Qrati speċjalizzati nazzjonali

F'diversi Stati Membri hemm qrati speċjalizzati li jittrattaw kwistjonijiet speċifiċi. Ta' spiss qrati bħal dawn jittrattaw tilwim li jikkonċerna kwistjonijiet amministrattivi jew f'xi każijiet tilwim bejn persuni privati jew negozji.

Diversi Stati Membri għandhom qrati speċjalizzati għal kwistjonijiet amministrattivi, jiġifieri tilwim bejn awtoritajiet pubbliċi u persuni privati jew ditti rigward deċiżjonijiet tal-amministrazzjoni pubblika, bħal tilwima dwar liċenzja għall-bini, awtorizzazzjoni għall-ġestjoni ta' negozju jew nota ta' stima tat-taxxa. Rigward it-tilwim bejn persuni privati u/jew negozji ("kwistjonijiet ċivili"), f'uħud mill-Istati Membri hemm qrati speċjalizzati fi kwistjonijiet dwar impjiegi.

Jekk jogħġbok agħżel il-bandiera tal-pajjiż rilevanti biex tikseb informazzjoni nazzjonali dettaljata.

L-aħħar aġġornament: 17/11/2021

Din il-paġna hi amministrata mill-Kummissjoni Ewropea. L-informazzjoni f'din il-paġna ma tirriflettix neċessarjament il-pożizzjoni uffiċjali tal-Kummissjoni Ewropea. Il-Kummissjoni ma taċċetta l-ebda responsabbiltà fir-rigward ta' kwalunkwe informazzjoni jew dejta li tinsab jew li hemm referenza għaliha f'dan id-dokument. Jekk jogħġbok irreferi għall-avviż legali fir-rigward tar-regoli dwar id-drittijiet tal-awtur għall-paġni Ewropej.

National 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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National 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 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 (*Voenno-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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National specialised courts - Czechia

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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National 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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National 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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National 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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National 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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National specialised courts - Greece

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

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 to which the State or a person of equivalent status is a counterparty;

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 the Parliament on the government's revenue and expenditure and balance sheet;

hearing litigation on the awarding of pensions;

hearing cases pertaining to the **liability** of civilian or military civil servants for any damage caused to the State, whether deliberately or by negligence.

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 above courts.

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 in nature. The Court is provided for in Article 100 of the Greek Constitution and is responsible for ruling on the validity of parliamentary elections, removing Members of Parliament from office or resolving conflicts between Greece's three 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 **longest-serving President of the Council of State or of 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 tenured professors of law schools of 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 tenured professors of law schools of 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 set up for specific cases 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 the Parliament after legal proceedings are launched. Hearings take the form of a public session of Parliament and are chaired by the members of the abovementioned two high courts. These members must have been appointed or promoted to their current rank before a proposal to initiate legal proceedings is submitted. The highest-ranking among the members of the Supreme Court selected by lot presides. If more than one member holds the same rank, the longest-serving 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 committed by government ministers and deputy ministers while they were in office, provided that the cases have been referred to the Court by the 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 Λειτουργών)* 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 an additional tenured 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 Court of Audit contains the summary of an indicative number of judgments.

Related links

Court of Audit

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National specialised courts - Spain

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 country's courts.

Under the Spanish legal system, ordinary jurisdiction is divided into four areas of law: civil, criminal, contentious administrative and social or employment.

In addition to the four areas of law under ordinary jurisdiction, the Spanish legal system recognises military jurisdiction, which is an integral part of the State Judicial System (*Poder Judicial del Estado*) and is vested exclusively in the military courts established by law.

Conflicts of jurisdiction between the courts of any area of law under ordinary jurisdiction and the military courts are resolved by a special chamber of the Supreme Court (*Tribunal Supremo*) — the Chamber for Conflicts of Jurisdiction (*Sala de Conflictos de Jurisdicción*) — comprising the Chief Justice of the Supreme Court, two magistrates from the chamber of the Supreme Court for the area of law in which the conflict occurs and two magistrates from the Chamber for Military Matters (*Sala de lo Militar*), all of whom are appointed by the Plenary of the General Council of the Judiciary (*Consejo General del Poder Judicial*).

Within the areas of law under ordinary jurisdiction some courts may specialise in a particular subject matter. Examples include courts dealing with violence against women, commercial courts, courts with special duties in the matter of criminal sentencing, and juvenile courts.

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

Commercial courts

The Commercial Courts (*Juzgados de lo Mercantil*), which have been in operation since 1 September 2004, are specialised courts. They form part of the civil jurisdictional system.

Territorial jurisdiction

Generally speaking, each province has at least one commercial court — based in the provincial capital — with jurisdiction throughout the province.

Commercial courts may also be set up in towns or cities other than the provincial capital where population size, the existence of industrial or commercial centres or economic activity so justify it. The extent of these courts' jurisdiction is established according to the requirements of each particular case.

Commercial courts may be established with jurisdiction that extends to two or more provinces within the same autonomous community.

Areas of jurisdiction

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

Commercial courts also hear matters which fall under the civil jurisdictional system, including claims in which rights of action are exercised relating to unfair competition, industrial property, intellectual property and advertising, as well as all those actions which, within this jurisdictional system, are brought under the regulations governing 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 provided for by law 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, in which one or more of their Sections must be specialised, in accordance with the provisions of the LOPJ.

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

Community trade mark courts

The Community Trade Mark Courts (*Juzgados de Marca Comunitaria*) are the Commercial Courts 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 (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, these courts' jurisdiction extends to the whole of Spain's national territory and for these purposes only they are called Community Trade Mark Courts.

They form part of the civil jurisdictional system.

Furthermore, the specialist Section or Sections of the Provincial Court of Alicante 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, these courts' jurisdiction extends to the whole of Spain's national territory and for these purposes only they are called Community Trade Mark Courts.

Courts with special duties in the matter of criminal sentencing

Courts with Special Duties in the Matter of Criminal Sentencing (*Juzgados de Vigilancia Penitenciaria*) perform the jurisdictional functions laid down in the General Law on Criminal Sentencing (*Ley General Penitenciaria*) in the matter of enforcing custodial sentences and security measures, exercising jurisdictional control over the disciplinary power of the criminal sentencing authorities, protecting the rights and benefits of the inmates of prisons and in other matters as specified by law. They form part of the criminal jurisdictional system.

Territorial jurisdiction

Within the criminal jurisdictional system, each province has one or more Courts with Special Duties in the Matter of Criminal Sentencing.

The city of Madrid has one or more Central Courts with Special Duties in the Matter of Criminal Sentencing with jurisdiction for the whole of Spain.

Areas of jurisdiction

Courts with Special Duties in the Matter of Criminal Sentencing perform the jurisdictional functions laid down in the General Law on Criminal Sentencing in the matter of enforcing custodial sentences and security measures, exercising jurisdictional control over the disciplinary power of the criminal sentencing authorities, protecting the rights and benefits of the inmates of prisons and in other matters as specified by law.

Appeals

The Provincial Courts hear the appeals provided for by law against rulings handed down by the provincial Courts with Special Duties in the Matter of Criminal Sentencing.
Other appeals may be lodged as provided for by the LOPJ in those cases set out therein.

Juvenile courts

Territorial jurisdiction

Each province has at least one Juvenile Court (*Juzgado de Menores*) — based in the provincial capital — with jurisdiction throughout the province.
The city of Madrid has a Central Juvenile Court with jurisdiction for the whole of Spain which hears those cases allocated to it by the legislation governing the criminal liability of minors.

Areas of jurisdiction

Juvenile Courts have jurisdiction to hear cases involving alleged crimes committed by persons aged between 14 and 18.
Judges in Juvenile Courts perform the functions laid down in the laws relating to minors who have committed actions classified as crimes, as well as performing those functions that, in relation to minors, are allocated to them by law.

Appeals

The Provincial Courts hear the appeals provided for by law against rulings handed down by the provincial Juvenile Courts.
Other appeals may be lodged as provided for by the LOPJ in those cases set out therein.

Courts dealing with violence against women

Territorial jurisdiction

Each district has at least one Court Dealing with Violence against Women (*Juzgado de Violencia sobre la Mujer*) — based in the district capital — with jurisdiction throughout the province. They take their name from the municipality where they are based.
The Government, at the proposal of the General Council of the Judiciary and, where applicable, subject to a report by the government of the autonomous community in the cases where the administration of justice has been devolved to that autonomous community, can by Royal Decree extend the jurisdiction of specific Courts Dealing with Violence against Women to two or more districts within the same province.
The General Council of the Judiciary may agree, subject to a report by the Governing Chambers (*Salas de Gobierno*), that in those jurisdictions where so required and according to the case-load, cases dealt with by these Courts may be heard by a Court of First Instance and Preliminary Investigations (*Juzgado de Primera Instancia e Instrucción*) or a Local Criminal Court (*Juzgado de Instrucción*), as applicable.
In districts where there is only a Court of First Instance and Preliminary Investigations, it will be this court which hears matters falling under the jurisdiction of the Courts Dealing with Violence against Women.
They form part of the criminal jurisdictional system.

Areas of jurisdiction

Courts Dealing with Violence against Women hear, under the criminal system and in accordance in each case with the procedures and appeals provided for by the Code of Criminal Procedure (*Ley de Enjuiciamiento Criminal*), the following matters, *inter alia*:
Investigation of criminal liability claims arising out of the offences listed in the titles of the Criminal Code (*Código Penal*) relating to homicide, abortion, bodily harm, bodily harm to a foetus, deprivation of liberty, offences against moral integrity, against sexual liberty, against the right to privacy and the protection of personal image and reputation or any other offence committed with violence or intimidation, where these offences have been committed against the current or former wife, or a woman who is or has been in a comparable sentimental relationship with the offender, whether living together or not, as well as those committed against the descendants of the offender or of the wife or cohabiting partner, or against minors or legally recognised disabled persons living with the offender or under the *de facto* authority, 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 referred to in the preceding paragraph.
Issuing of the corresponding protection orders to victims, without prejudice to the authority of the Duty Judge (*Juez de Guardia*).
Hearing and ruling on the minor offences for which they have jurisdiction under law, when the victim is one of the persons referred to in the paragraph above.
Issuing and enforcement of the mutual recognition instruments relating to criminal rulings within the European Union for which they have jurisdiction.
Investigation of criminal liability claims arising out of the breach provided for and sentenced by Article 468 of the Criminal Code when the person harmed by the offence whose sentence, precautionary measure or security measure has been breached is the current or former wife, or a woman who is or has been in a comparable sentimental relationship with the offender, whether living together or not, as well as those committed against the descendants of the offender or of the wife or cohabiting partner, or against minors or legally recognised disabled persons living with the offender or who are subject to the authority, protection, guardianship or care of the wife or cohabiting partner.
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 Civil Procedure (*Ley de Enjuiciamiento Civil*), the following matters, *inter alia*:
Those relating to parentage, maternity and paternity.
Those relating to annulment of marriage, separation and divorce.
Those relating to father/child relationships.
Those intended to adopt or modify measures relating to family matters.
Those relating exclusively to the custody of children or to maintenance payments claimed by one progenitor against the other on behalf of children.
Those relating to the need for approval of adoption.
Those intended to challenge administrative decisions regarding the protection of minors.
Courts Dealing with Violence against Women have exclusive and exclusionary jurisdiction under the civil system when the following conditions coincide:
In the case of civil proceedings relating to any of the matters specified in the previous paragraph.
Where one of the parties to the civil proceedings is the victim of acts of gender-based violence.
Where one of the parties to 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 gender-based violence.
When the judge holds that the actions made known to the court do not unquestionably constitute an expression of gender-based violence, the judge may reject the claim, referring it to the relevant court.

In all 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.

Specialised courts created by resolution of the General Council of the Judiciary

In Spain, and without affecting the principle of jurisdictional unity insofar as they form part of the five jurisdictional systems, specialised courts can not only be set up 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 set up by the General Council of the Judiciary pursuant to Article 98 of the aforementioned law, as is the case with Family Courts (*Juzgados de Familia*), Mortgage Enforcement Courts (*Juzgados de Ejecución Hipotecaria*) and Enforcement Courts (*Juzgados de Ejecutorias*).

Other specialised courts

Article 117, Title VI, on the judiciary, of the Spanish Constitution of 1978 establishes the principle of jurisdictional unity that is the basis for the organisation and operation of the country's courts.

This principle is reflected in the existence of a single jurisdiction made up of a single body of judges and magistrates who constitute the ordinary jurisdiction.

The Spanish Constitution lays down that justice emanates from the people and is administered on behalf of the King by the judges and magistrates members of the judiciary who shall be independent, shall have fixity of tenure, shall be accountable for their acts and subject only to the rule of law.

Judges and magistrates may only be dismissed, suspended, transferred or retired on the grounds and subject to the safeguards provided for by the law.

The exercise of judicial authority in any kind of action, both in ruling and having judgements executed, is vested exclusively in the courts laid down by the law, in accordance with the rules of jurisdiction and procedure which may be established therein.

Courts shall not exercise any powers other than those indicated in the foregoing subsection and those which are expressly allocated to them by law as a guarantee of any right.

Outside the judiciary, the Constitution itself provides, under different Titles, for the existence of two constitutional courts. These enjoy full independence and impartiality and are subject solely to the rule of law.

These are the Constitutional Court (*Tribunal Constitucional*) and the Court of Audit (*Tribunal de Cuentas*).

Tthe Constitutional Court

The Spanish Constitutional Court is located outside the judiciary.

It is the supreme interpreter of the Constitution, independent of the other constitutional bodies and is subject solely to the Constitution and the corresponding Organic Law.

It is unique in its jurisdiction, which extends to the whole of Spain.

Composition

It comprises twelve magistrates appointed by the King. Four of those magistrates are proposed by the Congress of Deputies (*Congreso de los Diputados*), requiring a three-fifths majority of its members; four are proposed by the Senate (*Senado*), requiring the same majority; two are proposed by the Government and two are proposed by the General Council of the Judiciary. The magistrates appointed elect a Chief Justice and a Deputy Chief Justice 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 conflicts of jurisdiction between the State and autonomous communities or between autonomous communities.

Conflicts between the constitutional bodies of the State.

Declarations on the constitutionality of international treaties.

For more information, see: The Constitutional Court

Court of Audit

The Court of Audit is the supreme audit body for the accounts and economic management of the State and public sector.

Without prejudice to its own jurisdiction, the Court of Audit forms part of the Legislature and reports directly to the Spanish Parliament (*Cortes Generales*).

Composition

It comprises twelve members, known as Auditors (*Consejeros de Cuentas*), six of whom are appointed by the Congress of Deputies and six by the Senate. They enjoy the same independence and fixity of tenure, and are subject to the same rules on incompatibility of office, as judges.

Functions

Two functions are assigned to the Court of Audit:

The audit function, characterised by being external, permanent and consumptive, consists of checking whether the economic and financial activity of the public sector complies with the principles of legality, efficiency and economy.

The jurisdictional function is that of hearing cases of fiscal liability against persons in charge of public property, revenues or effects, and is intended to compensate public funds harmed by misappropriation, by failure to provide full or proper substantiation or by other causes or actions.

For more information, see: Court of Audit.

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 (*tribunales consuetudinarios*) the Water Tribunal of the Plain of Valencia (*Tribunal de las Aguas de la Vega Valencia*) and the Council of Wise Men of Murcia (*Consejo de Hombres Buenos de Murcia*). Both are customary-law institutions dealing in matters relating to water management.

Since 2009, these two Spanish customary-law courts have been included on the Representative List of the Intangible Cultural Heritage of Humanity and constitute living proof of the capacity of human groups to democratically establish complex institutions drawn from among their own members.

Water tribunal of the Plain of Valencia

This is the oldest judicial institution in Europe.

Its acts within the territory of Valencia.

It consists of eight members elected democratically by the farmers of the Huerta Valenciana (a fertile region of Valencia). Its areas of jurisdiction are the equitable distribution of water between the various landowners, the resolution of disputes arising between the farmers and the imposition of penalties for breaches of the Irrigation Regulations.

Council of Wise Men of Murcia

The Council of Wise Men of Murcia dates back to mediaeval times. It has been institutionalised and regulated since 1849 as the supreme court of justice for the Huerta de Murcia (a fertile region of Murcia). The Council consists of a chair, a secretary and five members.

The Council of Wise Men of Murcia holds its hearings publicly every Thursday in the chambers of the local authority and resolves each case in that day’s session or by no later than the following hearing. Rulings are issued outright and on a majority vote basis, although in the event of a tie the chair has the

casting vote. The penalties resulting from the rulings of the Council of Wise Men of Murcia are exclusively monetary in nature. Decisions issued by this court are final, firm and enforceable.

For more information, see: Council of Wise Men.

Related links

Spanish General Council of the Judiciary

Spanish Constitutional Court

Spanish Court of Audit

Spanish Court of customary law

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Jekk jogħġbok innota li l-verżjoni bil-lingwa oriġinali ta' din il-paġna fr ġiet emendata reċentement. Il-verżjoni tal-lingwa li qed tara bħalissa attwalment qed tiġi ppreparata mit-tradutturi tagħna.

National 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, therefore, not a Supreme Court.

It has nine members, one third of whom are replaced every three years. Members are appointed for non-renewable nine-year terms, three of them by the President of the Republic and three each respectively 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 (*Conseiller*) is nevertheless incompatible with that of being a member of the Government or the Economic and Social Council, or 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, it meets more or less frequently depending on the pace of the business coming before it. It 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. There is no scope for dissenting opinions.

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

In terms of subject matter, the Constitutional Council's jurisdiction 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 of either house of Parliament have come into force. For optional matters, an application (*saisine*) 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 referral is approved by the Council of State or by the Court of Cassation; which must give its opinion within three months.

The Constitutional 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 (National Assembly or Senate) dealing with the particular measure or by the Government, or, after completion of the process, by the Prime Minister, who may seek to downgrade a measure that is enacted as a law.

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 their 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 set out in paragraphs, which analyse the arguments relied upon, specify the applicable principles and respond to the application, and

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 Council 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 Constitutional 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 administrative courts (*tribunaux administratifs*) are the general courts of administrative law at first instance. 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 National Court of Asylum (*Cour nationale du droit d'asile*),
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 currently 8, soon to be 9) 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 sub-divisions together (9 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. This is why 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.
In its decision of 22 July 1980, the Constitutional Council confirmed the existence and independence of the administrative courts, characteristics that have now been included among the fundamental principles recognised by the laws of the Republic. Administrative judges thus enjoy a special status which guarantees their independence, in particular, by ensuring that they cannot be removed from office.
In addition, since the adoption of Law No 2016-483 of 20 April 2016 on the conduct, right and obligations of officials, members of administrative courts and of administrative courts of appeal are now acknowledged as judges (*magistrats*) in their own right (Article L. 231-1 of the Code of Administrative Justice (*code de justice administrative*)).
While the judges of the ordinary courts form a single structure (*corps*), the administrative judges belong to two different structures: 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.
Although the rules applicable to them have long been contained in various pieces of legislation, they have now been gathered together in the Code of Administrative Justice.

Legal databases in these areas

Legal databases in France are available on the internet as a public service. The website https://www.legifrance.gouv.fr/ 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, on its JADE database; and
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 - France
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National specialised courts - Croatia

The specialised courts are commercial courts (*trgovački sudovi*) and administrative courts (*upravni sudovi*) as courts of first instance, and the High Misdemeanour Court of the Republic of Croatia (*Visoki prekršajni sud Republike Hrvatske*), the High Commercial Court of the Republic of Croatia (*Visoki trgovački sud Republike Hrvatske*) and the High Administrative Court of the Republic of Croatia (*Visoki upravni sud Republike Hrvatske*) as courts of second instance.

As regards their areas of jurisdiction:

Commercial courts

There are nine commercial courts in the Republic of Croatia (Zagreb, Split, Rijeka, Osijek, Bjelovar, Varaždin, Zadar, Pazin, Dubrovnik), which:

rule on contentious and non-contentious matters where this is provided for by a dedicated law;

act in matters of registration and maintain court registers;

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

rule on proposals to launch bankruptcy proceedings and pursue pre-bankruptcy and bankruptcy proceedings;

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;

conduct procedures for the recognition of foreign court rulings, as well as arbitration 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;

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

perform other duties laid down by law.

Commercial courts in the Republic of Croatia

Administrative courts

There are four administrative courts in the Republic of Croatia, in Zagreb, Split, Rijeka and Osijek, which:

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

rule on actions taken against the actions of bodies governed by public law;

rule on actions for failure to adopt individual decisions 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 in the Republic of Croatia

The High Misdemeanour Court of the Republic of Croatia

rules on ordinary legal remedies against decisions of the municipal courts in misdemeanour cases and decisions of public law bodies conducting first-instance infringement proceedings where this is provided for by a dedicated law;

rules on jurisdictional disputes between municipal courts in misdemeanour cases;

rules on extraordinary legal remedies against final and binding decisions concerning a misdemeanour where this is provided for by a dedicated law;

rules on appeals in cases of international judicial cooperation with the EU Member States in misdemeanour matters under their jurisdiction;

supervises the orderly conduct of the judges working on misdemeanour cases;

performs other duties laid down by law.

High Misdemeanour Court of the Republic of Croatia

Ulica Augusta Šenoe 30

10 000 Zagreb

Tel.: +385 1 480 75 10

Fax: +385 1 461 12 91

e-mail: predsjednik@vpsrh.pravosudje.hr

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

The High Commercial Court of the Republic of Croatia

rules on appeals against first-instance rulings of the commercial courts;

resolves disputes concerning territorial jurisdiction among commercial courts and rules on the delegation of jurisdiction to 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 disputes concerning jurisdiction among administrative courts;

rules in other cases prescribed by law.

High Administrative Court of the Republic of Croatia

Frankopanska 16

10 000 Zagreb

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National 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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National specialised courts - Cyprus

The following specialised courts operate in the Republic of Cyprus:

Administrative Court (*Διοικητικό Δικαστήριο*)

Family Court (*Οικογενειακό Δικαστήριο*)

Industrial Dispute Tribunal (*Δικαστήριο Εργατικών Διαφορών*)

Rent Control Tribunal (*Δικαστήριο Ελέγχου Ενοικιάσεων*)

Administrative Court of International Protection (*Διοικητικό Δικαστήριο Διεθνούς Προστασίας*)

Military Court (*Στρατιωτικό Δικαστήριο*)

Specialised courts

Administrative Court (*Διοικητικό Δικαστήριο*)

The Administrative Court has exclusive jurisdiction to hear at first instance appeals under Article 146 of the Constitution regarding any decision, act or omission of persons or bodies exercising administrative authority. The Administrative Court may annul any enforceable administrative act served in respect of a violation or misuse of powers or which is contrary to law or the Constitution. Where the appeal relates to a tax matter or international protection proceedings, the Court is able to amend the relevant decision or act in whole or in part.

Family Court (*Οικογενειακό Δικαστήριο*)

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 lies with the Family Court for Religious Groups.

There are three Family Courts, one for Nicosia and Kyrenia, one for Limassol and Paphos and one for Larnaca and Famagusta. There is also one 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 Dispute Tribunal (*Δικαστήριο Εργατικών Διαφορών*)

The Industrial Dispute 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 lies with 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 pay or bonuses. It also has jurisdiction to hear any civil claim based on the Motherhood Protection Act (*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 Dispute 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 employer and employee representatives. The lay members have a purely consultative role.

There are currently three Industrial Dispute Tribunals in the Republic, based in Nicosia, Limassol and Larnaca.

Rent Control Tribunal (*Δικαστήριο Ελέγχου Ενοικιάσεων*)

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

Each Rent Control Tribunal is composed of a President, who is a member of the judiciary, and two other members nominated by tenant and landlord representatives. These members have a purely consultative role. The Tribunal has two chambers.

Administrative Court of International Protection (*Διοικητικό Δικαστήριο Διεθνούς Προστασίας*)

The Administrative Court of International Protection has exclusive jurisdiction to rule at first instance on refugee asylum requests in accordance with the Law on Refugees adopted under Article 146 of the Constitution or against a failure to act under said Law.

Military Court (*Στρατιωτικό Δικαστήριο*)

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 Act (*Ο περί Εθνικής Φρουράς Νόμος*), the Criminal Code (*Ποινικός Κώδικας*) or any other law, irrespective of the sentence handed down. By way of exception, private individuals can also be brought before the Military Court where this is 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. There are two associate judges who are military and appointed by the Supreme Judicial Council.

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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National specialised courts - Latvia

This section provides 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 (*Latvijas Republikas Satversme*, hereinafter 'the Constitution'), Latvia has a **Constitutional Court** (*Satversmes tiesa*), which is an independent judicial institution that examines whether in cases within its remit laws and regulations are in compliance 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 (*Satversmes tiesas likums*), the Constitutional Court **considers cases concerning**:

the constitutionality of laws;

the constitutionality of international agreements signed or concluded by Latvia (even before those agreements are approved by the Parliament (*Saeima*));

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

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

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

the compliance 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 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.

The following **are entitled to bring an application** instituting proceedings regarding the constitutionality of laws and international agreements signed or concluded by Latvia (even before those agreements are approved by the Parliament), or the compliance of laws and regulations or parts thereof with higher-ranking rules of law, or the compliance of provisions of Latvian national law with international agreements concluded by Latvia that are not incompatible with the Constitution:

the President;

the Parliament;

no fewer than twenty Members of Parliament;

the Cabinet;

the Prosecutor-General;

the Council of the State Audit Office (*Valsts kontroles padome*);

a local council;

the Ombudsman (*tiesībsargs*), 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 person whose fundamental rights under the Constitution have been prejudiced;

the Council for the Judiciary, within its legally prescribed remit.

The following **are entitled to bring an application** instituting proceedings regarding the compliance with law of other acts of the Parliament, Cabinet, President, Speaker of Parliament or Prime Minister (other than administrative acts):
the President;
the Parliament;
no fewer than twenty Members of Parliament;
the Cabinet;
the Council for the Judiciary, within its legally prescribed remit.
Entitlement to bring an application instituting proceedings regarding the compliance with law of an order by which a Minister empowered by the Cabinet has suspended the decisions of a local council lies with that local council.
Cases concerning the constitutionality of laws, Cabinet regulations and other Cabinet acts, the compliance 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 (even before those agreements are approved by the Parliament) 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's judgment is published, unless the Constitutional Court determines otherwise. If the Constitutional Court deems an international agreement signed or concluded by Latvia to be unconstitutional, the Cabinet is obliged to arrange for the agreement to be amended, denounced, its functioning to be suspended or accession to the agreement to be withdrawn without delay.

Economic Court

Pursuant to the provisions of the Law on judicial power (*Likums par tiesu varu*), for the examination of the cases so referred to in the Law on civil procedure (*Civilprocesa likums*) and the Law on criminal procedure (*Krimināprocesa likums*), the Economic Court (*Ekonomisko lietu tiesa*) was set up. It is located in Riga and has jurisdiction over the whole territory of Latvia.
Under **civil law**, the Economic Court has jurisdiction for:
claims arising from reinsurance contracts;
claims arising from investment services and ancillary investment services contracts;
investment protection claims by other European Union Member States against the Latvian authorities;
claims arising from the legal relations of corporate groups;
claims arising from the legal relations between the members of (shareholders in) joint-stock companies;
claims arising from financial collateral arrangements;
claims arising from capital transactions with related parties within the meaning of the Commercial Law (*Komerclikums*) and the Law on the financial instruments market (*Finanšu instrumentu tirgus likums*);
claims arising from the transfer of undertakings and corporate restructuring, excluding employee claims;
claims arising from contractual obligations between construction operatives, including subcontractors, with regard to the construction of any buildings of class two or three for which a building permit is necessary, excluding single or two-dwelling residential buildings and the functional structures connected to them;
claims arising from infringements of competition legislation;
claims arising from decisions by assemblies of members of (shareholders in) capital structures; and
applications for the winding-up and insolvency of credit institutions.
At the same time, under **criminal law** the Economic Court has jurisdiction for:
financing the production, storage, movement, use or distribution of weapons of mass destruction, where liability for this arises from Article 73.1(2) of the Criminal Law (*Krimināllikums*);
terrorism, where liability for this arises from Article 79.2(2) of the Criminal Law;
laundering of the proceeds of crime (Article 195 of the Criminal Law);
unauthorised receipt of benefits, where liability for this arises from paragraphs two, three or four of Article 198 of the Criminal Law;
commercial bribery, where liability for this arises from Article 199(2) of the Criminal Law;
accepting bribes, where liability for this arises from paragraphs three or four of Article 320 of the Criminal Law;
appropriation of a bribe, where liability for this arises from paragraphs two, three or four of Article 321 of the Criminal Law;
bribery intermediation, where liability for this arises from Article 322(2) of the Criminal Law;
active bribery, where liability for this arises from paragraphs two or three of Article 323 of the Criminal Law;
trading in influence, where liability for this arises from Article 326.1(2) of the Criminal Law;
unlawful requesting and receipt of benefits, where liability for this arises from Article 326.2(2) of the Criminal Law; and
unlawful award of benefits, where liability for this arises from Article 326.3(2) of the Criminal Law.
Appeals against rulings of the Economic Court are heard by the Riga Regional Court (*Rīgas apgabaltiesa*).

Legal databases

Name and URL of database

Cases before the Constitutional Court (search function)

Is access to the database free of charge?

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

Contents of the database in brief

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

Background

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

Links

Constitutional Court of the Republic of Latvia

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National 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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National specialised courts - Luxembourg

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

Specialised courts in the ordinary court system

Social Insurance Arbitration Board and Social Insurance Appeals Board

All **social insurance disputes** relating to affiliation or liability, 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 Social Insurance Arbitration Board (*Conseil arbitral de la sécurité sociale*) or, on appeal, by the Social Insurance Appeals Board (*Conseil supérieur de la sécurité sociale*). Final decisions handed down by the Arbitration Board and adjudications of the Appeals Board can be appealed on a point of law to the Court of Cassation (*Cour de 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 as the **trial court** in proceedings challenging decisions of other administrative courts that have heard applications for reversal where special laws grant jurisdiction to those courts.

All lawyers entitled to plead before the courts of the Grand Duchy are also 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 a government 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** any **administrative decisions** in respect of which no other remedy is available under 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 hears 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 Direct Taxation Authority (*Administration des contributions directes*) in cases where the relevant legislation provides for such actions.

Other specialised courts

The Constitutional Court

The Constitutional Court (*Cour Constitutionnelle*) issues judgments ruling 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 (*Cour supérieure de 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 Social Insurance Arbitration Board and Appeals Board website

Please refer to the Administrative courts website.

Please refer to the Constitutional Court website

Related links

Ministry of Justice

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National 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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National specialised courts - Malta

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

Specialised courts

The Constitutional Court	Second instance Appeal	This court hears **appeals** concerning cases relating to alleged **breaches of human rights, interpretations of the Constitution and invalidity of laws**. It also has original jurisdiction to decide on **questions concerning members of the House of Representatives** 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
The First Hall of the Civil Court	First instance	The First Hall of the Civil Court also deals with cases relating to alleged breaches of **human rights and**	Presided over by a judge

		fundamental freedoms that are protected by the Constitution and by the European Convention of Human Rights and Fundamental Freedoms.	
Industrial Tribunal	First instance	This tribunal hears cases related to **unfair dismissal** and to **discriminatory** or other **unlawful treatment in the workplace**.	Presided over by a chairperson
Rent Regulation Board	First instance	The Rent Regulation Board hears cases related to **changes in the conditions of leases**, 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
Land Arbitration Board	First instance	The Land Arbitration Board hears cases dealing with the **classification of expropriated land, the public purpose of expropriation** and the amount of compensation due to the owner.	Presided over by a magistrate
Rural Lease Control Board	First instance	This Board hears cases dealing with **rural leases** and claims made by owners regarding termination of field lease.	Presided over by a magistrate
Administrative Review Tribunal	First instance	This tribunal has the power to review **administrative acts**.	Presided over by a judge or a magistrate
Partition of Inheritances Tribunal	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
The Competition and Consumer Appeals Tribunal	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
Court of Revision of Notarial Acts	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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National 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*): court for appeal proceedings in ordinary administrative cases.

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

Supreme Court (*Hoge Raad*): court of cassation and highest court for tax cases.

Central Appeals Tribunal (*Centrale Raad van Beroep*): final higher appeal court for social security, social welfare and civil service cases. Also, appeal court of first and sole instance in disputes over the enforcement of laws regarding victims of war and persecution and for appeals by judicial officials.

Trade and Industry Appeals Tribunal (*College van Beroep voor het bedrijfsleven*): appeal court of first and sole instance for disputes involving economic administrative law.

Administrative Jurisdiction Division of the Council of State (*Afdeling Bestuursrechtspraak van de Raad van State*): final higher appeal court for all administrative cases not decided by other appeal courts. Also, appeal court of first and sole instance for disputes involving, among other things, the environment or spatial planning.

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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National specialised courts - Austria

The following section is about specialised courts in civil and criminal matters in Austria.

Specialised courts

In principle, any ordinary court handles all civil and criminal justice matters that are assigned to its organisational level (District Court (*Bezirksgericht*) or Court of first or second instance).

The largest Austrian cities also have specialised courts:

there are five in Vienna, namely the Vienna Regional Criminal Court (*Landesgericht für Strafsachen Wien*), the Vienna Regional Civil Court (*Landesgericht für Zivilrechtssachen Wien*), the Vienna Labour and Social Court (*Arbeits- und Sozialgericht Wien*), the Vienna Commercial Court (*Handelsgericht Wien*) and the Vienna District Court for Commercial Matters (*Bezirksgericht für Handelssachen Wien*); and

two in Graz: the Graz Regional Criminal Court (*Landesgericht für Strafsachen Graz*) and the Graz Regional Civil Court (*Landesgericht für Zivilrechtssachen Graz*).

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

Employment cases are brought at first instance before the Regional Courts or, in Vienna, before the Labour and Social Court; at second instance, before the Higher Regional Courts (*Oberlandsgerichte*) and at last instance before the Supreme Court (*Oberster Gerichtshof*). Decisions are taken by divisions (*Senate*) of the appropriate court, which are made up of one or more professional judges (*Berufsrichter(innen)*) and two lay assessors (*Laienrichter(innen)*), 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 considerable importance.

Commercial cases essentially consist of civil cases that involve a trader, as defined in Section 51 of the Law on Court Jurisdiction (*Jurisdiktionsnorm*). They are subject to the ordinary civil procedure, with few special rules. When a commercial case is heard by a division in a court of first or second instance, a lay assessor representing traders joins the division. (This is not the case in the Supreme Court.)

Cartel cases, as defined in the Cartel Act (*Kartelgesetz*), are brought before the Higher Regional Court in Vienna, which acts as the Cartel Court (*Kartellgericht*) of first instance. It has jurisdiction over the entire country. Appeals against the judgments of the Cartel Court are brought in second and last instance before the Supreme Court, which acts as the Higher Cartel Court (*Kartellobergericht*). Decisions are taken by divisions, which in both instances are made up of one or more professional judges and two qualified lay assessors. The Austrian Federal Economic Chamber (*Wirtschaftskammer Österreich*) and – save for a few exceptions – the Federal Chamber for Workers and Employees (*Bundeskammer für Arbeiter und Angestellte*) each select a lay assessor.

In **non-contentious proceedings** (*Verfahren außer Streitsachen*), courts decide on certain matters of private law which have special characteristics (generally settlements, questions of legal custody, and other cases where there are not typically two parties with opposing interests). These follow a similar procedure to that of voluntary jurisdiction.

The vast majority of such cases are first decided by the District Courts, in second instance by the Regional Courts and in the last instance by the Supreme Court. In the first instance, cases are decided by a single judge (*Einzelrichter(in)*) or by a specially qualified judicial official (*Rechtspfleger(in)*). In the second and third instances, they are decided 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 limited scope for bringing forward new matter at second instance, going beyond the arguments and submissions put forward by the applicant at first instance.

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

Administrative courts

Austria has the following administrative courts:

nine provincial administrative courts (*Landesverwaltungsgerichte*), one in each province;
two federal administrative courts: the Federal Administrative Court (*Bundesverwaltungsgericht*) and the Federal Fiscal Court (*Bundesfinanzgericht*);
the Supreme Administrative Court (*Verwaltungsgerichtshof*).
The **administrative courts** decide on, in particular, appeals against judgments and procedure-free administrative acts by administrative bodies, as well as on complaints against administrative authorities' failure to act within an established deadline (*Säumnisbeschwerden*).
The Federal Fiscal Court decides on appeals cases involving public taxes and charges (with a few exceptions) and criminal tax law, provided that these matters are handled directly by the federal fiscal or tax authorities. The Federal Administrative Court primarily decides on appeals against judgments that were otherwise issued by federal authorities in the context of direct federal administration. Otherwise, it is usually the Provincial Administrative Courts that decide on administrative appeal cases.
Judgments of the administrative courts may, under certain circumstances, be appealed before the **Supreme Administrative Court**. The Constitutional Court (*Verfassungsgerichtshof*) may be called upon in cases involving constitutional violation, especially violations of fundamental rights.

Other specialised courts

Constitutional Court (*Verfassungsgerichtshof*)

Along with the Supreme Court and the Supreme Administrative Court, the Constitutional Court is Austria's third high court. Like the two other high courts, the Constitutional Court is based in Vienna and has jurisdiction over the entire country.
The primary task of the Constitutional Court is to check compliance with the constitution. This also includes fundamental rights. It is specifically called upon to examine, upon request, the constitutionality of the following laws, regulations and judgments:
federal and provincial laws;
regulations issued by administrative bodies;
judgments of the administrative courts.
If necessary, the court can strike such measures down.
Unlike other courts, the Constitutional Court does not have professional judges, but rather judges *honoris causa* (*Honoratiorenrichter(innen)*). These must be exceptional individuals who have already had 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 – in this case they must be released from their official duties). The Constitutional Court convenes only for 'sessions', which are usually held four times per year.

Legal databases

The Austrian Justice homepage (link here) provides general information on the Austrian judicial system.

Is access to the database free of charge?

Yes.

Related links

Jurisdiction of the courts – Austria

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National specialised courts - Poland

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

Courts that are not ordinary courts are one of the following: **the Supreme Court, the Supreme Administrative Court** or **a provincial administrative court**, or **a military court (regional military court or garrison military court)**. An **extraordinary court** may be established in wartime.
The Supreme Court is a judicial body which supervises the adjudicatory activity of ordinary and military courts. The Supreme Court also performs other tasks defined in the Constitution and the statutes.
For detailed information on the activity of the Supreme Court, visit the following website: http://www.sn.pl/osadzienajwyzszym/SitePages/Status_prawny.aspx
The Supreme Court is a judicial body appointed for the purpose of:
administering the dispensation of justice by ensuring the lawfulness and uniformity of the case-law of ordinary and military courts by examining appeals and adopting resolutions settling legal issues, as well as by exercising extraordinary control over court rulings in order to ensure their compatibility with the rule of law and social justice though the examining of extraordinary appeals;
examining disciplinary cases to the extent specified in this Act;
examining electoral disputes and validating elections to the Sejm and the Senate, to the office of President of the Republic of Poland and to the European Parliament and examining complaints about the validity of a national or constitutional referendum and confirming the validity of a referendum;
delivering opinions on draft statutes and other normative instruments which are to constitute the basis for the decision-making and the functioning of the courts and on other draft statutes affecting matters within the jurisdiction of the Supreme Court;
performing other activities provided for by statute.
The Supreme Court examines appeals in cassation, as well as 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.
Information on the case-law of the Supreme Court can be found in the 'Database of Rulings', available at: http://www.sn.pl/orzecznictwo/SitePages/Baza_orzeczen.aspx, which also has an English version.

Administrative courts

The system of administrative courts includes the Supreme Administrative Court and sixteen provincial administrative courts (one in each province).
In principle, the provincial administrative courts act as the first-instance courts, while the Supreme Administrative Court examines appeals in cassation submitted in respect of rulings handed down by the provincial administrative courts.
Administrative courts exercise control over the activities of public administration bodies, i.e. they verify the compatibility of those activities with the law. This includes the following:
complaints against administrative decisions and decisions issued in administrative proceedings, as well as decisions in enforcement and security proceedings;

adjudication on the compatibility with statutes of resolutions of local government bodies (municipalities, districts and provinces) and of normative acts of regional branches of central government administrative bodies. The basic **law** governing proceedings before administrative courts is the **Administrative Court Proceedings Act** of 30 August 2002 (Journal of Laws 2023, item 259, as amended).
The Supreme Administrative Court and the provincial administrative courts publish their rulings and the grounds for them in the 'Central Database of Administrative Court Rulings', available at: https://orzeczenia.nsa.gov.pl/. The website is only available in Polish.
The tasks of the **Supreme Administrative Court** include:
examining appeals against rulings handed down by provincial administrative courts;
adopting resolutions aimed at clarifying legal provisions whose application has led to divergences in the case-law of administrative courts;
adopting resolutions settling legal issues giving rise to serious doubts in specific cases dealt with by administrative courts;
settling conflicts of jurisdiction between local government units and between local government appeals boards, unless separate statutes provide otherwise, as well as conflicts of jurisdiction between the authorities of these units and government administration authorities;
examining other cases within the jurisdiction of the Supreme Administrative Court pursuant to separate statutes.
The Polish Central Database of Administrative Court Rulings has been established to ensure that interested entities enjoy the fullest possible access to the content of rulings handed down by administrative courts. The Database contains rulings of the Supreme Administrative Court and of the provincial administrative courts handed down since January 2004, as well as selected rulings handed down by the Supreme Administrative Court before 2004. The Database is not an official publication and merely serves for information and education purposes. Link: https://orzeczenia.nsa.gov.pl/
Military courts consist of garrison military courts and military regional courts. The jurisdiction of military courts mainly covers cases concerning:
military personnel in active service, with the exception of territorial military service performed upon request, in the case of offences:
against the obligation to perform military service, against military discipline, against rules concerning relations with subordinates, rules on handling arms and armed military equipment, rules for performing service, and against military property
committed against a military authority or another soldier;
committed during or in connection with the performance of service duties, within a military facility or at a designated place of stay, to the detriment of the army or in violation of an obligation arising from military service;
committed abroad when the Polish Armed Forces are used or deployed outside Polish territory within the meaning of the Act of 17 December 1998 on the rules for the use or deployment of the Polish Armed Forces outside Polish territory;
employees of the military in cases concerning offences:
against the rules for performing service and against military property,
committed abroad, while the Polish Armed Forces are used or deployed outside Polish territory within the meaning of the Act of 17 December 1998 on the rules for the use or deployment of the Polish Armed Forces outside Polish territory;
military personnel of foreign armed forces in Polish territory, as well as civilian personnel of foreign armed forces, in cases concerning offences committed in connection with the performance of service duties, unless an international agreement to which Poland is a party states otherwise.
The Polish legal system also includes two tribunals - the Constitutional Tribunal and the Tribunal of State.
Pursuant to Article 188 of the Polish Constitution, **the Constitutional Tribunal** adjudicates in cases concerning:
the constitutionality of statutes and international agreements,
the conformity of a statute to ratified international agreements whose ratification required prior consent granted by statute;
the conformity of legal provisions issued by central State bodies to the Constitution, ratified international agreements and statutes;
the conformity to the Constitution of the objectives or activities of political parties;
constitutional complaints.
The Constitutional Tribunal also settles jurisdictional disputes between central State constitutional bodies.
The rulings of the Constitutional Tribunal and the grounds for these rulings are available on the Tribunal's website, which is also available in English. Link: https://trybunal.gov.pl/
The State Tribunal adjudicates cases concerning the responsibility of the President of Poland, the Prime Minister and the members of the Cabinet, the Chairman of the National Bank of Poland, the President of the Supreme Audit Office, the members of the National Broadcasting Council, persons to whom the Prime Minister has granted powers of management over a ministry, and the Supreme Commander of the Armed Forces for violations of the Constitution or of an act of law in connection with the office held or the performance of their duties.
To find about more visit http://trybunalstanu.pl/
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National 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 courts of first instance are, as a rule, the district courts (*tribunais de comarca*). They are responsible for trying cases in all matters that do not fall under the jurisdiction of other courts. The district courts have both general and specialised competence.
The district courts are divided into benches of specialised or general competence, as well as local benches. The benches are named in accordance with their competence and the name of the municipality in which they are located.
The following benches of specialised competence may be created:
Central civil (*Central cível*);
Local civil (*Local cível*);
Central criminal (*Central criminal*);
Local criminal (*Local criminal*);
Local minor criminal (*Local de pequena criminalidade*);
Criminal enquiry *(Instrução criminal*);
Family and youth (*Família e menores*);
Employment (*Trabalho*);
Commercial (*Comércio*);

Enforcement (*Execução*).
The following specialised courts have a wider territorial competence:
Court for Intellectual Property (*Tribunal da propriedade intelectual*);
Court for Competition, Regulation and Supervision (*Tribunal da concorrência, regulação e supervisão*);
Maritime Court (*Tribunal Marítimo*);
Court for the Application of Sentences (*Tribunal de execução das penas*);
Central Court of Criminal Enquiry (*tribunal central de instrução criminal*).

Benches having specific competence

Of these benches, the following are especially relevant:

Central civil

These benches are competent to:
try civil declaratory judgment actions under the common procedure for values higher than EUR 50,000.00;
carry out, as part of civil enforcement procedures for values higher than EUR 50,000.00, the duties provided for in the Code of Civil Procedure relating to geographical areas for which there are no competent benches or courts;
try urgent interim proceedings on matters that fall under their competence;
carry out the other responsibilities attributed to them by law.

Family and youth benches

In matters relating to **the civil status of persons and family**, these benches try:
non-contentious proceedings between spouses;
non-contentious proceedings in situations of non-marital cohabitation or relating to persons who live together as a shared household;
actions relating to the separation of persons and property, and to divorce;
actions to declare the nullity or annulment of civil marriage;
actions put in motion based on Article 1647 and on Article 1648(2) of the Civil Code, approved by Decree-Law No 47344, of 25 November 1966;
actions for and enforcements of maintenance payments between spouses and between ex-spouses;
other actions relating to the civil status of persons and family.

As well as powers in this area, these benches also exercise powers that the law attributes to the courts relating to inventory procedures arising from the separation of people and property, divorce, or the declaration of nullity or annulment of civil marriage, as well as relating to special cases of separation of property which are covered by the appropriate laws.

In the area of **minors and of adult children**, the benches are competent to:
establish guardianship and the administration of assets;
appoint a person to carry out legal transactions in the name of the minor and also to appoint a general guardian who will represent, out of court, the minor who is the subject of parental responsibility;
grant adoptions;
govern the exercise of parental responsibility and hear issues that relate to it;
set the maintenance payments that are due to minors and to the adult or emancipated children referred to in Article 1880 of the Civil Code, approved by Decree-Law No 47344, of 25 November 1966, and to try actions for the enforcement of maintenance payments;
order the placement of minors in care while awaiting adoption;
determine placement under the measure of promotion and protection with the person selected for adoption, or an institution with a view to future adoption;
establish a relationship of civil custody (*apadrinhamento civil*) and revoke such decisions;
authorise the legal representative of the minor to carry out certain acts, to validate those that have already been carried out without authorisation and to make arrangements relating to the acceptance of donations;
make decisions on the payment of the financial security that the parents must make over in favour of their minor children;
determine the total or partial prohibition of, and establish limits to, the exercise of parental responsibility as provided for in Article 1920 of the Civil Code, approved by Decree-Law No 47344, of 25 November 1966;
carry out the official determination of maternity and paternity, and try challenges and investigations relating to issues of maternity and paternity;
decide, when the parents are in disagreement, on the first name and family name of the minor.

In addition to the competences in this area, the benches are also responsible for:
where guardianship or the administration of assets exists, determining the remuneration of the guardian or administrator; hearing and determining the release, resignation or removal of the guardian, the administrator or the member of the family council; demanding and evaluating the accounts, authorising the substitution of the legal mortgage and determining the reinforcement and the replacement of the security provided; and appointing a special guardian to represent the minor out of court;
appointing a special guardian who will represent the minor in all guardianship proceedings;
changing, revoking and reviewing the adoption; demanding and evaluating the accounts of the adopter and stipulating the amount of money from income that is to be spent on maintenance of the adoptee;
deciding on the increase to and the substitution of the security provided in favour of minor children;
demanding and evaluating the accounts that the parents must provide;
deciding on any other matters relating to the procedures referred to in the previous paragraphs[*a)* to *m)*].

In relation to **matters of educational guardianship and of protection**, the courts are responsible for:
trying promotion and protection proceedings;
applying measures of promotion and protection and monitoring their implementation when required, whenever a child or young person is in a situation of risk and when intervention by the protection committee is not applicable;
carrying out the jurisdictional acts required for the investigation of educational guardianship;
evaluating the facts that qualify as crimes under the law, carried out by minors between the ages of 12 and 16, with a view to the application of measures of guardianship;
implementing and reviewing measures of guardianship;
declaring the termination or removal of measures of guardianship;
hearing appeals against decisions applying disciplinary measures on minors who are the subject of custodial orders.

Employment benches

These hear, in civil matters and others, the questions that arise from employer-employee relationships and from relationships established with a view to the signing of contracts of employment, relating to accidents at work and occupational illnesses, of contracts that are comparable under the law to employment contracts, and of apprenticeship and traineeship contracts, as well as questions relating to strike-related civil issues.

Commercial benches

These benches try:

insolvency proceedings and special restructuring measures;

actions to declare the non-existence, nullity and rescission of memoranda and articles of association;

actions relating to the exercise of company rights;

actions for the suspension or cancellation of company resolutions;

actions for the judicial winding-up of companies;

actions for the winding-up of companies created under the European Company Statute (ECS);

actions for the winding-up of holding companies;

actions referred to in the Code of Company Registration;

actions for the winding-up of credit institutions and finance companies.

They are also responsible for judging challenges to orders made by the registrars of company registry offices, as well as challenges to the decisions made by registrars as part of the administrative procedures carried out for the winding-up or liquidation of companies.

Enforcement benches

These benches are responsible for civil enforcement procedures as laid down in the Code of Civil Procedure, except those cases attributed to the Court for Intellectual Property, the Court for Competition, Regulation and Supervision, the Maritime Court, family and youth benches, employment benches and commercial benches. Enforcement benches also deal with the enforcement of judgments given in criminal proceedings that, under the terms of the law of criminal procedure, should not be dealt with in a civil court.

Courts with wider territorial competence

Courts for Intellectual Property

hear issues relating to:

actions in which the cause of action relates to copyright and connected rights;

actions in which the cause of action relates to industrial property, in any of the modalities provided for by law;

actions of invalidation and annulling of patents, supplementary protection certificates, utility models and topographies of semiconductor products provided for in the Code of Industrial Property (*Código da Propriedade Industrial*) and other applicable legislation, as well as requests for the declaration of the invalidation or annulling of registrations of drawings or models, brands, logotypes, rewards, designations of origin and geographical indications that are the subject of counter-claim proceedings;

appeals against decisions made by the National Industrial Property Institute (*Instituto Nacional da Propriedade Industrial, I. P. - INPI, I. P.*) which grant or reject any type of industrial property rights or decisions relating to transfers, licences or declarations of obsolescence, or to any other acts that affect, modify or extinguish rights of industrial property;

the appeal and review of the decisions, or of any other measures that may legally be challenged, made by the National Industrial Property Institute in cases relating to infringements and fines;

declaratory judgment actions in which the cause of action relates to Internet domain names;

appeals against decisions made by the Foundation for National Scientific Analysis (*Fundação para a Computação Científica Nacional*), which is the competent authority responsible for registering, rejecting or renewing .pt domain names;

actions in which the cause of action relates to companies or company names;

appeals against decisions made by the Institute of Records and Notaries (*Instituto dos Registos e do Notariado, I. P. - IRN, I. P.*) relating to the admissibility of companies and trading names under the legal framework of the National Register of Legal Entities (*Registo Nacional de Pessoas Coletivas*);

actions in which the cause of action relates to the practice of acts of unfair competition or of the infringement of trade secrets related to industrial property;

measures for obtaining and preserving evidence and for the provision of information, when required for the protection of intellectual property rights and copyright.

Court for Competition, Regulation and Supervision

Amongst other issues, this court hears questions relating to the appeal, review and enforcement of decisions, orders and other measures arising from cases of infringement that can be legally challenged, issued by several regulatory bodies, namely the Competition Authority (*Autoridade da Concorrência*), the Portuguese Civil Aviation Authority (*Autoridade Nacional da Aviação Civil*), the Bank of Portugal (*Banco de Portugal*) and the Portuguese Securities Market Commission (*Comissão do Mercado de Valores Mobiliários*).

Maritime Courts

hear issues relating to:

compensation due for damage caused or suffered by ships, boats and other floating vessels, or resulting from their use at sea under the general terms of the law;

contracts for the construction, repair, purchase and sale of ships, boats and other floating vessels, provided they are intended for maritime use;

contracts for transport by sea or combined or multi-modal transport contracts;

contracts for transport by river or canal, within the limits set out in table No 1 attached to the general regulations for harbours (*Regulamento Geral das Capitanias*), approved by Decree-Law No 265/72, of 31 July 1972;

contracts for the chartering or leasing of sea-going ships, boats and other floating vessels;

contracts for the insurance of ships, boats and other floating vessels intended for maritime use, and their cargoes;

mortgages and privileges in respect of ships or boats, and any collateral with respect to floating vessels and their cargoes;

special procedures relating to ships, boats and other floating vessels and their cargoes;

urgent interim proceedings relating to ships, boats and other floating vessels, their respective cargoes and bunker oil, and other assets belonging to the ships, boats and other floating vessels, as well as preliminary requests to the harbour master to support the outward movement of the items that are the object of these proceedings;

matters of general average or particular average, including those that refer to other floating vessels for maritime use;

maritime assistance and salvage;

contracts for towing and pilotage;

removal of debris;

civil liability in relation to pollution of the sea and other waters under their jurisdiction;

the use, loss, finding or appropriation of methods or equipment for fishing or for the gathering of seafood, molluscs and seaweed, irons, equipment, weapons, supplies and other objects for the use of sailing or fishing, as well as damage caused or suffered by this same material;
damage caused to assets belonging to the maritime public domain;
ownership and possession of debris from vessels that has washed ashore, and of items or any existing remains that originate or come from the ocean and which are resting on the soil or subsoil or which come from or exist in inland waters, if this is of maritime interest;
arrests;
all general issues on matters of commercial maritime law;
appeals against decisions made by the harbour master in cases of maritime infringements.

Court for the Application of Sentences

This court monitors and supervises enforcement, and makes decisions on modification, substitution and ending of the penalty or custodial measure set out in the judicial decision after sentencing has taken place. The court is competent to:
determine the enforcement of the supplementary penalty of deportation, declaring the prison sentence to be at an end, and determine the early implementation of the supplementary penalty of deportation;
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;
issue warrants for arrest, detention and release;
issue a declaration of non-compliance and order the seizure of assets relating to a convicted person who has intentionally removed themselves, in full or in part, from the implementation of a prison term or custodial measure;
decide on the provisional cancellation of facts or decisions that were entered on a criminal record.

Central Court of Criminal Enquiry

This court carries out criminal enquiries, makes sentencing decisions and has jurisdiction over the investigation when the criminal activity occurs in districts belonging to different Courts of Appeal (*Tribunais da Relação*) and whenever the following crimes are involved:
crimes against peace and humanity;
crimes of terrorist organisation and terrorism;
crimes of endangering the security of the State, with the exception of electoral crimes;
trafficking of narcotics, psychotropic substances and drug precursors, except for situations of direct distribution to the consumer, and criminal association relating to trafficking;
money laundering;
corruption, embezzlement, and graft and corruption;
malicious insolvency;
maladministration of economically-independent public sector organisations;
fraud relating to the obtaining or misappropriation of grants, awards or loans;
economic and financial offences committed in an organised manner, in particular involving the use of information technology;
economic and financial offences that are international or transnational in scope.

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National 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 şi Familie*)

The Brașov-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 Brașov 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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National specialised courts - 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.
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 representativeness of trades unions;
as specified by law.
The social court has jurisdiction to decide on the following social disputes:
1. In the area of **pension and disability insurance**:
concerning rights to and deriving from compulsory pension and disability insurance,
concerning rights to and deriving from compulsory 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. In the area of **health insurance**:
concerning rights to and deriving from compulsory health insurance and payment of contributions for this insurance;
3. In the area of **unemployment insurance and recruitment**:
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. In the area of **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. In the area of **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 in individual labour and social disputes concerning material legal claims, if the value of the subject-matter in dispute does not exceed EUR 40,000. 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*)
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 (*Vrhovno sodišče Republike Slovenije*) 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 issued in the form of a regulation, where they regulate individual relationships,
rules on disputes under public law between the State and local communities, among local communities or between local communities and holders of a public authorisation, where provided for by law or where no other form of due process exists under the constitution or a law,
rules on the legality of other acts, where provided for by law.
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 adjudicates at the **head office** and at the following **branch offices**:
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 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 as a single judge on a stay of proceedings; in appeals and reviews it rules in a panel of three judges; in disputes concerning competence between the Administrative Court and a court of general competence or a specialised court the panel is composed of three judges; in disputes concerning competence between the Administrative Court and the Supreme Court the panel is composed of 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:

Labour Courts

Administrative Court of the Republic of Slovenia

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National 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 legislation.

The seat of the Constitutional Court is in Košice, at Hlavná 110, Košice 042 65, with a branch office 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 law;
government regulations, and generally binding legal provisions laid down by 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, and laws;
generally binding regulations 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, and laws, unless another court is required to rule;
generally binding legal provisions laid down by local government bodies and generally binding regulations of local self-governing bodies (under Article 71(2)) conform to the Constitution, constitutional laws and international treaties promulgated in the manner laid down by law, laws, government regulations and generally binding legal provisions laid down by ministries and other central government bodies, unless another court is required to rule on them.
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 or a constitutional law;
decide on disputes over competences between central government bodies, unless the law provides that another state authority must rule on those 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 law, unless another court must rule on the protection of those rights and freedoms;
decide on complaints lodged by local self-governing bodies on the unconstitutionality or unlawfulness of decisions on or interference with matters of local self-government, unless another court must rule on their protection;
interpret the Constitution or a constitutional law when a matter is in dispute;
decide on complaints lodged against a decision confirming or rejecting the mandate of a member of parliament;
decide on the constitutionality or lawfulness of elections (of the President of the Slovak Republic, to the National Council of the Slovak Republic, local self-governing bodies and the European Parliament);

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 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 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 judicial candidates as will be appointed by the President.

Other relevant information

Decisions of the Constitutional Court must be taken by a panel of **three members** or in **plenary session**.

The Constitutional Court's decisions are final: therefore, recourse is not possible against them.

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 whose rights are adjudicated upon in cases under Article 127 (appeals lodged by natural or legal persons) and Article 127a (appeals by local self-governing bodies),
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 President of the Judicial Council of the Slovak Republic in matters relating to the constitutionality of legislation under Article 125(1) concerning the administration of justice,
the Ombudsman in matters relating to the constitutionality of legislation under Article 125(1), where the further application of such legislation may jeopardise 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,
anyone who disputes the auditing activity of the Supreme Audit Office of the Slovak Republic in the case laid down in Article 126(2).

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 releases,
international activities,
information about the court.

The Special Criminal Court

The Special Criminal Court (Špecializovaný trestný súd) was created in 2009 as a successor to the Special Court. The Criminal Court rules on criminal matters and other matters decided in court proceedings as laid down by legislation (Code of Criminal Procedure). It is a court of first instance with the status of a regional court. Section 14 of Act No 301/2005, the Code of Criminal Procedure, lays down the competences and functions of this court.

Contact details for 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 criminal offences:
first degree murder,
manipulation of 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), (i), (l) or (m),
accepting a bribe under Sections 328 to 330 of the Criminal Code,
bribery under Sections 332 to 334 of the Criminal Code,
indirect corruption under Section 336 of the Criminal Code,
electoral bribery under Section 336a of the Criminal Code,
sports corruption under Section 336b of the Criminal Code,
creating, organising or promoting a criminal group, particularly serious offences committed by criminal groups,
terrorism,
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 Union,
offences related to those listed under subparagraphs (a) to (l) or (m), where the conditions for joint proceedings are met,
extremism under Section 140a of the Criminal Code.

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National 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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National 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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National 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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National 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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National 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 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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