

## Avaleht>Kohtuasja algatamine>ELi ja liikmesriikide õigussüsteemid>Liikmesriikide erikohtud

### Liikmesriikide erikohtud

Mitmes liikmesriigis on erikohtud, mis tegelevad konkreetsete teemadega. Sellised kohtud lahendavad sageli haldusvaidlusi ja mõningatel juhtudel vaidlusi eraisikute ja ettevõtete vahel.

Paljudel liikmesriikidel on erikohtud haldusasjade jaoks, s.t avalike asutuste ja eraisikute või ettevõtete vaheliste vaidluste jaoks avaliku halduse alaste otsuste üle, nagu vaidlused ehitusloa, ettevõtte käitamise või maksude hindamise üle.

Eraisikute ja/või ettevõtete vaheliste vaidluste valdkonnas (tsiviilasjad) on mõnes liikmesriigis töösuhteid arutavad erikohtud.

### Riigi kohta üksikasjaliku teabe saamiseks klõpsake paremas servas selle lipukesel.

Viimati uuendatud: 18/01/2019

Käesolevat lehekülge haldab Euroopa Komisjon. Sellel veebisaidil avaldatud teave ei kajasta tingimata Euroopa Komisjoni ametlikku seisukohta. Komisjon ei võta mingit vastutust ega kohustusi seoses käesolevas dokumendis esitatud või viidatud teave ega andmetega. Palun lugege õigusteabe viida alt ELi veebilehetele autoriõiguste eeskirjade kohta.

Komisjon uuendab parajasti selle veebisaidi sisu, et võtta arvesse Ühendkuningriigi lahkumist Euroopa Liidust. Kui leiate siit teavet, milles Ühendkuningriigi lahkumine veel ei kajastu, ei ole see taotluslik ja muudetakse peagi.

### Specialised courts - Belgium

This section presents an overview of specialised courts in Belgium.

#### Specialised courts

All information concerning courts specialising in a particular field (employment law, commercial law) may be found in the 'Ordinary courts' section.

#### Constitutional Court

The [Constitutional Court](#) examines **conformity** of acts, decrees and ordinances **with the Constitution**. It also oversees **proper division of powers** between the federated entities and the federal State.

It is a court consisting of 12 judges who ensure that the Constitution is observed by Belgian legislators. It may **annul and suspend acts, decrees and ordinances**. The Constitutional Court was conceived as a specialised court. Because of its particular role, it is independent of the legislature, the executive and the judiciary.

It succeeded the 'Court of Arbitration', established in 1980 at the time when Belgium was progressively being transformed into a federal State. It was given its first name by the Constituent Assembly because of its original role as arbitrator between the various legislators, that of the federal State and those of the Communities and the Regions. Its role was thus limited to monitoring the conformity of acts, decrees and ordinances with the rules on division of powers contained in the Constitution and acts of institutional reform.

The name 'Constitutional Court', which it has had since 7 May 2007, is more in keeping with its powers, which have been extended to monitoring acts, decrees and ordinances with regard to Title II of the Constitution (Articles 8 to 32 relating to the rights and freedoms of Belgians), and also Articles 170 and 172 (legality and equality of taxes) and 191 (protection of foreign nationals).

**Six judges** belong to the French language group, **six** to the Dutch language group. One of the judges must have an adequate knowledge of German. In each language group three judges have at least five years' experience as members of a parliamentary assembly and three judges have practised law (lecturer in law at a Belgian university, judge at the Court of Cassation or the Council of State, legal secretary at the Constitutional Court).

Source: Internet site of the [Constitutional Court](#).

#### Administrative courts

##### Council of State

[The Council of State](#), both an advisory and a judicial institution where the legislature, the executive and the judiciary come together, primarily owes its existence to the legislator's desire to offer all natural or legal persons effective recourse against irregular administrative acts that may have harmed them.

As a result the principal powers of the Council of State are to **suspend and annul administrative acts** (individual acts and regulations) that are **contrary to the legal rules in force**.

Protecting against arbitrary administrative action is not, however, the Council's only role. It also **acts as an advisory body** on legislative and regulatory issues.

The Council of State is also a **court of cassation** hearing appeals **against the decisions of inferior administrative courts**.

The Council of State rules by means of judgments and orders on the applications made.

The Council **consists** of 44 members appointed for life, these being a senior president, a president, 14 presidents of chambers and 28 State judges.

The members sit in the General Assembly of the Council of State and in one of the chambers of the Administrative Litigation Section or the Legislation Section.

Source: [Internet site of the Council of State of Belgium](#).

#### Legal databases in these fields

Internet site of the [Council of State](#).

Internet site of the [Constitutional Court](#).

#### Is access to the database free of charge?

Yes, access is free of charge.

#### Related Links

[Federal Public Service Justice](#)

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## Specialised courts - Bulgaria

This section provides information about specialised courts in the Bulgarian judiciary.

### Specialised courts

No specialised labour, maritime, commercial or similar types of specialised courts operate in the Republic of Bulgaria.

### Administrative courts

A system of administrative courts was put in place in the Republic of Bulgaria when a new Code of Administrative Procedure was adopted in 2006. The system of administrative justice encompasses 28 provincial administrative courts and the Supreme Administrative Court (*Varhoven administrativen sad*).

### Administrative courts

Administrative courts have jurisdiction to review all actions seeking:

to have administrative acts issued, modified, overturned or annulled;

to have agreements under the Code of Administrative Procedure annulled;

redress against unreasonable actions or omissions by the administration;

redress against unlawful enforcement;

compensation for damages resulting from any unlawful act, action or omission by administrative authorities and officials;

compensation for damages resulting from enforcement;

to have administrative court rulings annulled, invalidated or overturned;

to challenge the authenticity of administrative acts under the Code of Administrative Procedure.

Anyone may bring an action to establish whether an administrative right or legal relationship exists, where applicants have standing and no other remedy is available to them.

Cases involving challenges to individual administrative acts are heard by the administrative court with territorial jurisdiction over the seat of the regional office of the authority which issued the contested act, where the applicant's permanent/current address or seat is located in the catchment area of that regional office. Such cases are heard by the administrative court with territorial jurisdiction over the seat of the authority which issued the contested individual administrative act, where:

the contested act has several addressees whose permanent or current addresses are not in the catchment area of the issuing authority's regional office;

the administration of the authority which issued the contested act does not have a regional office.

Cases involving challenges to general administrative acts are heard by the administrative court with territorial jurisdiction over the seat of the authority which issued the contested act.

The Sofia City Administrative Court (*Administrativen sad – grad Sofia*) hears cases if the authority which issued the contested administrative act has its seat in another country.

Actions for damages are also brought before the court with jurisdiction over the applicant's address or seat when actions for damages are joined in a dispute referred to in paragraphs 1–4.

Where the competent court is unable to hear a case, the Supreme Administrative Court orders that the case be transferred to an administrative court of equal standing.

Administrative acts directly pursuing Bulgaria's foreign, defence and security policy are not subject to judicial review, unless the law provides otherwise.

### Supreme Administrative Court

The [Supreme Administrative Court](#) has jurisdiction over:

challenges to statutory regulations, excluding those issued by municipal councils;

challenges to decisions of the Council of Ministers, the Prime Minister, Deputy Prime Ministers, and ministers;

challenges to decisions of the Supreme Judicial Council (*Vissh sadeben savet*);

challenges to decisions of the Bulgarian National Bank and its bodies;

appeals in cassation and procedural appeals against judgments issued by courts of first instance;

appeals by parties to proceedings against rulings and orders;

applications for final judicial decisions in administrative cases to be overturned;

applications contesting other acts specified by law.

The Supreme Administrative Court has divisions, which include panels. Divisions are headed by a president (or a deputy president) who may also preside over benches of judges in the division concerned.

### Other specialised courts

#### Military courts

The history of military courts dates back to 1 July 1879. In 1956, military courts were restructured by locations of army corps in the cities of Sofia, Plovdiv, Sliven, Varna and Pleven. (This structure of military courts remains to this day.)

#### Military Court (*Voenen sad*)

As courts of first instance, [military courts](#) hear criminal cases involving crimes committed by serving military personnel, generals, and officers, noncommissioned officers and rank-and-file personnel of other ministries and agencies, civilian staff of the Ministry of Defence, the Bulgarian army, units reporting to the Minister for Defence, the National Service for Protection and the National Intelligence Service. The Military Court of Appeal (*Voeno-apelativen sad*) is the court of second instance for these cases. The Code of Criminal Procedure defines the jurisdiction of military courts. These courts have the same statute as provincial courts. **The Military Court of Appeal** (a single court) hears appeals (including procedural appeals) against decisions of all military courts in Bulgaria.

#### Specialised Criminal Court (*Specializiran nakazatelen sad*)

**The Specialised Criminal Court** was created by the Act amending and supplementing the Judicial System Act (promulgated in State Gazette No 1 of 2011).

The Specialised Criminal Court is one of a kind in the Republic of Bulgaria (based in the city of Sofia) and has the standing of a provincial court. Its jurisdiction is defined by law. (Article 411a of the Code of Criminal Procedure includes an exhaustive list of crimes within the jurisdiction of the Specialised Criminal Court, most of them committed or ordered by organised crime groups).

The Specialised Criminal Court consists of judges and is headed by a president.

**The [Specialised Criminal Court of Appeal](#)** (*Apelativen specializiran nakazatelen sad*) reviews appeals (including procedural appeals) against decisions of the Specialised Criminal Court. Its seat is in Sofia.

The Specialised Criminal Court of Appeal consist of judges and is headed by a president. The [Supreme Court of Cassation](#) (*Varhoven kasatsionen sad*) is the highest criminal court, reviewing in cassation decisions issued by the Specialised Criminal Court of Appeal.

#### **Arbitration Court of the Bulgarian Chamber of Commerce and Industry (AC BCCI)**

AC BCCI settles civil disputes, including disputes related to filling in loopholes in contracts or altering their terms and conditions to reflect changing circumstances, regardless of whether the domicile of one or both parties is located in the Republic of Bulgaria.

AC BCCI has reinforced its position as Bulgaria's leading arbitration institution and enjoys public trust due to its highly professional work in resolving legal disputes. AC BCCI resolves 250 to 300 international and domestic disputes every year: 82% of domestic cases are resolved within 9 months, and 66% of international cases within 12 months.)

Furthermore, the [Arbitration Court](#) is actively involved in improving arbitration legislation. The only disputes not subject to arbitration concern rights in rem in respect of immovable property, maintenance claims, rights derived from employment relationships, and disputes concerning moral rights or family law.

#### **Legal database**

##### **Court websites**

All Bulgarian courts have websites which provide information on the court's structure and activity, including ongoing and closed cases, as well as other useful information available to the public.

The website of the [Supreme Judicial Council](#) provides a detailed list of courts in Bulgaria, including their address and websites (accessible in Bulgarian only).

After being delivered, court decisions are published on the website of the issuing court in accordance with the requirements set out in the [Personal Data Protection Act](#) and the [Classified Information Protection Act](#).

Decisions in cases affecting the civil or health status of persons are published without their grounds.

More information is available on the following websites:

[Supreme Administrative Court](#)

[Military Court \(Voenen sad\)](#)

[Arbitration Court of the Bulgarian Chamber of Commerce and Industry \(AC BCCI\)](#)

[The International Court of Arbitration](#)

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#### **Specialised courts - Czech Republic**

##### **Specialised courts**

In general, there are no specialised courts in the Czech Republic, though there are specialised chambers in the ordinary courts (for employment cases).

##### **Other special courts**

##### **Constitutional Court**

The Constitutional Court is the judicial authority for the protection of constitutionality.

The Constitutional Court hears cases either in full plenary session or as four three-justice panels.

Only a full plenum is entitled to take decisions related to fundamental issues of national and judicial significance. These include, for example, the annulment of an Act of Parliament, the impeachment or incapacitation of a President of the Republic or the dissolution of a political party.

A full plenum is composed of all judges, ten of whom must be present when a decision is taken. Decisions on the following matters require a majority vote of nine judges: an annulment of an Act of Parliament, a decision regarding the impeachment or incapacitation of a President of the Republic, and an adoption of a verdict that is based upon a different legal interpretation of a previous decision made by the court.

Panels of three judges hear all other matters. These include, for example, constitutional complaints by persons or municipalities, electoral or eligibility disputes concerning members of Parliament, and conflicts of competence between central state authorities and local autonomous bodies.

The constitutional court consists of 15 justices. Judges are appointed to a ten-year term of office by the President of the Republic with the consent of the Senate. There is no restriction on reappointment.

The administration of the court is directed by the chair and two vice-chairs. Each justice is served by his/her own staff of legal assistants and a secretary.

Further information may be found on [the Constitutional Court website](#).

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#### **Specialised courts - Denmark**

This section provides information on the organisation of specialised courts in Denmark.

##### **Specialised courts**

##### **Maritime and commercial court (Sø- og Handelsretten)**

Since its formation in 1862, the [Maritime and Commercial Court](#) has heard cases concerning maritime and commercial matters from all over the country.

The maritime and commercial court's competence has been extended successively; today the court hears cases concerning the **Danish Trade Marks Act**, the **Design Act**, the **Marketing Practices Act**, the **Competition Act**, international trade conditions and other commercial matters.

In addition, the **bankruptcy division** hears cases concerning bankruptcy, suspension of payments, compulsory debt settlement and debt rescheduling arising in Greater Copenhagen.

##### **Land registration court (Tinglysningsretten)**

The [Land Registration Court](#) was established on 1 January 2007. Its jurisdiction extends throughout Denmark.

The court will take over registration from the district courts successively. It will handle the **registration of titles to land, mortgages and other charges, marriage settlements and so on.**

The Land registration court settles disputes arising from registration. There is a right of appeal to the High Court of Western Denmark.

#### **Special Court of Indictment and Revisions (Den Særlige Klageret)**

The Special Court of Indictment and Revisions deals with **disciplinary matters concerning judges** or other **legal staff** employed by the courts, including the courts of the Faroe Islands and Greenland and the Appeals Permission Board. In addition, the court may reopen criminal cases and disqualify counsel for the defence in criminal cases.

The Special Court of Indictment and Revisions is composed of a Supreme Court judge, a high court judge, a district court judge, a lawyer and a lawyer with scientific expertise.

#### **Administrative courts**

The Danish judicial system does not include administrative courts.

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#### **Specialised courts - Germany**

This section provides information about the specialised courts system in Germany.

#### **Specialised courts**

##### **Labour courts**

Labour courts deal with labour law disputes arising from contractual relationships between employees and employers (individual labour law). They also deal with disputes between parties to a collective agreement, such as those involving trade unions and employers' associations (collective labour law), or between an employer and a works council.

The labour courts (as courts of the *Länder*) are courts of first instance. Cases are heard in chambers by one presiding professional judge and two lay judges (one of whom is appointed from the employee's area and the other from that of the employer). Certain decisions that are not part of the oral proceedings are taken by the presiding judge without the involvement of the lay judges.

Higher labour courts (*Landesarbeitsgerichte*, which are also courts of the *Länder*) are responsible for handling appeals and complaints against labour court judgments. These court panels are also composed of one professional judge and two lay judges (one each from the employee's and the employer's area). Decisions in the highest instance are taken by the [Federal Labour Court \(\*Bundesarbeitsgericht\*\)](#). The judging panels are composed of one presiding judge, two additional professional judges and two lay judges (one each from the employee's and the employer's area).

##### **Administrative courts**

Three different branches of the court system are responsible for examining administrative decisions: the general administrative courts, the social courts and the fiscal courts. A key feature of the general administrative courts and the social and fiscal courts is that they apply the principle of *ex officio* examination (*Amtsermittlung*). This means that the courts must investigate the facts of the case on their own initiative (that is, not merely at the request of either of the parties or on the basis of the evidence submitted by the parties), since the substantive truth of the judicial decision is a matter of public interest.

##### **General administrative courts**

General administrative courts have three levels of jurisdiction (instances).

**In the first instance**, the administrative courts (*Verwaltungsgerichte*).

**In the second instance**, the higher administrative courts for each *Land* (*Oberverwaltungsgericht* or *Verwaltungsgerichtshof*).

**In the highest instance**, the [Federal Administrative Court \(\*Bundesverwaltungsgericht\*\)](#).

The **administrative courts** usually have jurisdiction in the first instance. The higher administrative courts are primarily appeal tribunals; their task is to examine the decisions of the courts of first instance from a legal and factual point of view. With very few exceptions, the Federal Administrative Court is an appeal court that examines points of law only (*Revision*).

The **general administrative courts** are, in principle, responsible for all disputes between organs of the administration and private persons concerning the correct application of administrative laws and regulations. In lieu of the administrative courts, the ordinary courts have jurisdiction when the administration has been involved in the case not as a government entity, but as a private company. This applies for all disputes arising from such activities. Furthermore, disputes that are assigned by law to another court (such as the fiscal courts, the social courts or the ordinary courts) are exempted from general administrative jurisdiction.

Decisions of the administrative courts are taken by panels of judges. The administrative courts are usually composed of three professional judges and two lay judges. The higher administrative court tribunals are usually made up of three professional judges. The Federal Administrative Court panel usually comprises five professional judges. In the administrative courts, cases may be delegated to a judge sitting singly.

##### **Social courts**

The social courts, like the general administrative courts, have three levels encompassing an appropriate division of tasks. The social courts generally have first instance jurisdiction. The 14 higher social courts for each of the *Länder* (*Landessozialgericht*) are appeal courts; with very few exceptions, the [Federal Social Court \(\*Bundessozialgericht\*\)](#) is an appeal court that examines points of law only (*Revision*).

The social courts are primarily responsible for hearing disputes in matters relating to social security (pensions, accident and sickness insurance, and long-term care insurance), unemployment insurance, basic provision for jobseekers, and social welfare (particularly social assistance, benefits under the Asylum Seekers' Benefits Act (*Asylbewerberleistungsgesetz*) and certain issues relating to the Disabled Persons Act (*Schwerbehindertenrecht*)). The tribunal panels of the social courts are composed of one professional judge and two lay judges. The panels sitting in the higher social courts of the *Länder* and the Federal Social Court comprise three professional judges and two lay judges.

##### **Fiscal courts**

The fiscal court system consists of fiscal courts of first instance and the [Federal Finance Court \(\*Bundesfinanzhof\*\)](#), which acts as the supreme court of appeal on points of law (*Revision*). The jurisdiction of the fiscal courts mainly covers disputes on public levies, taxes and customs. The panels sitting in the fiscal courts are made up of three professional judges and two lay judges; the Federal Finance Court panel generally comprises five professional judges. In the fiscal courts, cases may be delegated to a judge sitting singly.

##### **Other specialised courts**

## Federal Constitutional Court

The [Federal Constitutional Court \(\*Bundesverfassungsgericht\*\)](#) exercises jurisdiction over constitutional matters at national level. Its decisions are based on the provisions of Germany's constitution, the Basic Law (*Grundgesetz*). Most of the proceedings before the Federal Constitutional Court are constitutional complaints. These complaints are filed by citizens claiming that a judgment, government action or legislative act violates their constitutional rights. A constitutional complaint is generally admissible only after recourse through all other competent courts has been exhausted (that is, against decisions in the highest instance). Only in exceptional cases is it possible to bring a constitutional complaint directly against a legislative act.

There are several other types of proceedings. These include, in particular, the abstract and specific judicial review of the constitutionality of a law, and procedures to examine whether constitutional authorities have exceeded their mandate. Certain decisions of the Federal Constitutional Court can acquire the force of law. The court consists of two divisions (*Senate*), composed in each case of eight members. The court decides in chambers, each of which is composed of three judges, or by a division, mostly without oral hearings.

## Regional constitutional courts (*Landesverfassungsgerichte/Staatsgerichtshöfe*)

Regional constitutional courts are constitutional courts of the respective *Länder*. They mainly settle constitutional disputes regarding *Land* law (*Landesrecht*), which also governs their practical composition, administrative procedures and scope of competence.

### Related links

- [Federal Labour Court](#)
- [Federal Administrative Court](#)
- [Federal Social Court](#)
- [Federal Finance Court](#)
- [Federal Constitutional Court](#)

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## Specialised courts - Estonia

This section provides you with information on administrative and specialised courts in the Estonian court system.

### Specialised courts

The Estonian Constitution states that the creation of specialised courts with specific jurisdiction may be provided by law. The formation of emergency courts is prohibited.

No specialised courts have been created in Estonia.

### Constitutional court

The **Supreme Court** simultaneously performs the functions of the court of final appeal and the court of constitutional review.

As the court of constitutional review, the Supreme Court:

- adjudicates requests to verify that legislation of general application or a refusal to issue such legislation is in conformity with the Constitution;
- adjudicates requests to verify the conformity of international agreements with the Constitution;
- adjudicates requests for an opinion on the interpretation of the Constitution in conjunction with European Union law;
- adjudicates requests for and complaints against resolutions of the Estonian Parliament, the Board of the Parliament and the President of the Republic;
- adjudicates requests to declare a Member of Parliament, the President of the Republic, the Chancellor of Justice or the Auditor-General incapable of performing his or her duties for an extended period;
- adjudicates requests to terminate the authority of a Member of Parliament;
- decides on the granting of consent to the President (speaker) of the Parliament, acting as President of the Republic, to call extraordinary Parliamentary elections or to refuse to promulgate an Act;
- adjudicates requests to terminate the activities of a political party;
- adjudicates complaints and protests against acts of election administrations and decisions and acts of electoral committees.

No individual may file a request for a constitutional review.

Contact details for the Supreme Court may be found on the [Supreme Court website](#).

Constitutional review is regulated by the [Constitutional Review Court Procedure Act](#).

### Administrative Courts

Administrative courts as courts of **first instance** hear administrative cases. In Estonia, they act as independent judicial authorities only in first instance.

Administrative court rulings are reviewed by district courts, as courts of second instance, on the basis of appeals against those rulings.

The jurisdiction of the administrative courts, the procedure for filing an action with an administrative court and the rules for administrative proceedings are laid down in the [Code of Administrative Court Procedure](#).

### Administrative Courts

In Estonia there are two administrative courts: Tallinn Administrative Court and Tartu Administrative Court.

The administrative courts are divided into courthouses.

Tallinn Administrative Court is comprised of two courthouses:

Tallinn courthouse

Pärnu courthouse

Tartu Administrative Court is comprised of two courthouses:

Tartu Courthouse

Jõhvi courthouse

### District Courts:

In Estonia there are two district courts acting as courts of second instance.

Tallinn district court (Tallinna Ringakonnakohus)

Tartu district court (Tartu Ringakonnakohus)

The contact information for Estonian courts is available on the [courts' website](#). Access to the contact details is **free of charge**.



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## Specialised courts - Ireland

This section provides you with information on the organisation of specialised courts in Ireland by reference to the organisation of the courts generally. See pages dealing with [Organisation of Justice](#) and [Ordinary courts](#) for details of courts generally.

### Specialised Courts

#### Small Claims Court

The Small Claims procedure provides an inexpensive and informal means for the resolution of consumer claims without requiring either party to be legally represented. The Small Claims Court operates within the District Court. This procedure is available for claims not exceeding €2,000 in value where a consumer buys goods or services, suffers minor damage to property, or seeks the return of a rent deposit. No court appearance is required for undisputed claims. If the claim is disputed and a settlement cannot be reached out of court, the case is tried by a judge of the District Court whose order may be appealed to the Circuit Court.

#### Commercial Court

The Commercial Court is effectively a specialist division of the High Court. One of its key features is its ability to deal with cases promptly. To achieve this, it has its own procedures designed to expedite the matters that appear in the list. These procedures are governed by [Order 63A of the Rules of the Superior Courts](#).

The Court deals with matters that are categorised as 'commercial proceedings' under Order 63A, r1. These include disputes affecting company law, insolvency law, intellectual property, construction, administrative law and constitutional law. To be admitted to the Court under O 63A r1(a), the claim or counterclaim in the action must be worth at least €1,000,000. There is no threshold in respect of cases admitted under rule 1(b), which give discretion to the Commercial Court judge.

#### The Drug Treatment Court

The Drug Treatment Court Programme (DTC) operates within the District Court. It offers drug addicts convicted of non-violent crimes, an opportunity to escape the cycle of drugs, crime and prison. Suitable candidates are assessed on the basis of their motivation to commit to the programme.

#### Other Tribunals

A number of tribunals deal with income tax appeals, social welfare entitlements, claims under the Equality legislation, immigration applications, town planning and employment matters. These tribunals are not presided over by judges but by qualified specialists and their decisions are subject to appeal or review by the Circuit or High Court.

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## Specialised courts - Greece

This section provides you with information on the organisation of specialised courts in Greece.

### Council of State

The Council of State (*Συμβούλιο της Επικρατείας*), provided for in Article 95 of the Greek Constitution, is the **supreme administrative court** and exercises its jurisdiction in **Plenary Session** (*Ολομέλεια*) or **Sections** (*τμήματα*). The Plenary Session is composed of the President, at least ten Councillors (*σύμβουλοι*), two Associate Councillors (*πάρεδροι*) and a Clerk (*γραμματέας*).

There are **six Sections**: I, II, III, IV, V and VI.

The first four Sections (I, II, III and IV) exercise the Council's judicial powers and meet in public. Sessions include the President of the Section (Vice-President of the Council), two **Councillors**, two Associate Councillors and a **Clerk** (five members).

Each Section may also meet in a seven-member formation, with the participation of two more Councillors. This may occur only in cases submitted to a seven-member Section by the President of the Court or referred by a five-member Section.

Section V is responsible for processing decrees and exercising disciplinary power. It is made up of a President (Vice-President of the Council), at least one Councillor, one Associate Councillor (with a casting vote) and a Clerk.

Section VI is responsible for the judicial review (annulment) of judgments relating to the Public Revenue Collection Code (*Κώδικας Είσπραξης Δημόσιων Εσόδων*) and to damages arising from administrative disputes. Its composition is equivalent to that of the first four Sections.

The main **duties** of the Council of State are set out in **Article 95(1) of the Constitution** and are performed as provided for by law.

The jurisdiction of the Council of State includes:

- annulment on request of enforceable acts by administrative authorities for abuse of power or breach of the law;
- review on request of final judgments by ordinary administrative courts, as defined by law;
- hearing substantial administrative disputes referred to it under the Constitution and by law;
- handling all decrees of a regulatory nature.

Authorities must comply with judgments for annulment by the Council of State. Any competent authority, as defined by law, may be held liable for failure to do so.

### Court of Audit

The Court of Audit (*Ελεγκτικό Συνέδριο*), provided for in Article 98 of the Greek Constitution, is a **high court** of a dual nature, with **judicial and administrative duties**. It preserves its judicial character when exercising administrative powers. The composition of the Court of Audit is equivalent to that of the Council of State. The Court of Audit exercises its judicial powers in **Plenary Session** (*Ολομέλεια*), **three Sections** (*τμήματα*) and **Units** (*κλιμάκια*).

Its **main powers** are:





**auditing expenditure** by state and local governments or other legal persons governed by public law;  
**auditing contracts** of major financial value with the State or an entity with equivalent status;  
**auditing accounts** of public accounting officers and local governments or other legal persons governed by public law;  
**providing opinions** on legislative proposals on pensions or recognition of service for pension entitlements;  
**drafting and submitting a report** to Parliament on the government's revenue and expenditure report (*απολογισμός*) and balance sheet (*ισολογισμός*);  
**hearing litigation** on the awarding of pensions;  
hearing cases on the **liability** of civilian or military civil servants for any damage caused deliberately or by negligence to the State.  
The rulings of the Court of Audit are not subject to the judicial authority of the Council of State.

#### Other specialised courts

##### Courts martial (*στρατοδικεία*), naval courts (*ναυτοδικεία*) and air force courts (*αεροδικεία*)

These are **special criminal courts**. All offences committed by military personnel in the army, navy or air force (without exception) are subject to the jurisdiction of the military courts.

##### The Supreme Special Court

The Supreme Special Court (*Ανώτατο Ειδικό Δικαστήριο*) is a  **specialised court**, similar to a Constitutional Court in that most disputes within its jurisdiction are constitutional. The Court is provided for in Article 100 of the  **Greek Constitution** and is responsible for judging the validity of parliamentary elections, removing  **Members of Parliament** from office or resolving conflicts between the three Greek high courts. Judgments of the Supreme Special Court are final and are not subject to  **appeal**.

The Court is composed of the President of the Council of State, the President of the Supreme Court (*Άρειος Πάγος*), the President of the Court of Audit, four Councillors of the Council of State and four Councillors of the Supreme Court (appointed by lot every other year).

The Court is presided over by the **eldest President of the Council of State or the Supreme Court**. When hearing cases involving the resolution of conflicts and disputes on constitutionality or the interpretation of legal provisions, the Court includes two regular professors of law from Greek universities.

##### Special Court for Mistrial Cases

The Special Court for Mistrial Cases (*Ειδικό Δικαστήριο Αγωγών Κακοδικίας*) is provided for in **Article 99 of the Constitution** and Law 693/1977 and hears mistrial cases against judicial officials. The Court is composed of the President of the Council of State, who acts as President, a Councillor of the Council of State, a Councillor of the Supreme Court, a Councillor of the Court of Audit, two regular law professors from Greek universities and two lawyers (members of the Supreme Disciplinary Board of lawyers, appointed by lot).

##### Special Court Judging the Liability of Ministers

The Special Court Judging the Liability of Ministers (*Ειδικό Δικαστήριο Ευθύνης Υπουργών*) is provided for in **Article 86 of the Constitution**.

It is brought together for each case and is composed of **six members of the Council of State** and **seven members of the Supreme Court**, selected by lot by the **Speaker of Parliament** after a lawsuit is lodged. **Hearings take the form** of a public session of Parliament and are led by the members of the two high courts in question, who must have been appointed or promoted to their rank before a proposal to start legal proceedings is submitted. The highest-ranking among the selected members of the Supreme Court presides; if more than one member holds the same rank, the eldest among them presides. **A member of the Public Prosecutor's Office of the Supreme Court** or a deputy, both selected by lot, acts as Public Prosecutor.

This Special Court is responsible for trying criminal offences by government ministers and deputy ministers acting in office, provided that the cases have been referred by Parliament.

##### Special Court for Disputes on the Remuneration of Judicial Officials

The Special Court for Disputes on the Remuneration of Judicial Officials (*Ειδικό Δικαστήριο Μισθολογικών Διαφορών Δικαστικών Λειτουργιών*) is provided for in **Article 88 of the Constitution**.

It is formed by the members of the Special Court provided for in **Article 99 of the Constitution**, with the participation of one additional regular professor and one additional lawyer.

The Court is responsible for hearing **disputes on (all types of) remuneration** and pensions of **judicial officials** if settlement of the legal issues is likely to influence the salary, pension or tax status of a larger number of officials.

##### Legal databases

The website of the  **Council of State** contains more than 250,000 decisions.

Access to the database is **free of charge**.

These are the websites of the major **Greek administrative courts of first instance** (*διοικητικά πρωτοδικεία*):

 [Athens Administrative Court of First Instance](#)

 [Thessaloniki Administrative Court of First Instance](#)

 [Piraeus Administrative Court of First Instance](#)

 [Patras Administrative Court of First Instance](#)

 [Heraklion Administrative Court of First Instance](#)

 [Larisa Administrative Court of First Instance](#)

 [Alexandroupoli Administrative Court of First Instance](#)

 [Serres Administrative Court of First Instance](#)

 [Komotini Administrative Court of First Instance](#)

 [Kavala Administrative Court of First Instance](#)

 [Xanthi Administrative Court of First Instance](#)

 [Ioannina Administrative Court of First Instance](#)

The following services are available on the website of the  **Athens Administrative Court of First Instance**:

search for case law;

case law bulletins.

The following services are under construction:

issuing certificates;

monitoring cases;

filing legal documents.

The following services are available on the websites of all other courts:

electronic request for certificates;

monitoring cases.

Most of the above sites also contain information on court jurisdiction, history, rules of procedure, organisational charts, judges in service, etc.

Access is generally free of charge. However, use of the legal database is restricted to judges and requires special user software and identification codes.

These are the websites of the major **Greek administrative courts of appeal** (διοικητικά εφετεία):

[Athens Administrative Court of Appeal](#)

[Thessaloniki Administrative Court of Appeal](#)

The following services are available:

daily hearing schedules;

electronic request for certificates;

monitoring cases.

Access is generally free of charge. However, use of the legal database is restricted to judges and requires special user software and identification codes.

#### Related links

[Council of State](#)

[Court of Audit](#)

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Juhime tähelepanu sellele, et käesoleva lehekülje [es](#) originaalkeelset

versiooni on hiljuti muudetud. Valitud keeleversiooni meie töötajad parajasti

tõlgivad.

#### Specialised courts - Spain

Article 117 of the Spanish Constitution of 1978 establishes the principle of jurisdictional unity based on the organisation and operation of the Courts.

Under the Spanish legal system, ordinary jurisdiction is divided into five areas of law: civil, criminal, administrative, social and military.

In Spain no system of extraordinary courts exists; however, we can highlight that, from amongst the jurisdictional systems mentioned, special courts have been created based on subject-matter. For example, courts dealing with violence against women, courts with special duties in the matter of criminal sentencing and juvenile courts. These courts fall within ordinary jurisdiction but have a specialisation based on subject-matter.

#### Specialised courts

**The Ley orgánica del Poder Judicial (Organic Law on the Judiciary) provides for the existence of the following specialised courts:**

##### COMMERCIAL COURTS

The Commercial Courts, which have been in operation since 1 September 2004, are specialised legal bodies. They form part of the civil legal system.

##### TERRITORIAL SCOPE

Generally speaking, in each province, with jurisdiction throughout the province and its base in the provincial capital, there will be one or more commercial courts.

They may also be set up in towns other than the provincial capital where the needs of the people, the existence of industrial or commercial centres and economic activity so require, with the extent of their jurisdiction being established in each case.

Commercial courts may be established which extend their jurisdiction to two or more provinces within the same autonomous community.

##### AREAS OF JURISDICTION

Commercial courts hear cases arising in connection with **insolvency issues**, in the conditions specified in their governing law.

**Commercial courts also hear matters which fall within the area of jurisdiction of the civil jurisdictional system, with regard, inter alia,** to claims in which rights of action are exercised relating to unfair competition, industrial property, intellectual property and advertising, as well as all those matters which, within this jurisdictional system, promote the scope of the regulatory rules of commercial companies and cooperatives.

The commercial courts have jurisdiction to **recognise and enforce foreign sentences and other legal and arbitration rulings**, where these relate to matters within their area of jurisdiction, unless they should be heard by another court in accordance with international treaties and other rules.

##### APPEALS

The Provincial Courts hear the appeals which the law establishes against rulings handed down at first instance by the commercial courts, with the exception of those issued in insolvency cases which resolve matters relating to employment, for which one or more of its Sections need to be specialised, in accordance with the provisions of Article 98 of the Ley Orgánica del Poder Judicial ('LOPJ') (Organic Law on the Judiciary).

Other appeals may be lodged as established by the LOPJ in those cases set out therein.

##### COMMUNITY TRADEMARK COURTS

The Juzgados de Marca Comunitaria (Community Trade mark Courts) are the Commercial Courts for the area of Alicante insofar as they exercise their jurisdiction to hear exclusively and at first instance all those cases which are brought within the provisions of Council Regulation No 40/94 of 20 December 1993 on the Community trade mark, and Council Regulation No 6/2002 of 12 December 2001 on Community Designs.

In exercising this jurisdiction, the said courts extend their jurisdiction to the whole of the national territory.

They are part of the civil jurisdictional system.

Furthermore, the specialist Section or Sections of the Alicante Higher National Court also hears, exclusively and at second instance, all those appeals referred to in Article 101 of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark, and Council Regulation (EC) No 6/2002 of 12 December 2001 on Community Designs. In exercising this jurisdiction, they extend their jurisdiction to the whole of the national territory and for these purposes only are called Community Trade mark Courts.

##### COURTS WITH SPECIAL DUTIES IN THE MATTER OF CRIMINAL SENTENCING:

Juzgados de Vigilancia Penitenciaria (courts with special duties in the matter of criminal sentencing) have the jurisdictional roles set out in the Ley General Penitenciaria (general law on criminal sentencing) in the matter of enforcing custodial sentences and security measures, jurisdictional control over the disciplinary power of the criminal sentencing authorities, covering the rights and benefits of the inmates of prisons and other matters as specified by the law. They are part of the criminal jurisdictional system.

##### TERRITORIAL LIMITS

In each province, and within the criminal jurisdictional system, there are one or more courts with special duties in the matter of criminal sentencing.



In the city of Madrid, with jurisdiction for the whole of Spain, there are one or more Juzgados Centrales de Vigilancia Penitenciaria (central courts with special duties in the matter of criminal sentencing).

#### **AREAS OF JURISDICTION**

The courts with special duties in the matter of criminal sentencing have the jurisdictional roles set out in the general law on criminal sentencing in the matter of enforcing custodial sentences and security measures, jurisdictional control over the disciplinary power of the sentencing authorities, covering the rights and benefits of the inmates of prisons and other matters as specified by the law.

#### **APPEALS**

The Provincial Courts hear the appeals established by the law against decisions handed down by the provincial courts with special duties in the matter of criminal sentencing.

The other appeals provided for in the LOPJ can be brought in those cases established in the LOPJ.

#### **JUZGADOS DE MENORES (JUVENILE COURTS)**

##### **TERRITORIAL LIMITS**

In each province, with jurisdiction throughout the province and its base in the provincial capital, there are one or more Juvenile Courts.

In the city of Madrid, with jurisdiction for the whole of Spain, there is a Juzgado Central de Menores (Central Juvenile Court), which hears those cases attributed to it by the legislation governing the criminal liability of minors.

##### **AREAS OF JURISDICTION**

Juvenile Courts have jurisdiction to hear crimes and petty offences committed by persons aged between 14 and 18.

Judges in Juvenile Courts have to carry out the roles set out in the laws relating to minors who have committed actions classified by law as a crime or petty offence and such other actions as, in relation to minors, are attributed to them by law.

##### **APPEALS**

The Provincial Courts hear the appeals established by the Law against decisions handed down by the provincial Juvenile Courts.

The other appeals provided for in the LOPJ can be brought in those cases established in the LOPJ.

#### **COURTS DEALING WITH VIOLENCE AGAINST WOMEN**

##### **TERRITORIAL LIMITS**

In each district there are one or more Juzgados de Violencia sobre la Mujer (Courts dealing with Violence against Women), based in the capital of the district and with jurisdiction throughout the territory. They take their name from the name of the municipality where they are based.

In legal districts where there is only a Juzgado de Primera Instancia e Instrucción (Court of First Instance and Preliminary Investigation), it will be this court which hears matters falling to the jurisdiction of the courts dealing with violence against women.

They are part of the criminal jurisdictional system.

##### **AREAS OF JURISDICTION**

Courts dealing with violence against women hear, under the criminal system, in accordance in each case with the procedures and appeals provided for in the Ley de Enjuiciamiento Criminal (Code of Criminal Procedure), the following matters, inter alia:

Investigation of criminal liability claims arising out of offences contained in the titles of the Criminal Code relating to homicide, abortion, injury, injury to a foetus, deprivation of freedom, offences against moral integrity, sexual offences or any other offence committed with violence or intimidation, where they have been committed against someone who is or has been their wife, or a woman who is or has been linked to the offender by a comparable emotional relationship, even without living together, as well as those committed to the descendants, of the offender or of the wife or cohabiting partner, or to minors or the disabled living with the offender or subject to the de facto power, protection, guardianship, care or safekeeping of the wife or cohabiting partner, including where an act of gender-based violence has occurred.

Investigation of criminal liability claims arising out of any offence against the rights and duties of the family, when the victim is any of the persons stated as such in the preceding paragraph.

Issuing the relevant protection orders to the victims, without prejudice to the areas of jurisdiction attributed to the Duty Court.

Courts dealing with violence against women may hear under the civil system, in accordance in each case with the procedures and appeals provided for in the Code of Criminal Procedure, the following matters, inter alia:

Parentage, maternity and paternity.

Annulment of marriage, separation and divorce.

Those relating to father/child relationships.

Those relating to the need for approvals of adoptions.

Courts dealing with violence against women have exclusive and exclusionary jurisdiction under the civil system when the following conditions occur at the same time:

In the case of a civil process relating to any of the subjects specified in the previous paragraph.

Where any of the parties in the civil proceedings is the victim of acts of gender-based violence.

Where any of the parties in the civil proceedings is charged with being the perpetrator, instigator or accomplice necessary for carrying out acts of gender-based violence.

Where criminal actions have been brought before the courts dealing with violence against women in respect of crimes or petty offences resulting from an act of violence against women, or a protection order has been issued in respect of a victim of genderbased violence.

When the Judge holds that the actions made known to him, in public, do not constitute an expression of gender-based violence, he may reject the claim, referring it to the relevant legal body.

In these cases mediation is not permitted.

##### **APPEALS**

The Provincial Courts hear the appeals provided for by Law against rulings handed down by provincial courts dealing with violence against women.

Other appeals may be lodged as provided for by the LOPJ in those cases set out therein.

#### **SPECIALIST BODIES BY AGREEMENT OF THE GENERAL COUNCIL OF THE JUDICIARY**

In Spain, without any effect on the principle of jurisdictional unity by being part of the five jurisdictional systems, specialist courts can be set up not only by being specifically created by the Organic Law on the Judiciary, as is the case with the Commercial Courts, Juvenile Courts or Courts dealing with violence against women, but can also be the result of the specialisation made by the General Council of the Judiciary pursuant to Article 98 thereof, as is the case with Juzgados de Familia (family courts), Juzgados de Ejecución Hipotecaria (mortgage enforcement courts) or Juzgados de Ejecutorias (enforcement courts).

## Other special courts

Article 117 of the Spanish Constitution of 1978 establishes the principle of jurisdictional unity that is the basis for the organisation and operation of the Courts. This principle is reflected in the existence of a single jurisdiction, made up of a single body of judges and magistrates who comprise the ordinary courts. Nevertheless, the Constitution itself provides for the existence of a series of special Courts. These are bodies which enjoy full independence and impartiality and are fully subject to the rule of law.

These Courts are:

### THE CONSTITUTIONAL COURT

The Spanish Constitutional Court is set out as a body located outside of the ordinary Judiciary, but endowed with jurisdictional characteristics (Article 159 of the Spanish Constitution of 1978).

It is the supreme interpreter of the Constitution, independent, unique in its system and its jurisdiction extends to the whole of the national territory.

### COMPOSITION

It comprises twelve magistrates appointed by the King, four of whom are proposed by the Congress, by a three-fifths majority of its members; four are proposed by the Senate, with the same majority; two are proposed by the Government and two by the General Council of the Judiciary, and they elect a president and a vice-president from among their ranks.

### AREAS OF JURISDICTION

The Constitutional Court hears cases in the manner and as determined by the law, including:

Appeals on matters of unconstitutionality against laws, regulatory provisions or acts with the force of law.

Appeals relating to violation of civil rights and liberties as listed in Article 53.2 of the Constitution.

Constitutional disputes about competition between the State and the Autonomous Communities or disputes between the Autonomous Communities themselves.

Disputes between the constitutional bodies of the State.

Declarations on the constitutionality of International Treaties.

For more information: [The Constitutional Court](#)

### COURT OF AUDIT

The Tribunal de Cuentas (Court of Audit) is the supreme fiscal body for the accounts and economic management of the State and the Public Sector.

Without prejudice to its own jurisdiction, the Court of Audit lies within the sphere of legislative power and comes directly under the Cortes Generales.

### COMPOSITION

It comprises twelve members, Consejeros de Cuentas (auditors), six of whom are appointed by the Congress of Deputies and six by the Senate, and they enjoy the principles of independence, fixity of tenure and incompatibilities, in the same way as judges.

### FUNCTIONS

Two functions are assigned to the Court of Audit:

The fiscal function, characterised by being external, permanent and consumptive, consists of checking whether the economic-financial activity of the public sector meets the criteria of legality, efficiency and economy.

The jurisdictional function is nothing other than the process of fiscal liability assumed by those who are in charge of the handling of public property, wealth or effects, and is intended to compensate public funds damaged by embezzlement, incorrect, incomplete or non-justification, or by other causes or actions.

For more information: [Audit Court](#).

### COURTS OF CUSTOMARY LAW

Article 125 of the Constitution recognises these as one of the means of public participation in the Administration of Justice.

Article 19 of the Organic Law on the Judiciary recognises as Courts of customary law the Tribunal de las Aguas de la Vega Valencia (court governing water in the lowland area of Valencia) and the Consejo de Hombres Buenos de Murcia (council of the good men of Murcia).

### TRIBUNAL DE LAS AGUAS DE LA VEGA VALENCIA

Acts within the territorial limits of Valencia.

It consists of eight syndicates of farm workers elected democratically by the managers of the Huerta Valenciana (a fertile region of Valencia) and its areas of jurisdiction are the equitable distribution of water between the various owners of the agricultural lands, the resolution of factual matters arising between the managers themselves and the imposition of the relevant sanctions for breaches of the Irrigation Regulations.

### CONSEJO DE HOMBRES BUENOS DE MURCIA

The Consejo de Hombres Buenos de Murcia has been institutionalised and regulated since 1849 as the supreme body for Justice in the fertile area of Murcia. The council consists of a President, a Secretary and five Members.

The Consejo de Hombres Buenos de Murcia holds its hearings publicly every Thursday at the meeting hall at the Town Hall and resolves each case at that day's session or by no later than the following hearing. Rulings are issued in full and on a majority vote basis, although in the event of a tie the president has the casting vote. The sanctions resulting from justice in the Consejo de Hombres Buenos de Murcia are exclusively monetary in nature. Decisions issued by this court are final, fixed and enforceable.

For more information: [Consejo de Hombres Buenos](#).

### Related Links

[GENERAL COUNCIL OF THE JUDICIARY IN SPAIN](#)

[SPANISH CONSTITUTIONAL COURT](#)

[SPANISH AUDIT COURT](#)

[COURTS OF CUSTOMARY LAW](#)

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### Specialised courts - France

In this section you will find an overview of the constitutional and administrative courts in France.

## The Constitutional Council

The **Constitutional Council** (*Conseil constitutionnel*) established by the **Constitution of the Fifth Republic** on 4 October 1958 is not at the top of any hierarchy of ordinary or administrative courts. It is not, therefore, a **Supreme Court**.

It has **nine members**, one third of whom are replaced every three years. The members are appointed for a **non-renewable nine-year term**, three of them by the President of the Republic and three each by the Presidents of each of the Houses of Parliament (Senate and National Assembly). **Former Presidents of the Republic** sit ex officio as lifelong members of the Constitutional Council, unless they are performing functions that are incompatible with the mandate of a member of the Council, in which case they may not take part.

**The President of the Constitutional Council** is appointed by the President of the Republic from among its members.

There is **no age or professional** requirement to become a member of the Constitutional Council. The role of member is nevertheless **incompatible** with that of being a member of the Government or the Economic and Social Council, or with any elected office. The members are also subject to the same rules on professional incompatibility as members of the National Assembly and the Senate.

The Constitutional Council is a **standing body**, although it meets more or less frequently depending on the pace of the business coming before it. It has no divisions, and sits and gives its rulings only in sittings of the whole Council. Deliberations are subject to a **quorum** under which **seven judges** have to be present. In the event of a tie, the President has the casting vote. No dissenting opinions are published. The oral arguments at meetings and hearing and the voting are not **open to the public, nor are they published**.

The **procedure is written and follows the adversarial principle**. However, the parties may make oral submissions in electoral disputes. Moreover, parties or their representatives may also make oral submissions at a hearing when preliminary questions of constitutionality are being discussed.

The **jurisdiction** of the Constitutional Council can be divided into two categories:

### Jurisdiction in two types of dispute:

#### Disputes over legislation

The Council gives **rulings on constitutionality** ex ante (*contrôle de constitutionnalité préventif*), divorced from consideration of actual cases. The process is optional for ordinary legislation and international undertakings, but compulsory for institutional laws (*lois organiques*) and for the rules of procedure of both houses of Parliament. Applications are brought after Parliament has voted, but before the law is enacted or ratified, the international undertaking is approved, or the rules of procedure have come into force. For optional matters, an application may be made either by a political authority (President of the Republic, Prime Minister, President of the National Assembly or Senate), or by 60 deputies or 60 senators.

Exceptional **constitutional reviews** were introduced on 1 March 2010, with the entry into force of the 'preliminary question of constitutionality' (*question prioritaire de constitutionnalité*). Since that date, any plaintiff or defendant, in the course of court proceedings, can challenge a legislative provision on the grounds that it is incompatible with the rights and freedoms guaranteed by the Constitution. The matter may be referred to the Constitutional Council only if the reference is approved by the Council of State or by the Court of Cassation; which must give its opinion within three months.

The council rules on **the division of powers** between legislative statute and executive regulation; it may have a matter referred to it either in the course of the legislative process by the President of the House dealing with the particular measure (National Assembly or Senate) or by the Government, or, after completion of the process, by the Prime Minister, who may seek to downgrade a measure that is legislative in form.

#### Disputes over elections or referendums

The Constitutional Council rules on the **legality of the election of the President of the Republic** and of **referendums**, and declares the results. It also decides on the legality of the election of members of both Houses of Parliament, and of the rules governing eligibility and disqualification.

Applications to the Council on electoral matters can generally be brought by any voter, and have increased in number considerably since the passing of legislation organising and controlling electoral expenses, where the Council is the appeal court for candidates in parliamentary and presidential elections.

#### Consultative role

The Constitutional Council gives an opinion if it is officially consulted by the Head of State on the implementation of **Article 16 of the Constitution** (concerning **full powers in times of crisis**) and subsequently on the decisions taken within this framework.

Moreover, the Government consults the Council on **texts relating to the organisation of the election of the President of the Republic** and **referendums**.

All decisions are set out in the same form, comprising:

citations of applicable texts and procedural steps,

the grounds, which analyse the arguments relied upon, set out the applicable principles, and respond to the application,

an operative part divided into clauses stating the decision that is adopted.

The decisions are binding on government institutions and all administrative and judicial authorities. They are not open to **any appeal**. **The authority of res judicata** applies not only to the operative part of the decision but also to the grounds that form its necessary foundation. However, the Constitutional Court accepts applications to correct a material error.

A provision that has been declared unconstitutional by an ex ante ruling cannot be adopted or applied.

A provision that has been declared unconstitutional on a preliminary question of constitutionality is repealed with the publication of the Constitutional Council's decision or from a subsequent date set in that decision. The Council lays down the conditions and limits within which the effects already produced by the provision can be challenged.

The effect of decisions in electoral disputes varies from cancelling voting papers to cancelling the elections themselves, and may include a declaration that a candidate is ineligible and/or that an elected official must resign from office.

The decisions are **served** on the parties and **published** in the **official gazette** (*Journal officiel de la République française*); in the case of an ex ante ruling, any application from Parliament and observations from the Government are also published.

All the decisions since the Council's creation are available on the  [website of the Constitutional Council](#).

## Administrative courts

### Functions of the administrative courts

Acts of public administration are subject to review by **administrative courts which are independent of the administration itself** (separation of administrative and judicial functions) and distinct from the ordinary courts (separation of jurisdiction, *dualisme judiciaire*). Reviews may also be carried out by administrative bodies, but the decisions of these bodies are then subject to judicial review.

**The lower administrative courts** (*tribunaux administratifs*) are the **general courts of administrative law at first instance**. But **specialised administrative courts** are numerous and varied, and they include:

the **financial courts** (regional auditors' office (*chambre régionale des comptes*) and Court of Auditors (*Cour des comptes*)),

the **social welfare courts** (commissions in the *départements* and central commission for social welfare),

the **professional disciplinary courts** (Court of Budgetary and Financial Discipline, Supreme Council of the Judiciary, professional disciplinary bodies, university tribunals, etc.).

As a general rule, their decisions may be appealed before the **Administrative Courts of Appeal** (*cours administratifs d'appel*), whose decisions may in turn be reviewed on a point of law before the **Council of State** (*Conseil d'État*). In this role the Council of State only reviews the correct application of the rules of procedure and law by the court decisions contested before it, in the same way as the Court of Cassation does, but the Council of State is also the court of first and final resort for certain disputes, such as those relating to regulatory measures taken by ministers.

**Conflicts of jurisdiction** between the two systems of courts are settled by the Conflicts Court (*Tribunal des conflits*), made up of members of the Court of Cassation and the Council of State. The Constitutional Council oversees the compliance of statutes with the Constitution, and does not review measures or actions taken by public administration.

#### Internal structure of the administrative courts

The **administrative courts** (of which there are 42) and the **administrative courts of appeal** (of which there are eight) are subdivided into divisions. The numbers and areas of specialisation vary depending on the members of the court and the choices of internal structure made by the head of the court. The Council of State has only one division with a judicial function, the Disputes Division (*Section du contentieux*); the other divisions, known as administrative divisions, look after the Council of State's consultative role.

The **Disputes Division** is composed of 10 subdivisions specialising in different types of dispute. A judgment on areas of general administrative law is delivered by two of these subdivisions together (nine members). If the case is more complex or more sensitive, it may be heard by the Disputes Division (here comprising the presidents of the subdivisions, the President of the Disputes Division, and the deputy presidents; 17 members) or by a Disputes Assembly (*Assemblée du contentieux*) (comprising presidents of the divisions of the Council of State, and presided over by the Vice-President of the Council of State; 13 members).

#### Status of the members of the administrative courts

Traditionally the members of the administrative courts are not described as 'judges' (*magistrats*) within the meaning given by the French Constitution, as this term is reserved for members of the ordinary courts. The members of the administrative courts have been governed by the general rules governing civil servants. For a long time the legislation applying to members of the administrative courts did not include any special rules different from those which apply to other types of civil servant. However, over the course of the 1980s, the **terms and conditions of appointment of members of the administrative courts have evolved to strengthen their independence**, so that the general tendency today is to treat them as judges. This how some legal texts refer to them, and all the rules governing promotion and seniority ensure that de facto they enjoy complete independence.

While the judges of the ordinary courts form a single structure, the administrative judges belong to two different structures (*corps*), one for the members of the Council of State and one for the members of the lower administrative courts and the administrative courts of appeal.

The rules governing these two structures were for a long time laid down in separate bodies of legislation, but the members of the Council of State and the members of the lower administrative courts and the administrative courts of appeal are now subject to the same provisions of the Code of Administrative Justice (*Code de justice administrative*).

#### Legal databases in these areas

Legal databases in France are available on the internet as part of a public service. Thus the website [Légifrance](#) comprises:

the decisions of the Council of State, the Conflicts Court, the administrative courts of appeal and a selection of the decisions of the administrative courts of first instance, on its 'JADE' database;

the decisions of the Constitutional Council, on its 'CONSTIT' database.

#### Is access to the database free of charge?

Yes, access to the database is **free**.

#### Brief description of the content

The JADE database has a stock of 230 000 decisions, with 12 000 added annually, while the CONSTIT database has a stock of 3 500 decisions, with 150 added annually.

#### Related Links

[Jurisdiction of the courts - France](#)

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#### Specialised courts - Croatia

The **specialised courts** are misdemeanour courts, commercial courts and administrative courts as courts of first instance, and the High Misdemeanour Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the High Administrative Court of the Croatia as appellate courts.

#### Different areas of the administration of justice:

Misdemeanour courts - 61 misdemeanour courts were established under the Courts (Areas and Seats) Act. Misdemeanour courts adjudicate in the first instance on offences related to road safety, the economy and public order.

*The Act is still in force, but will be repealed on 1 July 2015, when the provisions of the [Courts \(Areas and Seats\) Act \(OG 128/14\)](#) enter into force.*

Commercial courts - there are seven commercial courts in the Republic of Croatia (Zagreb, Split, Rijeka, Osijek, Bjelovar, Varazdin, Zadar) which adjudicate in disputes between companies, rule on motions to establish or close companies, maintain court registers of companies, conduct procedures related to the recognition of foreign court rulings and arbitral awards in respect of commercial disputes, conduct insolvency proceedings and provide international legal assistance in the taking of evidence in commercial matters and other activities.

Administrative courts - there are four administrative courts in the Republic of Croatia, in Zagreb, Split, Rijeka and Osijek. These courts rule on actions against individual decisions of bodies governed by public law, actions taken against the conduct of bodies governed by public law, actions for failure to adopt individual decisions and actions taken against administrative agreements and the execution of administrative agreements.

The High Misdemeanour Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the High Administrative Court of the Republic of Croatia as courts of second instance rule on appeals against decisions of the misdemeanour, commercial and administrative courts in Croatia and have their seats in Zagreb.

#### **Misdemeanour courts**

rule in the first instance on minor offences, except where the law provides for misdemeanour proceedings to be conducted by another body, provide international legal assistance in proceedings within their jurisdiction and other activities specified by law.

[Misdemeanour courts](#) (274 Kb) 

#### **Commercial courts**

In addition to the jurisdiction provided for by other laws, commercial courts:

act in matters of registration and maintain court registers,

decide on entries in the Register of Ships and Yachts in those matters delegated under the Maritime Code to the jurisdiction of the commercial courts, on the limitation of liability of the ship owners and complaints against the final basis for liquidation of the general average, unless otherwise specified by law for a particular type of case,

decide on applications in connection with the establishment, operation and closure of a company,

decide in non-contentious matters prescribed by the Companies Act,

conduct procedures for the recognition of foreign court rulings, as well as arbitral awards in commercial disputes,

secure evidence for proceedings over which they have jurisdiction,


impose protective measures in proceedings and in relation to proceedings over which they have jurisdiction,

decide on bankruptcy petitions and conduct bankruptcy proceedings,

provide international legal assistance in the taking of evidence in commercial matters,

perform other duties laid down by law.

[Commercial courts](#) (192 Kb) 

*Please note that a new network of municipal and commercial courts, consisting of 24 municipal courts and eight commercial courts will be put in place on 1 April 2015. On 1 July 2015 a new network of 22 misdemeanour courts will be put in place. These are governed by the  [Courts \(Areas and Seats\) Act \(OG 128/14\)](#)*

*The information given here is currently up-to-date and accurate, but will be changed after 1 April 2015 and 1 July 2015.*

#### **Administrative courts**

rule on actions against individual decisions of bodies governed by public law,

rule on actions against the actions of bodies governed by public law,

rule on actions for failure to adopt individual decisions and or failure on the part of a body governed by public law to act within a statutory deadline,

rule on actions taken against administrative agreements and the execution of administrative agreements,

rule in other cases prescribed by law.

[Administrative courts](#) (180 Kb) 

#### **The High Misdemeanour Court**

rules on appeals against decisions of the misdemeanour courts and state administration bodies adjudicating in first instance misdemeanour proceedings and appeals against the decisions of other authorities where prescribed by a specific law,

resolves conflicts of jurisdiction between misdemeanour courts,

rules on extraordinary legal remedies against final and binding decisions concerning an offence where prescribed by a specific law,

performs other duties laid down by law.

High Misdemeanour Court of the Republic of Croatia

Ulica Augusta Šenoje 30

10 000 Zagreb

Tel: +385 1 480 75 10

Fax: +385 1 461 12 91

e-mail:  [predsjednik@vpsrh.pravosudje.hr](mailto:predsjednik@vpsrh.pravosudje.hr)

 <http://sudovi.pravosudje.hr/VPSRH/>

#### **The High Commercial Court of the Republic of Croatia**

rules on appeals against decisions made in the first instance by the commercial courts,

resolves conflicts of territorial jurisdiction between commercial courts and rules on the transfer of jurisdiction between the commercial courts,

performs other duties laid down by law.

High Commercial Court of the Republic of Croatia

Berislavićeva 11

10 000 Zagreb

Tel: +385 1 489 68 88

Fax: +385 1 487 23 29

 <http://www.vtsrh.hr/>

#### **The High Administrative Court of the Republic of Croatia**

rules on appeals against judgments of the administrative courts and appealable decisions,

rules on the legality of general acts,

rules on conflicts of jurisdiction between administrative courts,

rules in other cases prescribed by law.

High Administrative Court of the Republic of Croatia

Frankopanska 16

10 000 Zagreb

Tel: +385 1 480 78 00

Fax: +385 1 480 79 28

 <http://www.upravnisudrh.hr/>



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## Specialised courts - Italy

This section provides you with information on the organisation of specialised courts in Italy.

### Specialised courts – introduction

Italian justice is administered in the name of the Italian people and, under the Italian Constitution, the courts are subject only to the law. Under Article 102 of the Constitution, judicial power is exercised by ordinary courts established and governed by the rules on the judicial system: this means that no extraordinary or special courts may be established (other than those expressly provided for). Only specialised chambers of ordinary courts may be set up, also with the participation of qualified citizens who are not members of the judiciary. However, the Constitution itself provides for courts that are not part of the judicial system (the ordinary courts).

### Specialised courts

With regard to matters of civil law (in the broadest sense of the term), Italian courts are divided into 'ordinary' and 'administrative' courts. The **administrative** courts have jurisdiction to protect legitimate interests and – in specific areas laid down by law – individual rights against government departments: the administrative courts are the Regional Administrative Court (*Tribunale Amministrativo Regionale* – TAR), which is the court of first instance, and the Council of State (*Consiglio di Stato*), which is the appeal court. The ordinary courts have jurisdiction in cases involving 'individual rights'; the administrative courts have jurisdiction in cases involving 'legitimate interests'. The Code of Administrative Justice (*codice di giustizia amministrativa*) – which also lists the types of jurisdiction – is contained in Legislative Decree No 104/2010 (*decreto legislativo n. 104 del 2010*). The  **Code of Administrative Justice** (CGA) is available free of charge in French, English and German.

Another judicial entity is the **Court of Auditors** (*Corte dei conti*). This has jurisdiction over matters concerning the public accounting and other matters specified by law. The Code of Accounting Justice (*codice di giustizia contabile*) is contained in Legislative Decree No 174/2016 (*decreto legislativo n. 174 del 2016*).


Italy also has **tax courts**, and their rules of procedure are laid down in Legislative Decree No 546/1992 (*decreto legislativo n. 546 del 1992*). Tax jurisdiction is exercised by the Provincial Tax Courts (*Commissioni Tributarie Provinciali* – CTP), which are the courts of first instance, and by the Regional Tax Courts (*Commissioni Tributarie Regionali* – CTR), which are the appeal courts. The tax courts have jurisdiction to hear all disputes relating to taxes of every description and going by any name, including regional, provincial and municipal taxes and contributions paid to the Italian National Health Service (*Servizio sanitario nazionale*), surtaxes and additional taxes, the associated sanctions, and interest fees and any other ancillary fees.

Judgments handed down by specialised courts are open to appeal before the Supreme Court of Cassation (*Corte Suprema di Cassazione*) on a point of law (Article 111 of the Constitution).

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## Specialised courts - Cyprus

The following specialised courts operate in the Republic of Cyprus (Κυπριακή Δημοκρατία):

Family Court (Οικογενειακά Δικαστήρια)

Industrial Disputes Tribunal (Δικαστήριο Εργατικών Διαφορών)

Rent Control Tribunal (Δικαστήριο Ελέγχου Ενοικιάσεων) and Military Court (Στρατιωτικό Δικαστήριο).

### Specialised courts

#### Family Court

The Family Court has exclusive jurisdiction to hear petitions for divorce, custody of children, maintenance and property disputes between spouses who are members of the Greek Orthodox Church.

If the parties belong to one of the other religious groups in Cyprus, i.e. Armenians, Maronites or Roman Catholics, jurisdiction for the above matters is vested in the Family Court for Religious Groups.

There are 3 Family Courts, one for Nicosia and Kyrenia, one for Limassol and Paphos and one for Larnaca and Famagusta. There is also 1 Family Court for Religious Groups for the whole of Cyprus, based in Nicosia.

Cases before the Family Court are heard by a single judge, except divorce petitions, which are heard by a panel of three judges.

#### Industrial Disputes Tribunal

The Industrial Disputes Tribunal has exclusive jurisdiction to hear all industrial disputes arising from the termination of employment, such as payment of compensation for unfair dismissal (except where the amount claimed exceeds the equivalent of two years' salary, in which case jurisdiction is vested in the District Court), payment in lieu of notice, redundancy payments and claims arising out of the contract of employment, such as accrued wages, annual holiday, 13th month's salary or bonuses. It also has jurisdiction to hear any civil claim based on the Protection of Motherhood Law (Ο περί Προστασίας της Μητρότητας Νόμος), cases of unequal treatment and sexual harassment in the workplace and disputes between Provident Funds (Ταμεία Πρόνοιας) and their members.

The Industrial Disputes Tribunal is composed of a President or a Judge, who is a member of the Judicial Service of the Republic (Δικαστική Υπηρεσία της Δημοκρατίας), and two lay members appointed on the recommendation of the employers' and employees' unions. The lay members have a purely consultative role.

There are currently 3 Industrial Disputes Tribunals in the Republic, based in Nicosia, Limassol and Larnaca.

#### **Rent Control Tribunal**

The Rent Control Tribunal has jurisdiction to hear matters regarding recovery of possession of rented property, the determination of fair rents and any other incidental or additional matters.

Each Rent Control Tribunal (of which there are currently three) is composed of a President, who is a member of the judiciary, and two lay members nominated by the tenants' and landlords' associations. The lay members have a purely consultative role.

#### **Military Court**

The Military Court has jurisdiction to try offences committed by military personnel in contravention of the Military Criminal Code (Στρατιωτικός Ποινικός Κώδικας), the National Guard Law (Ο περί Εθνικής Φρουράς Νόμος), the Criminal Code (Ποινικός Κώδικας) or any other law, irrespective of the sentence provided. Private individuals are also brought before the Military Court where provided for under the Military Criminal Code or any other law.

If the accused has the rank of colonel or above, the Military Court is constituted in the same way as the Assize Court.

The President of the Court is a judge belonging to the Judicial Service of the Republic. Two army officers appointed by the Supreme Council of Judicature (Ανώτατο Δικαστικό Συμβούλιο) are also members of the Court, but they have a purely consultative role.

#### **Administrative courts**

Petitions for annulment of administrative acts are heard at first instance by one judge of the Supreme Court and at appeal by a panel of 5 judges.

#### **Legal databases**

There is still no official legal database. There are a number of private legal databases, some of which provide subscriber services and some of which provide free access.

They contain information on court judgments and primary legislation.

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#### **Specialised courts - Latvia**

This section provides you with an overview of specialised courts in Latvia.

##### **Specialised courts**

##### **Constitutional Court of the Republic of Latvia**

Pursuant to the [Constitution of the Republic of Latvia](#), Latvia has a **Constitutional Court**, which is an independent judicial institution that examines whether in cases within its remit the law is in conformity with the Constitution, and also considers other cases assigned to it by the law. The Constitutional Court may declare laws and other legal acts or parts thereof null and void.

Pursuant to Article 16 of the [Law on the Constitutional Court](#), the Constitutional Court considers cases concerning:

the constitutionality of laws;

the constitutionality of international agreements signed or concluded by Latvia (until such time as those agreements are approved by the *Saeima* (Parliament));

the conformity of laws and regulations or parts thereof with higher-ranking rules of law;

the conformity with law of other acts of the Parliament, Cabinet, President, Speaker of Parliament or Prime Minister (other than administrative acts);

the conformity with law of orders by which a Minister empowered by the Cabinet has suspended the decisions of a local council;

the conformity of provisions of Latvian national law with international agreements concluded by Latvia that are not incompatible with the Constitution.

The Constitutional Court comprises seven judges who are approved by a majority of the of Members of Parliament (at least 51 votes). Three of the judges are approved at the proposal of at least ten Members of Parliament, two are approved at the proposal of the Cabinet, and a further two at the proposal of a sitting of the whole Supreme Court. The candidates put forward by the Supreme Court must be selected from among Latvia's judges.

The Constitutional Court may not institute proceedings at its own initiative; it considers cases only on receipt of an application from persons so authorised by law. Under the legislation currently in force, an application initiating proceedings in the Constitutional Court may be submitted by:

the President of Latvia;

the *Saeima*;

at least twenty Members of Parliament;

the Cabinet;

the Prosecutor-General;

the Council of the State Audit Office;

a local council;

the Ombudsman, if the institution or official that issued the contested act has not rectified the shortcomings identified within the deadline set by the Ombudsman;

a court examining a civil, criminal or administrative case;

a judge at a land registry office when registering immovable property and related rights in the land register;

any natural or legal person, if their fundamental rights under the Constitution have been prejudiced;

the Judicial Council (*Tieslietu padome*), within its legally prescribed remit.

Cases concerning the constitutionality of laws, Cabinet regulations and other Cabinet acts, the conformity of provisions of Latvian national legislation with international agreements concluded by Latvia which are not incompatible with the Constitution, and the constitutionality of international agreements signed or concluded by Latvia (until such time as those agreements are approved by the *Saeima*) and laws or regulations or parts thereof are considered by the Constitutional Court in full session. Other cases are examined by a panel composed of three judges, unless the Constitutional Court decides otherwise.

**The judgment of the Constitutional Court is final and enters into force at the time of delivery. A judgment of the Constitutional Court and the interpretation it contains of a contested provision is binding on all central and local government bodies (including courts) and officials, and on natural and legal persons.**

A provision which the Constitutional Court has declared incompatible with a higher-ranking rule of law is deemed annulled with effect from the date on which the Constitutional Court judgment is published, unless the Constitutional Court determines otherwise. If the Constitutional Court has declared an international

agreement that has been signed or concluded by Latvia to be unconstitutional, the Cabinet must immediately take steps to amend, denounce, suspend or withdraw from the agreement.

#### Legal databases

##### Name and URL of the database

[Cases before the Constitutional Court \(search function\)](#)

##### Is access to the database free of charge?

Yes, access is **free of charge**.

##### Content of the database in brief

The database contains judgments of the Constitutional Court of the Republic of Latvia.

##### Additional information

The database search interface and judgments are available in Latvian and English.

##### Links

[Constitutional Court of the Republic of Latvia](#)

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#### Specialised courts - Lithuania

This page provides you with information on Lithuania's specialised courts.

##### Specialised courts

The [Constitutional Court of the Republic of Lithuania](#) (*Lietuvos Respublikos Konstitucinis Teismas*) ensures the supremacy of the **Constitution** within the legal system. It decides on issues of constitutional justice by considering whether the laws and other legal acts adopted by the Parliament are in conformity with the Constitution, and whether the acts adopted by the President or the Government of the Republic comply with the Constitution and legislation.

##### Administrative courts

There are six administrative courts in Lithuania:

the Supreme Administrative Court of Lithuania (*Lietuvos Vyriausiasis administracinis teismas*),

five regional administrative courts.

##### The Supreme Administrative Court

The [Supreme Administrative Court](#) (*Vyriausiasis administracinis teismas*) is the court of first and final instance for administrative cases assigned to its jurisdiction by law. It hears appeals against decisions, rulings and orders of the regional administrative courts and against the decisions of the district courts in cases involving administrative offences.

The Supreme Administrative Court also hears petitions to reopen completed administrative cases, including cases involving administrative offences in areas specified by law. The Supreme Administrative Court has developed a uniform practice for the interpretation and application of laws and other legal acts.

##### Regional administrative courts (*apygardų administraciniai teismai*)

**Regional administrative courts** are courts of special jurisdiction. Their function is to hear complaints (petitions) concerning administrative actions and acts of commission or omission (failure to perform duties) by entities of public and internal administration.

Regional administrative courts hear disputes in the area of **public administration** and deal with issues relating to the lawfulness of regulatory administrative acts, tax disputes and so on.

Before applying to an administrative court, individual legal acts adopted or actions taken by entities of public administration may be disputed at the pre-trial stage. In such cases, disputes are investigated by municipal public administrative disputes commissions, district administrative disputes commissions and the **Chief Administrative Disputes Commission** (*Vyriausioji administracinių ginčų komisija*).

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#### Specialised courts - Luxembourg

In this section, you will find an overview of the specialised courts in Luxembourg.

##### Specialised courts

##### Specialised courts in the ordinary court system

##### The Arbitral and the Supreme Social Insurance Councils

All **social insurance disputes** relating to affiliation or qualification, contributions, administrative fines and benefits, with the exception of those covered by Article 317 or relating to Articles 147 and 148 of the Social Insurance Code (*Code des assurances sociales*), are decided by the Arbitral Social Insurance Council (*conseil arbitral des assurances sociales*) or, on appeal, by the Supreme Social Insurance Council (*conseil supérieur des assurances sociales*). Final decisions handed down by the Arbitral Council and adjudications of the Supreme Council can be appealed on a point of law to the Court of Cassation.

##### Administrative courts

##### The Administrative Court

Unless otherwise provided by law, appeals can be lodged with the Administrative Court (*Cour Administrative*), which sits in Luxembourg, against decisions given by the Administrative Court of First Instance (*tribunal administratif*), on applications for the **annulment** of individual administrative decisions or decisions

delivered in relation to administrative measures of a regulatory nature. The Administrative Court also acts on appeal and **on the substance** in proceedings challenging decisions of other administrative courts that have heard applications for annulment where special laws grant jurisdiction to those courts. All lawyers entitled to plead before the courts of the Grand Duchy are entitled to plead before the Administrative Court; however, only lawyers included in List I of the roll drawn up each year by the Bar Councils (*conseils des ordres des avocats*) have the right to perform preparatory and procedural measures (legal representation).

The State is represented before the Administrative Court by an official or by a lawyer.

#### **The Administrative Court of First Instance**

The Administrative Court of First Instance (*Tribunal Administratif*), sitting in Luxembourg, decides on actions brought for lack of authority, acting in excess of authority, improper exercise of authority, or breach of the law or of procedures designed to protect private interests, **against administrative decisions** in respect of which no other remedy is available in accordance with the laws and regulations, and against administrative measures having a regulatory character irrespective of the authority from which they emanate. As a rule, it also has power of decision in disputes relating to direct taxation and local authority taxes and charges.

Appeals against judgments of the Administrative Court of First Instance can be lodged with the Administrative Court.

The Administrative Court of First Instance is the trial court for challenges to the decisions of the head of the department of direct taxation in cases where the relevant legislation provides for such actions.

#### **Other specialised courts**

##### **The Constitutional Court**

The Constitutional Court (*Cour Constitutionnelle*) rules on the **conformity of laws with the Constitution**, except where a law ratifies a treaty.

When a party raises a question as to the conformity of a law with the Constitution before an ordinary court or an administrative court, the court is obliged to refer the question to the Constitutional Court, unless, in its opinion: a) it does not require a decision on the question raised to deliver its judgment; b) the question is devoid of any foundation; c) the Constitutional Court has already ruled on a question to the same effect.

The Constitutional Court is composed of the President of the Supreme Court of Justice, the President of the Administrative Court, two judges of the Court of Cassation, and five judges appointed by the Grand Duke on the joint advice of the Supreme Court of Justice and the Administrative Court. The Constitutional Court comprises a single division of five judges.

#### **Legal databases in these fields**

Please refer to [the section concerning the courts](#) on the website of the Ministry of Justice.

##### **Is database access free of charge?**

Yes, access to the database is **free of charge**.

##### **Brief description of contents**

Please refer to the [Arbitral and the Supreme Social Insurance Councils](#) website.

Please refer to the [Administrative courts](#) website.

Please refer to the [Constitutional Court](#) website.

##### **Related links**

[Ministry of Justice](#)

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#### **Specialised courts - Hungary**

This section provides information on the organisation of specialised courts in Hungary.

##### **Specialised courts**

###### **Administrative and labour courts**

The Fundamental Law of Hungary defines the court system as a multi-level structure and provides for *the establishment of specialised courts for certain types of cases. Within the court system, administrative and labour courts (közigazgatási és munkaügyi bíróságok) operate as specialised courts.*

Administrative and labour courts have been in operation since 1 January 2013. Prior to this, their tasks were carried out by labour courts and general courts.

As a court of first instance, an administrative and labour court hears cases concerning the judicial review of administrative decisions or concerning employment relations and similar legal relations, as well as other cases referred to it by law. The general court or, in cases concerning judicial review, the Supreme Court (Kúria) acts as the court of second instance.

###### **Constitutional Court (Alkotmánybíróság)**

The Constitutional Court is an independent body functioning separately from the court system.

The Constitutional Court is the principal body for the protection of the Fundamental Law and has its seat in Budapest.

The Constitutional Court consists of fifteen members elected for twelve years by a two-thirds majority of the members of the Hungarian Parliament. A President is elected from among the members of the Constitutional Court by a two-thirds majority of the members of Parliament. The President's mandate lasts until the end of his/her term in office as a Judge of the Constitutional Court. Members of the Constitutional Court are barred from being members of political parties or engaging in political activities. The details of the jurisdiction, organisation and functioning of the Constitutional Court are laid down in cardinal laws.

the review of the constitutionality of legislation which has been adopted but not yet promulgated;

the review, at the initiative of a judge, of the constitutionality of legal acts to be applied in a specific case;

the review, following a constitutional appeal, of the constitutionality of legal acts to be applied in a specific case;

the review, following a constitutional appeal, of the constitutionality of judicial decisions;

the review of the constitutionality of legislation at the initiative of the Government, one quarter of the members of Parliament or the Commissioner for Fundamental Rights (alapvető jogok biztosa);

the review of the compliance of legislation with international treaties;

the exercise of other powers and performance of further duties provided for in the Fundamental Law or other cardinal laws.

Acting within its remit under points (b), (c) and (d), the Constitutional Court strikes down legal acts and other legislative decisions found to be in breach of the Fundamental Law;

acting within its remit under point (d), it annuls judicial decisions found to be in breach of the Fundamental Law;

acting within its remit under point (f), it may strike down legal acts and other legislative decisions found to be in breach of an international treaty;

or impose the legal consequences established by cardinal law.

#### Legal database

You can find additional information on the website of [the Constitutional Court of the Republic of Hungary \(Magyar Köztársaság Alkotmánybírósága\)](#).

#### Related links

[Official website of the Constitutional Court of the Republic of Hungary](#)

[Official website of the Hungarian courts](#)

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#### Specialised courts - Malta

This section provides information on the organisation of specialised courts in Malta.

#### Specialised courts

<b>The Constitutional Court</b>	Second instance Appeal	This court hears <b>appeals</b> concerning cases relating to alleged <b>breaches of human rights, interpretations of the Constitution and invalidity of laws</b> . It also has original jurisdiction to decide on <b>questions concerning members of the House of Representatives</b> and on any cases referred to it concerning voting for election of members of the House of Representatives.	Presided over by the Chief Justice and two other judges
<b>The First Hall of the Civil Court</b>	First instance	The First Hall of the Civil Court also deals with cases relating to alleged breaches of <b>human rights and fundamental freedoms</b> that are protected by the Constitution and by the European Convention of Human Rights and Fundamental Freedoms.	Presided over by a judge
<b>Industrial Tribunal</b>	First instance	This tribunal hears cases related to <b>unfair dismissal</b> and to <b>discriminatory</b> or other <b>unlawful treatment in the workplace</b> .	Presided over by a chairperson
<b>Rent Regulation Board</b>	First instance	The Rent Regulation Board hears cases related to <b>changes in the conditions of leases</b> , including rent increases and termination of the lease. These cases must relate to rental agreements entered into before 1 June 1995.	Presided over by a magistrate
<b>Land Arbitration Board</b>	First instance	The Land Arbitration Board hears cases dealing with the <b>classification of expropriated land, the public purpose of expropriation</b> and the amount of compensation due to the owner.	Presided over by a magistrate
<b>Rural Lease Control Board</b>	First instance	This Board hears cases dealing with <b>rural leases</b> and claims made by owners regarding termination of field lease.	Presided over by a magistrate
<b>Administrative Review Tribunal</b>	First instance	This tribunal has the power to review <b>administrative acts</b> .	Presided over by a judge or a magistrate
<b>Partition of Inheritances Tribunal</b>	First instance	This Tribunal hears and decides on cases related to the partition of property held in common by the heirs of a deceased person.	Presided over by an arbitrator
<b>The Competition and Consumer Appeals Tribunal</b>	Appeal	This Tribunal hears and settles appeals against decisions, orders or measures of the Director-General for Competition and the Director-General for Consumer Affairs. The decisions of the Tribunal are final other than in exceptional cases where appeals are permitted. Such appeals are, however, limited to points of law.	Presided over by a judge and two members
<b>Court of Revision of Notarial Acts</b>	First instance	This is a special court that monitors all Notaries, the Notarial Archives and the Public Registry. It has the authority to visit and inspect the Notarial Archives, the Public Registry and notaries' offices, and to impose disciplinary sanctions. This Court also has the power to order corrections of incorrect information contained in records in the Public Registry.	Composed of members known as Visitors

#### Administrative courts



**Judicial review** is the process by which a decision of a government department, authority or agency may be reviewed and ultimately revoked by the courts if found to be illegal.

The action is available to anyone who is aggrieved by a governmental decision or action which concerns them. Article 469A of Chapter 12 of the Laws of Malta is the operative article granting such power to the courts. However, even in the absence of this legislative provision, judicial review may be regarded as an **inherent power of the courts** on the basis of the doctrine of separation of powers generally embraced by democratic states.

The ordinary courts — namely the First Hall of the Civil Court — have jurisdiction in such matters, with the right of appeal to the Court of Appeal.

The Administrative Justice Act came into effect on 1 January 2009 and provided for the setting up of the **Administrative Review Tribunal**. This independent and impartial tribunal reviews administrative acts referred to it by any aggrieved person and also rules on disputes that are referred to it. It is chaired by a person who holds, or has held, the office of a judge or of a magistrate in Malta. Appeals against the Tribunal's decisions can be made to the Court of Appeal.

#### Other special courts

##### The local tribunals

Local tribunals are an integral part of the judicial system in Malta. They can be seen as an **extension of the courts**, and deal with offences which, though of a trivial nature, can be of great nuisance to the general public. Local tribunals are presided over by a Commissioner for Justice who is appointed for a two-year period and is removed in the same manner and for the same reasons as any other magistrate. This guarantees that every citizen is given the chance to air specific grievances whilst ensuring that the fundamental principles of a fair hearing are respected. There are nine local tribunals that group together several local councils.

##### Legal databases

Please refer to the Maltese page "**Organisation of justice in Member States - Malta**", where you will find detailed information on and *links* to the relevant databases.

##### Related Links

[Ministry for Justice, Culture and Local Government](#)

[Court Services](#)

[Court Services - Sentenzi Online](#)

[Court Services - Court Proceedings](#)

[Court Services - Hall Usage](#)

[Court Services – Statistics](#)

[Court Services - Judicial Sales by Auction](#)

[Court Services - Civil Forms \(in Maltese\)](#)

[Legal Services \(Laws of Malta\)](#)

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#### Specialised courts - Netherlands

This section provides you with information on the organisation of specialised courts in the Netherlands.

##### Administrative courts

The administrative courts in the Netherlands are:

**District court** (*Rechtbank*): first instance for all administrative cases

**Court of Appeal** (*Gerechtshof*): appeal court for tax cases

**Supreme Court** (*Hoge Raad*): supreme court for tax cases

**Central Appeals Tribunal** (*Centrale Raad van Beroep*): appeal (and final) court for social security cases

**Trade and Industry Appeals Tribunal** (*College van Beroep voor het bedrijfsleven*): appeal (and final) court for socio-economic administrative law

**Administrative Jurisdiction Division of the Council of State** (*Afdeling Bestuursrechtspraak van de Raad van State*): appeal (and final) court for all administrative cases not decided by other appeal courts

##### Legal databases

Further information can be found on the website dedicated to the [judicial system in the Netherlands](#).

##### Related Links

[Information on the specialised courts](#) (in English)

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#### Specialised courts - Austria

This section provides you with information on the organisation of specialised civil and criminal courts in Austria.

##### Specialised courts

In principle all courts deal with all types of case.

But in the largest Austrian cities certain courts are specialised:

in Vienna there are five such courts, dealing with civil cases, criminal cases, commercial cases (two courts), and employment and social welfare cases;

in Graz there are two, one dealing with criminal cases and the other with other cases.

**Employment** cases consist essentially of the civil disputes over employment relationships that are defined in Section 50 of the Employment and Social Welfare Courts Act (*Arbeits- und Sozialgerichtsgesetz* — ASGG); they are governed by their own rules of procedure, similar to those of civil cases but with some special rules added.

Employment cases are brought at first instance in the regional courts (*Landesgerichte*), whose judgments may be appealed at second instance before the higher regional courts (*Oberlandsgerichte*) and ultimately at third instance before the Supreme Court (*Oberster Gerichtshof*). Decisions are taken by a division (*Senat*) of the appropriate court made up of one or more professional judges (*Berufsrichter*) and two lay assessors (*Laienrichter*), one supplied by employers' organisations and one by employees' organisations.

The appeals procedure in employment cases is similar to the appeals procedure in civil cases, but there are fewer restrictions on appeals. For example, an appeal on a point of law (*Revision*) may be brought before the Supreme Court without regard to the value in dispute, provided the question of law at issue is of substantial importance.

**Commercial** cases consist essentially of the civil cases to which a trader is party that are defined in Section 51 of the Code of Jurisdiction (*Jurisdiktionsnorm*); with a few exceptions, they are handled by the ordinary civil procedure. A lay assessor representing traders sits with the professional judges when the case is heard by a division of one of the courts of first or second instance, but not in the Supreme Court.

In **non-contentious proceedings** (*Verfahren außer Streitsachen*) courts have to consider matters of private law that are assigned to them in view of their special character (certain settlements, questions of legal custody, and other cases where there are not usually two parties with opposing interests).

As a general rule such cases have to be brought in the first place in the district courts (*Bezirksgerichte*), whose judgments may be appealed to the regional courts and ultimately to the Supreme Court. At first instance cases are dealt with by a judge sitting alone, or by magistrates known as *Rechtspfleger*, who are specially qualified officials; at second and third instance they are considered by divisions of three or five professional judges.

The appeals procedure in non-contentious proceedings is also similar to that in civil cases. In view of the special nature of the proceedings, however, there are fewer restrictions on appeals. There is also some scope for bringing forward new matter on appeal, going beyond the arguments and submissions put forward by the applicant at first instance.

Because of the many different kinds of case dealt with in non-contentious proceedings there is a wide variety of special rules governing particular areas.

#### **Administrative courts**

Since 1 January 2014 the decisions of administrative bodies are no longer open to appeal within the administrative structure. They may be challenged by bringing a complaint (*Beschwerde*) before the regional or federal administrative court. The administrative court decides the case itself, rather than referring it back to the authority that took the contested decision. Judgments of the administrative courts may under certain circumstances be appealed on a point of law to the High Court of Administration (*Verwaltungsgerichtshof*).

#### **Other specialised courts**

##### **Special position**

The Constitutional Court and the High Court of Administration hold a special position within Austria's judicial system: they are known as the 'courts of public law' (*Gerichtshöfe des öffentlichen Rechts*). They are independent courts, but they — and the administrative courts introduced on 1 January 2014 — are outside the sphere of responsibility of the Ministry of Justice. They are organisationally independent. Both of them are located in Vienna and have jurisdiction over the entire country.

Their jurisdiction is distinct from that of the ordinary courts. They do not rule on civil and criminal matters (not even on appeals), but have special functions in the area of public law. Since 1 January 2015, however, it is possible on certain conditions for parties to a case decided by an ordinary court to bring an application in an administrative court seeking the annulment of a statute or regulation.

##### **The Constitutional Court**

The primary task of the Constitutional Court (*Verfassungsgerichtshof*) is to check compliance with the constitution and fundamental rights. It is specifically called upon to examine the constitutionality of:

federal and provincial laws,

regulations (*Verordnungen*) issued by administrative bodies

final decisions (*Bescheide*) taken by administrative bodies.

If necessary the court can strike such measures down.

Unlike the judges of other courts, the judges of the Constitutional Court are not professional judges (*Berufsrichter*) but rather judges *honoris causa* (*Honoratiorenrichter*). They are outstanding personalities who have already completed a successful legal career in another function. Most of them exercise their office on a part-time basis, and may continue to practise their previous profession (e.g. as judges or university professors, though not as civil servants, who must be released from their official duties). The Constitutional Court convenes only for sessions that are usually held four times per year.

##### **The High Court of Administration**

The High Court of Administration (*Verwaltungsgerichtshof*) is called upon to **review the lawfulness of all acts of public administration**, with the exception of regulations (*Verordnungen*), which can be examined and if necessary struck down only by the Constitutional Court. The High Court of Administration rules mainly on appeals on points of law against judgments of the administrative courts.

#### **Legal databases**

The [Austrian Justice](#) homepage provides general information on the Austrian judicial system.

#### **Is access to the legal database free of charge?**

Yes.

#### **Related links**

[Jurisdiction of the courts – Austria](#)

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#### **Specialised courts - Poland**

This section provides you with information on the organisation of specialised courts in Poland.

#### **Specialised courts**

There are several special courts and tribunals in Poland.

### **Supreme Court (Sąd Najwyższy)**

The Supreme Court is the highest judicial authority. It exercises judicial supervision over the decisions of all other courts, ensuring consistency of legal interpretation and judicial practice.

The Supreme Court is not a common court. It reviews cases in cassation and other appeals against court judgements; and adopts resolutions aimed at clarifying legal provisions that raise doubts or the application of which causes disparities in judicial decision making. It also adopts resolutions settling legal questions referred to it in connection with specific cases.

The Polish Supreme Court (Sąd Najwyższy) publishes its decisions, with its reasoning, on its website, [Polish Supreme Court](#), which is also available in English.

### **Constitutional Tribunal (Trybunał Konstytucyjny)**

In the Polish legal system, the Constitutional Tribunal (Trybunał Konstytucyjny) is not regarded as a common court.

The Constitutional Tribunal rules:

On the constitutionality of national legislation and international agreements

On the compliance of national legislation with ratified international agreements whose ratification is required prior to approval by the parliament

On the compliance with the Constitution of legal regulations issued by central state authorities, ratified international agreements and legislative Acts

On the constitutionality of the objectives or activities of political parties

On constitutional complaints.

All of its decisions are made public, together with its reasoning, on the website of the [Constitutional Court of Poland](#), which is also available in English.

### **Tribunal of State (Trybunał Stanu)**

The Tribunal of State (Trybunał Stanu) adjudicates cases in which people that occupy (or have occupied) the highest state positions are charged with violating the Constitution or other legislative Acts.

You can find more information on the website of the [Polish Tribunal of the State](#).

### **Administrative courts**

The system of administrative courts includes the **High Administrative Court** (Naczelny Sąd Administracyjny) and **regional administrative courts** – one per **voivodeship** or province (województwie sądy administracyjne).

#### **The High Administrative Court:**

Rules on whether the resolutions of local government bodies, or the regulatory acts of provincial authorities of the state administration (terenowe organy administracji publicznej), comply with the law

Rules on complaints against administrative decisions; on decisions issued in administrative proceedings in response to complaints (or concludes such proceedings); and on decisions that may be appealed based on the merits of a case

Adjudicates on certain resolutions of municipal authorities or associations of such authorities

Gives replies on legal questions submitted for its consideration by local government appellate bodies.

The **Supreme Administrative Court** has published all its decisions, together with its reasoning, since 1st October 2007. Earlier decisions are still being added to the database. The Court's website is available only in Polish.

The [Supreme Administrative Court](#) (Naczelny Sąd Administracyjny) publishes its decisions, with its reasoning, on its website.

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### **Specialised courts - Portugal**

This page provides information on the organisation of specialised courts in Portugal.

#### **Courts of First Instance (Tribunais judiciais de 1.ª instância)**

The judicial courts are common courts for civil and criminal matters and they exercise jurisdiction in all matters that are not assigned to other courts. They are, as a rule, courts of general competence.

There may also be courts with specific competence (which deal with matters determined according to the applicable type of proceedings) and specialised courts which deal with specific matters (irrespective of the applicable form of the proceeding).

#### **Courts having specialised competence:**

##### **Courts of Criminal Enquiry (Tribunais de Instrução Criminal)**

The role of the Courts of Criminal Enquiry is to carry out criminal investigations, decide whether to proceed with the case and perform the judicial duties related to the enquiry.

##### **Family and Youth Courts (Tribunais de Família e Menores)**

The competence of the Family and Youth Courts includes the following:

dealing with actions related to the civil status of persons: actions for separation of persons and property and for divorce, as well as all related actions, such as inventories and preliminary proceedings, actions for declarations of nullity or annulment of civil marriage and actions and enforcement proceedings relating to maintenance between spouses and between ex-spouses;

dealing with actions related to filiation: granting adoption, regulating the exercise of parental responsibilities and hearing matters relating thereto, officially determining maternity and paternity, and hearing challenges to presumed paternity;

dealing with actions relating to the protection of interests of at-risk minors: issue orders relating to minor children who are victims of maltreatment, abandonment or destitution or who are in situations that are likely to jeopardise their health, safety, education or morality, or to hear and decide on applications for the protection of minor children against the abusive exercise of authority within the family or within institutions in whose care they are placed.

##### **Employment Tribunals (Tribunais de Trabalho)**

In civil matters, it falls to the Employment Tribunals to deal with, for example:

matters relating to subordinate employment relations and relations established with a view to entering into employment contracts;  
matters relating to work accidents and occupational illness;  
matters arising between institutions providing social security or family allowances and the beneficiaries thereof, where they relate to the rights, powers or legal, regulatory or statutory obligations of either party, without prejudice to the competence of the administrative and tax courts;  
civil matters relating to strikes.

#### **Commercial Courts (Tribunais de Comércio)**

The Commercial Courts are competent, in particular, to deal with:  
insolvency proceedings, if the debtor is a commercial undertaking or if the insolvent estate includes a company;  
actions for declaration of the non-existence, nullity and rescission of memoranda and articles of association;  
actions for the suspension or cancellation of company resolutions;  
declaratory actions in which the plea relates to industrial property, in any of the cases for which provision is made in the Industrial Property Code.

#### **Maritime Courts (Tribunais Marítimos)**

The Maritime Courts are competent to deal with matters relating to:  
compensation due for damage caused or suffered by ships, boats and other floating vessels, or resulting from their maritime use under the general terms of the law;  
contracts for construction, repair, purchase and sale of ships, boats and other floating craft, provided they are intended for maritime use;  
contracts for transport by sea or combined or multi-modal transport contracts;  
contracts for insurance of ships, boats and other floating craft intended for maritime use, and their cargoes;  
mortgages and privileges in respect of ships or boats, in addition to any real guarantees with respect to floating craft and their cargoes;  
civil liability in relation to pollution of the sea and other waters under their jurisdiction.

#### **Courts for the Application of Sentences (Tribunais de Execução de Penas)**

The Courts for the Application of Sentences are competent, in particular, to:  
grant conditional release (*liberdade condicional*) and decide to revoke it;  
review, extend and re-examine the security measure of internment of non-accountable persons (*inimputáveis*);  
grant probational release (*liberdade para prova*) and decide to revoke it;  
declare the end of a prison sentence, of a sentence with no fixed time frame in law (*pena relativamente indeterminada*) or of a security measure of internment.

#### **Specialised Court for Intellectual Property (Tribunal de Competência Especializada para a Propriedade Intelectual)**

This Court sits in Lisbon and is competent to deal with actions concerning copyright and related rights, industrial property, Internet domains, companies and trading names; and appeals against decisions pronounced by the Instituto Nacional da Propriedade Industrial (National Industrial Property Institute), the Fundação para a Computação Científica Nacional (Foundation for National Scientific Analysis) and the Instituto dos Registos e do Notariado (Institute of Records and Notaries).

#### **Courts having specific competence:**

Courts having specific competence deal with matters determined according to the applicable type of proceeding. These are not courts as such but rather divisions of the district courts into civil divisions (*varas cíveis*), criminal divisions (*varas criminais*), civil benches (*juízos cíveis*), criminal benches (*juízos criminais*), benches dealing with minor civil matters (*juízos de pequena instância cível*), benches dealing with minor criminal matters (*juízos de pequena instância criminal*) and enforcement courts (*juízos de execução*).

The *varas cíveis* are competent to deal with actions for a declaratory judgment with a value exceeding the competence of the Court of Appeal where the law provides for the intervention of the collective court.

The *varas criminais* are competent, *inter alia*, to deal with cases of a criminal nature falling under the competence of the collective court or the jury court.

The *juízos cíveis* are competent to deal with proceedings of a civil nature that do not fall within the jurisdiction of the *varas cíveis* or the *juízos de pequena instância cível*. The *juízos criminais* are competent, in particular, to deal with cases of a criminal nature not referred to the *varas criminais* or the *juízos de pequena instância criminal*.

The *juízos de pequena instância cível* are competent to deal with civil cases by summary process (*processo sumaríssimo*), and civil cases for which no provision is made in the Code of Civil Procedure, which are covered by a special procedure and in which the decision is not open to ordinary appeal. The *juízos de pequena instância criminal* are competent, in particular, to deal with cases to which one of the three summary processes (*processo sumário*, *abreviado* and *sumaríssimo*) applies.

As part of the enforcement procedure, the enforcement courts are competent to perform the tasks set out in the Code of Civil Procedure.

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#### **Specialised courts - Romania**

This page provides you with information on Romania's specialised courts.

##### **Specialised courts**

#### **Braşov Tribunal for Children and Family Matters (Tribunalul pentru Minori și Familie)**

The Braşov-based **Tribunal for Children and Family Matters** hears cases related to offences committed by children or against children. Before this specialised Tribunal was set up, such cases had been heard by the Braşov Tribunal.

##### **Specialised tribunals**

There are three specialised tribunals (the former commercial tribunals):

#### **Cluj Specialised Tribunal (Tribunalul Specializat Cluj)**

#### **Mures Specialised Tribunal (Tribunalul Specializat Mureş)**

#### **Arges Specialised Tribunal (Tribunalul Specializat Argeş)**

They hear cases involving professionals. Any person operating an undertaking is regarded as a professional.

##### **Military courts**

The jurisdiction of the military courts is laid down in the Code of Criminal Procedure. Each military court has the status of a military base.

The hierarchical organisation of the military courts is as follows:

four military tribunals (in Bucharest, Cluj-Napoca, Iași and Timișoara)

Bucharest Military Tribunal

Bucharest Military Court of Appeal

The military courts have military judges, clerks, archivists and other personnel.

#### **Military tribunals**

There are four military tribunals in Romania, in the following cities:

Bucharest;

Cluj-Napoca;

Iași;

Timișoara

As the highest first-instance court, the military tribunal can hear cases referring to all the offences committed by military personnel up to and including the rank of colonel, and other cases specially provided for by the law.

#### **Bucharest Military Court of Appeal**

**Bucharest Military Court of Appeal** settles:

As a **court of first instance**, it hears cases referring to offences against national security: treason, treason by transmission of State secret intelligence, treason by abetting the enemy, actions against the Constitutional order, hostile actions against the State, espionage, the attack that endangers national security, the attack against the community, acts of diversion, misrepresentation, war propaganda, compromise of State interests, disclosure which endangers national security, offences against persons under international protection, failure to denounce offences against national security, which are committed by military staff, offences concerning the national security of Romania, as provided for by special laws, which are committed by military staff, offences committed by the judges of military tribunals and by the military prosecutors from the military prosecutor's offices attached to these courts, offences committed by generals, marshals and admirals, and applications for displacement, as provided for by the law;

as a **court of review**, it hears applications for review against judgments handed down by military tribunals at first instance level;

decides on **conflicts of jurisdiction** between military tribunals within its area of jurisdiction and appeals lodged against the judgments handed down by these tribunals as provided for by the law.

#### **Administrative courts**

There are no administrative courts in Romania. A court's special administrative section has the authority to hear administrative cases.

#### **Other special courts**

##### **The Constitutional Court**

The Constitutional Court has nine judges, appointed for a term of office of nine years which cannot be extended or renewed. three judges are appointed by the **Chamber of Deputies**, three by the **Senate** and three by the **President of Romania**. The judges of the Constitutional Court elect the President of the Constitutional Court by secret vote, for a term of office of three years. The Constitutional Court replaces one-third of its judges every three years.

Pursuant to Article 146 of the **Romanian Constitution**, the Constitutional Court has the following powers:

it decides on the constitutionality of **laws** prior to their promulgation, on referral by the President of Romania; by the President of either of the two Parliament's Chambers; by the Government; by the High Court of Cassation and Justice; by the Ombudsman, by at least 50 Deputies or 25 Senators, and ex officio, for initiatives proposing revision of the Constitution;

it decides on the constitutionality of **treaties** or other international agreements, on referral by either the President of either of the Parliament's Chambers, or at least 50 Deputies or 25 Senators;

it decides on the constitutionality of **Parliament's** regulations, on referral by the President of either of the Parliament's Chambers, a parliamentary group, or at least 50 Deputies or 25 Senators;

it rules on objections as to the unconstitutionality of **laws and orders** which are raised before courts of law or courts of commercial arbitration; such an objection may also be raised directly by the Ombudsman;

it decides on **legal** disputes of a constitutional nature between public authorities, at the request of the President of Romania, the President of either of the Parliament's Chambers, the Prime Minister, or the President of the Superior Council of Magistracy;

it monitors compliance with the **procedure** for the election of the President of Romania, and confirms the election results;

it issues **advisory opinions** on proposals to suspend the President of Romania from office;

it confirms the presence of **circumstances** justifying the presence of an acting head of state, and it reports its findings to Parliament and the Government;

it monitors **compliance** with the procedure for the organising and holding of a referendum, and confirms the results thereof;

it verifies that conditions are met for citizens to exercise **legislative initiative**;

it rules on objections as to the unconstitutionality of a **political party**;

it discharges any other **duties** provided for by the Court's organic law (Law No 47/1992, republished)

#### **Legal databases**

The following legal databases are available online:

The High Court of Cassation and Justice publishes its case law on its own [website](#);

The courts publish summaries of their judgments on the Courts' Portal. For example, see the [summaries of judgments issued by the Bucharest Court of Appeal](#);

[Romania's legal database](#), owned and maintained by the **Legislative Council of Romania** contains the full text of Romanian legislative acts (Laws, Government Orders, Government Decisions etc.);

#### **Is access to the legal database free of charge?**

Yes, access to the database is free of charge.

#### **Relevant links**


##### **Courts' jurisdiction – Romania**

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### Specialised courts - Slovenia

You can find more information about the courts in Slovenia on the  [official website of the Supreme Court of the Republic of Slovenia](#).

This section provides you with information on the organisation of specialised courts in Slovenia.

#### Labour courts and the social court of first instance (Delovna sodišča in socialno sodišče prve stopnje)

Under the provisions of the legislation, labour courts have jurisdiction to decide on individual and collective labour disputes, and social courts have jurisdiction in social disputes.

Labour courts and the social court of first instance decide at first instance. The Higher Labour and Social Court (Višje delovno in socialno sodišče) decides on appeals against decisions of the labour courts and the social court of first instance, while appeals against and reviews of decisions of the Higher Labour and Social Court are heard by the Supreme Court of the Republic of Slovenia.

A labour court has jurisdiction to decide in the following individual labour disputes:

- concerning the conclusion, existence, duration and cessation of employment relations;
- concerning rights, obligations and responsibilities arising from the employment relationship between employees and employers or their legal successors;
- concerning rights and obligations arising in connection with relationships between employees and the clients they are contracted to work for under a contract between the employees and clients;
- between employers and applicants in connection with recruitment procedures;
- concerning rights and obligations deriving from industrial property, agreed between a worker and an employer on the basis of employment relationships;
- concerning work performed by children under 15 years of age, apprentices, pupils and students;
- concerning personnel scholarships, between employers and pupils or students;
- concerning the voluntary performance of probation;
- as specified by law.

A labour court also has jurisdiction to decide if an insurance company is a co-defendant in a damages dispute over which a labour court has been given jurisdiction.

If the applicant is a worker, not only the court with general territorial jurisdiction for the defendant, but also the court on the territory of which the work is or was or should have been performed, and the court on the territory of which the employment relationship was concluded, have jurisdiction.

A labour court has jurisdiction to decide the following collective labour disputes:

- between the parties to a collective agreement or between the parties to the agreement and a third party concerning the validity and execution of a collective agreement;
- concerning competence to conduct collective negotiations;
- concerning the concordance of collective agreements with the law, the mutual concordance of collective agreements, and the concordance of general legal acts by the employer with the law and with collective agreements;
- concerning the legality of strikes and other industrial action;
- concerning the participation of workers in management;
- concerning the competences of trades unions in connection with employment relationships;
- in connection with decisions on the representativity of trades unions;
- as specified by law.

For deciding in collective labour disputes in which an employer is a party, the court with general territorial jurisdiction for the employer has territorial jurisdiction.

The social court has jurisdiction to decide on the following social disputes:

#### 1. Pension and disability insurance:

- concerning rights to and deriving from pension and disability insurance;
- concerning rights to and deriving from additional pension insurance;
- concerning payment of contributions for compulsory pension and disability insurance and compulsory additional pension insurance;
- concerning the specification or termination of positions for which inclusion in additional pension insurance is compulsory;
- concerning voluntary inclusion in compulsory pension and disability insurance and payment of contributions for this insurance;
- concerning recognition and buying-up of the insurance period;
- concerning rights to a state pension;
- in connection with the official register;

#### 2. Health insurance:

- concerning rights to and deriving from compulsory health insurance and payment of contributions for this insurance;

#### 3. Unemployment and employment insurance:

- concerning rights to and deriving from compulsory unemployment insurance and payment of contributions for this insurance;
- concerning voluntary inclusion in compulsory unemployment insurance and payment of contributions for this insurance;
- concerning scholarships, in the award of which an inventory of assets is decisive, and scholarships for the gifted;
- concerning loans for study on the basis of guarantees and subsidised interest rates, in the granting of which an inventory of assets is decisive;

#### 4. Parental protection and family benefits:

- concerning rights to and deriving from insurance for parental protection and payment of contributions for this insurance;
- concerning rights to family benefits;

#### 5. Social benefits:

- concerning social security benefits;
- concerning rights to social benefits under various headings, if the purpose is to resolve the social security situation of the claimant, and if an inventory of assets is decisive for the recognition of the right to such a benefit.

The social court also has jurisdiction in the areas referred to above to decide in the following social disputes:

concerning restitution of improperly obtained funds;

concerning compensation for damages caused by an official state body or holder of public authority to an insured person or claimant to social security, or damages an insured person has caused to an institution in connection with insurance relations, or in connection with exercising rights under social security.

The social court also has jurisdiction in social disputes as specified by law.

The following are the courts of first instance in the Republic of Slovenia:

Celje Labour Court, based in Celje, with jurisdiction over the territory of the judicial district of Celje;

Koper Labour Court, based in Koper, with jurisdiction over the territory of the judicial districts of Koper and Nova Gorica;

the Labour and Social Court of Ljubljana, based in Ljubljana, with jurisdiction for deciding in labour disputes for the territory of the judicial districts of Kranj, Krško, Ljubljana and Novo Mesto, and for deciding in social disputes for the territory of the Republic of Slovenia;

Maribor Labour Court, based in Maribor, with jurisdiction over the territory of the judicial districts of Maribor, Murska Sobota, Ptuj and Slovenj Gradec.

Courts of first instance decide labour disputes at the seat of the court, unless it is specified that they must decide in external departments.

In labour and social disputes, a court of first instance decides in a panel composed of a judge as president of the panel and two lay judges as members, one of which must be elected from a list of candidates of workers or insured persons, and the other from a list of candidates of employers or institutions.

An individual judge decides individual labour and social disputes concerning material legal claims, if the value of the subject-matter in dispute does not exceed the amount allowed for revision specified by the act governing civil procedure. Certain important matters must be decided on by an individual judge irrespective of the value of the subject-matter in dispute, e.g. individual labour disputes relating to the suspension of an employment contract, trial work, overtime work, breaks, rests and leave and other absences from work, the duty to perform work because of exceptional circumstances, disciplinary sanctions, temporary suspension from work because of the initiation of a disciplinary procedure and temporary reassignment; social disputes on the right to an attendance allowance, the right to a disability allowance for a physical impairment and the right to spa treatment.

#### **Higher Labour and Social Court (Višje delovno in socialno sodišče)**

Under the provisions of the legislation, labour courts have jurisdiction to decide individual and collective labour disputes, and social courts decide social disputes.

The Higher Labour and Social Court decides appeals against decisions of the labour courts and the social court of first instance. The Supreme Court of the Republic of Slovenia decides on appeals against and reviews of decisions of the Higher Labour and Social Court.

The Higher Labour and Social Court is based in Ljubljana.

The Higher Labour and Social Court decides in a panel of three judges.

#### **Administrative Court of the Republic of Slovenia (Upravno sodišče Republike Slovenije)**

The Administrative Court of the Republic of Slovenia has jurisdiction to decide in an administrative dispute in accordance with the methods and procedures set out in the Administrative Disputes Act.

In an administrative dispute, the judicial protection of rights and benefits of individuals and organisations is ensured in respect of the decisions and actions of State bodies, local community bodies and holders of public authorisations in accordance with the Act.

In an administrative dispute the Court:

rules on the legality of final administrative acts that interfere with the legal position of the plaintiff;

adjudicates on the legality of individual acts and actions that interfere with the human rights and fundamental freedoms of an individual, unless a different form of due process has been guaranteed;

rules on the legality of acts adopted by State bodies, local community bodies and holders of public authorisations issued in the form of a regulation, where they regulate individual relationships.

In an administrative dispute, the Administrative Court of the Republic of Slovenia decides in the first instance. However, the Supreme Court of the Republic of Slovenia decides on a complaint against or the revision of a decision of first instance in an administrative dispute.

The head office of the Administrative Court of the Republic of Slovenia is located in Ljubljana.

The administrative court must adjudicate at its seat and at the following local sections:

the Celje department for the area covered by the Higher Court in Celje;

the Nova Gorica department for the areas covered by the Higher Court in Koper;

the Maribor department for the area covered by the Higher Court in Maribor.

The decision as to which branch office should be used for adjudication must be taken with regard to the residence or head office of the plaintiff.

If the plaintiff has no residence or head office in the Republic of Slovenia, the Administrative Court must adjudicate at the branch office in the area in which the administrative act being contested in the lawsuit was committed.

The Administrative Court decides in a panel of three judges, except in certain cases provided for by law in which a single judge rules.

The Supreme Court rules on appeals and reviews in a panel of three judges; in disputes concerning competence the panel is composed of three or five judges.

#### **Legal databases**

You can find more information about the courts in Slovenia on the [official website of the Supreme Court of the Republic of Slovenia](#).

#### **Related links**

[Constitutional Court](#)

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#### **Specialised courts - Slovakia**

This section provides information on the organisation of specialised courts in Slovakia.

#### **Administrative courts**

Matters of administrative law mainly fall under the authority of **regional courts (*krajský súd*) and the Supreme Court of the Slovak Republic (*Najvyšší súd Slovenskej republiky*)**.

The Slovak Republic does not have separate administrative courts; rather, there are separate **chambers** of administrative judges.

#### **Specialised courts**

##### **The Constitutional Court**

The [Constitutional Court of the Slovak Republic \(\*Ústavný súd Slovenskej republiky\*\)](#) is an independent judicial body empowered to rule on the [constitutionality](#) of legal norms.

The seat of the Constitutional Court is in Košice, at Hlavná 110, Košice 042 65, with another office of the Constitutional Court of the Slovak Republic located in Bratislava at Župné námestie 12.

##### **Competences**

In line with the Constitution of the Slovak Republic, the Constitutional Court rules on whether:

laws conform to **the Constitution, constitutional laws and international treaties endorsed by the National Council of the Slovak Republic** and ratified and promulgated in the manner laid down by the law;

government regulations, and legal norms of general application of ministries and other central government bodies conform to the Constitution, constitutional laws and international treaties endorsed by the National Council of the Slovak Republic and ratified and promulgated in the manner laid down by law;

regulations of general application conform to the Constitution (Article 68), constitutional laws and international treaties endorsed by the National Council of the Slovak Republic and ratified and promulgated in the manner laid down by law, unless another court is required to rule;

legal norms of general application of local bodies of central administration and regulations of general application of bodies of self-governing entities (under Article 71(2)) conform to the Constitution, constitutional laws and international treaties promulgated in the manner laid down by law;

government regulations and legal norms of general application of ministries and other central government bodies conform to the Constitution, constitutional laws, international treaties promulgated in the manner laid down by law, and to laws, unless another court is required to rule.

The Constitutional Court must also:

decide on the conformity of negotiated international treaties for which both the assent of the National Council of the Slovak Republic and conformity with the Constitution and/or a constitutional law is required;

decide whether the subject of a referendum to be held in response to a petition of citizens or a resolution of the National Council of the Slovak Republic (under Article 95 (1)) conforms to the Constitution and/or a constitutional law;

decide on disputes over competences between central government bodies, unless the law provides that another state authority must rule on these disputes;

decide on complaints lodged by natural or legal persons pleading violations of their fundamental human rights or freedoms under an international treaty ratified by the Slovak Republic and promulgated in the manner laid down by the law, unless another court must rule on the protection of these rights and freedoms;

decide on complaints lodged by bodies of self-governing entities on the unconstitutionality or unlawfulness of decisions on or interference with matters of self-government, unless another court must decide on their protection;

interpret the Constitution or a constitutional law when a matter is disputable;

decide on complaints lodged against a decision confirming or rejecting the mandate of a member of parliament;

decide whether elections (of the President of the Slovak Republic, to the National Council of the Slovak Republic and to bodies of self-governing entities) were held in conformity with the Constitution and other applicable laws;

decide on complaints lodged against the result of a referendum or the result of a plebiscite on removing the President of the Slovak Republic;

decide whether a decision to dissolve a political party or movement or to suspend its political activities is in conformity with constitutional and other laws;

decide on impeachment, initiated by the National Council, of the President of the Slovak Republic for wilful infringement of the Constitution or treason;

decide whether a decision declaring a state of exceptional circumstances or a state of emergency and other decisions connected with such a decision were issued in conformity with the Constitution and/or a constitutional law.

##### **Composition of the court**

The Constitutional Court is composed of **13 judges**.

The judges of the Constitutional Court are appointed by the President of the Slovak Republic for a 12-year term upon a proposal by the National Council of the Slovak Republic. The National Council must nominate twice the number of candidates as will be appointed by the President.

##### **Other relevant information**

Decisions of the Constitutional Court must be taken by a **panel of 3 members** (the chamber) or in **plenary session**.

The Constitutional Court's decisions are final: that is, appeals against such decisions are not possible.

The Constitutional Court can initiate proceedings upon receipt of a **motion** submitted by:

at least one-fifth of all members of the National Council of the Slovak Republic,

the President of the Slovak Republic,

the Government of the Slovak Republic,

a court,

the Prosecutor-General (*generálny prokurátor*),

anyone on whose right a hearing should be held in cases under Article 127 (appeals lodged by natural or legal persons) and Article 127a (appeals by bodies of self-governing entities),

The Supreme Audit Office of the Slovak Republic (*Najvyšší kontrolný úrad Slovenskej republiky*) in cases provided for in Article 126 (2) (whether or not the Supreme Audit Office has jurisdiction),

the Ombudsman in matters relating to the constitutionality of legislation under Article 125 (1) (whether or not the subject of a referendum to be held upon a petition of citizens or a resolution of the National Council of the Slovak Republic complies with the Constitution and/or a constitutional law), where the further application of such legislation may jeopardise the fundamental rights or freedoms or human rights and fundamental freedoms arising from an international treaty ratified by the Slovak Republic and promulgated in the manner laid down by law.

##### **Legal databases**

The [website of the Constitutional Court of the Slovak Republic](#) provides free access to:

decisions of the court,

reports on findings and rulings,

press statements,

international activities,

information about the court.

### **The Special Criminal Court**

The Special Criminal Court (*Špecializovaný trestný súd*) in Pezinok was created in 2009 as a successor to the Special Court. The Criminal Court rules on criminal matters. It is a court of first instance positioned at the same level as regional courts. Act No 291/2009 on the Special Criminal Court and amending certain laws lays down the competences and functions of this court.

Contact details of the Special Criminal Court of the Slovak Republic:

Address: Suvorovova č. 5/A, P. O. BOX 117, 902 01 Pezinok

Tel: +421 33 69 031 14

Fax: +421 33 69 032 72

### **Competences**

The Special Criminal Court has jurisdiction to hear cases involving the following offences:

first degree murder,

duress and undue influence in relation to public procurement and public auctions under Section 266 (3) of the Criminal Code,

forgery and counterfeiting of currency and securities under Section 270 (4) of the Criminal Code,

misfeasance in public office under Section 326 (3) and (4) of the Criminal Code in conjunction with offences under subparagraphs (b), (c), (e), (f), (g), (h), (k) or (l);

receiving a bribe under Sections 328 to 331 of the Criminal Code,

bribery under Sections 332 to 335 of the Criminal Code,

indirect corruption under Section 336 of the Criminal Code,

electoral bribery under section 336a of the Criminal Code,

creating, organising or promoting a criminal or terrorist group,

particularly serious offences committed by criminal or terrorist groups,

offences against property under Title Four of the special part of the Criminal Code or economic offences under Title Five of the special part of the Criminal Code, where the offence resulted in damage or a gain of at least 25 000 times the amount of minor damage under the Criminal Code or where the extent of the offence committed amounts to at least 25 000 times the amount of minor damage under the Criminal Code,

damage to the financial interests of the European Communities,

offences related to those listed above where the conditions for joined proceedings are met.

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### **Specialised courts - Finland**

This section provides you with information on special courts in Finland.

#### **Special Courts**

There are special courts in Finland, the duties of which are provided for in separate statutes. The special courts were set up for cases that cannot be handled by general courts or administrative courts because they require special expertise. The composition of the special courts usually reflects the expertise pertinent to the field in question. The special courts are:

The Labour Court

The Market Court

The Insurance Court and

The High Court of Impeachment.

#### **The Labour Court**

The [Labour Court](#) handles and settles disputes concerning the interpretation of the Employment Contracts Act, the State Civil Servants Contracts Act, the Municipal Civil Servants Contracts Act and the law governing the contracts of civil servants in the employ of the Evangelical Lutheran Church. It also deals with disputes relating to the contracts of State civil servants and the collective agreements of employees.

#### **The Market Court**

The [Market Court](#) acts as a specialised court for competition and enforcement, intellectual property and market law.

#### **The Insurance Court**

The [Insurance Court](#) acts as a special court for social security matters. The matters dealt with by the Insurance Court include, inter alia, a person's entitlement to an employment pension, national pension and unemployment benefit and to compensation on the basis of an accident at work, an occupational disease, damage caused by a crime, military invalidity or a military accident.

#### **High Court of Impeachment**

The [High Court of Impeachment](#) is a special court that hears cases involving charges of unlawful conduct in office brought against members of the Finnish government, Supreme Court and Supreme Administrative Court judges and certain senior civil servants. The High Court of Impeachment is convened only when necessary.

#### **Additional information**

[The website of the Finnish courts](#) contains information on the judicial system of Finland. It is a one-stop portal providing information about courts, prosecutors, enforcement authorities and legal aid.

It includes, for example, the latest case law from the courts of appeal and the administrative courts and links to the websites of all courts.

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## Specialised courts - Sweden

This section provides information on the organisation of specialised courts in Sweden

### Specialised courts

A number of specialised courts and tribunals have been established to hear specific kinds of cases and matters:

The [Labour Court](#) (*Arbetsdomstolen*) deals with labour disputes. A labour dispute is any dispute concerning the relationship between employers and employees. The Labour Court is normally the first and only instance competent in labour disputes. However, some types of labour dispute are heard first in a district court, after which an appeal may be lodged with the Labour Court, which then becomes the court of second and final instance.

The [Market Court](#) (*Marknadsdomstolen*) deals, among other things, with disputes under the Competition Act and the Marketing Practices Act.

The [Court of Patent Appeals](#) (*Patentbesvärsrätten*) handles appeals against the decisions of the Swedish Patent and Registration Office (*Patent- och registreringsverket*), concerning patents, trademarks and designs and so on. Appeals against the court's decisions may be lodged with the [Supreme Administrative Court](#) (*Högsta förvaltningsdomstolen*).

[Land and Environment Courts](#) (*Mark- och miljödomstolar*) process cases such as permits for water operations and environmentally hazardous operations, issues of health protection, nature conservation, refuse collection, polluted areas and hazardous waste, environmentally-related damages and compensation issues, issues of building, demolition and land permits under the Planning and Building Act, site leaseholds, appeals in planning matters, land parcelling, utility easements and expropriation. There are five Land and Environment Courts, which are specialised courts at the District Courts in Nacka, Vänersborg, Växjö, Umeå and Östersund. Appeals against judgments and decisions of the Land and Environment Courts may be lodged with the Land and Environment Court of Appeal (*Mark- och miljööverdomstolen*), which is part of Svea Court of Appeal. Appeals in cases introduced at a Land and Environment Court and which have been the subject of appeals heard by the Land and Environment Court of Appeal may be lodged with the Supreme Court (*Högsta domstolen*). Maritime Courts (*Sjörättsdomstolar*) deal with cases under the Swedish Maritime Code (1994:1009). There are seven maritime courts, which are part of the District Courts in Luleå, Sundsvall, Stockholm, Kalmar, Malmö, Gothenburg and Värmland.

[Migration Courts](#) (*Migrationsdomstolar*) review decisions by the Swedish Migration Agency (*Migrationsverket*) on matters concerning aliens and citizenship. The Migration Courts are specialised courts which are part of the Administrative Courts in Malmö, Gothenburg, Stockholm and Luleå. Appeals against judgments and decisions of the Migration Courts may be lodged with the Migration Court of Appeal (*Migrationsöverdomstolen*), which is part of the Stockholm Administrative Court.

Certain types of dispute involving rents, tenant-ownerships and leaseholds are dealt with by regional [rent and leasehold tribunals](#) (*hyres- och arrendenämnder*). These are quasi-judicial bodies with powers similar to those of the courts.

### Other special courts

There is no constitutional court or similar body in Sweden.

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## Specialised courts - England and Wales

This page provides you with information on some of the specialised courts in England and Wales, including tribunals.

### Administrative courts

The Tribunals Courts and Enforcement Act 2007 created a single unified structure for most tribunals, divided into the First-tier Tribunal and the Upper Tribunal. The First-tier Tribunal and the Upper Tribunal each have separate chambers covering different subject matters, which bring together similar jurisdictions. Details of the tribunals can be found on the website of [Her Majesty's Courts and Tribunals service](#).

### First-tier tribunal

The **first-tier tribunal** is a generic tribunal. Its main function is to hear appeals against decisions of the government in areas where the tribunal has been given jurisdiction. For some purposes, it has jurisdiction throughout the UK. The first-tier tribunal is currently divided into six chambers:

The Social Entitlement Chamber

The Health, Education and Social Care Chamber

The War Pensions and Armed Forces Compensation Chamber

The Tax Chamber.

General Regulatory Chamber

Immigration and Asylum Chamber

Property Chamber

### Upper tribunal

The **upper tribunal** mainly but not exclusively, decides appeals resulting from decisions in the First-tier Tribunal. It is a superior Court of Record and also has power to deal with judicial review case in certain circumstances.

The Upper Tribunal consists of:

The Administrative Appeals Chamber

The Lands Chamber

The Tax and Chancery Chamber

Immigration and Asylum Chamber

A feature of tribunals is their expertise in the subject matter of the appeals. The structure is such that tribunals judges are experts in the law of their jurisdiction and non-legal members are either professionally qualified or qualified by experience in their field. Panels for individual types of appeals are varied depending on the subject of the appeal.

### Employment and Employment Appeal tribunals

The Employment Tribunal and Employment Appeal Tribunal are outside the unified tribunals' structure but are supported by HMCTS. The tribunal's role is to carry out the administrative tasks necessary to enable claims to employment tribunals and subsequent appeals to the Employment Appeal Tribunal to be determined.



In England and Wales the work of the Administrative Court includes administrative law jurisdiction over England and Wales, as well as supervisory jurisdiction over inferior courts and tribunals.

### Specialised courts

There are a number of specialist courts in England and Wales:

In **Coroners' Courts**, a coroner (sometimes with a jury) investigates the causes of violent, unnatural and suspicious deaths, or sudden deaths where the reason for death is unknown

The **Court of Protection** makes decisions on the property and affairs, healthcare and personal welfare of adults (and children in a few cases), who lack capacity. The court also has the power to make declarations about whether someone has the capacity to make a particular decision. It is a superior court of record and is able to set precedents

In **Courts Martial**, cases subject to military law are brought against members of the armed forces

The **Ecclesiastical Courts** decide matters relating to the Church of England and ecclesiastical law

The **Commercial/Mercantile Courts** deal with commercial matters

The **Technology and Construction Courts** deal with issues relating to building works or IT contracts

### Related Links

[Her Majesty's Courts and Tribunals Service](#)

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### Specialised courts - Northern Ireland

This section provides you with information about the tribunals that the Northern Ireland Courts and Tribunals Service supports administratively.

The Department of Justice is responsible for the administration of several Northern Ireland tribunals. In practice, this function is discharged by the Northern Ireland Courts and Tribunals Service (NICTS) (an executive agency of the Department).

The Department has statutory responsibility for the following tribunals;

Care Tribunal

Charity Tribunal

Criminal Injuries Compensation Appeals Panel for Northern Ireland

Lands Tribunal

Mental Health Review Tribunal

Northern Ireland Health and Safety Tribunal

Northern Ireland Traffic Penalty Tribunal

Northern Ireland Valuation Tribunal

Social Security Commissioners and Child Support Commissioners

Special Educational Needs and Disability Tribunal

Tribunal under Schedule 11 to the Health and Personal Social Services (Northern Ireland) Order 1972

It also assumed administrative responsibility for the Appeals Service and the Rent Assessment Panel in April 2010 both of which are managed under a service level agreement with the Department for Communities. It is planned that both will statutorily transfer to the Department as part of the tribunal reform programme.

NICTS also provides administrative support under the terms of a service level agreement to UK wide tribunals sitting in Northern Ireland, including the Tax Chamber, Immigration and Asylum Chamber and, the Information Rights jurisdiction within the General Regulatory Chamber of the First-tier Tribunal, and the Administrative Appeals Chamber of the Upper Tribunal.

More information about the work of the tribunals administered by the NICTS, including contact details for each, can be found on the [Northern Ireland Courts and Tribunals service](#) website.

### Related Links

[Northern Ireland Courts and Tribunals Service](#)

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### Specialised courts - Scotland

This page describes some of the specialised courts in Scotland.

#### Administrative courts

The Tribunals and Courts Enforcement Act 2007 created a single unified structure for most tribunals reserved to the UK Government, divided into the First-tier Tribunal and Upper Tribunal. The First-tier Tribunal and Upper Tribunal each have separate chambers covering different subject matter, which bring together similar jurisdictions. Details of the tribunals can be found on the website of [Her Majesty's Courts and Tribunals Service](#).

The Tribunals (Scotland) Act 2014 creates a single First-tier and Upper Tribunal for Scotland. The first tribunals transferred into the new structure on 1 December 2016.

Section 39 of the Scotland Act 2016 allows the management and operation of a number of reserved tribunals to be devolved to Scotland.

#### UK First-tier UK Tribunal

The UK **First-tier Tribunal** is a generic tribunal, whose main function is to hear appeals against the decisions of the government in areas where the tribunal has been given jurisdiction. For some purposes, it has jurisdiction throughout the UK, including in Scotland. The First-tier Tribunal is currently divided into seven chambers:

The Social Entitlement Chamber  
The Health, Education and Social Care Chamber  
The War Pensions and Armed Forces Compensation Chamber  
The Tax Chamber  
The General Regulatory Chamber  
The Immigration and Asylum Chamber  
The Property Chamber

#### **UK Upper Tribunal**

The UK **Upper Tribunal** mainly, but not exclusively, decides appeals resulting from decisions in the UK First-tier Tribunal. It is a superior Court of Record and also has the power to deal with judicial review cases in certain circumstances.

The UK **Upper Tribunal** consists of:

The Administrative Appeals Chamber  
The Lands Chamber  
The Tax and Chancery Chamber  
The Immigration and Asylum Chamber

A feature of tribunals is their expertise in the subject matter of the appeals. The structure is such that judges are experts in the law of their jurisdiction and non-legal members are either professionally qualified or qualified by experience in their field. Panels for individual types of appeals are varied depending on the subject of the appeal.

#### **Employment and Employment Appeal Tribunals**

The Employment Tribunal and the Employment Appeal Tribunal are outside the unified tribunals' structure but are supported by HMCTS. Their role is to carry out the administrative tasks necessary to enable claims to the Employment Tribunal and the subsequent appeals to the Employment Appeal Tribunal to be determined. There is a separate Employment Appeal Tribunal for Scotland.

#### **Scottish Tribunals**

There are a number of tribunals in Scotland. Most tribunal jurisdictions are led by a separate president or chairperson and each has different powers of enforcement. Jurisdictions range from appeals against parking fines to the compulsory treatment and restraint of patients with serious mental illness. Appeals against the decisions of Scottish tribunals are heard by the civil courts in Scotland and can be considered by the sheriff court and the Court of Session.

#### **Reform of Scottish Tribunals**

The Tribunals (Scotland) Act 2014 has established a streamlined two-tier structure for Scottish tribunals. Scotland's most senior judge, the Lord President, has leadership of the new structures, similar to the UK model described above. The Lord President has delegated a number of functions to Lady Smith, who has been appointed as President of Scottish Tribunal. The Upper Tribunal will take on responsibility for hearing most appeals from First-tier decisions, removing these from the jurisdictions of the courts. The administration of the First-tier and Upper Tribunal will be carried out by the [Scottish Courts and Tribunals Service](#). Tribunals will transfer into Scottish Tribunals in a phased process, with the first transfer having started in December 2016.

#### **Tribunal practice**

Overall, the procedure in UK and Scottish tribunals tends to be less formal than in the other courts. Members of tribunals can include non-legal specialists or experts, such as doctors and lay people, although the chairperson is almost always legally qualified.

Matters of administrative law (judicial review) in Scotland are heard by the **Court of Session**. Further information on the Scottish Tribunals can be found on the Scottish Courts and Tribunals website.

#### **Specialised courts**

In **Scotland**, where a case (civil or criminal) raises a constitutional issue arising from the UK devolution settlements (for example, human rights issues), it can be decided by the Supreme Court of the United Kingdom.

#### **The Sheriff Personal Injury Court**

This court was established on 22 September 2015 to act as a national centre of expertise in personal injury cases. Personal injury cases may be brought in the court if the sum sued for is in excess of £5,000. Parties also have the choice of raising personal injury claims of any value in the local Sheriff Court. Special provision is made for workplace personal injury cases: those for more than £1,000 may be raised directly in the Sheriff Personal Injury Court, while workplace cases under £1,000 may be remitted to the Court if the local Sheriff considers that they are of sufficient importance or difficulty. Since 22 September 2015 the Court of Session can no longer consider personal injury actions below £100,000.

#### **Other courts include:**

The [Court of the Lord Lyon](#) – which deals with matters of heraldry  
The [Scottish Land Court](#) – which deals with disputes between landlord and tenant.

#### **Related Links**

[Her Majesty's Courts and Tribunals Service](#)

[Court of the Lord Lyon](#)

[Scottish Land Court](#)

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