to explain the functioning of their information systems for recording decision-making activities.

II. The hosting institution

The Court is the Czech highest judicial authority in matters falling within the jurisdiction of administrative courts. It has the same position as the Slovak Supreme Administrative Court.

In administrative justice the Court protects the public subjective rights in proceedings against decisions of administrative authorities. The powers of the Court include ruling on cassation appeals against decisions of regional courts. The Court also decides in a single instance in certain specific areas of law, in electoral matters. The Court is similarly to its Slovak counterpart a disciplinary court. The Court decides mainly in panels of three members.



III. The law of the Czech Republic

The Czech legal system, rooted in the Continental (Civil Law) tradition, places a significant emphasis on the distinction between private and public law.

Administrative law in the Czech Republic governs the organization and operation of public administration. It encompasses the rules and regulations that authorities must follow when dealing with citizens. It covers a vast array of daily life, including construction permits, environmental protection, tax administration, social security, and administrative offenses.

The central pillar is the Code of Administrative Procedure. This statute dictates the procedural steps authorities must take to issue a decision, ensuring fairness, predictability, and the right to be heard. Beyond procedure, specific laws govern different sectors.

The system of the Czech Administrative Justice underwent a major reform with the adoption of the Code of Administrative Justice in 2002, which established a specialized two-tier court system effectively active since 2003.

Regional Courts serve as the courts of first instance. Specialized chambers within the general Regional Courts handle administrative lawsuits. The Court is the pinnacle of the administrative branch. It hears appeals against the decisions of Regional Courts.

The primary legal instrument for appealing to the Court is the cassation complaint. The Court does not usually retry the facts of the case but reviews whether the lower court applied the law correctly.

A vital function of the Court is to ensure the unity and lawfulness of decision-making by both administrative authorities and regional courts.

IV. The comparative law aspect in your exchange

The Czech and Slovak administrative judiciaries are based on a common historical foundation – the Austro-Hungarian tradition and, in particular, the Supreme Administrative Court of the First Republic, which served as a model for the whole of Central Europe. The basic philosophy and purpose are identical in both countries: to protect the subjective rights of individuals against unlawful interference by public authorities.

Both countries have a specialized Supreme Administrative Court at the top of the pyramid. Its role is not only to decide on appeals, but above all to unify case law and ensure the predictability of the law.

In both systems, appeals are mainly based on the cassation principle.

The biggest differences lie in when the reforms took place and how the courts of first instance are organized. In the Czech Republic, there are no separate administrative courts of first instance. Administrative matters are handled by Regional Courts (general courts), which have specialized chambers or single judges for administrative law. This is part of the general system.

As part of the "Judicial Map" reform (effective from June 2023), Slovakia has completely separated administrative justice from general justice. Three separate administrative courts (in Bratislava, Banská Bystrica, and Košice) have been established, which are institutionally separate from the regional courts.

The procedural rules in the Czech Republic are laid down in the Soudní řád správní (part of the 2003 reform). In Slovakia, they are laid down in the Správny sudný poriadok (effective since 2016). The Slovak regulation is therefore newer and reflects more modern procedural institutions.

While the system in the Czech Republic has been stable for over 20 years and changes are mostly cosmetic, Slovakia is currently undergoing a phase of establishing a new institutional structure (new judges in three administrative courts). The Slovak model is currently institutionally "cleaner" (complete separation from general courts), while the Czech model benefits from longer continuity and stability.

V. The European aspect of your exchange

In our discussions with judges of the Court, we also addressed issues related to the application of European Union law, particularly in tax matters. The preliminary questions posed by the Czech Supreme Administrative Court were inspiring in this regard.

We addressed issues of human rights and fundamental freedoms in discussions with judges in cases of disciplinary proceedings and administrative penalties.

VI. “Good Practice” within the host jurisdiction

One of the most striking differences compared to our practice is the extensive and effective use of assistants. At the Court, there are usually two to three highly qualified assistants per judge. Assistants prepare comprehensive draft decisions (including case law and doctrine research), which allows judges to focus exclusively on legal assessment and finalizing arguments. This model significantly increases the speed of proceedings without compromising quality.

The Court also effectively uses the concept of inadmissibility of cassation complaints in cases that do not exceed the complainant's own interest in terms of their significance. This filter allows the court to reject legally simple or repetitive cases by means of a brief ruling, thereby freeing up capacity to resolve complex doctrinal issues.

VII. The benefits of the exchange and suggestions

I consider the internship to be highly beneficial. I recommend considering the implementation of certain elements into our practice, in particular:

- Strengthening the competencies and number of judicial assistants as a key to speeding up proceedings.
- More consistent use of mechanisms to unify decision-making practices.
- Deepening cooperation between Slovak Supreme Administrative Court and the Czech Supreme Administrative Court in addressing the questions of the European law.