



THE SUPREME ADMINISTRATIVE COURT OF FINLAND
ANNUAL REPORT 2003

The Annual Report 2003 of the Supreme Administrative Court is available in Finnish, Swedish, English and French.

The cover photograph shows the building housing the Supreme Administrative Court at the address Fabianinkatu 15.
Photograph: Risto Laine

Supreme Administrative Court
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Protection of citizens by law in the face of social change

Mr Pekka Hallberg

President of the Supreme Administrative Court

Ensuring the protection of citizens by law. The establishment of the Supreme Administrative Court 85 years ago, in 1918, and the confirmation of its status in the Constitution Act of Finland in the following year, had a general aim of developing the rule of law and the protection of citizens by law. Since then, the right of appeal, the administration of justice and the administrative judicial procedure have been subject to several reforms. The administrative courts play a key role with regard to the assessment of the rule of law in Finland today.

A general right of appeal – being one of the basic guarantees of the protection of citizens by law – was included in the already repealed Administrative Appeals Act as early as in 1950. In order to further underline the importance of the protection of citizens by law, the decisions of Government Ministries were also made subject to a right of appeal to the Supreme Administrative Court. The general right of appeal, which is extensive even when looked at from an international perspective, has later made it easy for Finland to adhere to international human rights conventions and to comply with the present-day requirements of a fair trial.

Stronger administrative courts. The creation of the county administrative courts in 1955 and their gradual development into independent administrative courts of a lower instance laid down a solid basis for the existing regional administrative courts. The status of the latter courts was affirmed in the new Constitution of Finland which entered into force

in March 2000. In disputes subject to court proceedings, the existing eight administrative courts and the Administrative Court of the Åland Islands – as a general instance of appeal in administrative cases – have a significant amount of responsibility in matters that are of importance for us all, including the environment, taxation, social security and possibilities to exercise one's profession, as well as the lawfulness of the use of public powers in general.

The Finnish judiciary has also been supplemented with a new Market Court, which was established in 2002 to continue the work of the Competition Council and the earlier Market Court in cases concerning restrictions to competition, public procurement and market law. The right of extraordinary appeal to the Supreme Administrative Court was extended in 2003 to cover the decisions of the Insurance Court. These reforms further underline the supervisory role of the Supreme Administrative Court in the administration of justice, based on the provisions of the Constitution. In practice, this means responsibility for the overall development of a functioning administrative judicial procedure meeting the expectations. There are also plans for further reforms aiming at more expedient and efficient proceedings and handling of cases.

The earlier reforms of the administrative judicial procedure - concerning the appeal system, service of documents, handling of cases, and service of decisions - were compiled into a new Administrative Judicial Procedure Act in 1996. The Act is a modern and flexible codification which is applicable to different categories of cases and its underlying idea is to provide for a procedure ensuring the protection of citizens by law. The provisions of the Act un-

derline the obligation of the courts to establish the facts of the case. No case may be decided on the basis of inadequate evidence. Nor may the differences in the preparedness of parties to pursue their cases affect their protection by law. At the same time, it has been possible to keep the costs of administrative judicial procedure at a reasonable level.

Social change. Along with social change, the demands concerning the protection of citizens by law increase and change. A committee assessing the development of the judiciary gave a report in which it paid attention to the changes in the structures of population and trades, as well as to the structural changes in the welfare state. Although the variety of services provided by the public sector has expanded, a question of the privatisation of services has been raised. Furthermore, the multiple international contacts, the increasing role of local and regional units in the provision of public services, and the networks resulting from economic integration have brought about changes. Consequently, the structure of administration consists of several levels.

In any democratic society, the effects of changes must be assessed from the citizens' perspective. Although the safeguards of the protection of citizens by law are, to the extent possible, taken into account in the reforms of administration and administrative procedures, it must also be possible to question the lawfulness and legitimacy of the use of public powers. The possibility to challenge the lawfulness of the decisions of authorities before independent administrative courts is an essential part of the said safeguards. The great importance given to the rule of law in Finland – which affords real protection vis-à-vis the use of power – also increases preparedness to meet the challenges of a changing world. ■



Activities in 2003

New cases. A total of 3,806 new cases were filed with the Supreme Administrative Court in 2003. Of these, 3,511 were appeals or requests for leave to appeal and 295 were petitions, the largest group being requests for the annulment of judgment.

The largest categories of cases of appeal and of requests for leave to appeal were the building, planning, environmental, water rights, traffic and roads cases (25%), tax cases (21%), and social welfare and health care cases (19%). Other significant groups included cases concerning aliens (11%) and local government (6%). There were no significant changes in the numbers of new cases in individual categories.

Decided cases. In 2003, the Supreme Administrative Court issued a final decision in 3,879 cases. Of these, 3,554 were cases of appeal and requests for leave to appeal. The remaining 325 decided cases were petitions. In 71 per cent of the decided cases, the challenged decision was upheld, and in 14 per cent of the cases the statement of reasons was changed, whereas in 10 per cent of the cases the challenged decision was either amended or it was referred back to the lower authority for reconsideration, and 5 per cent of the cases were declared inadmissible.

Approximately 58 per cent of the decided 3,554 cases in 2003 were final decisions on the merits of the case.

The average length of proceedings in respect of the decided cases was 11.0 months.

Pending cases. At the end of 2003, there were 3,372 cases pending before the Supreme Administrative Court.

No general system of leave to appeal. The majority of the categories of cases handled by the Supreme Administrative Court are not subject to the requirement of leave to appeal. As a rule, therefore, the parties have a right to

appeal, and the Supreme Administrative Court issues a decision on merits.

The most important categories of cases where, under the applicable law, a request for leave to appeal must be filed, concern taxation, aliens and subsistence allowance. Leave to appeal may, however, be granted on various grounds, and not exclusively because of a need to issue a precedent. In 2003, the Supreme Administrative Court decided 1,443 cases of request for leave to appeal, of which 15 per cent were admitted.

Oral hearings and on-site inspections. In 2003, the Supreme Administrative Court held one oral hearing and arranged one on-site inspection.

Publication of precedents. Since 1918, the most important cases of the Supreme Administrative Court have been published in the Court's yearbook. Those cases have relevance for the application of law in similar cases or involve otherwise a significant interest.

The aforementioned precedents, which will be included in the yearbook, are published on the Court's web site (<http://www.kho.fi> and <http://www.hfd.fi>) already on the date of their issue. Furthermore, precedents issued by the Supreme Administrative Court are available in the Finlex database of Finnish legislation (<http://www.finlex.fi>), maintained by the State, of which the oldest ones were given as early as in 1944.

In 2003, the Supreme Administrative Court published 103 precedents in the yearbook. On the Court's web site, brief summaries were also published of certain other cases.

References for preliminary rulings to the Court of Justice of the European Communities. In 2003, the Supreme Administrative Court submitted no references for a preliminary ruling to the Court of Justice of the European Com-

In September 2003, the responsibility for all cases concerning water rights and environmental permits, in addition to land use and building, was vested in the first chamber. In cases referred to in the Water Act and the Environmental Protection Act, the chamber is composed of the judges and two expert members having competence in the relevant field. In the session of the first chamber, (from left to right), Referendary Counsellor Ilpo Havumäki, Expert Counsellor Pertti Vakkilainen, Justice Jukka Mattila, Justice Marjatta Kaján, President Pekka Hallberg, Justice Kari Kuusiniemi, Justice Irma Telivuo, and Expert Counsellor Juha Kämäri.

munities. In the years 1995 to 2003, a total of 34 references for a preliminary ruling have been submitted by the Finnish courts, of which ten originate from the Supreme Administrative Court. The references for a preliminary ruling submitted by the Supreme Administrative Court can be found in the Finlex database.

Proposals for legislative measures. Under section 99, subsection 2, of the Constitution of Finland, the supreme courts may submit proposals to the Government for legislative measures. The Supreme Administrative Court submitted such a proposal on 10 March 2003, for the amendment of the legislation applicable to administrative judicial procedure, consisting of proposed amendments to 49 acts of Parliament falling within the competence of different Ministries.

Legal opinions. The Supreme Administrative Court provides each year, upon request, several opinions on questions of law, particularly on issues concerning administrative leg-

islation. The opinions are published in the Court's yearbook. In 2003, opinions were given, among others, on the provisions of the Environmental Protection Act and the Act on Competition Restrictions, the implementation of certain obligations relating to the planting of fish, and of public charges under the Fishing Act, the management of traffic projects, the publicity of administrative court hearings, the language qualifications of judges, the planned Act concerning fuel charges and the Vehicle Tax Act, the wage raises of judges and the allocation of wage supplements, the Companies Act, the Mining Act, and the training of judges.

Publications. In 2001, the Supreme Administrative Court introduced a new series of research publications, with a view to enhancing research in the field of administration of justice. The third publication in the series, 'Functions of appeal against the decisions of local authorities - decisions of the Supreme Administrative Court on appeal', was issued in 2003. ■

On cases concerning elections

Lauri Tarasti

Justice

The provisions of Finnish law on elections have been compiled in a new Elections Act (714/1998) which entered into force on 8 October 1998. The Act contains provisions on parliamentary, presidential, local and European Parliament elections. The small number of appeals in cases concerning elections, lodged with the Supreme Administrative Court, indicates that there have been no significant problems of interpretation with the new Act:

1999	national elections	11
2000	"	8
2000	local elections	1
2001	"	10
2002	"	2
2003	national elections	1

A major part of the cases of appeal concerned the eligibility of candidates. The eligibility criteria in respect of parliamentary and presidential elections are provided for in the Constitution of Finland, in respect of local elections in sections 33 and 34 of the Local Government Act, and in respect of European Parliament Elections in section 164 of the Elections Act. After the entry into force of the Local Government Act (365/1995), the Supreme Administrative Court gave a large number of decisions on the eligibility of candidates in the 1996 local elections (in total 29 decisions).

The aforementioned cases have become pending through a procedure of appeal referred to in Chapter 8 of the Elections Act, which is the ordinary means of appeal against erroneous decisions or measures relating to elections. Such appeal may be resorted to unless it is specifically prohibited or another remedy has specifically been provided for as, for example, against decisions on the appointment of election authorities.

Appeal against measures preparing elections as well as against decisions and measures taken during the elections is made in accordance with the procedure set forth in Chapter 8 of the Elections Act, after the elections.

The Elections Act prohibits appeal in certain cases, so as to ensure timely implementation of results and to prevent the use of appeal for purely political motives. No appeal is possible against decisions confirming the results of presidential elections. The provisions of the Associations Act on the nullification or challenging of decisions are not applied to decisions made by political parties and their member associations concerning the appointment of candidates for election. No further appeal may be made to the Supreme Administrative Court from decisions of administrative courts concerning requests for the amendment of decisions excluding persons from the voting register or concerning the limits of constituencies. Extraordinary appeal to the Supreme Administrative Court is, however, possible in these cases.

Appeal is the only way to have results of elections corrected or, where correction is impossible, new elections ordered in the constituency or municipality in question or, in respect of European Parliament elections, in the territory of Finland. New elections have only been ordered in local elections in Finland, the latest case being the local elections in the municipality of Kemina in 1997.

According to section 102, subsection 3, of the Elections Act, appeals in cases concerning elections shall be examined urgently and the Supreme Administrative Court has done so. Most appeals have been decided in less than three months and extraordinary appeals in cases concerning requests for the review of election results, for example, have been decided in a few weeks' time.

Apart from the examination of appeals pursuant to the provisions of the Elections Act, the Supreme Administrative Court examines appeals concerning church elections under the Church Act and appeals concerning Sámi Parliament elections under the Sámi Parliament Act. In 1999, the Supreme Administrative Court decided as many as 657 appeals concerning the right to vote in the Sámi Parliament elections. ■

On the international aspects of income taxation

Olof Olsson

Justice

Of all the new cases before the Supreme Administrative Court, the share of cases concerning taxation was 36% in 1990, whereas it was only 21% in 2003. The cases concerning taxation still constitute the largest group of cases dealt with by the Supreme Administrative Court but the number of such cases has been decreasing. At the same time, the nature of the cases has dramatically changed: they have become more extensive and complicated. Another apparent change is that taxation cases increasingly concern persons or transactions having links with countries other than Finland, and the applicable rules of law are not exclusively those of domestic law. This is not only true in respect of cases relating to indirect taxation but also increasingly in respect of those concerning taxes on income. Despite the decrease in the number of taxation cases, the role of precedents issued by the Supreme Administrative Court has remained unchanged. The share of taxation cases of all the published ones was 35% in 2003.

The change in the nature of cases concerning taxation is partly a consequence of the present appeal system which was introduced in 1994, under which leave to appeal is required in all taxation cases with the exception of appeals against decisions of the Central Tax Board. However, the change may also partly be explained by the internationalisation of economic life in Finland since the abolition of foreign exchange control at the end of the 1980s, and by the international tax planning which has also become more usual in Finland. A further explanation is the increasing legal integration within the frameworks of the European Union, the Council of Europe and the OECD, among others. In 1990, only two of the 94 taxation cases published in the Yearbook of the Supreme Administrative Court involved international aspects of income taxation. One of these two cases concerned the question of

whether a person having a link with Sweden had unlimited tax liability in Finland, and the other one concerned the application of the Agreement between Finland and Germany for the Avoidance of Double Taxation to the taxation of pensions. Fourteen years later, in 2003, the share of cases that either partly or totally concerned international taxation of income was 23% of all the taxation cases published in the Court's Yearbook.

The earlier rare international taxation cases often concerned the income taxation of individuals or the application of rules of the Income and Capital Tax Act concerning the unlimited or limited tax liability of non-residents and the so-called one-year-rule (later six-month-rule). Only some cases involved the application of agreements for the avoidance of double taxation. The situation is entirely different today. The international rules concerning taxation have been further developed and supplemented e.g. with rules concerning the taxation of shareholders in controlled foreign companies, and there are regularly cases involving the application of agreements for the avoidance of double taxation.

The rules of Community law, especially those of the Treaties and of the Council regulation concerning social security as well as such directives as relate to direct taxation, also constitute an entirely new and increasingly important source of law in the field of taxation of income. After Finland's accession to the European Union, the Supreme Administrative Court has referred one taxation case to the European Court of Justice for a preliminary ruling, and the regional administrative courts have submitted three references.

Nor is it unusual to invoke the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, particularly Article 6 of the Convention, in cases concerning taxation. However, in this field the Convention has not been as problematic in Finland as it has been in the neighbouring Nordic Countries. ■

On cases under the Aliens Act and the Nationality Act

Ilkka Pere

Justice

In most proceedings instituted under the provisions of the Aliens Act or the Nationality Act, the Supreme Administrative Court is the second instance of appeal and the original decision has been made by the Directorate of Immigration. Decisions of the Directorate of Immigration may be appealed to the regional administrative court having jurisdiction over the case. However, in cases concerning asylum, the appeal is always made to the Administrative Court of Helsinki. In nationality cases, decisions of administrative courts may always be appealed from to the Supreme Administrative Court, whereas leave to appeal is required in cases brought under the Aliens Act. Appeal may be made on both grounds relating to the interpretation of law and on those relating to the facts of the case. The applicable provisions of law afford the decision-making authority a rather wide margin of appreciation. A request for leave to appeal does not usually have any delaying effect on the enforcement of the decision of a regional administrative court unless the Supreme Administrative Court orders interruption of enforcement.

The Aliens Act and the Aliens Decree have undergone several amendments since the 1990s. The most important types of decisions made pursuant to their provisions, against which appeal is made to the Supreme Administrative Court, include decisions on asylum or residence permit on the basis of need for international protection and decisions on the issue of temporary or permanent residence permits on other grounds, as well as decisions on the expulsion or deportation of aliens. The Supreme Administrative Court has been deciding appeals against decisions concerning asylum or residence permit on the basis of need for protection since January 1998 when the Asy-

lum Appeals Board, which was an appellate body specifically meant for that purpose, was abolished. The rest of the residence permit cases became part of the jurisdiction of the Supreme Administrative Court on 1 May 1999, by an amendment made to the Aliens Act. Provisions of law allowing appeal in nationality cases were enacted on 15 August 1998.

A leave to appeal may be given where it is justified either by a need for precedence or by other important reasons. When a request for leave to appeal is considered, attention is paid to the question of whether the decision of the Supreme Administrative Court is of relevance for the alien's security or other living conditions. In 2003, a leave to appeal was granted in approximately 13% of cases concerning asylum-seekers or refugees and in 11% of other cases brought under the Aliens Act. The requests for leave to appeal are mainly decided on the basis of information given in the request and of documentary evidence presented at the earlier stages of the proceedings. Where necessary, the regional administrative court holds an oral hearing for the purpose of obtaining further evidence.

Upon the increase in the number of aliens residing in Finland in the 1990s, added by the increased possibilities to appeal under the law, the number of cases brought before the Supreme Administrative Court under the Aliens Act increased correspondingly. At present, roughly every tenth case examined by the Supreme Administrative Court is brought before it under the provisions of the Aliens Act or the Nationality Act. In 2003, the Supreme Administrative Court decided 162 cases concerning asylum and 204 other cases concerning aliens, as well as 12 nationality cases. Ten of these decisions were published in the Yearbook. Significant precedents were issued for example with regard to the grounds on which family reunification is considered possible. ■

Organisation and budget

Sakari Vanhala

Secretary General

The judges of the Supreme Administrative Court include the President and twenty Justices. The President of the Supreme Administrative Court since 1993 is Mr Pekka Hallberg, Doctor of Laws.

The Supreme Administrative Court has 38 referendaries and 40 other employees. They are headed by the Permanent Secretary, Mr Sakari Vanhala.

Apart from the permanent personnel, there are expert counsellors working on a part-time basis and, when necessary, temporary personnel. The estimated amount of work for the year 2003 was 102 man-years, whereas the actual work performed was approximately 98 man-years.

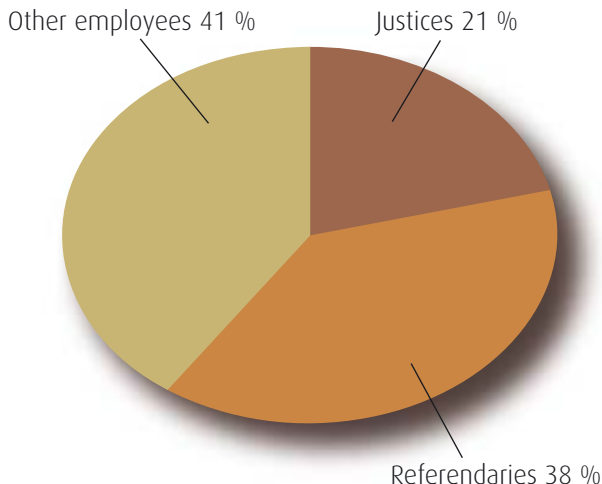
The Supreme Administrative Court has three chambers. The first chamber focuses, among others, on cases concerning building and planning, environment and water rights, the second chamber on cases concerning taxation and competition, and the third chamber

on cases concerning social welfare, health care and aliens. The chambers do not, however, exclusively handle cases concerning these subject-matters but may examine any types of cases falling within the Court's jurisdiction. Such exceptions may be made e.g. during holidays or for the reason of absences because of sickness.

After the institution of proceedings in the Supreme Administrative Court, a notary and a departmental secretary carry out an initial preparation of the case, including compilation of the case file and of the parties' written submissions and observations.

Before the examination of the case by a chamber, the referendary establishes the questions of law and the facts of the case and prepares a draft decision. In order to establish the facts of the case, the Supreme Administrative Court may arrange an on-site inspection or an oral hearing if necessary. Inspections are mainly arranged in cases relating to the environment. The deliberations and the issue of the decision take place after the referendary has presented his or her written and oral statements in the chamber's session. →

Permanent personnel of the Supreme Administrative Court



The cases before the Supreme Administrative Court are decided by chambers composed of five judges. In cases referred to in the Water Act and the Environmental Protection Act as well as in cases concerning certain intellectual property rights such as patents, the chamber is composed of the judges and two expert members having competence in the rel-

evant field. Cases involving a significant interest may be decided by a composition of all the judges of the Chamber, or be subject to the Court's plenary review. When refusing leave to appeal, a chamber may be composed of three judges.

The report of a working group set up to analyse the organisation and working meth-

ods of the Supreme Administrative Court was completed in 2003. The working group systematically analysed the present organisation and working methods as well as the possibilities and needs for changes. On the basis of the analysis, the working group proposed several changes to the organisation of the Court's administration.

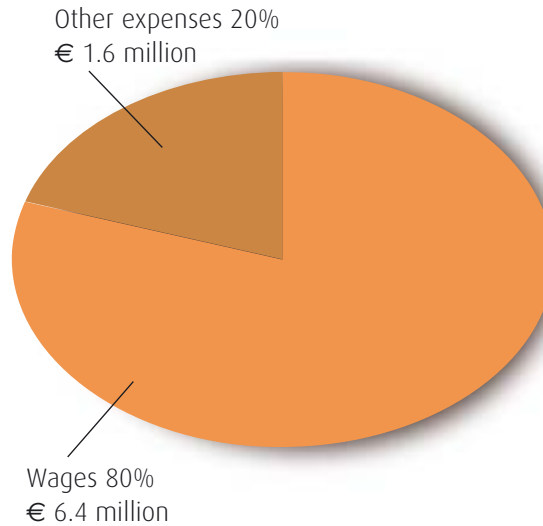
The report also addressed certain wider issues, such as the quality of administration and the quality criteria of good working atmosphere. An interview with the Court's personnel was carried out at the end of the year in order to analyse different factors of well-being at work.

The working group proposed that the ad-

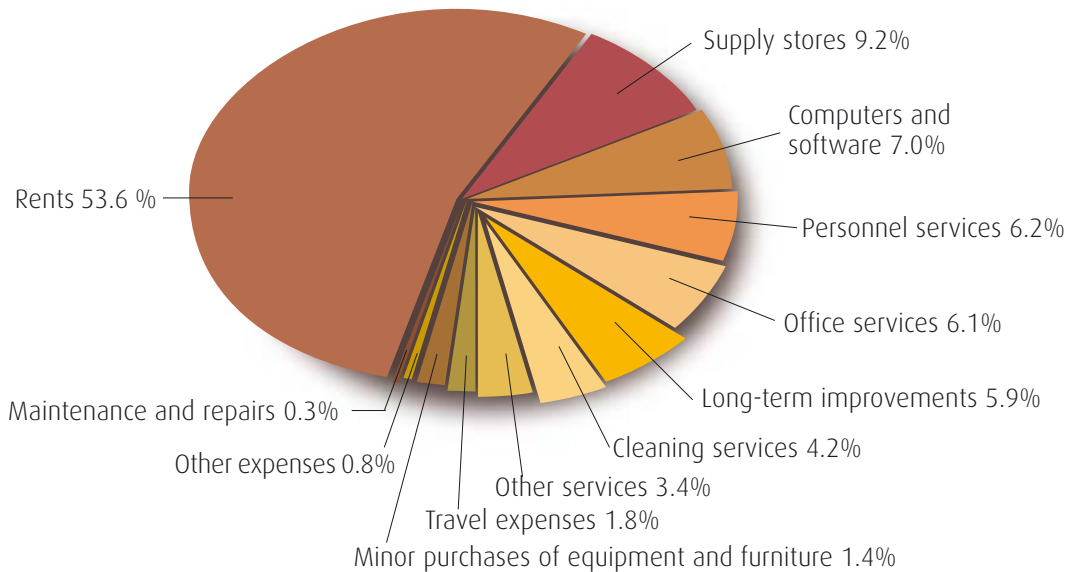
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Personnel of the Supreme Administrative Court in September 2003.

Wages / Other expenses in 2003



Expenses excluding wages



ministration be reorganised by dividing the organisation in different sectors of duties. With regard to ensuring substitute arrangements, the idea is to make it possible for employees to flexibly change duties. Furthermore, each sector would have a certain person assuming the main responsibility for its duties.

The total operational costs of the Supreme Administrative Court were approximately 8 million euro in 2003. As for the economic efficiency and productivity of the Court's administration, the average costs of each case were 2050 euro and each man-year consisted of 39 cases examined. ■

Personnel of the Supreme Administrative Court on 31 December 2003

President

Pekka Hallberg

Justices

Ahti Rihto
Ilmari Ojanen
Olof Olsson
Ismo Talikka
Esa Aalto
Pirkko Ignatius
Lauri Tarasti
Pirkko Lundell
Hannu Koskinen
Raimo Anttila
Tuulikki Keltanen
Marita Liljeström
Olli Nykänen
Pekka Vihervuori
Marjatta Kaján
Heikki Kanninen
Kari Kuusiniemi
Niilo Jääskinen
Ilkka Pere
Ahti Vapaavuori

Temporary Justices

Irma Telivuo
Heikki Jukarainen
Jukka Mattila

Expert Counsellors on the Environment

Pertti Vakkilainen
Pentti Hannonen
Ilkka Hirsto
Heikki Kiuru
Pertti Seuna
Pertti Eloranta
Janne Hukkinen
Juha Kämäri

Chief Engineering Counsellors

Pentti Uuspää
Tapani Jokinen
Allan Johansson
Matti Kleimola
Kenneth Holmberg

In addition, Karri Vartiainen served as Chief Engineering Councillor until 30 April 2003.

The President is chairman of the first chamber. On 31 December 2003, the second chamber was chaired by Justice Ahti Rihto and the third chamber by Justice Ilmari Ojanen.

Secretary General

Sakari Vanhala

Referendary Counsellors

Marianne Båsk
Ilpo Havumäki
Paula Tenkanen
Marina Äimä
Matti Metsäranta
Tuulia Riikonen
Hannu Ranta (on leave)
Leena Halila (on leave)
Eila Rother

Senior Judicial Secretaries

Kai Träskelin
Kari Honkala
Matti Halen (on leave)
Marja-Terttu Savolainen
Anne Niemi
Marjo Snellman
Anneli Tulikallio
Marja Ihto
Kristina Björkvall
Riitta Mutikainen
Marja-Liisa Judström
Liisa Tähtinen

Judicial Secretaries

Raimo Viitasaari
Kari Nieminen
Irene Mäenpää
Arja Niemelä
Marja Leena Kempainen
Hannele Klemettinen
Mikko Rautamaa
Leo Kaasinen
Riitta Kreula
Marita Eeva
Päivi Pietarinen

Temporary Judicial Secretaries

Satu Heikkilä
Petri Leinonen
Petteri Leppikorpi
Jaana Moilanen
Anne Nenonen
Minna Pulkkinen
Elisabeth Vuorenhela

Head of the Information Service

Timo Ahvenniemi

Data Service Lawyer

Pekka Tuominen

Information Specialist

Marja Halttunen (on leave)

Registrar

Eeva Väänänen-Silén

Notaries

Vuokko Kantanen
Paula Kilponen
Carita Rostiala
Marjatta Räsänen
Satu-Maarit Tarkkanen
Ritva Vähämaa

Budget Officer

Marja Klaavo

Data Analyst

Minna Ronkainen

Departmental Secretaries

Liisa Hartikainen
Nina Johnsson
Anne Sahlman
Sinikka Savolainen
Kaarina Tallberg
Soili Tolvanen
Elina Tukiainen

Library Secretary

Piia Ronkainen

Secretaries

Merja Ahlfors
Pirkko Heikkinen
Mirja Johansson
Heli Kalajainen
Anneli Liukkonen
Liisa Martikainen
Sanna Mustasaari
Christina Nyberg
Tuula Pelkonen
Tarja Pihö
Irma Reunanen
Maarit Romppanen
Anneli Ronimus
Marja Tiihonen
Eila Viitaniemi
Raija Vuori

Head of the Caretaker Service

Kari Joutsenlahti

Chief Office Caretakers

Anssi Kaikko
Timo Rousku
Tapani Ruostela

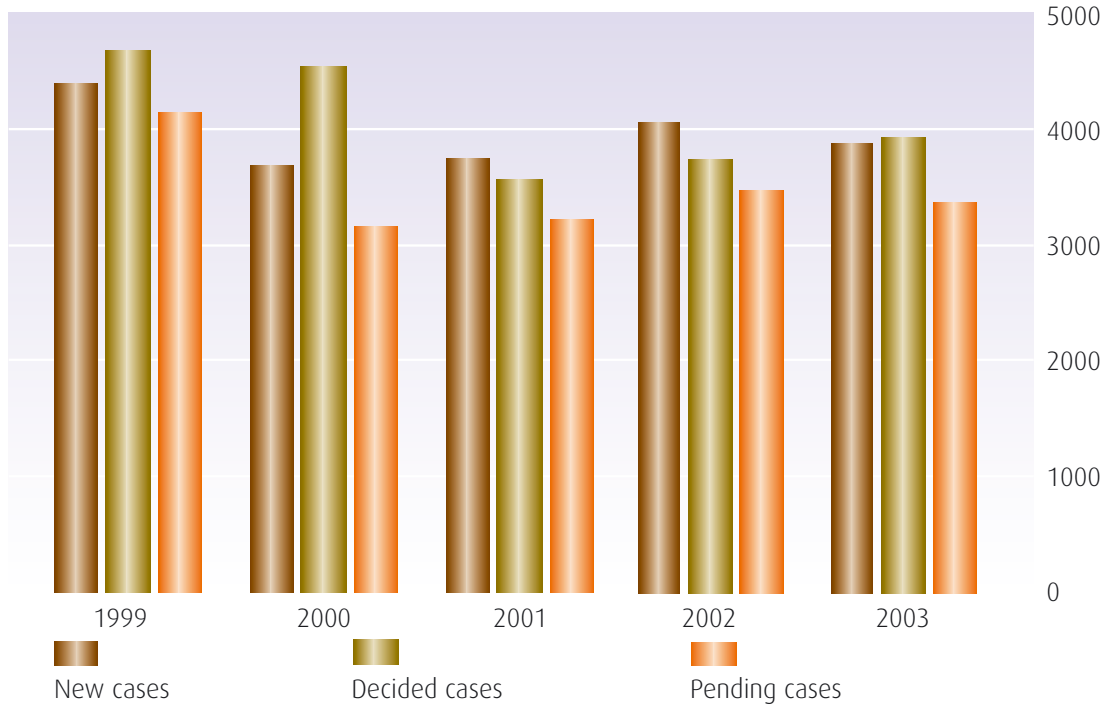
Of the Court's personnel, Justice Heikki Karapuu retired on 1 January 2003, Referendary Counsellor Liisa Hyvärinen on 1 March 2003, Justice Timo Silenti on 1 June 2003 and Justice Erkki Onikki on 1 August 2003.

Statistics

Cases 1994-2003

	New cases	Decided cases	Pending cases
1994	6523	7302	4059
1995	4807	5909	2948
1996	4377	4526	2756
1997	3910	3852	2772
1998	4904	3565	4441
1999	4372	4701	4094
2000	3691	4574	3183
2001	3752	3612	3281
2002	4036	3778	3486
2003	3806	3879	3372

Development of the Court's caseload 1999-2003



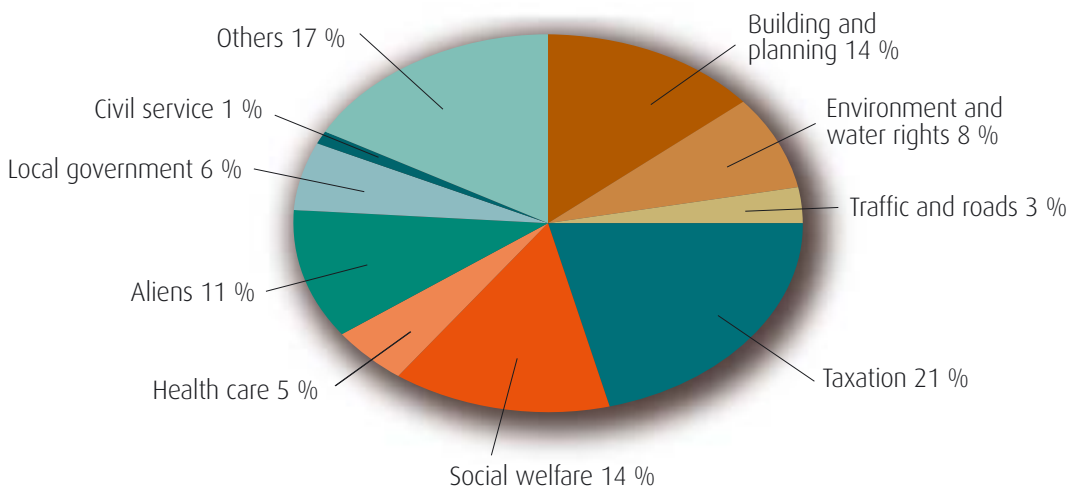
Number of new cases by subject-matter 2000-2003

Appeals	Number				Percentage share			
	2000	2001	2002	2003	2000	2001	2002	2003
Building and planning	317	457	568	496	10	13	15	14
Environment and water rights	211	228	317	289	6	7	9	8
Traffic and roads	71	108	62	103	2	3	2	3
Taxation	921	803	819	747	28	23	22	21
Social welfare	472	460	439	495	14	13	12	14
Health care	162	193	158	184	5	6	4	5
Aliens	148	228	391	399	4	7	10	11
Local government	178	131	158	207	5	4	4	6
Civil service	168	181	160	51	5	5	4	1
Others (incl. percentage adjustments)	689	657	652	540	21	19	18	17
Total number of appeals	3337	3446	3724	3511	100	100	100	100

Petitions	2000	2001	2002	2003	2000	2001	2002	2003
Annulment of judgments	271	216	231	229	77	71	74	78
Restoration of lapsed time	43	52	41	33	12	17	13	11
Others	40	38	40	33	11	12	13	11
Total number of petitions	354	306	312	295	100	100	100	100

Total number of all cases	3691	3752	4036	3806
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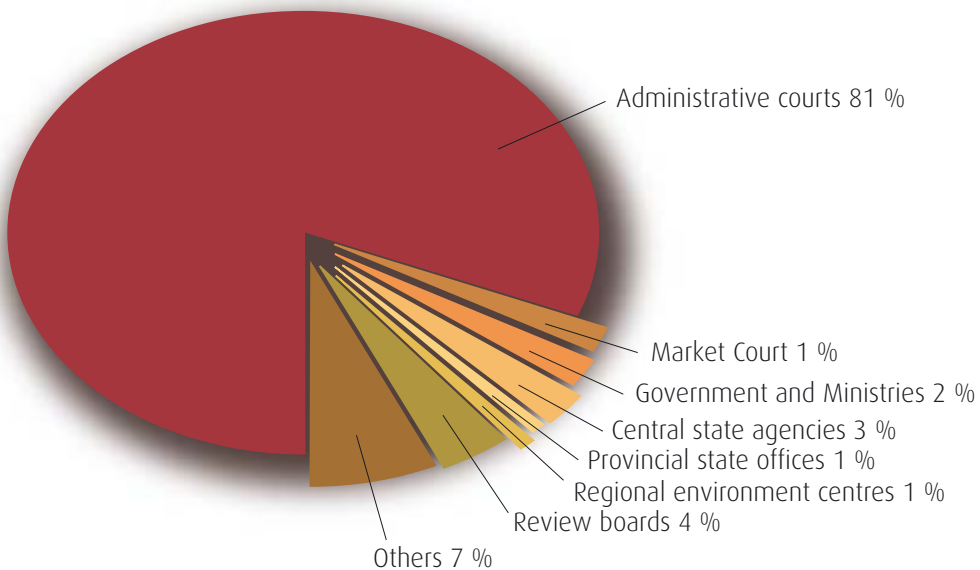
New appeals by subject-matter in 2003



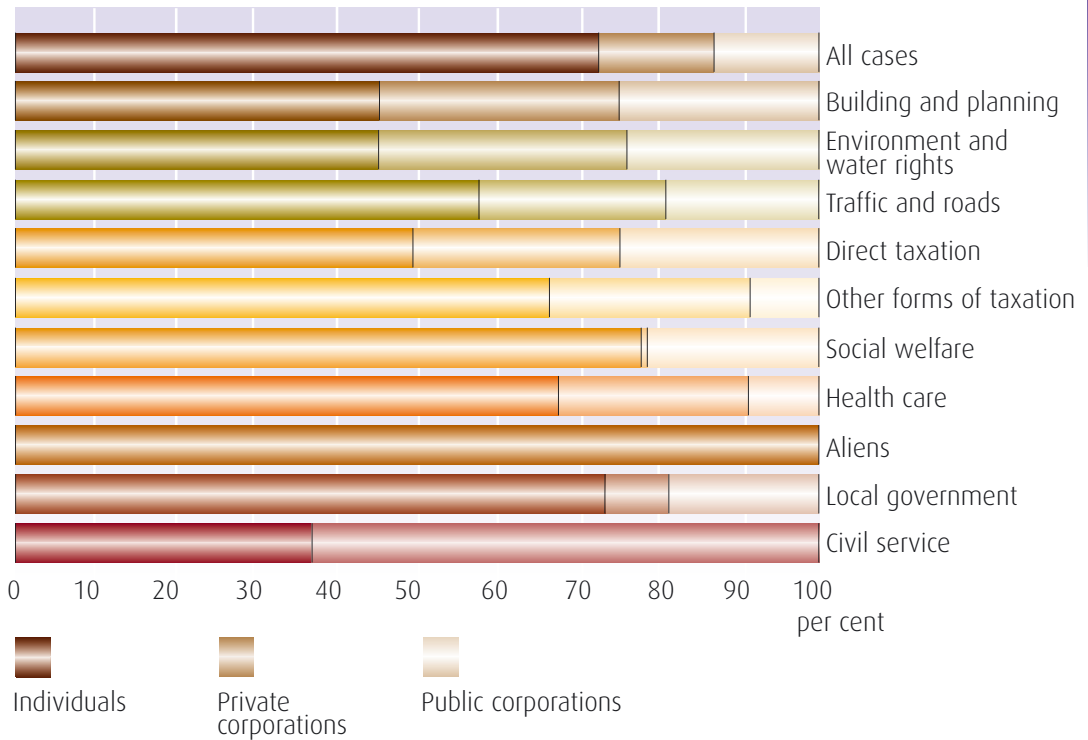
New cases by source authority 1999-2003

	1999	2000	2001	2002	2003
Administrative courts	2446	2605	2798	3119	3091
Market Court and Competition Council		41	45	64	57
Water Court of Appeal	51	0	1	1	0
Government and Ministries	262	213	160	163	83
Central state agencies	129	100	105	96	101
Provincial state offices	28	26	47	40	27
Regional environment centres	205	133	109	59	39
Review boards		192	216	194	146
Others	587	381	271	300	262
Total	3708	3691	3752	4036	3806

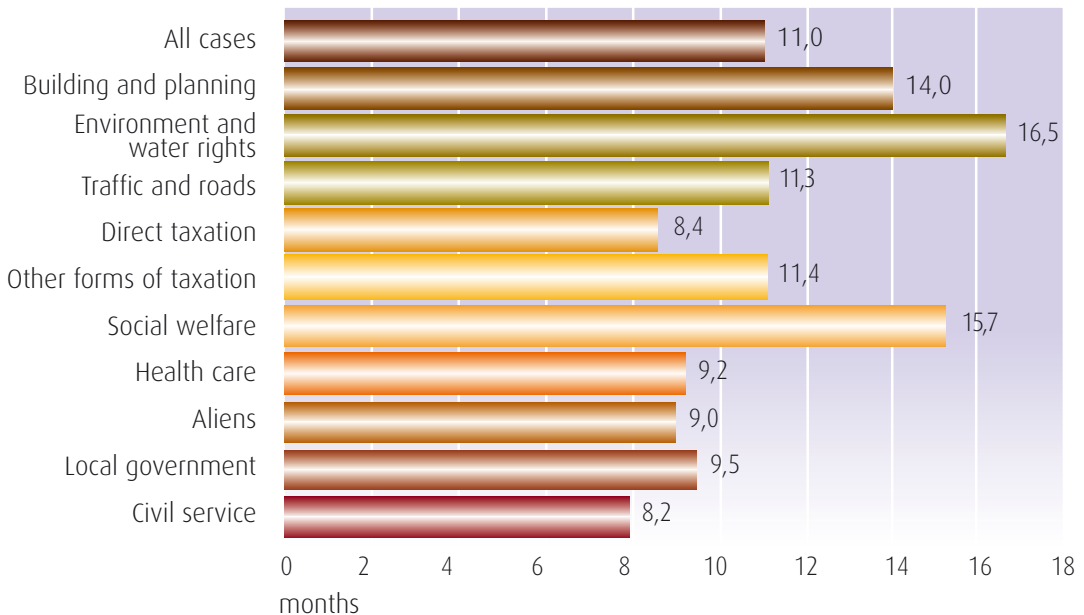
New cases by source authority in 2003



New cases by appellant in 2003



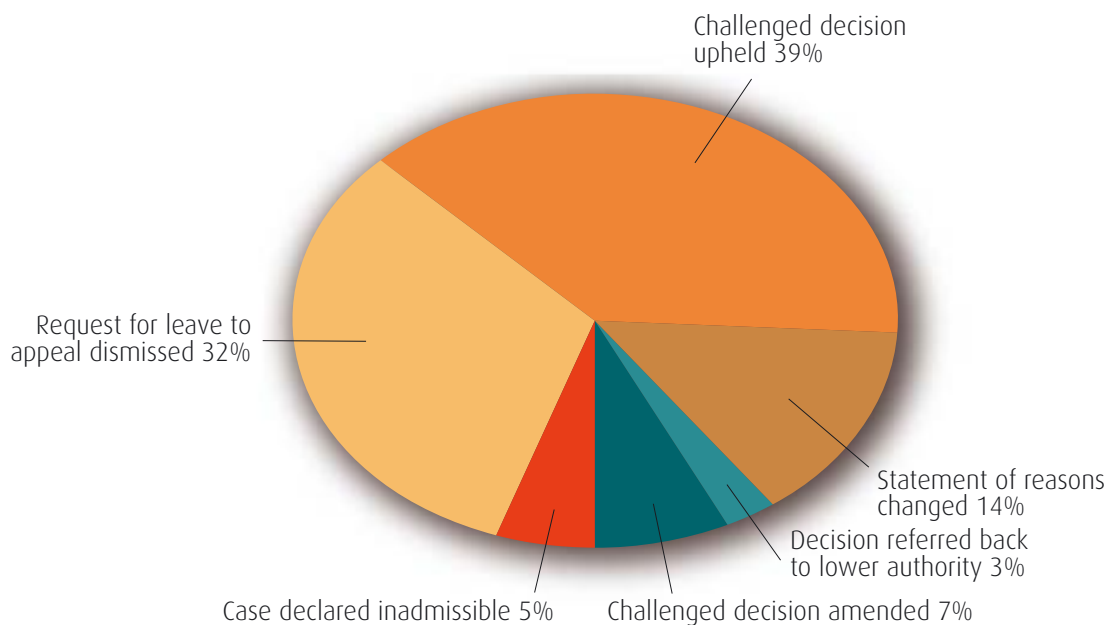
Average length of proceedings in decided cases in 2003



Outcome of decided cases (Percentage share)

	1996	1997	1998	1999	2000	2001	2002	2003
1. Challenged decision is upheld (including conclusions and statement of reasons)	26,8	29,5	26,6	27,3	33,0	27,5	27,6	29,8
2. Challenged decision is upheld but the statement of reasons is changed	21,0	19,3	16,0	24,3	26,4	17,0	15,5	14,1
3. Challenged decision is amended	9,3	9,4	8,8	8,5	4,9	8,1	7,2	6,4
4. Request for leave to appeal is dismissed	21,0	20,8	28,2	22,1	17,2	26,1	30,4	32,2
5. Appealed decision is referred back to the lower authority for reconsideration	7,9	7,6	4,8	5,5	6,0	5,6	4,7	3,0
6. Extraordinary appeal is admitted	0,6	1,2	0,9	1,1	0,7	0,8	0,5	0,7
7. Extraordinary appeal is dismissed	5,9	4,9	6,6	5,0	4,7	6,1	6,0	6,1
8. Case is referred to the Government	0,3	0,3	0,2	0,1	0	0	0	0
9. Case is referred to another authority	0,1	0,3	0,7	0,3	0,3	0,2	0,6	0,4
10. Case lapses						2,0	1,2	2,1
11. Case is declared inadmissible	7,1	6,7	7,2	5,8	6,8	6,6	6,3	5,2

Outcome of decided cases in 2003



Pending cases on 31 December 2003

	1998	1999	2000	2001	2002	2003	Pending at the end of the year
Appeals	3	10	7	27	545	1595	2187
Requests for leave to appeal	0	0	0	9	124	854	987
Annulment of judgments	0	0	1	9	30	123	163
Restoration of lapsed time	0	0	0	0	1	21	22
Procedural complaints	0	0	0	0	1	6	7
Other petitions	0	0	0	0	0	6	6
Total	3	10	8	45	701	2605	3372

In respect of the oldest cases, a reference for preliminary ruling has been submitted to the Court of Justice of the European Communities.

Working statistics of the Supreme Administrative Court in 2003

	Pending cases	New cases	Decided cases	Challenged decision upheld	Challenged decision amended	Decision referred back to lower authority for reconsideration	Case declared inadmissible	Case lapsed	Removed from the docket	Pending on 31 December 2003
A. By subject-matter										
State elections	1	1	1	1						1
Cases under the Nationality Act	25	23	12	9			1	2		36
Autonomy of the Åland Islands	11		5	3	1		1			6
Citizens' rights	1	1								2
Sámi Parliament elections		28	27	17	10					1
Asylum and refugees	101	206	162	141	5	7	1	8	2	143
Other cases under the Aliens Act	159	223	204	183	6	9	4	2	1	177
Exemption from charges	2	4	4	1	2	1				2
Restitution and damages		2	2	2						
Access to documents	48	59	68	50	1		17			39
Data protection	11	4	8	8						7
Private legal persons	2	4	3	2			1			3
Other administrative law cases	13	25	17	15	1		1			21
Discretionary state subsidies	1	2							1	2
Public legal aid	4	3	3	3						4
Employment (state officials)	18	37	29	22	4		1	2		26
Remuneration, working hours and annual leave (state officials)	14	8	7	6	1					15
Disciplinary measures (state officials)	6	8	7	7						7
Other state officials cases	9	9	13	11	1		1			5
Division into municipalities	2	7	9	9						
Municipal council decisions	34	48	45	41			3	1	1	36
Municipal board decisions	40	27	47	42	2	2	1			20
Municipal committee decisions	26	21	31	28	1		2		1	15
Employment (local authority officials)	70	74	89	68	8	3	8	2		55
Remuneration, working hours and annual leave (local authority officials)	17	10	12	11	1					15
Disciplinary measures (local authority officials)	5	5	5	5						5
Joint arrangements of municipalities	8	8	10	8	1		1		1	5
Other local government cases	12	15	13	12				1		14
Church law	37	44	40	30	5	1	4		1	40
Pensions		14	3	2			1			11
Population register	1	5	1			1				5
Given name and family name	7	8	7	6		1				8
Other population administration cases	1		1	1						

Pending cases	New cases	Decided cases	Challenged decision upheld	Challenged decision amended	Decision referred back to lower authority for reconsideration	Case declared inadmissible	Case lapsed	Removed from the docket	Pending on 31 December 2003
Firearms	9	17	15	12	3				11
Public order, public entertainment	8	6	12	8	1	1	2		2
Regional plans and master plans	41	37	29	20	5		3	1	49
Local detailed plans and plot division	8	1	6	6					3
Building plans	3	1	3	3					1
Shore plans	14		10	9		1			4
Building ordinances		2							2
Building permits	11	2	9	7		1	1	1	3
Other authorisations relating to building	5		4	3	1				1
Exceptional permits and parcelling permits	31	2	29	26	2		1		4
Building inspections and unauthorised building	5	2	4	3	1				3
Preservation of buildings	7	1	7	4			3		1
Redemption under the Building Code	4								4
Other building cases	3	4	4	3			1		3
Regional plans (Land Use and Building Act; LBA)	7	3	3	2			1		7
Local master plans (LBA)	69	62	28	24	1		3		103
Local detailed plans (LBA)	89	50	81	72	5			4	58
Detailed shore plans (LBA)	24	12	10	7	2		1		26
Restrictions on land use and building (LBA)		1							1
Building ordinances (LBA)	3	5							8
Other land use and building cases (LBA)		1							1
Plot division (LBA)	2	2	4	4					
Streets and other public areas (LBA)	3	10	4	4					9
Expropriation of land (LBA)	1								1
Preservation of buildings (LBA)	2	2	4	3				1	
Building permits (LBA)	81	81	97	77	10		6	4	65
Decisions relating to areas requiring planning (LBA)	45	32	49	42	3		1	3	1
Maintenance of buildings, maintenance of the environment (LBA)	2		2	1	1				of
Action permits (LBA)	22	23	27	20	4			3	18

	Pending cases	New cases	Decided cases	Challenged decision upheld	Challenged decision amended	Decision referred back to lower authority for reconsideration	Case declared inadmissible	Case lapsed	Removed from the docket	Pending on 31 December 2003
Demolition permits (LBA)	1	4	2	1				1		3
Permits for landscape work (LBA)	5	3	7	6			1			1
Encumbrances		2								2
Location of community infrastructure equipment (LBA)	1	4								5
Joint arrangements between properties (LBA)	1									1
Altering the natural course of water (LBA)	2	1	1					1		2
Deviation from regulations (LBA)	144	137	177	141	19	9	5	3	2	102
Building inspections (LBA)	20	27	26	17	7		1	1		21
Other building cases (LBA)	2	8	4	3			1			6
Planned streets and roads	2	2	3	3						1
Water and sewage	1	2	1	1						2
Other local infrastructure cases	1		1	1						
Environmental permits	130	95	72	47	16	5	2	2		153
Location permits	1									1
Neighbouring properties	1									1
Waste management	30	44	25	18	1		1	5		49
Air protection		1								1
Health inspections	14	11	14	7	2	3	1	1	1	10
Noise abatement	2	4	4	4						2
Hazardous and dangerous substances		6								6
Off-road traffic and motorboat traffic	1	4	2	1	1					3
Extraction of land resources	23	31	24	19	1	2		2	1	29
Outdoor recreation and camping	2	1	2	2						1
Nature conservation	9	13	13	8	2	1	1	1		9
Advertising boarding		1								1
Other environmental cases	8	12	6	4		1	1			14
Natura	71									71
Conservation of animal species	4	4	4	4						4
Fire and rescue services, civil defence	2	4	1	1						5
Housing production and other housing cases	43	2	43	41	2					2
Expropriation/redemption	3	7	3	2		1				7
Rights of pre-emptive purchase	3	5	2	2						6
Other real property cases	2	3	4	2	1		1			1
Hydraulic engineering	24	25	16	13	1	1	1			33

	Pending cases	New cases	Decided cases	Challenged decision upheld	Challenged decision amended	Decision referred back to lower authority for reconsideration	Case declared inadmissible	Case lapsed	Removed from the docket	Pending on 31 December 2003
Ground water	20	5	5	4	1					20
Sewage systems	9	3	7	6	1					5
Fish farming	9	14	5	5						18
Compensations	14	6	15	12	2	1				5
Other water rights cases	24	26	18	15		2		1		32
Public roads	11	31	16	12	2	2				26
Other roads cases	1		1		1					
Driver's licences and permits for professional transport	9	25	20	16		1		3		14
Driving schools	3		3	1	1		1			
Professional motor traffic	40	30	42	32	2	6	2			28
Traffic fines and other charges	7	9	11	9			2			5
Railway traffic, shipping, aviation	1	2	1	1						2
Data communications	30	12	32	27	1		4			10
Other traffic cases	1	2	2	1			1			1
Seafarers, pilots, etc.	2	3	1	1						4
Other cases related to vehicles	7	5	5	4		1				7
Banking and insurance	2	1	2	1	1					1
Mining		5								5
Real estate agencies	5	3	2	1				1		6
Hotel and catering industry, liquor licences and alcohol retailing	70	11	72	52	7	7	2	4		9
Other trades cases		2	1				1			1
Competition law, consumer protection, price control	79	60	52	37	9	1	4	1		87
Other control of industry and trade	3	4	1	1					1	5
Other company law cases	8	9	11	7	3		1			6
Trade register	2	2	3			1	2			1
Patents and utility models	27	23	19	15		3		1		31
Industrial designs and trademarks	19	26	10	4	1	2	2	1		35
Other financial management cases	1	2	1		1					2
School education	18	28	29	24	2		3			17
Vocational education	1	1	1	1						1
Universities	1	3	4	3			1			
Other cases relating to education	1	11	6	4			2			6
Subsistence allowances	207	239	295	278	3	3	11		3	148
Child welfare and public care of children	117	155	147	111	1	6	21	8	5	120
Guarantees of child maintenance	9	9	3	2	1					15
Services for persons with disabilities	8	4	3	2			1			9

	Pending cases	New cases	Decided cases	Challenged decision upheld	Challenged decision amended	Decision referred back to lower authority for reconsideration	Case declared inadmissible	Case lapsed	Removed from the docket	Pending on 31 December 2003
Handicap services	79	108	72	56	6	4	4	2	1	114
Care of intoxicant abusers		2								2
Other social assistance	3	5	4	2			2			4
Other social welfare cases	29	32	34	20			14		1	26
Public health	3	1	1			1				3
Mental health	46	152	110	105		1	3	1	5	83
Pharmacies	24	5	23	16	3		2	2		6
Health care professionals	8	15	5	5						18
Food safety	2	2	1	1						3
Other health care cases	15	23	13	8		1	3	1		25
State subsidies for education		1								1
Other state subsidies	1	1	1	1						1
Agricultural production control	2	4	1	1						5
Promotion of forestry	2	2	1	1						3
Reindeer herding	4	2	4	4						2
Hunting and fishing	7	12	6	4	2					13
Other agricultural and forestry cases	42	36	26	24			2			52
Employment and unemployment	8	12	9	8			1			11
Wage security	23	18	27	25		2				14
Industrial safety	3	1	1	1						3
Training and severance pay funds		1								1
Labour administration	3	7	8	8						2
Defence administration	3	6	3	3						6
Judicial administration	1	6	3	3					1	3
Public legal aid	23	19	22	20	2					20
Other cases	1		1	1						
Taxes on earned income	242	341	377	329	27	7	14		2	204
Taxes on corporate income	84	88	111	100	8	1	2		1	60
Taxation of agriculture and forestry	3	5	5	5					1	2
Other taxes on properties	1		1				1			
Taxes on capital	3	5	4	3	1					4
Advance rulings of the Central Tax Board	15	25	19	16	2		1	1		20
Prepayment of taxes and social security payments	45	54	61	46	15					38
Taxes withheld at source		8	1	1						7
Other taxes on income and capital	9	19	13	11	1		1			15

	Pending cases									
	New cases	Decided cases	Challenged decision upheld	Challenged decision amended	Decision referred back to lower authority for reconsideration	Case declared inadmissible	Case lapsed	Removed from the docket	Pending on 31 December 2003	
Inheritance and gift taxes	24	49	42	41	1					31
Value added tax	94	92	111	86	14	8	3		2	73
Customs	31	8	37	36	1					2
Excise duties	33	7	28	22	6					12
Car and motorcycle taxes	52	96	49	39	5	2	2	1	2	97
Stamp duties	3	2	3	3						2
Asset transfer tax	5	3	5	5						3
Taxes on waste	2		2	1	1					
Other taxes and duties	3	5	5	3			2			3
Total	3485	3806	3879	3205	276	115	201	82	40	3372

B. By category of appeal

Appeals	2194	2123	2111	1683	178	72	112	66	19	2187
Requests for leave to appeal	1053	1388	1443	1288	78	39	29	9	11	987
Annulment of judgments	193	229	251	196	16	3	34	2	8	163
Restoration of lapsed time	18	33	29	20	2		3	4		22
Procedural complaints	21	21	33	10			22	1	2	7
Other petitions	6	12	12	8	2	1	1			6
Total	3485	3806	3879	3205	276	115	201	82	40	3372

Cases originating from the administrative courts 2000-2003

	2000	2001	2002	2003
Administrative Courts				
Helsinki	1089	1014	1233	1166
Hämeenlinna	293	343	348	342
Kouvola	112	127	169	197
Kuopio	127	245	243	246
Oulu	150	173	206	168
Rovaniemi	90	120	87	124
Turku	345	452	443	431
Vaasa	272	298	362	367
Åland Islands	11	18	23	47
Total	2489	2790	3114	3088

	2000	2001	2002	2003
County administrative courts				
Häme	10	0	0	0
Keski-Suomi	5	0	0	0
Kuopio	0	0	0	1
Kymi	3	0	0	0
Lappi	4	0	0	0
Mikkeli	0	0	0	0
Oulu	2	0	1	0
Pohjois-Karjala	0	0	0	0
Turku and Pori	9	0	1	0
Uusimaa	69	6	0	2
Vaasa	14	2	3	0
Total	116	8	5	3

Administrative appeal system

Supreme Administrative Court as last administrative instance. Under the Constitution of Finland, the Supreme Administrative Court is the court of last resort in administrative cases. In criminal and civil cases, the highest judicial powers are vested in the Supreme Court. Both courts were established in 1918.

The Supreme Administrative Court Act (74/1918) was adopted on 22 July 1918 and the Court assumed its functions on 2 September 1918. Eighty-five years later, on 2 September 2003, the Supreme Administrative Court organised a celebration for its present and former personnel.

Under the Constitution, the Supreme Administrative Court also supervises the administration of justice by lower administrative courts, with a view to ensuring a functioning and effective system of administrative courts. Furthermore, the Supreme Administrative Court may submit proposals to the Government for legislative measures.

The Constitution requires that all use of public powers be based on law. Anyone who is dissatisfied with an administrative decision pertaining to his or her rights or obligations may challenge the lawfulness of the decision before an administrative court. The right of appeal in such cases is mainly covered by the provisions of the Administrative Judicial Procedure Act (586/1996) which is applied by all administrative courts.

Other administrative courts and authorities applying the administrative judicial procedure. According to the Constitution of Finland, "the Supreme Administrative Court and the regional Administrative Courts are the general courts of administrative law".

Millions of administrative decisions are made each year by state and local authorities, by the Evangelical-Lutheran Church and by the Orthodox Church, against which appeal may

be lodged with an administrative court, usually a regional Administrative Court. However, in respect of specific subject-matters, appeal shall be made to a specialised court, such as the Market Court or the Insurance Court. Before the appeal, a request for review is often made to the authority which made the original decision.

In respect of the decisions of certain administrative authorities, including those of the Government and Ministries, appeal is made directly to the Supreme Administrative Court without prior appeal to a regional administrative court. However, such appeal may only be founded on the illegality of the decision. There were 83 appeals made against decisions of the Government or a Ministry to the Supreme Administrative Court in 2003.

Regional administrative courts. There are eight regional administrative courts in Finland, in Helsinki, Hämeenlinna, Kouvola, Kuopio, Oulu, Rovaniemi, Turku and Vaasa, which are covered by the provisions of the Administrative Courts Act (430/1999). In addition, there is the Administrative Court of the Åland Islands.

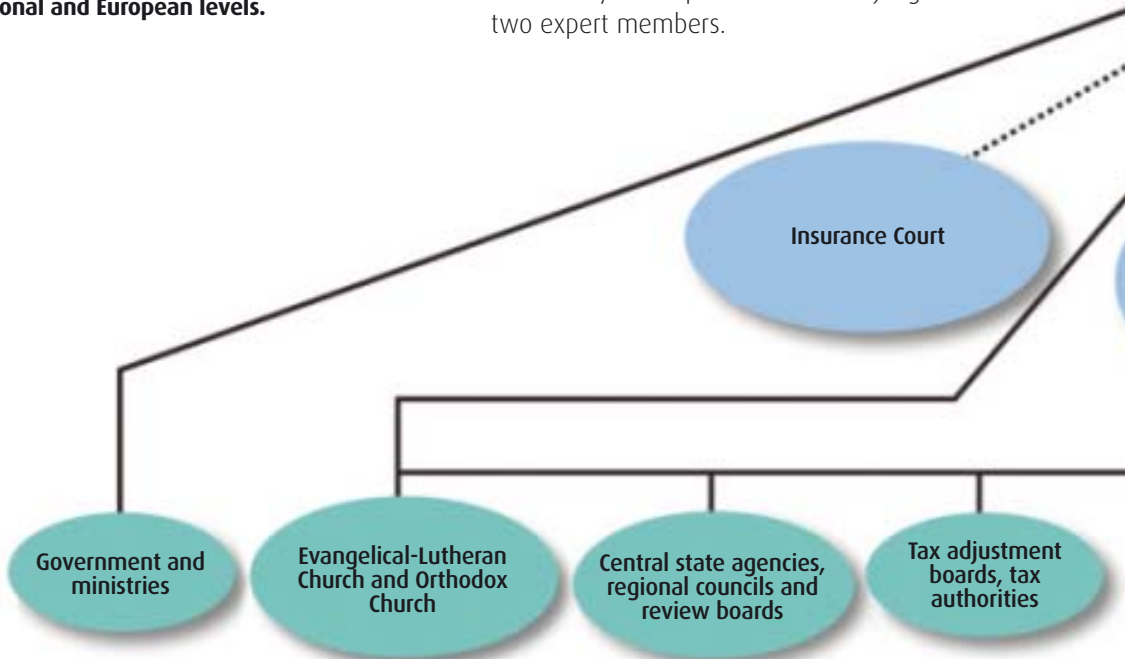
The judicial district of a regional court may consist of one or more regions as defined in the Division into Regions Act (1159/1997). However, in respect of certain subject-matters, the territorial jurisdiction of one regional court may extend over the entire country. For example, Helsinki Administrative Court examines, as a court of first instance, all cases concerning value-added tax, customs duties and excise duties, as well as all cases concerning asylum. Appeals against decisions concerning permits and orders based on the Water Act or the Environmental Protection Act are to be made to Vaasa Administrative Court.

In certain categories of cases, including cases concerning mental health and the public care of children, the composition of the court

In the panel discussion of the Administrative Courts Day, the chief judges of administrative courts and the President of the Supreme Administrative Court discussed the ways in which the administrative courts have been able to react to social change at the national and European levels.

includes, apart from the judges, an expert having competence in the relevant subject-matter.

Cases examined by Vaasa Administrative Court pursuant to the provisions of the Water Act or the Environmental Protection Act are decided by a composition of three judges and two expert members.



In 2003, the regional administrative courts, including the Administrative Court of the Åland Islands, decided a total of 21,370 cases. There were 20,929 new cases lodged with these courts.

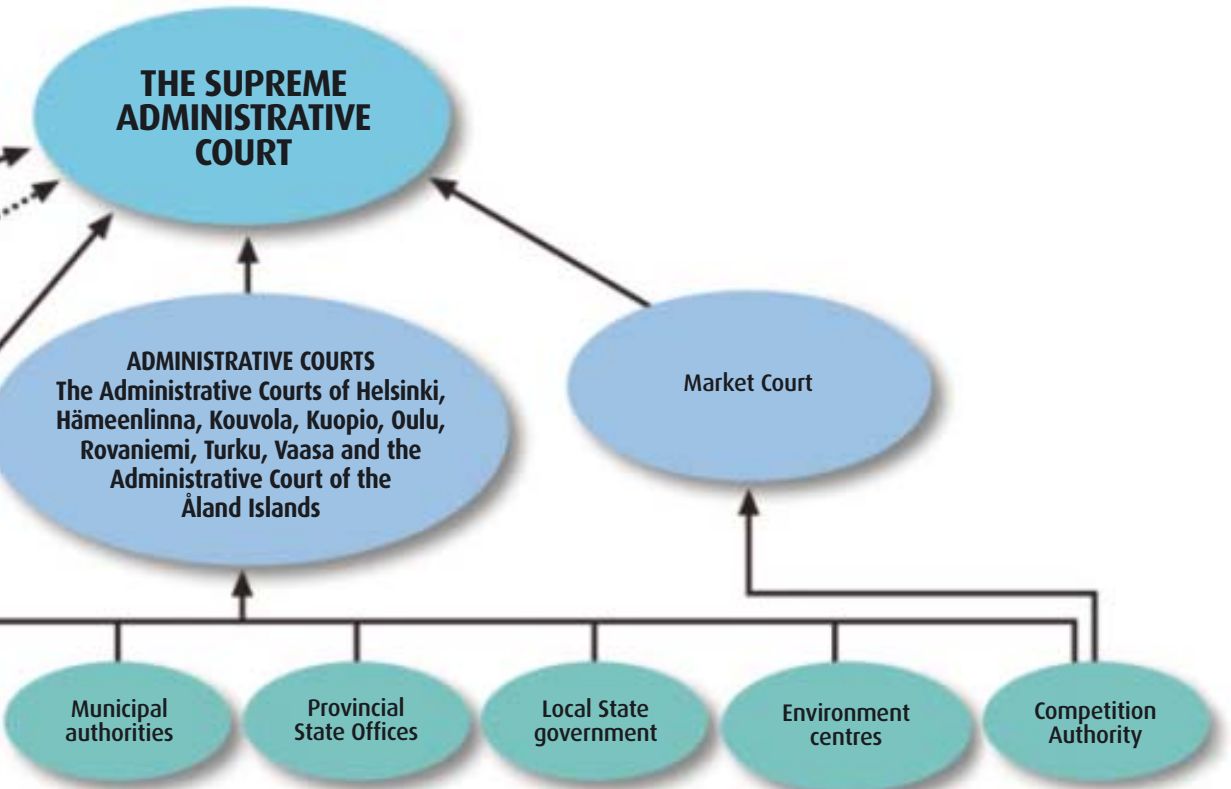
The number of appeals against decisions of the aforementioned administrative courts, made to the Supreme Administrative Court, was 3,091 in 2003, which constituted 81 per cent of all the new cases.

Administrative Courts Day. The yearly Administrative Courts Day was arranged on the premises of the Supreme Administrative Court on 20 November. This joint meeting discussed the challenges faced by administrative courts as a result of social change. Approximately one hundred judges and referendaries attended the meeting in which presentations were given,

among others, by specialists in economy and state administration.

Market Court. The Market Court Act (1527/2001) entered into force on 1 March 2002 and the court assumed its functions on the same day. The court exercises jurisdiction over cases concerning competition restrictions and public procurement, as well as over market law cases.

In cases concerning competition restrictions and public procurement, the proceedings before the Market Court are governed by the provisions of the Administrative Judicial Procedure Act. In these cases, appeal against decisions of the Market Court – in the same way as earlier against those of the Competition Council – may be lodged with the Supreme Administrative Court. →



In 2003, the Market Court decided 247 cases, of which 200 concerned public procurement and 9 concerned competition restrictions. The number of new cases was 253, of which 232 concerned public procurement and 7 concerned competition restrictions.

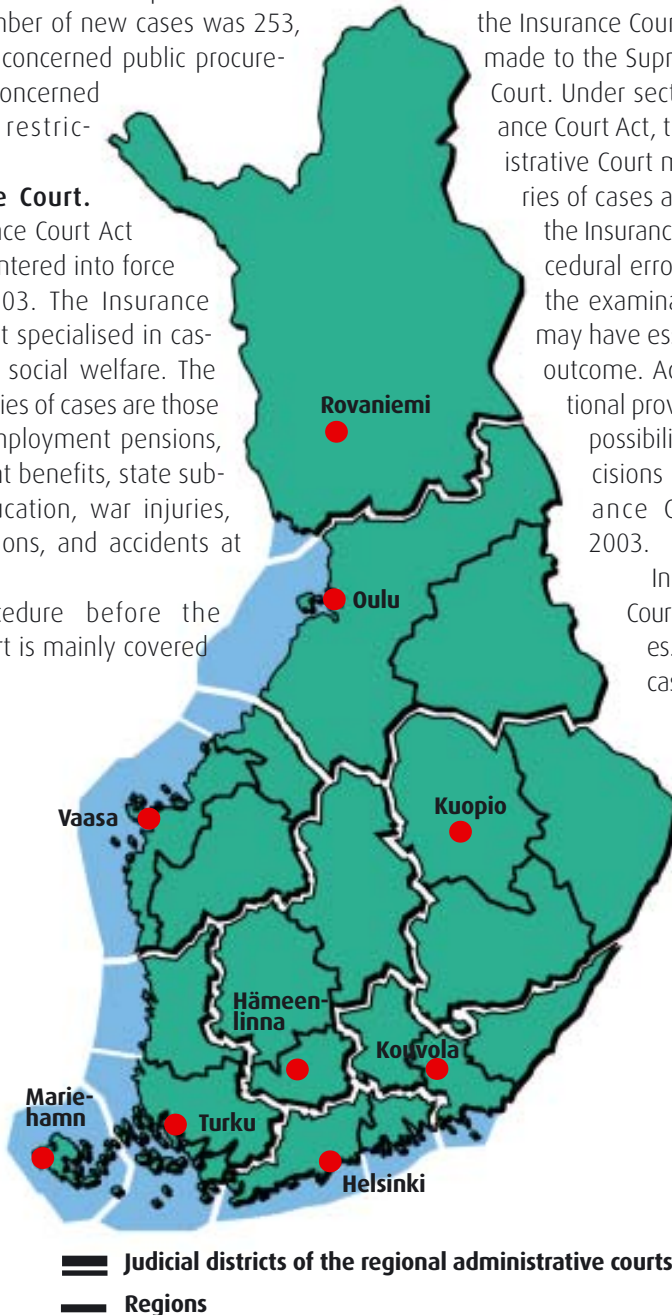
Insurance Court.

A new Insurance Court Act (132/2003) entered into force on 1 May 2003. The Insurance Court is a court specialised in cases concerning social welfare. The largest categories of cases are those concerning employment pensions, unemployment benefits, state subsidies for education, war injuries, national pensions, and accidents at work.

The procedure before the Insurance Court is mainly covered by the

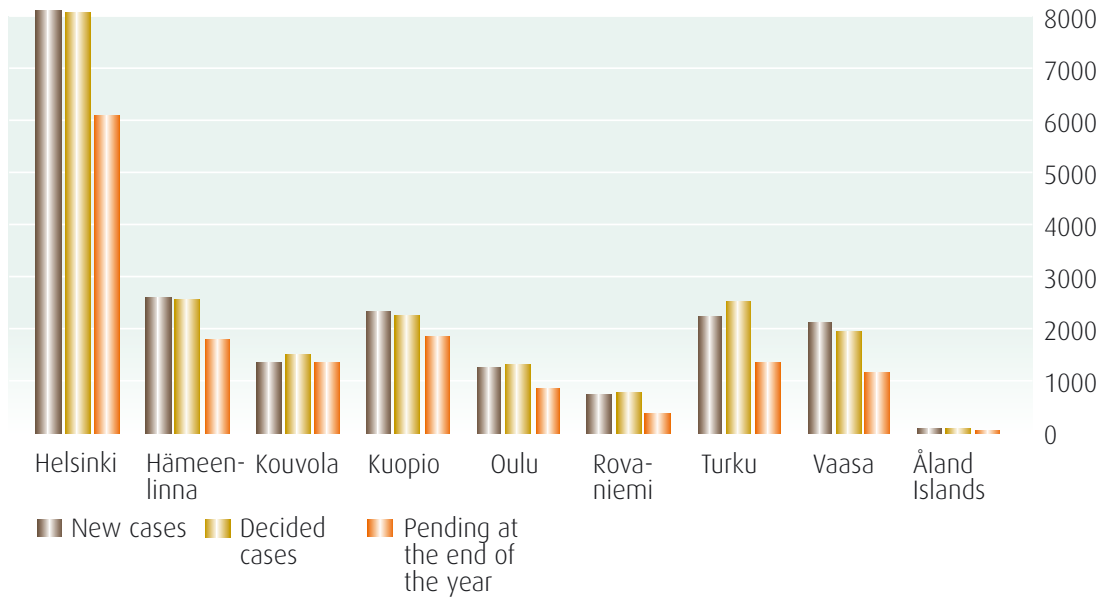
provisions of the Administrative Judicial Procedure Act. Extraordinary appeal against decisions of the Insurance Court is, pursuant to the Insurance Court Act, in most cases made to the Supreme Administrative Court. Under section 19 of the Insurance Court Act, the Supreme Administrative Court may in most categories of cases annul the decision of the Insurance Court if such a procedural error has taken place in the examination of the case as may have essentially affected its outcome. According to a transitional provision of the Act, this possibility only concerns decisions given by the Insurance Court since 1 May 2003.

In 2003, the Insurance Court decided 10,259 cases. The number of new cases was 10,782. ■



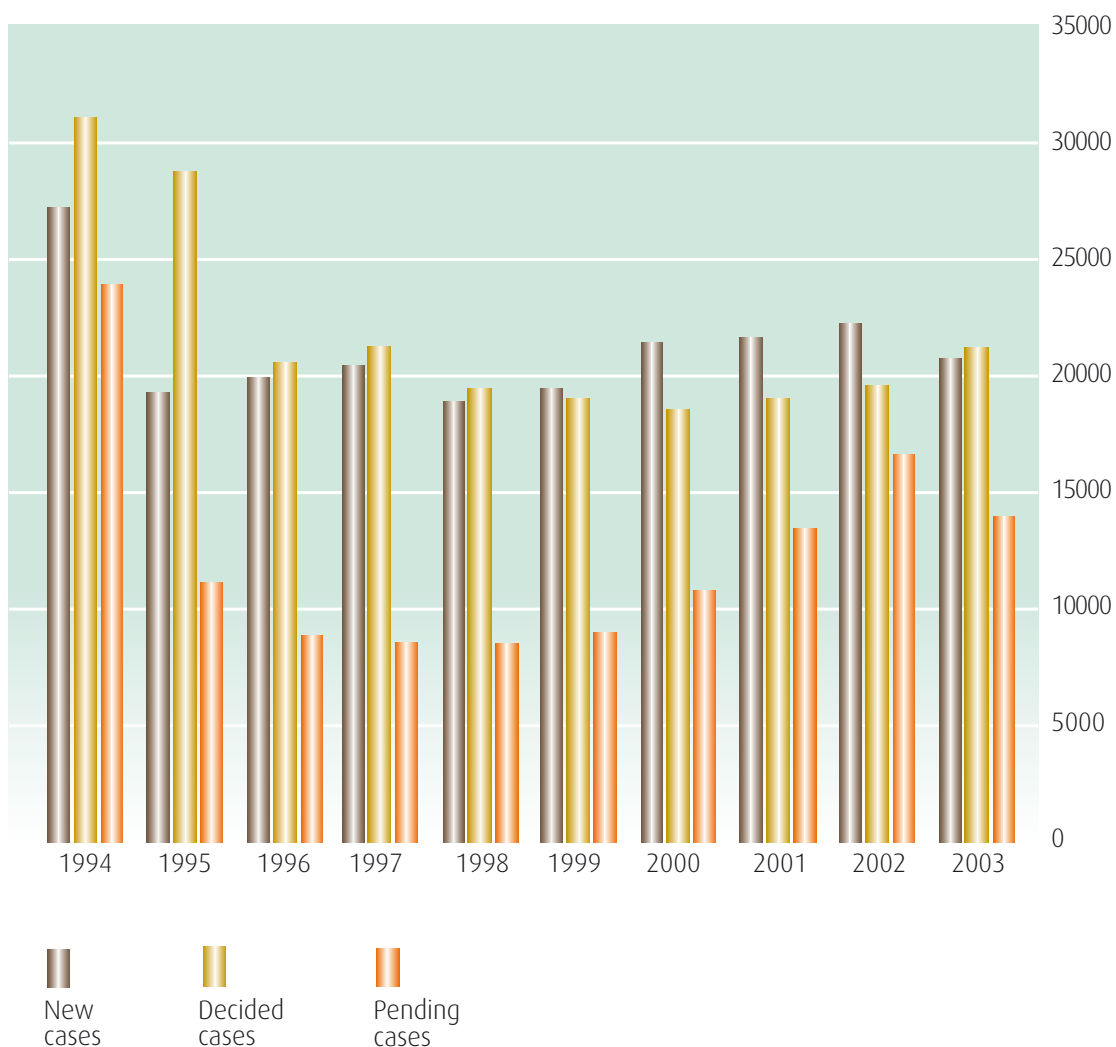
Cases before the administrative courts in 2003

	Pending at the beginning of the year	New cases	Decided cases	Removed from the docket	Pending at the end of the year	Change +/-
Helsinki	6071	8172	8163	58	6022	-49
Hämeenlinna	1873	2621	2602	10	1882	+9
Kouvola	1523	1424	1542	1	1404	-119
Kuopio	1884	2318	2297	5	1900	+16
Oulu	853	1221	1266	5	803	-50
Rovaniemi	416	717	794	1	338	-78
Turku	1638	2260	2580	9	1309	-329
Vaasa	1055	2104	1992	40	1127	+72
Åland Islands	82	92	134	0	40	-42
Total	15395	20929	21370	129	14825	-570



Development of the caseload of administrative courts 1994-2003

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
New cases	25428	19954	19423	20021	19122	19550	20315	20488	21801	20929
Decided cases	30276	28677	21766	20388	19476	18654	18282	18552	19954	21370
Pending cases	20895	12151	9730	9305	9014	9794	11555	13429	15292	14825



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