

## ACA QUESTIONNAIRE FOR THE 2025 SEMINAR IN THE HAGUE ON CONTRIBUTING TO THE QUALITY OF LEGISLATION

**Looking into the role of advisory bodies, like Councils of State ex ante, but also the role of Supreme Administrative Courts ex ante or ex post (giving feedback to the legislature) aimed to improve practical effectiveness, proportionality and fairness of legislation**

### INTRODUCTION

#### The role of state powers in the legislative process

Laws order society, protect and give direction. Laws regulate the behaviour of citizens and government and are an important pillar to give citizens legal certainty. Legislation must therefore offer clarity but also flexibility in a changing society. Developments in society require choices that sometimes, but not always, also lead to legislation. Given this, the deployment and use of legislation must be handled with care because the expectations it raises must be fulfilled and the law must retain its validity in the long term.

Legislation ideally comes about in a continuous and constructive dialogue between the state powers. The executive and the judiciary branch depend on good legislation. Legislation that is carefully drafted, with sufficient attention to all relevant interests and values, including enforceability, will in practice lead to fewer problems and thus fewer lawsuits. And legislators can improve the quality of legislation by drawing in part on the previous practical experiences of executive agencies and (administrative) judges in implementing and enforcing the law and any shortcomings they have found.

There are various (formal, regulated but also informal) instruments or mechanisms through which (solicited or unsolicited) input from executive agencies and the judicial branch, as well as from independent general advisory bodies regarding future and existing legislation is or can be provided. For example, instruments that are used prior to the creation of legislation (simply referred to as 'consultation' or ex ante) and instruments that are used in response to existing legislation (simply referred to as 'feedback' or ex post).

On May 15, 2017, an ACA seminar in The Hague discussed the tools and mechanisms existing in different countries that can contribute to good legislative quality. Almost all ACA members who responded (28 in total) reported having some experience in providing feedback, whether on a regular basis or not, to legislators on trends and other developments they have observed. This input is provided in various ways; not only through independent opinions and (administrative) court rulings, but also through various formal and informal mechanisms used by consultants, executive agencies, regulators, and judges.



Now several years later, there is again a need to organize a new seminar on the contribution to legislative quality to further explore this topic among members of the ACA-EUROPE and beyond, with a particular focus on legislative advice and judicial feedback to the legislator. To that end, this questionnaire is drafted.

### Legislative advice

Legislative advice can contribute to the quality of legislation. In that case- in short- it is tested whether a legislative proposal fits within existing laws and the legal system as a whole, is implementable and enforceable. In doing so, numerous aspects of legislative quality can be examined, both legal and policy aspects. And to that extent, legislative advice can respond to and make use of the interaction between the state powers. After all, the state powers each have an interest and a role to play in the legislative process based on their responsibility at any given moment. Policy, legislation and implementation can work closely together in the cyclical legislative process in order to provide solicited or unsolicited feedback on the quality of the proposed law.

Against this background, the Advisory Division of the Dutch Council of State conducts as part of its regular advisory task an analysis that examines whether, among other things, the experiences and views of executive agencies (including local and regional authorities) and the judicial branch have been adequately taken into account in the drafting of the bill. To this end, in addition to a constitutional and legal analysis, the Advisory Division also conducts a policy and implementation analysis and, where appropriate, also analyses the consequences for legal practice. No ranking or order exists between these parts of the assessment. The policy and implementation analysis may in themselves give rise to comments but also provide important input to the legal and constitutional analysis, for example with respect to the proportionality of the bill.

The Belgian Council of State, on the other hand, only carries out a legal examination, which in any case concerns the competence of the legislator, the existence of a sufficient legal basis for regulatory acts and compliance with higher legal standards, as well as compliance with the mandatory formal requirements for the creation of the new law. If it follows from the applicable higher legal standards or principles, a proportionality test, a test of substantive motives or an effectiveness test shall also be carried out where appropriate. In no case, however, does the opinion concern the mere policy expediency of a new legal norm.

### Communication between state powers

In order to function well the legislative, executive and judicial state powers are separated but also mutually dependent. There might be tension between the state powers sometimes, for example as a result of legislation which does not take certain interests or general principles of law into account. For a dynamic and healthy balance between the state powers judicial (constitutional) review ex ante and ex post are very relevant.

Depending on the design of an ex post constitutional review, this raises the question of what this means for the ex-ante constitutional review conducted within that framework. Of course, as legislative institutions, government and parliament are primarily responsible for the quality of legislation and ideally already conduct a thorough review



of the constitution, higher law and fundamental legal principles during the creation of legislation. What impact does the possibility of ex post judicial constitutional review have on an ex ante constitutional review by an independent general advisory body, such as an Advisory Division of a Council of State? And in how far do administrative courts provide feedback to the legislator in case they encounter more or less technical problems in legislation? But also vice versa, which influence does constitutional review ex ante have on judgements by (administrative) courts?

### ACA questionnaire

In light of these themes and developments and in the interest of the quality of legislation, a further survey of the instruments of feedback is desirable and also of great interest in the ACA context. For this reason, the Dutch and Belgium Council of State organise an ACA seminar in The Hague on March 17-18, 2025 on the topic of legislative advice and feedback. In preparation for that seminar, we are pleased to submit to you the questionnaire below, which aims to map the design of legislative advice and interaction with the (administrative) courts against the background of developments in the relationship between state powers in general and constitutional review in particular.

The purpose of this questionnaire (chapters 1-3) is to obtain an inventory of the existence, design and working method of independent general advisory bodies.<sup>1</sup> What is that working method and what are the points of interest in the legal, constitutional ex ante review? What influence and significance does an opinion have in the legislative process?

In addition, the questionnaire (chapter 4) makes an inventory of the modes of influence of case law on legislation and the design of ex post judicial constitutional review in different countries. This may offer more insight into the interaction between legislative advice and the judiciary. What trends are visible and how can the ex-ante and ex post constitutional test reinforce each other?

In the case you as ACA-member and Supreme Administrative Court do not yourself have an advisory function ex ante please feel free to consult the institution in your country that has such a function.

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<sup>1</sup> Not being specialized advisory bodies that focus on certain sub-interests or sectors or that perform a more technical review, for example, focused on the regulatory burden.



## CHAPTER 1 GENERAL INFORMATION ON ADVISORY FUNCTION

In the European Union and beyond, there is no clear overview of which countries have a state body with a general legislative advisory function. This chapter aims to get a clearer overview of this.

**1) Does your country have an independent governmental institution – such as a Council of State – giving advisory opinions ex ante aimed at the improvement of the quality of legislation?**

X Yes  
0 No

Note: Cyprus has a *sui generis* independent governmental institution, which does not give advisory opinions per se. Among other competences, it submits suggestions/recommendations to the executive power for the modernization, simplification, completion, consolidation, amendment, codification and revision of national legislation.

**2) If yes, what is the name and address of this institution?**

The Law Commission of the Republic

5 Vyzantiou Street, Spyrides Tower, Nicosia, Cyprus

**3) In what way is the independent position of this institution guaranteed?**

0 In the national Constitution  
0 In a formal law  
0 Through customary law  
0 In some other way, please explain:

There is no provision in the Constitution nor in any national law regarding the service of the Law Commissioner. The Law Commissioner is appointed by a *Presidential Act of Appointment*. The above Act provides for all the powers, duties and competences of the Law Commissioner. The only guarantee of the position is the above Act.

Note: There is a bill pending in Parliament for discussion, regarding this matter.

**4) How many members does this institution have? What are the selection criteria and incompatibilities? What kind of appointment do they get (e.g. full time / main job versus part time / additional job, for life versus a fixed period etc)?**

As stated above the institution is a *suis generis* institution and there is only one Commissioner, the Law Commissioner. For the exercise of her duties, the Law



Commissioner has an Office staffed by three legal officers, administrative and secretarial staff.

There are no selection criteria /incompatibilities as there is no law in force, regarding this matter. However, all previous and current office holders were/are very well qualified and experienced lawyers of high professional and moral standard.

The Office/institution was created in 1971. Initially the Law Commissioner was responsible for the revision and consolidation of laws including the translation of the legislation in the Greek Language. Today the Law Commissioner has many more responsibilities and competence (see answer 5 below).

The term of appointment is for 6 years with the right for reappointment. It is a full time employment. The Commissioner is an independent official of the Government directly accountable to the President of the Republic.

**5) Who has the competence to adopt the advisory opinion and how is the unity of advisory opinions ensured?**

The President of the Republic or the Ministers *may decide* to adopt the suggestions made by the Law Commissioner.

It is noteworthy that one of the Law Commissioner's competences provided in the Act of Appointment is the preparation and submission of *suggestions* (not opinions) to the President of the Republic, Ministers and / or to any other public official, body, authority, service or person on any matter relating to the Cyprus legal framework, and in particular the modernization, simplification, completion, amendment, consolidation, codification and / or revision of national legislation.

Note: The Constitution of Cyprus provides that only the Attorney-General may act as the legal adviser of the Republic and of the President, of the Council of Ministers and of the Ministers/Deputy Ministers. Thus, only the Attorney-General has the competence to draft advisory opinions that are addressed to the executive.

Moreover, the Law Commissioner prepares bills for the modernization of the Legislation or for any other matter that is assigned to her by the executive power (president, council of ministers, ministers, deputy ministers). This function is usually carried out within the framework of Law Drafting Committees, presided by the Law Commissioner, which are either established by a Decision of the Council of Ministers or at the request of the President or a Minister, for the purpose of reviewing and modernizing areas of law and the drafting of the relevant bill.

Another competence of the Commissioner which, however, covers ex post situations is, according to a Decision of the Council of Ministers number 62.282, dated 29.06.2005:



- (a) Submission of the obligations and actions arising from the Legislation (AFTER A BILL IS PASSED and is published in the Official Gazette) concerning the Council of Ministers, Minister, Independent Officers, Services, Government Departments, etc.
- (b) Issue of specific guidelines for compliance.
- (c) Preparation and submission of a relevant briefing note to the Council of Ministers.

**6) How much support staff is assisting this institution and what is their background (legal experts, other academic experts, communication professionals, et cetera)?**

There are three well qualified lawyers civil servants whose post is not permanent but serve on an *open ended contract*.

The Commissioner can also assign work, by contract, to lawyers from the private sector.

**7) How many advisory opinions does this institution give yearly (on average)?**

10 per year.

Note: The low number of advisory opinions is attributed to the fact that the institution is understaffed and the Commissioner is handling the drafting of many bills assigned to her by the government every year; thus, there is limited emphasis to the drafting of suggestions for the review and improvement of the law.

**8) On average, how many weeks will it take for an advice to be finished?**

See answer (7) above.

**9) Do any mandatory (e.g. legal) deadlines apply for the production of advisory opinions?**

- 0 Yes
- x No
- 0 Sometimes. Please explain:

There is no mandatory deadline.

**10) In which phase of the legislative process is the advisory opinion given? (more answers are possible)**

- X Preparatory legislative process
- 0 Parliamentary legislative process
- 0 Post-parliamentary process

Please explain:

**11) What kind of advisory opinions does this institution give? (more answers are possible) And how much of those advisory opinions do you give annually (approximately)?**



- Mandatory advisory opinions on national legislation ( )
- Non-mandatory advisory opinions on national legislation ( 10-15)
- Mandatory advisory opinions on decentral legislation ( )
- Non-mandatory advisory opinions on decentral legislation ( )
- Solicited thematic advisory opinions ( )
- Unsolicited thematic advisory opinions ( )
- Verbal advisory opinions ( )
- Visuals / movie clips ( )
- All of the above ( )
- Other (reports, books, studies etc) ( )

Explanation if desired:

Non-mandatory advisory opinions on national legislation (10-15 per year). Also, the Commissioner occasionally studies an area of law and provides a report or study to the government with her suggestions that can be adopted by the government, based on a comparative analysis and best practices.

**12) Who are the main addressees for the work of this institute? (more answers are possible)**

- Parliament
- Government
- Judiciary
- Civil servants
- Universities
- Media
- General public
- All of the above

Explanation if desired:

Regarding the Government, the main addressees are the Ministers and Deputy Ministers

**13) When preparing an opinion, are insights from outside the institution used?**

- Yes
- No

Yes

**14) If yes, what kind of information can be used? (more answers are possible)**

- Public (written) knowledge from scientific or other knowledge institutions, advisory councils or experts
- Additional information provided by the ministry (reports, consultations, et cetera)
- Ad hoc (written or verbal) insights on request from (academic) experts



- Ad hoc (written or verbal) insights on request from government officials
- Insights from implementation experts
- Insights from stakeholders or lobby groups
- Case law by (administrative) courts
- All of the above
- Other

Explanation if desired:

Case law, insights from implementation experts, Ad hoc (written or verbal) insights on request from government officials, additional information provided by the ministry (reports, consultations), practices of other countries.

The most common practice is the contact with the civil servants of the relevant ministry responsible for the draft legislation, in order to collect additional information.

When the Commissioner completes the drafting of a bill, the bill is forwarded to the Minister who will then proceed with all the required procedures (i.e. to be first adopted by the Council of Ministers and then be sent to the Parliament).

**15) In case the institute uses case law by administrative courts, does it have any contact with the judiciary about these issues?**

- Yes
- No

Explanation if desired:

If there is a need for an amendment of a statute stemming from a court judgment the Commissioner will send a suggestion to the Government or will take it into account in the drafting of a bill, if relevant.

**16) Does the institute in any way provide feedback the other way around, i.e. by advising the supreme administrative court from a legislative-advisory point of view, for instance by pointing out the potentially undesirable consequences of legislation?**

- Yes
- No

Explanation if desired:



## CHAPTER 2 THE CONTENT OF AN ADVISORY OPINION

### 17) What are the main components of the analysis to draft an advisory opinion? (more options are possible)

- X Legal analysis (see further questions 17–26)
- X Policy analysis (see further questions 27-28)
- X Other, namely:

Explanation if desired:

Note: Legal analysis, examples of the laws of other countries and the need for change or improvement of law, or the need to address an issue for the first time and introduce a new law (modernization, need of society, new trends, etc) or the need to draft a law in accordance with our international obligations.

### 18) Does the advisory opinion generally contain a legal analysis of the draft legislation?

- X Yes, (almost) always
- 0 No
- 0 Yes, sometimes, depending on:

.....

Note: The advisory opinion generally contains a legal analysis of the draft legislation and sometimes it includes the draft bill.

### 19) If yes, what are the elements of the legal analysis? (more answers are possible)

- X Relation to higher-ranking law (constitution and international and European law)
- X General principles of law
- X Legal systemic aspects (e.g. competence, discretionary powers, supervision, enforcement and legal protection, transitional law and evaluation)
- X Technical legislative quality and requirements
- 0 Other

Explanation if desired:

General principles of law, the need arising from our international obligations or from a judgment of the court and/or the Constitution and/or EU law.

### 20) What other aspects can be part of an advisory opinion?

- x Own views and ideas



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- Technical remarks
- Supporting remarks
- None
- Other, namely:

Explanation if desired:

.....

Own views and ideas/proposals of the Commissioner, based on legal considerations, may also be part of the opinions.

**21) Is the advisory body in any way involved in the drafting of legal acts of the European Union?**

- Yes, (almost) always
- No
- Sometimes, depending on:

Very rarely, it is the Ministries who have this responsibility. During the drafting of a bill the Commissioner might come across EU acts that will be taken into account.

**22) When the draft legislation concerns implementation of legal acts of the European Union, what are the main components of the analysis to draft an advisory opinion? (more options are possible)**

- Legal analysis*
- Policy analysis*
- Other:

Please explain the differences with the answer to question 16:

It is legal analysis only, as there is no room for policy analysis when it concerns implementation of legal acts of the EU. In general, the Commissioner has no executive powers to address the issue of policy. The policy decisions rest on the President, Ministers and Deputy Ministers. Also, in practice the Commissioner has no absolute independence as she works in collaboration with the Ministers and cannot monitor their decisions. The Law Commissioner in Cyprus has an advisory role to the government which has to be distinct from the role of the Attorney General of the Republic who, according to our Constitution is the legal advisor of the Government. So, there is a fine line that must not be crossed.

The Office of the Attorney General is responsible not for the drafting of a bill but only for the legal vetting, before a bill is tabled by the executive before Parliament. The Attorney General can draft a bill in cooperation with a Minister (but in practice this does not happen).



**23) Does the advisory opinion also contain a legal analysis of legal acts of the European Union?**

- Yes, (almost) always
- No
- Sometimes, depending on:

Explanation if desired:

.....

Yes, sometimes and it also contains EU case law.

**24) If the advisory opinion contains a constitutional review (ex-ante), what are the relevant documents / sources to be used? (more answers are possible)**

- National constitution
- Law of the European Union
- International treaties
- Customary law
- General principles of law
- Case law (national, European, international)
- All of the above
- Other, namely:

.....

Explanation if desired:

**25) If the advisory opinion contains a constitutional review (ex-ante), which elements are taken into account? (more answers are possible)**

- Civil and political rights
- Economic, social and cultural rights
- Institutional norms
- All of the above
- Other, namely:

.....

Explanation if desired:

Civil and political rights, economic, social and cultural rights, women's rights, principles of equality and non discrimination and Institutional norms.

**26) If the advisory opinion contains a constitutional review (ex-ante), which interpretations are taken into account? (more answers are possible)**



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- Literal interpretation
  - Historical interpretation
  - Teleological interpretation
  - Systematic or contextual interpretation
  - All of the above
  - Other, namely:
- .....

Explanation if desired:

**27) If the advisory opinion contains a constitutional review (ex-ante), does it take constitutional review ex post into account?**

- Yes
- No

Please explain:

**28) Does the advisory opinion also contain an analysis of the draft legislation focused on aspects of policy, implementation, execution and enforcement?**

- Yes, (almost) always
  - No
  - Sometimes, depending on:
- .....

**29) If the advisory opinion contains a policy analysis, which elements are taken into account? (more answers are possible)**

- Analysis of the problem
  - Approach to the problem
  - Suitability and objective
  - Effects
  - Proportionality
  - Implementation
  - Execution
  - Enforcement
  - Legal practice
  - All of the above
  - Other, namely:
- .....

Explanation if desired:



No policy analysis apart from the analysis of the problem, the need for the review, the suggestions for the solution and how many people are affected by it.

**30) To what extent does the advisory opinion suggest potential solutions for the issues (legal-technical or other) raised in the opinion?**

After the drafting of a bill, there might be discussion that leads to a different solution and new drafting according to policy change.

**CHAPTER 3 THE FOLLOW-UP OF AN ADVISORY OPINION**

**31) Will advisory opinions be made public?**

- 0 Yes, by the institution that produces them
- 0 Yes, by the (principal) addressee
- x Sometimes, depending on:

The advisory opinion is made public, only if the Minister (addressee) wishes so.

- 0 No

Note: As a matter of practice, the Commissioner does not make public the advisory opinions. However, the Commissioner may publish comparative research papers drafted by her Office on legal matters.

**32) If yes, at what point will the advisory opinion be made public?**

- 0 Upon adoption of the advisory opinion
- 0 Upon submission of the draft legislation to the parliament
- 0 Upon adoption of the legislation
- 0 Other
- 0 Sometimes, depending on:

.....

Explanation if desired:

As stated above, the advisory opinion is made public, only if the Minister wishes so.

The Law Commissioner publishes only the report of the Submission of the obligations and actions arising from the Legislation concerning the Council of Ministers, Minister, Independent Officers, Services, Government Departments, etc.

(b) Issue of specific guidelines for compliance.

**33) If advisory opinions are made public does the institution work with press releases, summaries, press conferences, et cetera?**

- 0 Yes, (almost) always
- 0 No
- x Sometimes, depending on:

Sometimes, if the issue is very important, the Commissioner might issue a statement on the submission of a suggestion or a study on a legal matter or on the delivery of a bill to a Minister.

**Is there an obligation for the government to (publicly) respond to an advisory opinion?**

- 0 Yes, (almost) always
- x No
- 0 Sometimes, depending on:

.....

Explanation if desired:

**34) Does the advisory body evaluate its functioning and are the effects of the advisory opinions taken into account?**

- 0 Yes, (almost) always
- 0 No

Explanation if desired:

It evaluates its functioning but not through an official process.

**35) Are general reports or annual reports issued in which the institution reflects upon trends and topics in its advisory opinions?**

- 0 Yes, (almost) always
- x No

Explanation if desired:

**36) To what extent and in what way does ex post constitutional review, whether by a constitutional court or not, rely on advisory opinions?**

An ex post constitutional review by the Constitutional Court never relies on an advisory opinion.



**CHAPTER 4 JUDICIAL FEEDBACK TO THE LEGISLATOR**

Dealing with cases, the judiciary can be confronted with more or less systemic problems in the interpretation and application of legislation. The following questions are based on the distinction between two kinds of these problems. Firstly, there may arise more or less technical legal issues such as inconsistencies in legislation, a missing legal base or an incompatibility with higher law. Secondly, the administrative courts may come across more structural problems that are not strictly technical in nature and may be more sensitive and complex. Think, for instance, of difficulties for the administration in implementing a certain statute or the exceptionally harsh consequences that legislation might have in certain types of individual cases.

In short, legal or practical reality may differ from what the legislator had in mind. Problems like these cannot always be remedied in the judicial decision. It is then conceivable that the administrative courts decide to signal these points of attention to the legislator in their decisions or by other means, in order to help improving the quality of legislation and the effectiveness of the implementation of law in practice. That kind of judicial feedback to the legislator is the subject of the following questions.

**37) Does the highest administrative court provide the legislator with feedback on technical legal issues that arise from legislation?**

x Yes  
0 No

Explanation if desired:

The court does not actually give a 'feedback' but in rare cases it may make a comment on a *technical legal issues*, i.e. to point out an obvious discrepancy in the law or decide on the applicability or bindingness of a law. The separation of powers is very well rooted in our system and the courts are unwilling to interfere in any way with the powers of the Legislature. This unwillingness is expressly stated in a number of judgments.

Please note that the Constitution, *Article 144.1* empowers the Supreme Constitutional Court to decide whether a law aligns with the provisions of the Constitution. It provides that a party to any judicial proceedings, may, at any stage thereof, raise the question of the *unconstitutionality of any law* and thereupon the Court before which such question is raised shall reserve the question for the decision of the Supreme Constitutional Court and stay further proceedings until such question is determined by the Supreme Constitutional Court. The Supreme Constitutional Court, on a question so reserved, shall, after hearing the parties, consider and determine the question so reserved and transmit its decision to the Court by which such question has been reserved.

*Article 140* of the Constitution empowers the President of the Republic at any time prior to the promulgation of any law of the House of Representatives, refer to the Supreme Constitutional Court for its opinion the question as to whether such law or any specified provision thereof is repugnant to or inconsistent with any provision of the Constitution. The Supreme Constitutional Court shall consider every question referred to it and having



heard arguments on behalf of the President and the Vice-President of the Republic and on behalf of the House of Representatives shall give its opinion on such question and notify the President of the Republic and the House of Representatives accordingly. ~~3~~. In case the Supreme Constitutional Court is of the opinion that such law or decision or any provision thereof is repugnant to or inconsistent with any provision of this Constitution or the law of the European Communities or of the European Union such law or decision or such provision thereof shall not be promulgated by the President and the Vice-President of the Republic.

**38) If yes, where does it provide this feedback on technical legal issues (more options are possible)?**

- Judgments
- Indirectly by signalling structural problems to the advisory body
- Annual review
- Journal articles
- Conferences/meetings
- Formal or informal contacts with representatives of the legislator/civil servants
- All of the above
- Other, namely:

.....

**39) If the highest administrative court provides feedback in its judgments, how does it do this (more options are possible)?**

- Implicitly in the reasoning of the judgments
- Explicitly in a paragraph that directs itself to the legislator
- By way of a legal decision on the applicability or bindingness of legislation
- All of the above

Explanation if desired:

See also answer 37 (above).

.....

**40) Could you give an example of this kind of feedback in the highest administrative court's judgments? See answer 37 (above)**

**41) Does the highest administrative court gather information about structural problems that might arise from legislation, such as its unforeseen or exceptionally harsh consequences?**

- Yes
- No



**42) If yes, from what sources does it gather information about these structural problems (more options are possible)?**

- 0 Arguments raised by parties
- 0 Case law
- 0 Advisory opinions on draft legislation
- 0 Journal articles
- 0 Conferences/meetings
- 0 All of the above
- 0 Other, namely:

.....

**43) Does the highest administrative court provide the legislator with feedback about these structural problems?**

- 0 Yes
- 0 No

Explanation if desired: See answer 37 (above)

.....

**44) If yes, where does it provide this kind of feedback (more options are possible)?**

- 0 Judgments
- 0 Indirectly by signalling structural problems to the advisory body
- 0 Annual review
- 0 Journal articles
- 0 Conferences/meetings
- 0 Formal or informal contacts with representatives of the legislator/civil servants
- 0 All of the above
- 0 Other, namely:

See answer 37 (above)

**45) Could you give an example of this kind of feedback?**

**46) To what extent does the highest administrative court suggest potential solutions for the issues (legal-technical or other) raised?**

The Supreme Constitutional Court does not suggest solutions. When the issue is related to the unconstitutionality of a law, it *declares* that the law is unconstitutional.

See also answer 37(above).



- 47) What kind of considerations determine whether and to what extent the highest administrative court provides feedback? Does the separation of powers limit the court in this regard and if so, how?**

See answers 37 and 46.

- 48) Does the highest administrative court keep track of the given feedback, for instance in a list that is annexed to an annual review?**

Yes  
 No

Please explain:

- 49) Does the highest administrative court monitor the effectiveness of feedback, for instance by speaking to representatives of the government or by monitoring new legislation?**

Yes  
 No

Please explain:

- 50) Is there any follow-up if the legislator does not respond to issues that are raised by the highest administrative court?**

Yes  
 No

Please explain:

- 51) Does the highest administrative court have any formal or informal contacts with the legislator, for instance via its civil servants? If so, what kind of issues does it discuss there?**

Yes  
 No

Please explain:

- 52) Is there a role for the highest administrative court in the process of legislation, i.e. by advising the legislator *ex ante* during the process of legislation?**

Yes  
 No



Please explain: See answer 37 above.

**53) Does the highest administrative court have contact with the advisory body about problems (legal-technical or other) that arise from its case law?**

Yes  
 No

Explanation if desired:



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