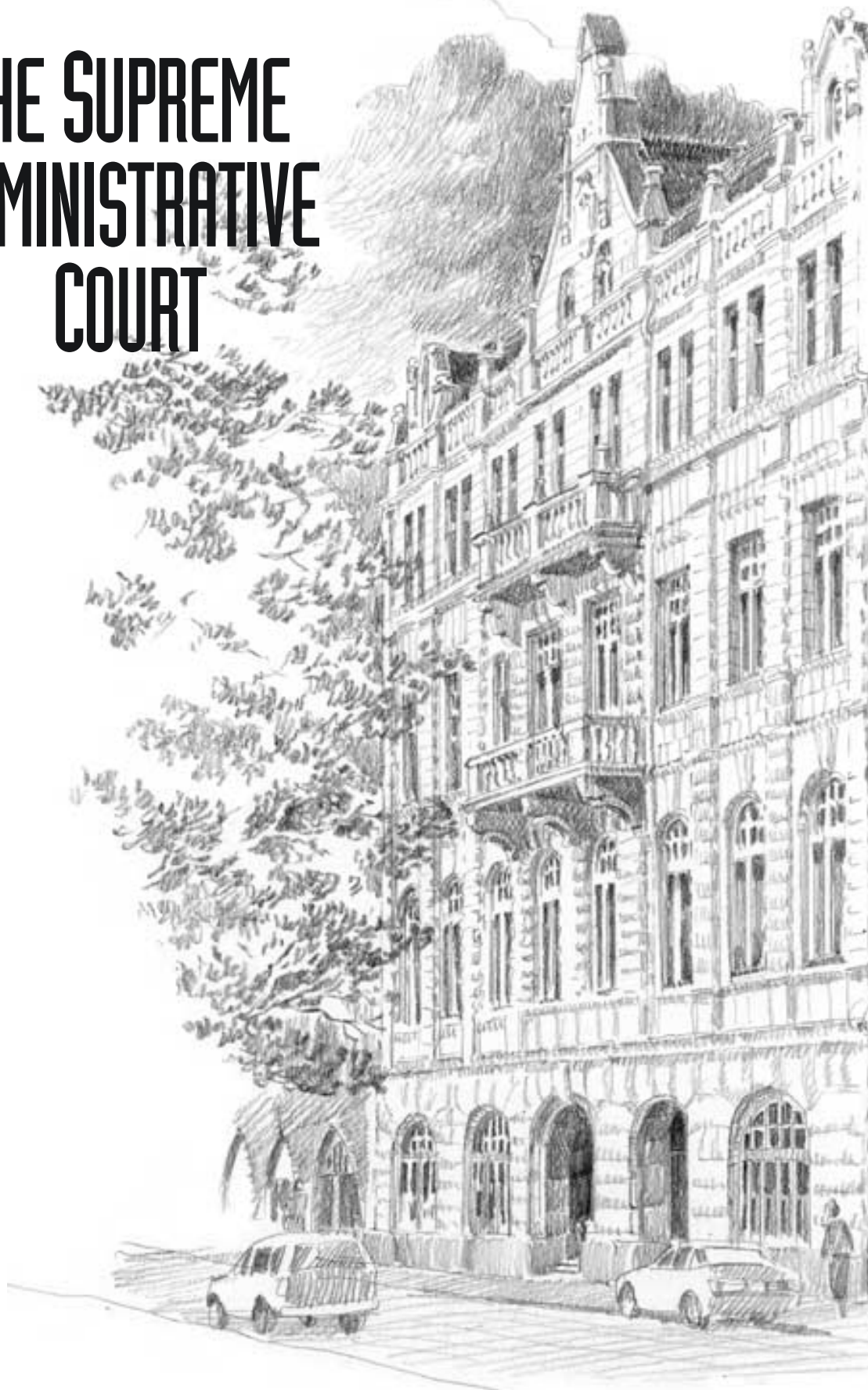


THE SUPREME ADMINISTRATIVE COURT



*The Annual Report 2000 of the
Supreme Administrative Court is published
in Finnish, Swedish, English and French.*

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Kimmo Pälikkö "Fabianinkatu 15"

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Administration of justice in the year 2000 and beyond

Mr Pekka Hallberg

President of the Supreme Administrative Court

Building up the welfare state requires confidence in an unbiased decision-making process and a certainty that justice is being done. Do we understand well enough how important a transparent legislation, a sound administration and a well-functioning court system is for social development?

Justice and Constitution. The importance of justice is accentuated in the Constitution. A humanitarian angle on justice can be found not only in the basic values as recorded in the introductory part of our Constitution, i.e. the inviolability of human dignity, the freedom and rights of the individual and the promotion of justice, but also in the fundamental rights. Most explicitly, justice is sought by the courts of law where individual disputes and the conformity to law of administrative decisions are concerned.

The new Constitution of the year 2000 has further strengthened the principle of rule of law and stabilised the structure of the court system. Confidence in the development of our administrative judicial procedure has increased due to the fact that there are now express provisions on the regional administrative courts.

According to the Constitution, the Supreme Administrative Court shall, in addition to its duties as a court of law, supervise the administration of justice in its

own field of competence, and it may submit proposals for the initiation of legislative action. The body of duties reflects its responsibility for a properly functioning legal protection and system of appeal.

Justice as part of social development. This report on the Supreme Administrative Court in the year 2000 includes an account not only of the administration of justice but also on other activities of the administrative courts.

Changes in the breakdown of cases indicate the evolution of legal problems. For instance, last year's largest group of cases, *Natura*, outlines our image of the requirements of Community law, the problems of procedure, the citizens' need for legal protection and the special characteristics of our nature.

Legal statistics do not give a sufficiently clear picture of the legal situation. It must be analysed from a wider angle. Data concerning social security, employment, industries and economic development need to be considered, as well as data describing the change in society in general. Therefore, justice must be linked to the general development of society in a constructive way.

The key position of administrative courts in integration. Disputes arising from the four fundamental freedoms of the European Union (EU), namely free

movement of persons, goods, services and capital, are mostly concerned with administrative procedure.

The application of Community rules, our new sources of law, has been devolved to the courts of law of the Member States. When adjusting to these law rules, it has been important for us to stand firmly by our principles of a fair trial and a practical administrative procedure.

Most EU countries have a strong administrative judicial system. An association for the supreme administrative courts has now been founded and is already in operation. Reinforcing the administrative judicial procedure has priority in the applicant states wishing to join the Union as well.

Conflicts of administrative law open up a perspective on people's everyday life. The evolution of the Union in general should be weighted away from the institutions towards the Europe of the Europeans, where specific cultural and local characteristics and the strength of decision-making at grass-roots level rest on a firm foundation.

Accessibility of justice. In Finland a general right to appeal against decisions of the authorities was confirmed by law in 1950. At that time, the right of appeal to the Supreme Administrative Court against government decisions was laid down following a bill of Parliament. This reform,

dating back over half a century, contributed to paving the way for the fulfilment of procedural obligations under the Convention on Human Rights.

The right of appeal and other fundamental principles of a fair trial are now recorded in the Constitution. We have been able to maintain the principle of legal protection under the general right of appeal, as the Supreme Administrative Court has no general requirement of leave to appeal. At present, the procedure is laid down in a specific, up-to-date act of 1996. It emphasises an active conduct of the proceedings and an obligation on the courts to assume liability for the cases to be reviewed.

Our tradition of social process has aroused interest internationally. Disputes within public administration generally involve numerous parties having varying resources to present their case. To safeguard a true impartiality, the principle of equality of arms, the conduct of the proceedings must stay with the courts of law.

In reforms to come, it is important to remember that appeal should not be restricted without cause and that the formalities of legal proceedings should not be increased. Protection under the law shall always be the point of departure when developing the procedure. A balanced administration of justice lies in fairness and reality. ■

Supreme administrative jurisdiction

According to the Constitution of Finland, justice in administrative matters is in the final instance administered by the Supreme Administrative Court. Justice in civil, commercial and criminal matters is in the final instance administered by the Supreme Court. Both courts were established in 1918.

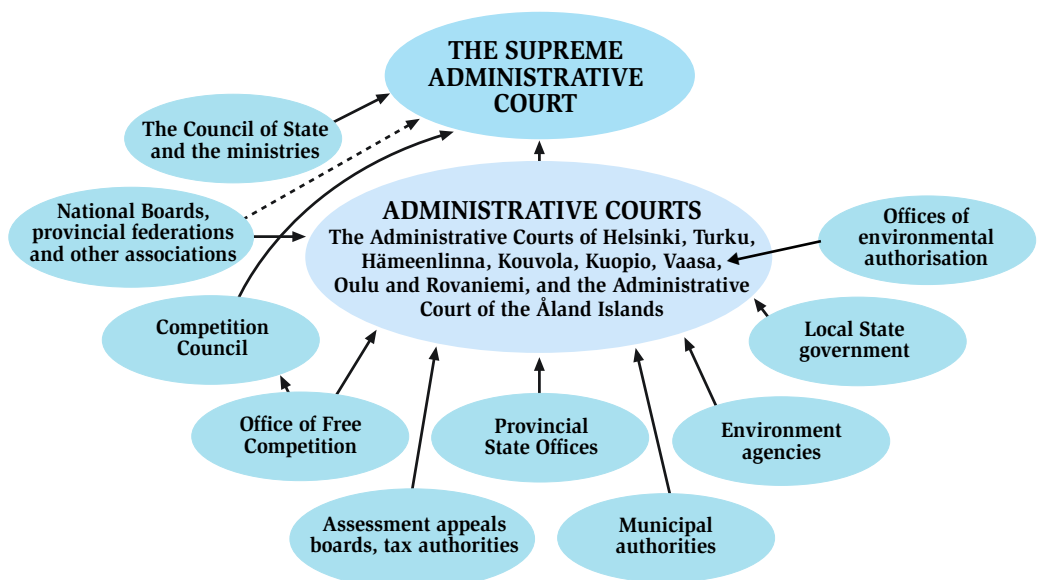
The Constitution requires all exercise of public powers to be based on law. Everyone has the right to have an administrative decision pertaining to his or her rights or obligations reviewed by an administrative court. The general right to appeal against administrative decisions is primarily regulated by the Administrative Judicial Procedure Act.

Most categories of cases presented to the Supreme Administrative Court are

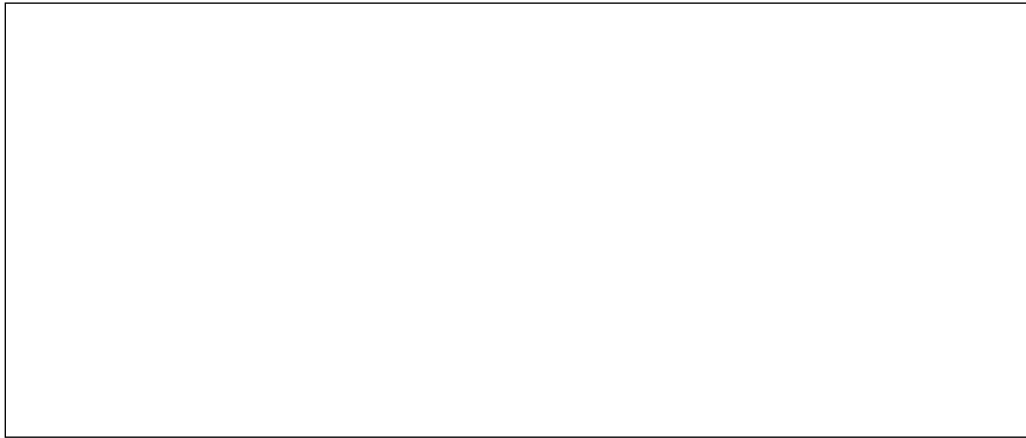
not subject to leave to appeal. In those cases, the parties have right of appeal, and the Supreme Administrative Court will make a substantive decision as well.

The Administrative Judicial Procedure Act is the code of procedure of the administrative courts. The appellant's legal protection is guaranteed by a provision called principle of administrative judicial investigation and principle of legal protection, laying down that the court of law is responsible for reviewing the matter. Normally, a party can present his or her case without an attorney, thus facilitating appeal and the exercise of legal protection.

Of the cases instituted in the Supreme Administrative Court during the year 2000, a proportion of 70 per cent were appeals against decisions of the administrative courts. Appeals against government decisions and decisions of the ministries represented 6 per cent and matters originating from different boards of appeal 5 per cent of the cases. ■



Administrative judicial matters in the year 2000



During the year 2000, the Supreme Administrative Court settled 4 574 cases. In 3 808 of them, the conflict of the case was also settled, i.e. the Supreme Administrative Court made a decision as to the substance.

The largest category of settled cases were the appeals against the government decision of 20 August 1998 on the Natura 2000 network of the European Community. The number of appeals lodged in 1998 was 1241. In the course of proceedings, some of them were split up on different entry numbers according to their contents. The Natura cases settled during the year 2000 numbered 1638. Each appeal was settled individually, but they were grouped together into 694 decisions mainly according to the sites to be protected. The President, 15 justices and 25 referendaries participated in the decision-making in benches of five members.

The proportion of Natura cases was 27 per cent of the appeals lodged in 1998,

Judicial administrative matters are normally decided in benches of five judges. In a session of the first chamber (from left to right) Justice Marjatta Kaján, Justice Ritva Koljonen as chairman, Justice Esa Aalto, Senior Judicial Secretary Leena Halila as referendary, Justice Hannu Koskinen and Justice Niilo Jääskinen.

and they constituted the largest single group of cases in the history of the Supreme Administrative Court. Settling the main part of these cases in June of the year 2000 lengthened the average handling time of the settled cases to 13.5 months.

A total of 3 691 new cases were brought before the Supreme Administrative Court during the year 2000. The largest category of cases were the tax appeals, 28 per cent of all appeals instituted. Other large groups of incoming cases concerned social welfare 14 per cent, planning and construction 10 per cent, environment and water rights 6 per cent, municipal administration 5 per cent, civil service

5 per cent, health care 5 per cent and aliens 4 per cent.

The social welfare cases increased the most. In this category 472 cases came in, whereas the number was 419 last year. The appeals system in matters concerning subsistence support was reformed early in 1999, opening up a possibility to appeal to the Supreme Administrative Court.

When comparing the proportional parts of the categories of cases with the corresponding numbers for earlier years, it is important to account for the large one-off categories. In 1998, the above mentioned 1 241 Natura cases were brought before the Supreme Administrative Court. In 1999, there were 657 appeals lodged against the Sami Ting elections, and they were settled the same year. Among the cases instituted in the year 2000, there was no such large group.

The number of cases pending in the Supreme Administrative Court at the close of the year 2000 totalled 3183.

The vast majority of the cases handled by the Supreme Administrative Court are not subject to leave to appeal, i.e. the parties are entitled to appeal to this Court. The most important categories of cases where, according to legislation applicable to them, a petition for leave to appeal must be filed, concern taxation,

aliens and subsistence support. The criteria for granting leave to appeal, however, are generally defined in a manner preventing appeal to the Supreme Administrative Court from becoming a mere system of precedents or preliminary rulings.

Of all the cases settled by the Supreme Administrative Court during the year 2000, leave to appeal was required in 1016 matters or approximately 22 per cent. Among them the appellant was granted leave to appeal in 250 cases, representing about 25 per cent, and consequently these cases were also settled as to the substance. For instance, in the taxation matters requiring leave to appeal, the Supreme Administrative Court granted leave in 27 per cent of the cases.

Internationalisation has been an overall feature of the development of administrative judicial procedure. For instance, the application of Community law is clearly focussed on the national administrative courts. Today, about one third of the cases handled by the Supreme Administrative Court also concern the application of Community law. In the year 2000, the Supreme Administrative Court referred to the Court of Justice of the European Communities for preliminary ruling in a case concerning car tax and VAT. ■

On the imposition of value added tax

Mr Raimo Anttila

Justice of the Supreme Administrative Court

Value added tax in the European Union is harmonised by directives, in the first place by the Sixth VAT Directive (77/388/EEC). The Finnish VAT Act, however, was drafted before our EU membership could be anticipated, and it differs from the directive as to its structure as well as many of its expressions. There is therefore constant tension between the national act and the directive. The directive is often relied upon as a basis for deliberation, and it is frequently referred to in the decisions of the Supreme Administrative Court.

A study shows that Community law played an important part in one in four of the approximately 80 VAT decisions published by this Court between 1.1.1997 and 30.6.1999. After that period, the importance of Community law has increased rather than decreased. On the whole, however, there is no conflict between the VAT Act and the directive, and the directive has been directly applied only exceptionally, whereas its interpretative effects are relied upon quite frequently.

The impact of Community law and the ambiguous nature of the national act has increased the proportion and perhaps even the emphasis of VAT cases as compared with income tax cases. This is particularly true for the tax decisions pub-

lished by this Court. The change can certainly be due to other reasons, such as more efficiently functioning assessment appeals boards and stabilised income taxation practices. In any event, VAT has become an interesting form of taxation, which can be seen not only in this Court, but also in the literature and studies on tax law.

The fiscal treatment of financing and real estate transactions has turned out to be the most ambiguous area of VAT. For those decisions, application of Community law has become the rule rather than the exception. There is friction between the directive and the national act. Many appeals concern advance rulings of the Central Tax Board – another manifestation of the ambiguity and economic impact of the fiscal treatment in these areas. Moreover, tax decisions concerning financial services have a wider international scope than is customary both within the EU and in relation to third countries. This is another reason why it has been surprising to note that practices relating to financial services within the Union are inconsistent on many points.

So far, this Court has referred one single VAT case to the Court of Justice of the European Communities. It was lodged on 15 March 2000 and concerned primarily car tax, but contained an accessory question about the VAT payable on car tax. ■

On the social and health services

*Ms Marita Liljeström
Justice of the Supreme
Administrative Court*

*Ms Aila Linnakangas
Judicial Secretary*

The fundamental rights reform of 1995 and the new Constitution of Finland, which entered into force on 1 March 2000, guarantee the right to social security for everyone. Observance of the fundamental social rights are guaranteed by the Supreme Administrative Court through interpretations in favour of the fundamental rights.

Since the amendments of 1 January 1999 were made to the Social Welfare Act, it has been possible to seek permission from this Court to appeal in matters that concern the right to subsistence support and its amount on the grounds that the case in question forms a precedent. The need for legal protection in those cases is emphasised by the fact that the subsistence support is directly linked to the right to receive indispensable subsistence and care, as guaranteed by the Constitution. Subsistence support is also linked to other fundamental rights, particularly the equal possibilities for people of limited means to exercise their fundamental rights in practice.

Decisions concerning subsistence support

In the year 2000, this Court granted leave to appeal in 18 cases concerning subsist-

ence support, representing about ten per cent of the petitions for leave to appeal.

The obligation of the municipalities to provide these services was at issue in cases where an application for support was made for spouses residing in different municipalities, for the payment of a rent deposit for a person moving to a different region, for the applicant's child living abroad, for a person residing temporarily abroad and for the visiting costs of a parent and her child living in a different municipality.

The decisions involving housing and housing expenditures were numerous. Cultural rights were at issue in questions concerning the obligation of a secondary school student and a university student to take out a study loan before being entitled to subsistence support. The right to a person's own culture was at issue in a decision concerning the possibility of covering the purchase of a Roma woman's dress by a supplementary part of the subsistence support.

In the field of health services, a question was examined as to the right to subsistence support to cover expenditures for private health services when a person had resorted to private services owing to the waiting list at the health-care centre. It was found that the person was not entitled to subsistence support, as there was no evidence that the need for medical treatment was sufficiently urgent. The

extent of the obligation to pay maintenance and its negligence were the object of a question on the possibility to reduce the basic part of the subsistence support, since the person had refused to seek employment, and of another question on the termination of the parents' maintenance liability for an 18-year old secondary school student.

Compensation for board and lodging paid to a person participating in a training course for the unemployed did not diminish his subsistence support. A person residing in a remote area was not entitled to a supplementary part of the subsistence support to cover the transport costs of running personal errands, as she had not established that her travel expenditures exceeded the amount contained in the basic benefit. It was also found that there was no right to subsistence support for payment of residual tax.

The obligation of a municipality to provide health services

The fundamental right to health services is examined by the administrative courts in situations where a person has, in accordance with the procedure for administrative litigations, demanded that the municipality provide medical services or a corresponding reimbursement. The person may be dissatisfied with the fact that the municipality has not made a commitment to pay the costs of treatment, or may claim reimbursement for treatment in the private sector. This is a new phenomenon and it reflects the legislative and actual changes within the health sector during the 1990s.

Management of resources by the government was replaced by an autonomous responsibility to provide services on the part of the municipalities in the early 1990s, diminishing the possibility of the government to monitor that the municipalities fulfil their obligations. On the other hand, the substance of the responsibility of the municipalities to provide services has always been defined within broad limits. As a result of the economic recession, which began at the same time, both the municipalities and the government reduced the level of resources that they channelled into health care.

However, the government and the municipalities are obliged under the Constitution to guarantee adequate health services for everyone, as provided in more detail by an Act. The public authorities are further obliged by the Constitution to guarantee the observance of fundamental rights in practice. Accordingly, the public authorities shall see to it that this fundamental right is respected by according resources and organising their functions in an appropriate way.

The problems related to the availability of health services cannot be solved on a large scale in court proceedings. The courts of law are, however, in an important position carrying out the legal assessment of the obligation of the municipalities to provide services. The above-mentioned constitutional provisions were applied in a decision made in a plenary session of a chamber (KHO 27.11.2000, number 3118), where this Court took a stand on non-discrimination and the priority of health services, on the obligation of the municipalities to provide health services and on the legal scope of the norms and recommendations of the municipalities. ■

The Natura 2000 cases

Mr Pekka Vihervuori

Justice of the Supreme Administrative Court

Natura 2000 is the common network of nature reserves in the European Union consisting of sites chosen in accordance with the Habitats Directive and the Bird Directive. On 20 August 1998, the government decided to propose and notify 439 sites under the Birds Directive and 1325 sites under the Habitats Directive to be included in the Natura network. Some of these sites were included in both categories.

The government decision on Finland's proposal was a challengeable decision under the Nature Conservation Act. Among others, the owners of the land and water areas concerned, the local authorities and certain organisations representing the interests of nature conservation or land owners had right of appeal. The appeals were based on illegality of the decision. In that respect, the provisions on species and natural habitats of the Habitats and Birds Directives were of key importance.

The Supreme Administrative Court received 1241 appeals involving some 750 different sites. A few appeals were also made against the separate Natura proposal of the provincial government of Åland. One appeal could involve several sites and parties, whereas one site could be the object of several appeals. Most appeals consisted of demands for sites to be withdrawn or reduced, but there were also many appeals requesting sites to be expanded or added. Totally, the number of appellants exceeded 5000. Some of the appeals concerned

the government decision as a whole.

Despite their specific character, the Natura cases were handled regularly by the chambers in benches of five members. In addition to statements either of a general nature or relating to specific sites issued by the Ministry of the Environment and to reports of the parties involved, other evidence necessary for the proceedings was obtained. Seven locations of various types in different parts of the country were inspected by members of this Court.

The appellants were heard on each statement submitted by the ministry, and they were given access to the accumulated material. Controlling the exceptional amount of material required the Court as a working team to introduce novel solutions in the process of preparation, involving a versatile use of information technology. Nevertheless, each case was settled individually.

Since the areas proposed for the Natura network are interconnected, most decisions were issued simultaneously, the main part on 14 June 2000. The total number of decisions issued in Finnish or Swedish was 694. Their aggregated text comprised over 40000 pages. Most decisions concerned single Natura sites.

In about seven per cent of all decisions, the government decision was annulled either in whole or in part. Sustained were appeals lodged by owners of land and water areas as well as by nature conservation organisations. ■

The activities

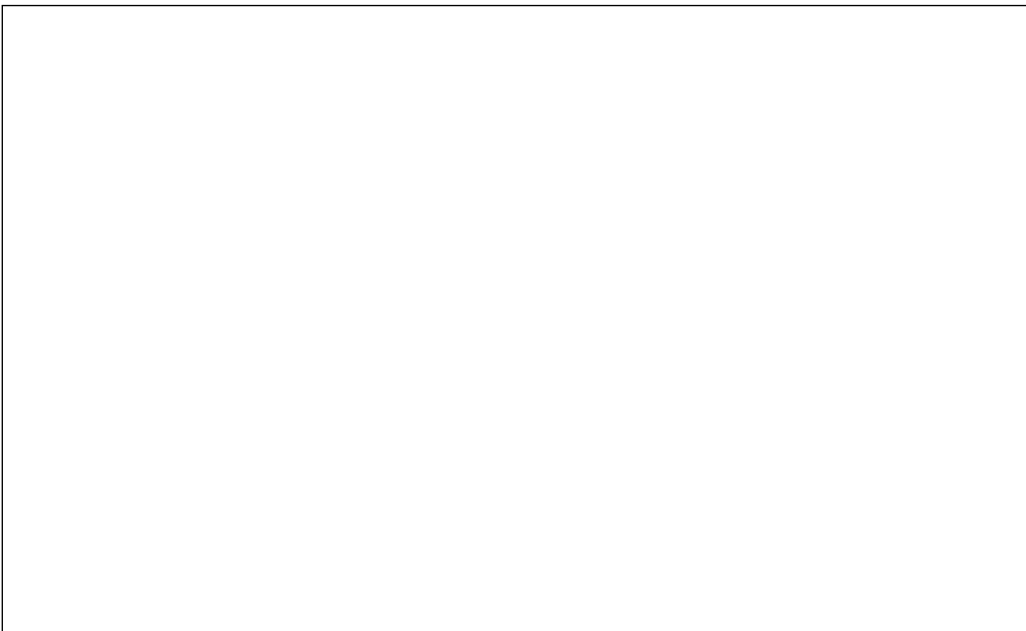
International cooperation. The legal system in Finland is more closely integrated into the European and global legal system. Therefore, international communication has become part of the everyday life of the Supreme Administrative Court. In recent years, the cooperation between the supreme administrative jurisdictions of the Member States of the European Union has come to the foreground.

The supreme administrative jurisdictions of the European Union have arranged meetings since 1968 at intervals of two years. To begin with, participants represented the supreme administrative jurisdictions of the then six Member States.

In May 2000 in Vienna, the supreme administrative jurisdictions of the fifteen Member States of the EU and the

Court of Justice of the European Communities formalised their cooperation by establishing an association. It is called the *Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union*, in French *Association des Conseils d'État et des Juridictions administratives suprêmes de l'Union européenne*.

The board of the Association of the Supreme Administrative Courts of the Member States of the European Union met in Finland. In attendance were (from left to right) Justice Heikki Kanninen (Finland), President Fernando Manuel Azevedo Moreira (Portugal), President Tjeenk Willink (the Netherlands), Magistrate Yves Kreins, Secretary general of the association (Belgium), President Pekka Hallberg (Finland), Permanent Secretary Martine de Boisdeffre (France), President Clemens Jabloner (Austria) and President Gunnar Björne (Sweden).





At the Vienna meeting, the association elected a six-member board, chaired first in turn by Pekka Hallberg, President of the Supreme Administrative Court. The board held its first meeting in October on the premises of the Supreme Administrative Court.

The traditional judicial cooperation between the Supreme Administrative Court and the supreme administrative court of Sweden, the Regeringsrätten, continued. Further, representatives of the Supreme Administrative Court, the Regeringsrätten and the supreme courts of the Baltic countries met in Stockholm.

The president of the constitutional court of Russia, Mr Marat V. Baglay, paid a visit to the Supreme Administrative Court. Representatives of many other foreign courts of law and judicial authorities familiarised themselves with the activities of the Supreme Administrative Court.

Correspondingly, representatives of

The Joint Land Use and Building Act Day of the Supreme Administrative Court and the regional Administrative Courts was held in the main session hall.

the Supreme Administrative Court paid visits to many courts of justice abroad and participated in international seminars and meetings. The board of the *International Association of Supreme Administrative Jurisdictions (Association Internationale des Hautes Juridictions Administratives)*, AIHJA, convened in April on Cyprus. President Hallberg is a member of the board.

The Administrative Courts Day.

The Supreme Administrative Court arranged a workshop for the regional Administrative Courts in November. This joint meeting of the Supreme Administrative Court and the regional Administrative Courts discussed the Land Use and Building Act. The approximately one hundred participants in the administrative courts day filled the main session hall of the Supreme Administrative Court.

Other kinds of training and communications took place with the administrative courts and other groups. In September, a joint meeting, already forming a tradition, between representatives of the Supreme Administrative Court, the Supreme Court and the University of Helsinki was held on the premises of the Supreme Administrative Court. Its theme was “Law and justice in a constitutionally governed state in the year 2000 and beyond”.

Publishing the decisions. The Supreme Administrative Court publishes its most important decisions in the yearbook, which appears twice a year. The cases chosen to be published are matters of relevance to the application of law in other similar cases or which are otherwise of general interest. The yearbook for the year 2000 contained 77 decisions.

Descriptions of the decisions published in the yearbook are also compiled. The most recent descriptions are published on the Internet site of the Supreme Administrative Court (<http://www.kho.fi>). In the year 2000, the descriptions of 119 preliminary rulings were published on the Internet site in

addition to the 77 decisions included in the yearbook.

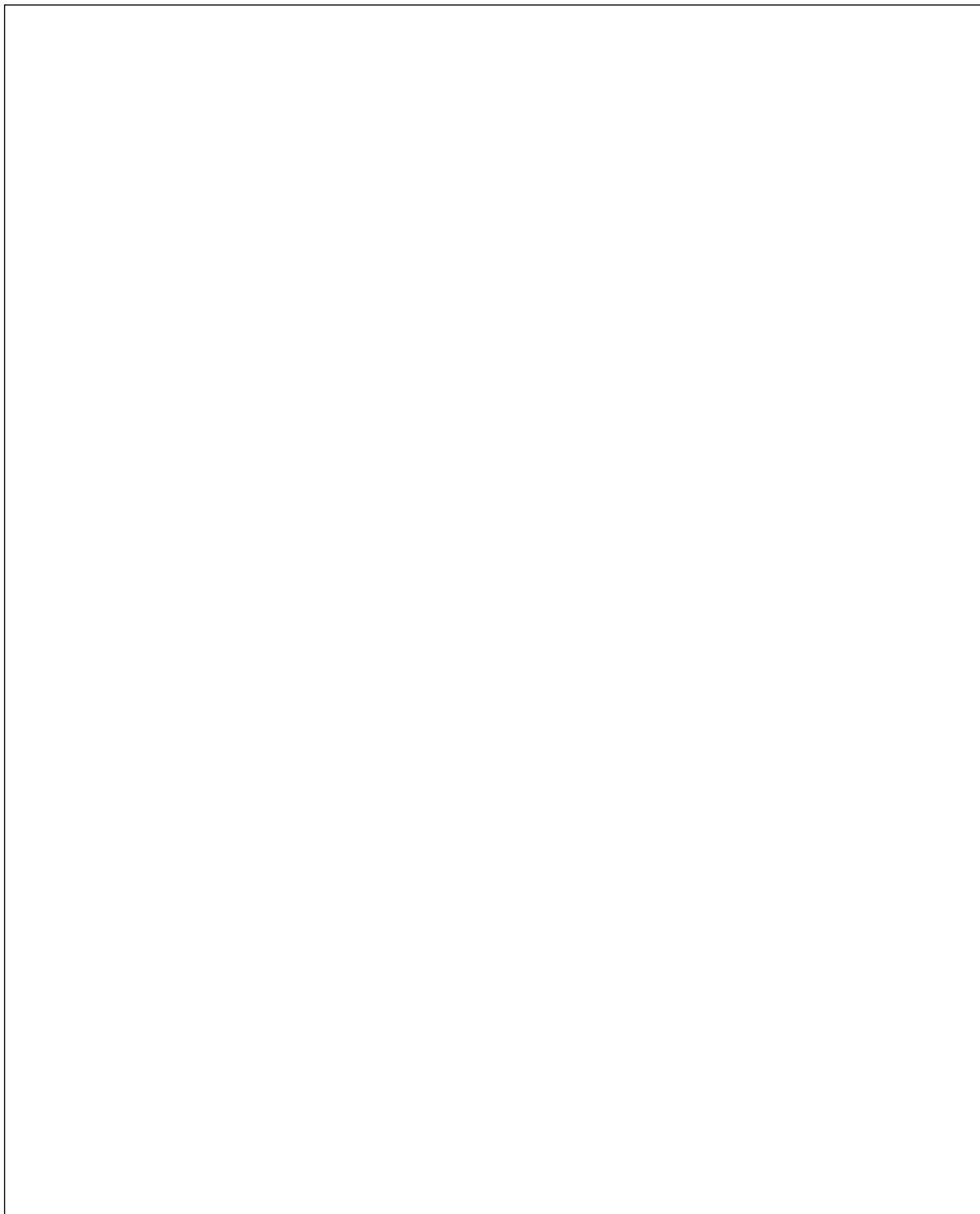
The decision on which cases will be chosen for publication in the yearbook and for which cases a description will be drawn up is taken by the chairman of the session. Descriptions of the preliminary rulings of the Supreme Administrative Court from the year 1944 can also be found in the Finlex Data Bank (<http://www.finlex.fi>).

Legal opinion. The Supreme Administrative Court receives each year several requests for comment, especially in questions concerning administrative legislation. The opinions of the Supreme Administrative Court are published in the yearbook.

The opinions issued during the year 2000 concerned among others the system of legal aid, charges for services rendered by the environment agencies and the offices of environmental authorisation, the Aliens Act, the legislation on water supply management, the situation of transsexuals, the handling of matters by the Competition Council and the Market Court, the discipline of judges, the Execution Act and the appeals system of the Church. ■



A discussion during a break in the Administrative Courts Day: (from left to right) President Pekka Hallberg and the chief judges of the administrative courts of Kuopio, Oulu and Turku, Risto Hakkarainen, Olli Karikoski and Veijo Luomanen.



Caretaker services in the Supreme Administrative Court are provided by (from left to right) Anssi Kaikko, Office Caretaker, Kari Joutsenlahti, Head of the Caretaker Service and Tapani Ruostela, Office Caretaker, and Timo Rousku, Chief Office Caretaker, who is not in the picture.

Organisation and personnel

Judges in the Supreme Administrative Court are the President and 20 Justices. They can be supplemented by temporary Justices. The President of the Supreme Administrative Court since 1993 is Mr Pekka Hallberg, Doctor of Laws.

The Supreme Administrative Court has about 40 referendaries and about 40 other employees. They are headed by the Permanent Secretary.

The Supreme Administrative Court has three chambers. The first chamber handles, among others, matters of building, municipality and civil service, the second chamber matters of taxation and competition and the third chamber matters of social welfare, aliens and the environment. The chambers are not, however, only specialised in certain categories of cases, but can handle all types of cases. Totally there are about 160 different categories of cases.

Administrative judicial matters are regularly settled on presentation in sessions of the chambers in benches of five judges. In matters under the Environment Act and in matters concerning patents, utility models and topographies of integrated circuits the court is, in addition to its legally trained members, composed of two expert members on the fields under discussion.

Petitions for leave to appeal can be refused by a bench of three judges. Significant administrative judicial matters of principle can be settled by a full bench, a so-called chamber plenum, or in a plenary session of the Supreme Administrative Court.

When a matter of judicial administration has been instituted in the Supreme Administrative Court, the notary and the secretary of the chamber are responsible for preparing the case in the initial stages, particularly for hearing the parties. Before the session, the referendary establishes the legal and factual questions of the case and prepares a draft decision. In session, after the written and oral statement of the referendary, the justices negotiate and settle the matter.

In order to establish the facts of the case, the Supreme Administrative Court can arrange an inspection or an oral hearing. The inspections concern mostly matters of the environment.

During the year 2000, the following employees of the Supreme Administrative Court have retired: Justice *Auvo Nieminen* 1.9.2000, Justice *Elina Degener* 1.10.2000, Referendary Counsellor *Liz Skurnik* 1.9.2000 and Departmental Secretary *Reine Saine* 1.5.2000.

Personnel of the Supreme Administrative Court

31.12.2000

The President and the other members of the court

President Pekka Hallberg

Justices Timo Silenti, Ahti Rihto, Erkki Onikki, Ilmari Ojanen, Olof Olsson, Ismo Talikka, Ritva Koljonen, Esa Aalto, Pirkko Ignatius, Lauri Tarasti, Pirkko Lundell, Hannu Koskinen, Raimo Anttila, Tuulikki Keltanen, Marita Liljeström, Olli Nykänen, Heikki Karapuu, Pekka Vihervuori, Marjatta Kaján, Heikki Kanninen; *temporary Justice* Niilo Jääskinen

Expert Counsellors on the Environment

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

Chief Engineer Counsellors Karri Vartiainen, Pentti Uuspää, Tapani Jokinen, Allan Johansson, Matti Kleimola

Justices appointed for a fixed term in the year 2000 were Kari Kuusiniemi and Ritva Routio. Antti Saarialho was Chief Engineer Counsellor until 31.8.2000 and Veli-Matti Tiainen was Expert Counsellor on the Environment until 31.5.2000.

The President was chairman of the first chamber. The second chamber was chaired by Justice Ahti Rihto and the third chamber by Justice Timo Silenti.

The Referendaries

Permanent Secretary Sakari Vanhala

Referendary Counsellors Ilkka Pere, Marianne Båsk, Liisa Hyvärinen, Ilpo Havumäki, Paula Tenkanen, Tapio Kuosma, Marina Äimä, Matti Metsäranta, Tuulia Riikonen; *Senior Judicial Secretaries* Kai Träskelin, Leena Halila, Kari Honkala, Matti Halen (on leave), Eila Rother (on leave),

Hannu Ranta, Irma Telivuo, Marja-Terttu Savolainen; *Judicial Secretaries* Raimo Viitasaari, Marjo Snellman, Kari Nieminen, Anneli Tulikallio, Liisa Tähtinen, Marja-Liisa Judström, Marja Leskinen, Irene Mäenpää, Arja Niemelä, Marja Leena Kemppainen, Kristina Björkvall, Hannele Klemettinen, Anne Niemi, Kari Tornikoski, Mikko Rautamaa, Leo Kaasinen, Riitta Kreula; *temporary Judicial Secretaries* Marita Eeva, Petri Leinonen, Aila Linnakangas, Jaana Moilanen, Riitta Mutikainen

Marja Ihto, *Administrative Secretary*, acted as referendary during the year 2000. Temporary referendaries were Ulla-Maija Lindström, Riitta Länsisyrjä, Ilkka Hartikainen, Päivi Pietarinen, Ismo Räisänen, Hanna Vuojela and Elisabeth Vuorenhela.

Other employees

Head of the Information Service

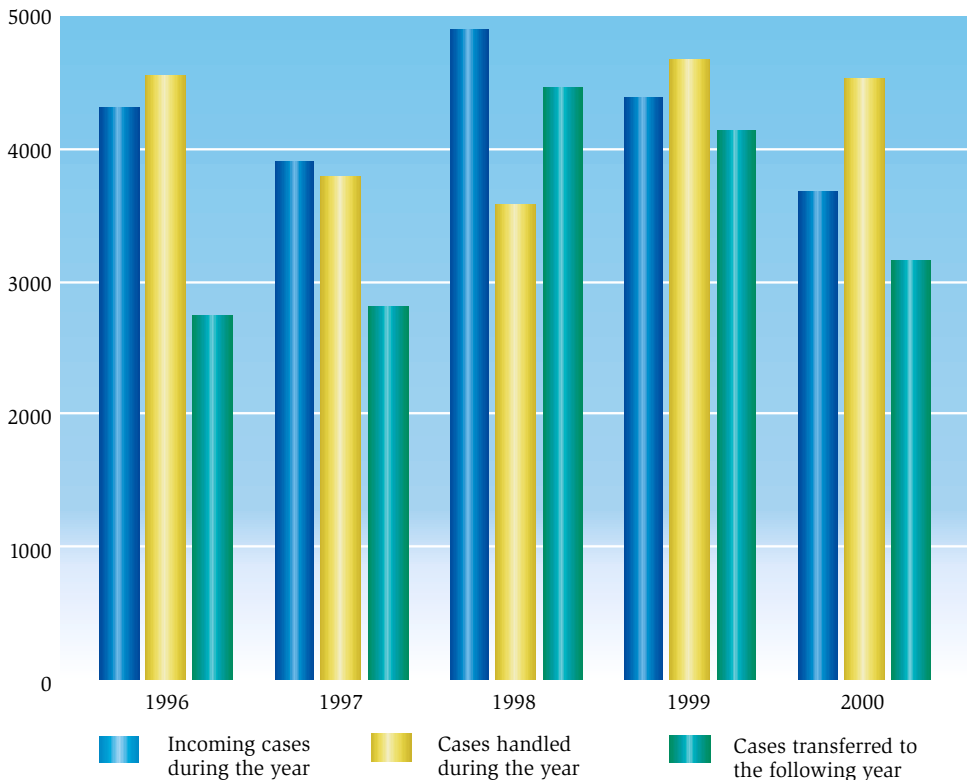
Timo Ahvenniemi, *Data Service Lawyer* Pekka Tuominen, *Data Expert* Marja Halttunen (on leave), *Registrar* Eeva Väänänen-Silén, *Notaries* Ritva Ingman, Vuokko Kantanen, Paula Kilponen, Marjatta Räsänen, Satu-Maarit Tarkkanen, *Budget Officer* Marja Klaavo, *Departmental Secretaries* Liisa Hartikainen, Soili Palmu, Anne Sahlman, Kaarina Tallberg, *Data Analyst* Minna Ronkainen, *Secretaries* Merja Ahlfors, Tuula Harkio, Pirkko Heikkinen, Mirja Johansson, Heli Kalajainen, Liisa Martikainen, Elisa Nousiainen, Christina Nyberg, Terttu Näsänen, Tarja Piho, Maarit Romppanen, Anneli Ronimus, Piia Ronkainen, Sinikka Savolainen, Marja Tiihonen, Elina Tukiainen, Eila Viitaniemi, Raija Vuori, *Head of the Caretaker Service* Kari Joutsenlahti, *Chief Office Caretaker* Timo Rousku, *Office Caretakers* Tapani Ruostela, Anssi Kaikko, *Project Secretaries* Jani-Matti Isoviita, Carita Karlsson, Petteri Leppikorpi ■

Statistics

The work load 1985-2000

	Incoming cases during the year	Cases handled during the year	Cases transferred to the following year
1985	6118	6677	3403
1986	6130	6163	3367
1987	6367	6465	3269
1988	5739	5894	3116
1989	5285	5377	3024
1990	5219	5068	3183
1991	5435	5520	3108
1992	7118	5434	4807
1993	7147	6132	4903
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

Development of the work load 1996-2000



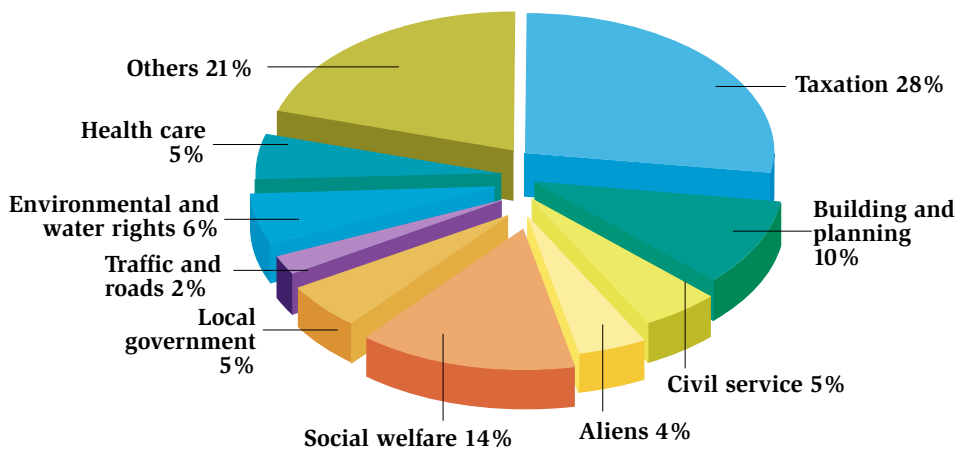
Number of incoming cases by category 1997-2000

Appeals	Number				% of appeals			
	1997	1998	1999	2000	1997	1998	1999	2000
Taxation	1122	977	927	921	31	21	24	28
Building and urban planning	512	403	380	317	14	9	9	10
Civil service	210	327	192	168	7	7	5	5
Aliens	154	145	152	148	4	3	4	4
Social welfare	244	243	419	472	7	5	10	14
Local government	272	217	196	178	8	5	5	5
Traffic and roads	70	98	90	71	2	2	2	2
Environment and water rights	243	231	244	211	7	5	6	6
Natura	0	1241	0	0	0	28	0	0
Sami Ting elections	0	0	657	0	0	0	17	0
Health care	204	202	178	162	6	4	4	5
Others	580	495	580	689	14	11	14	21
Total number of appeals	3611	4579	4015	3337	100	100	100	100

Petitions	Number				% of appeals			
	1997	1998	1999	2000	1997	1998	1999	2000
Annulment	221	250	284	271	74	77	79	77
Restoration of expired time	36	34	24	43	12	10	7	12
Others	42	41	49	40	14	13	14	11
Total number of petitions	299	325	357	354	100	100	100	100

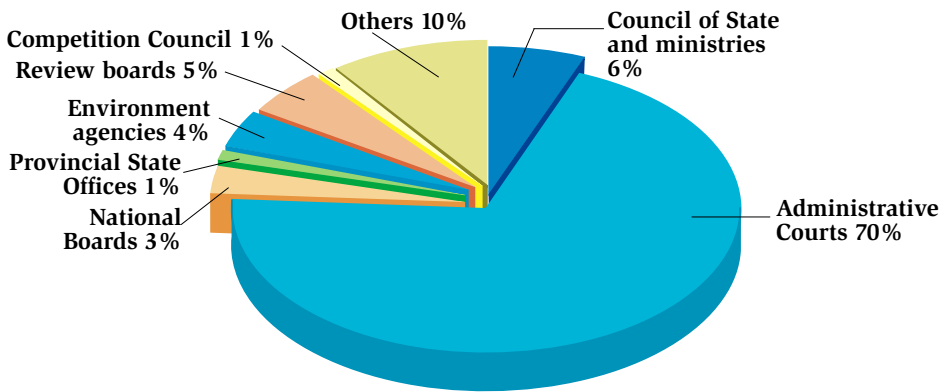
Total number of all cases 3910 4904 4372 3691

Incoming appeals by category in 2000

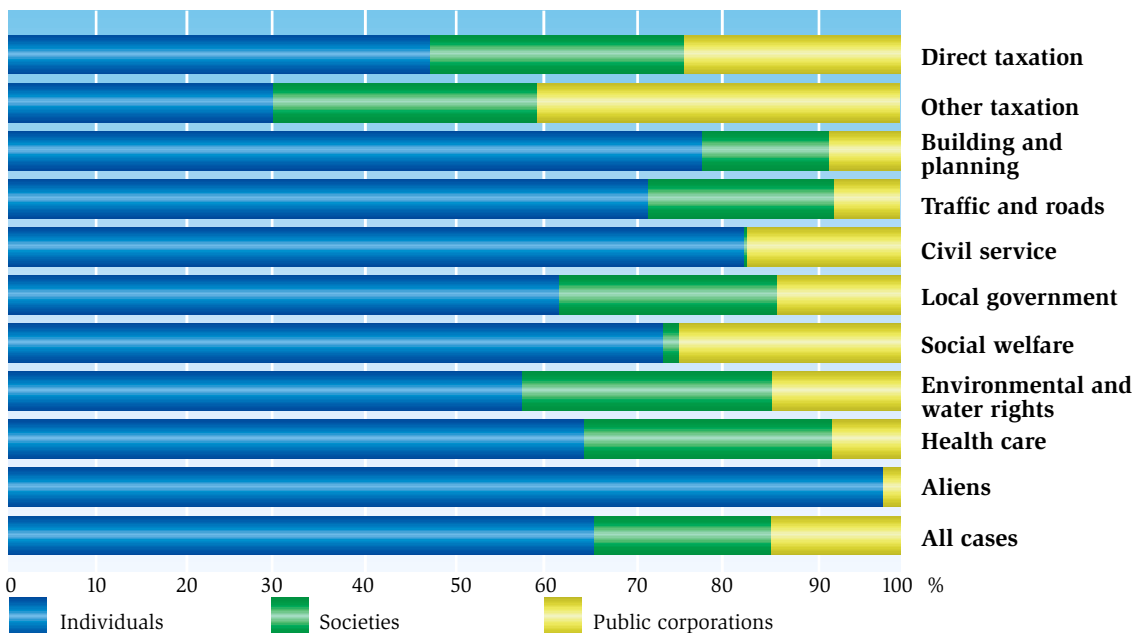


Incoming cases by authority 1996-2000

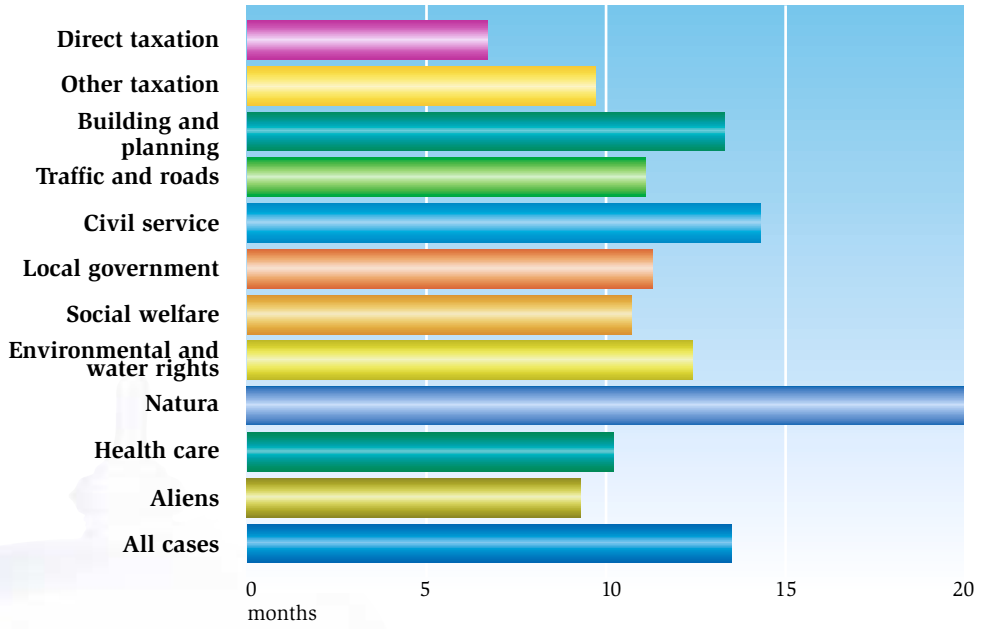
	1996	1997	1998	1999	2000
Council of State and ministries	321	347	1466	262	213
Administrative Courts	2268	2281	2362	2446	2605
Water Court of Appeal	79	77	43	51	0
National Boards	234	204	125	129	100
Provincial State Offices	271	57	26	28	26
Environment agencies	278	215	230	205	133
Review boards					192
Competition Council					41
Others	926	729	652	587	381
Total	4377	3910	4904	3708	3691



Incoming cases by appellant in 2000



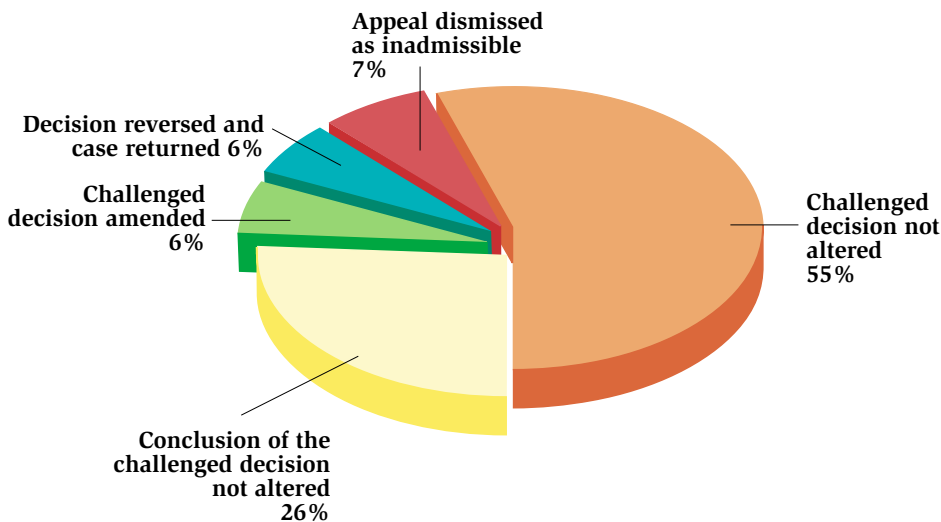
Average handling time of settled cases in 2000



Outcome of settled cases

%

	1994	1995	1996	1997	1998	1999	2000
1. The decision of the appeal is not altered (neither the conclusion nor the statement of reasons)	55,6	44,1	26,8	29,5	26,6	27,3	33
2. The conclusion of the appeal is not altered (unlike the the statement of the reasons)	11,8	18,5	21,0	19,3	16,0	24,3	26,4
3. The decision of the appeal is altered (as well as its conclusion)	8,8	10,6	9,3	9,4	8,8	8,5	4,9
4. The petition for leave to appeal is rejected	4,4	9,0	21,0	20,8	28,2	22,1	17,2
5. The decision is reversed and the appeal is returned	7,3	7,5	7,9	7,6	4,8	5,5	6
6. The extraordinary appeal is allowed	1,1	1,1	0,6	1,2	0,9	1,1	0,7
7. The extraordinary appeal is rejected	4,2	3,0	5,9	4,9	6,6	5,0	4,7
8. The case is transferred to the government	0,5	0,5	0,3	0,3	0,2	0,1	0
9. The case is transferred to another authority	0,0	0,2	0,1	0,3	0,7	0,3	0,3
10. The Supreme Administrative Court does not consider the case	6,3	5,5	7,1	6,7	7,2	5,8	6,8



Cases pending at the close of 2000 by year of arrival

	1996	1997	1998	1999	2000	Pending at the close of the year
Appeal	2	0	37	364	1532	1935
Leave to appeal	0	0	4	145	811	960
Partial leave to appeal		0			1	1
Annulment	0	0	8	60	161	229
Restoration of expired time	0	0		4	28	32
Procedural complaint	0	0	0	2	15	17
Other petitions	0	0	0		9	9
Total	2*	0	49	575	2557	3183

** Cases referred to the Court of Justice of the European Communities for preliminary ruling*



Working statistics of the Supreme Administrative Court in 2000

A. By category	Transferred from the previous year	Lodged during the year	Settled during the year	Challenged decision confirmed	Challenged decision amended	Case returned	Appeal dismissed as inadmissible	Removed from the cause book	Pending at the close of the year
State elections		8	8		8				
Citizenship	30	44	55	27	1	1	26		19
Provincial autonomy of the Åland Islands	36	32	30	15	2	7	6	1	38
Asylum and refugees	36	99	97	81	3	8	5	2	35
Other aliens matters	32	103	90	69	7	6	8	2	44
Other matters of constitutional law		1	1						
Sami Ting elections	7	2							9
Exemption from charges	7	6	9	8		1			4
Restitution and damages	1	6	2	2					5
Access to documents	11	44	24	13		6	5	2	29
Data protection	2	7	2	2					7
Private legal persons	1	3	1	1					3
Administrative complaint	1	2	1				1		2
Other matters of general administration	33	17	35	24	3	1	7	1	14
Discretionary state grants	3	11	9	6			3		5
Public legal aid	5	11	12	8	2		2		4
Employment relationship (state officials)	24	35	27	22	2		3	1	31
Salary, working hours, annual leave (state officials)	12	5	9	5	3		1		8
Discipline (state officials)	4	12	9	9					7
Other matters of the law of civil servants (state officials)	19	24	19	17			2		24
Municipal elections		1	1				1		
Municipal division	2	6	7	7					1
Municipal regulations	2	3	2	2					3
Municipal council decisions	57	71	45	40	2		3	2	80
Municipal board decisions	37	46	31	23	5	2	1	1	51
Municipal committee decisions	43	37	34	21	5	2	6		47
Employment relationship (municipal officials)	107	95	96	75	13	5	3	1	106
Salary, working hours, annual leave (municipal officials)	19	17	12	8	2		2	1	23

	Transferred from the previous year	Lodged during the year	Settled during the year	Challenged decision confirmed	Challenged decision amended	Case returned	Appeal dismissed as inadmissible	Removed from the cause book	Pending at the close of the year
Discipline (municipal officials)	13	7	12	7	4		1		8
Intermunicipal cooperation	18	10	11	7	3		1		17
Other local government matters	3	13	5	4			1		11
Church law	22	26	30	21	4		5		18
Pension matters	5	5	9	2			7		1
Population register		5	1	1				1	3
Given name and surname		3	1	3	2			1	1
Other population administration matters		1							1
Firearms	17	22	25	18	4	1	2		14
Public law and order, entertainment events	6	4	6	4	1	1			4
Regional plan and master plan	123	63	35	22	1	6	6	1	150
Town plan and plot subdivision	30	40	27	19		1	7	2	41
Building plan	23	12	17	14			3		18
Shoreline plan	34	22	26	21		4	1		30
Other planning matters	3		2	1			1		1
Building ordinance	1								1
Building permits	40	54	39	28	4	4	3		55
Other permits relative to building	22	21	18	17		1			25
Exemptions and parcelling permissions	75	73	62	57	2	1	2	2	84
Building supervision and unauthorized building	17	24	17	13		2	2		24
Demolition of buildings		1	1	1					
Protection of buildings	9	14	12	7	1	3	1		11
Redemption according to the Building Act		2							2
Other building matters	10	20	10	3	2	3	2		20
Matters relative to the Land Use and Building Act		20						1	19
Streets and roads marked on a building plan	7	11	8	7			1	1	9
Water and sewage		4							4
Other matters of municipal engineering	1								1

	Transferred from the previous year	Lodged during the year	Settled during the year	Challenged decision confirmed	Challenged decision amended	Case returned	Appeal dismissed as inadmissible	Removed from the cause book	Pending at the close of the year
Environmental authorisations	97	52	73	53	9	8	3	1	75
Establishment permits	1	3	1	1					3
Adjoining properties	3	2	5	5					
Waste management	11	24	14	10	1	1	2		21
Health supervision	12	8	11	8	1	1	1		9
Noise abatement	2	1	3	2			1		
Oil-spill control	2	2							4
Off-road traffic and motor boat traffic	3	3	3	1	1		1		3
Extractable land resources	25	26	27	25	1	1			24
Outdoor recreation and camping	1	3	1				1	1	2
Nature conservation	11	7	7	6	1				11
Advertising boarding	2		2	1	1				
Other environment matters	6	7	8	8					5
Natura	1649	3	1638	1461	17	95	65	11	1
Protection of animals	1	3	2	2					2
Fire and rescue services, civil defence	2		2	2					
Housing production and other housing matters		1	1				1		
Redemption	11	4	6	4			2		9
Right of pre-emption	2	3							5
Other real estate matters	5	7	7	6			1	1	4
Hydraulic engineering	11	17	9	4	2	3			19
Ground water	1	5	3	3					3
Conducting water for use as a liquid		1							1
Conducting waste-water	6	12	8	7			1		10
Fish farming	5	4	7	7					2
Compensations	9	7							16
Other water matters	15	30	17	15	1	1			28
Public roads	5	16	6	4	2				15
Private roads	1	1	1	1					1
Other road matters		1							1
Driver's licences, permits for professional transport	4	16	9	8			1		11
Driving schools	1		1			1			
Professional motor traffic	21	28	28	22		3	3		21

	Transferred from the previous year	Lodged during the year	Settled during the year	Challenged decision confirmed	Challenged decision amended	Case returned	Appeal dismissed as inadmissible	Removed from the cause book	Pending at the close of the year
Traffic fines and other charges	6	7	4	2	1		1		9
Railway traffic, shipping, aviation		1							1
Data communication	1	22	1	1				1	21
Other communication matters		5							5
Seamen, aviators etc.		3	1			1			2
Speed and weight limits	1		1	1					
Removal and destruction of vehicles	1		1	1					
Other matters related to vehicles	8	11	7	7					12
Banking and insurance	3	7	3		1		2		7
Mining		4	7	5	4			1	6
Food trade	1								1
Real estate and housing agency	1		1	1					
Hotel and catering industry, liquor licences	43	60	65	47	3	9	6	1	37
Other matters related to trade	6	5	7	2	1	2	2		4
Competition law, consumer protection, price control	37	44	24	16	4	3	1		57
Other supervision of trades	5	7	4	3			1		8
Company law administration	5		4	3			1	1	
Trade register	1								1
Patents and utility models	19	25	21	10	5	6			23
Design protection and trade mark	36	55	36	15	1	19	1	1	54
Export guarantee and investment grants	2	2	4	3			1		
Other financial administration matters	3		1	1					2
Comprehensive school and higher secondary school	7	3	7	2	5				3
Vocational education	8	3	7	4	1		2		4
Universities	6	4	4	4					6
Social welfare matters	171	286	242	226	4	2	10	5	208
Child welfare and taking children into care	52	116	90	71	4	12	3	2	76

	Transferred from the previous year	Lodged during the year	Settled during the year	Challenged decision confirmed	Challenged decision amended	Case returned	Appeal dismissed as inadmissible	Removed from the cause book	Pending at the close of the year
Child maintenance payment guarantee	5	10	5	4	1				10
Special care of persons with a disability	5	5	2	1		1			8
Handicap services	39	84	54	35	6	8	5	2	69
Welfare for abusers of intoxicants	1		1		1				
Other social aid	4	5	6	3		1	2		3
Other social welfare matters	6	13	9	6			3	2	8
Public health work	5	5	4	2	1		1		6
Mental health	41	122	111	102	1	1	7	5	47
Pharmacy institution	42	24	37	27	2	7	1	1	28
Practising health care and nursing		5	3	3					2
Foodstuffs supervision	4		2				2		2
Other health care matters	4	12	6	2	2		2		10
Aid and state grants for education	3	4						1	6
Aid and state grants for welfare and health services		1	1				1		
Guidance of agricultural production	2	3	5	4			1		
Promotion of forestry		2							2
Plant protection	2	2	4	1		2	1		
Reindeer husbandry	6	6	4	4					8
Hunting and fishing	9	13	4	3			1		18
Other agricultural and forestry matters	53	54	59	55		2	2	2	46
Employment and unemployment	13	14	15	8	4		3		12
Wage security	12	43	11	6		5			44
Industrial safety	1	2	1			1			2
Labour administration		11	6	6					5
Defence administration	11	18	17	12	5				12
Judicial administration	2	6	2				2	1	5
Other administrative sectors		1							1
Cost-free legal proceedings	5	32	8	4	4			1	28

	Transferred from the previous year	Lodged during the year	Settled during the year	Challenged decision confirmed	Challenged decision amended	Case returned	Appeal dismissed as inadmissible	Removed from the cause book	Pending at the close of the year
Taxation of personal income	175	264	246	198	34	4	10	5	188
Taxation of business income	84	141	116	101	5	2	8	1	108
Taxation of agriculture and forestry	9	50	55	48	1	1	5		4
Property taxation	2	3	4	2	1	1			1
Advance rulings of the Central Tax Board	16	32	29	25	3		1		19
Tax withheld and social security fees	17	43	36	33		1	2		24
Taxation at source		4	1	1					3
Other income and property taxation matters	11	13	13	10	2	1			11
Inheritance and gift duty	23	37	47	38	8	1		2	11
Value added tax	80	181	95	78	15	1	1	2	164
Customs matters	23	84	19	16	1	1	1	1	87
Excise tax	3	26	2	2					27
Car and motorcycle tax	31	69	18	14	4				82
Tax on motor vehicles	4	3	3	2			1		4
Tax on insurance premiums		4							4
Stamp duty	11	10	15	10	5				6
Transfer tax	8	25	11	10	1				22
Lottery tax		1							1
Tax on waste		1							1
Other taxes and payments	3	9	3	2			1		9
Total	4139	3691	4574	3730	258	276	310	73	3183

B. By category of appeal

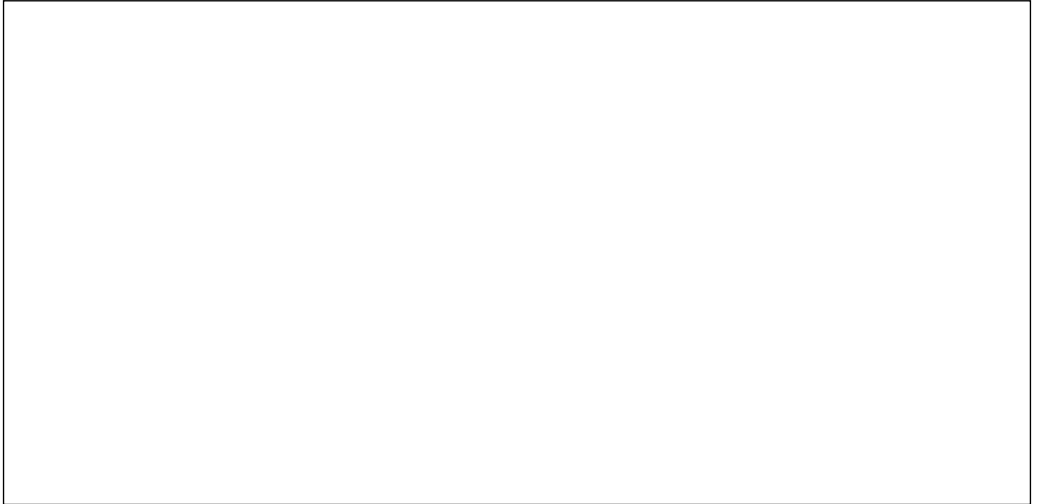
Appeal	3223	2007	3254	2637	148	239	230	38	1935
Leave to appeal	664	1329	1016	863	80	33	40	19	960
Partial leave to appeal		1							1
Annulment	222	271	254	195	27	3	29	12	229
Restoration of expired time	14	43	24	19	2		3	1	32
Procedural complaint	10	17	9	5			4	1	17
Other petitions	6	23	17	11	1	1	4	2	9
Total	4139	3691	4574	3730	258	276	310	73	3183

Cases originating from the Administrative Courts 1997-2000

	1997	1998	1999	2000
County administrative courts				
Uusimaa	735	946	902	69
Turku and Pori	308	294	398	9
Häme	321	276	250	10
Kymi	152	109	81	3
Mikkeli	67	66	66	0
Kuopio	96	90	77	0
Pohjois-Karjala	85	79	69	0
Vaasa	166	133	142	14
Keski-Suomi	94	113	84	5
Oulu	175	167	186	2
Lappi	82	87	90	4
Total	2281	2360	2345	116

	1997	1998	1999	2000
Administrative courts				
Helsinki			35	1089
Turku			29	345
Hämeenlinna			6	293
Vaasa			6	272
Kouvola			1	112
Kuopio			6	127
Oulu			8	150
Rovaniemi			4	90
Administrative Court of the Åland Islands	18	16	6	11
Total			101	2489

Regional Administrative Courts



The address of the premises of the Helsinki Administrative Court is Ratapihantie 9.

According to the Constitution of Finland, the Supreme Administrative Court and the regional Administrative Courts are the general courts of administrative law.

One of the ways in which these courts are independent is in relation to other courts of law. However, the Supreme Administrative Court supervises the administration of justice in its own field of competence. Its objective is to guarantee the efficient functioning of the entire administrative court system.

The County Administrative Courts have developed in recent decades into independent administrative courts. In early November 1999, the administrative judicial

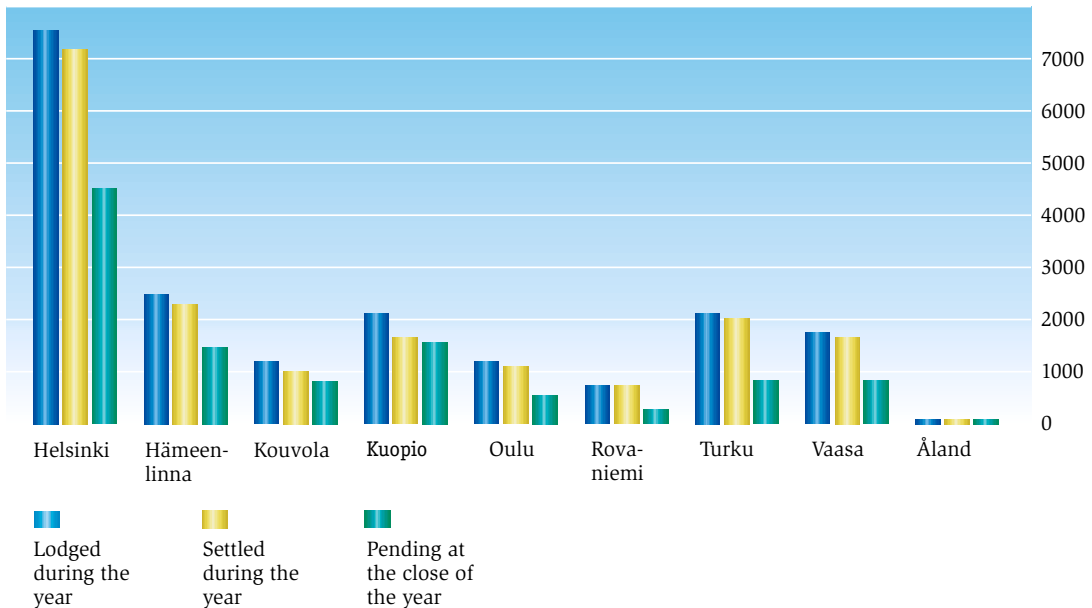
system was substantially reorganised, as eleven County Administrative Courts were transformed into eight regional Administrative Courts.

The Administrative Courts of Helsinki, Hämeenlinna, Kouvola, Kuopio, Oulu, Rovaniemi, Turku and Vaasa were established under the Administrative Courts Act. The judicial districts of the Administrative Courts consist of one or more provinces. The Administrative Court of Åland exercises its judicial power in Mariehamn.

Asylum matters are concentrated to the Administrative Court of Helsinki, and appeals against decisions made by virtue of the Environment Act are concentrated to the Administrative Court of Vaasa. ■

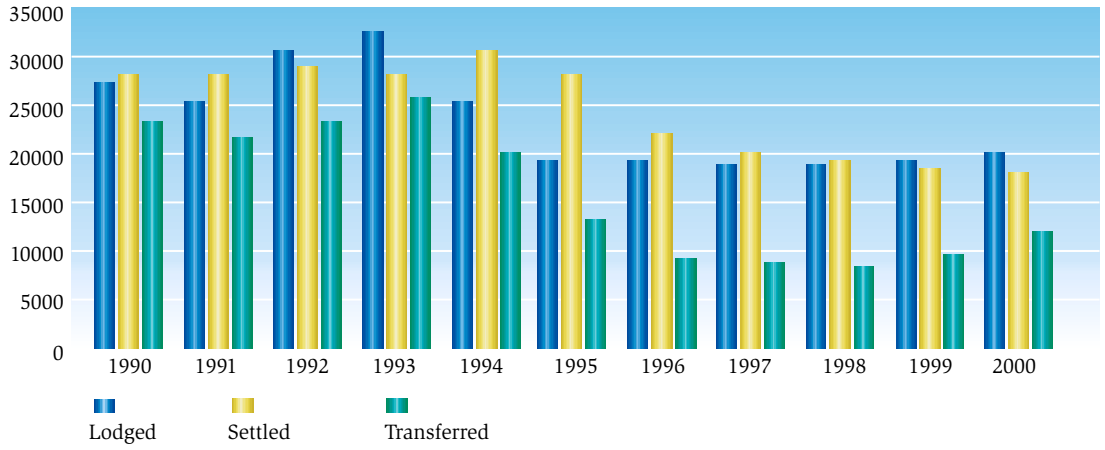
Working statistics of the Administrative Courts in 2000

	Pending at the start of the year	Lodged during the year	Settled during the year	Removed during the year	Pending at the close of the year	Change +/-
Helsinki	4326	7637	7213	0	4750	424
Hämeenlinna	1460	2635	2459	40	1596	136
Kouvola	541	1349	1052	0	838	297
Kuopio	1130	2361	1771	58	1662	532
Oulu	497	1349	1201	50	595	98
Rovaniemi	245	694	669	25	245	0
Turku	844	2362	2158	81	967	123
Vaasa	710	1843	1694	72	787	77
Åland	95	85	65	0	115	20
Total	9848	20315	18282	326	11555	1707



Figures as provided by the Administrative Courts.

Development of the work load in the Administrative Courts 1990-2000



Editor: Timo Ahvenniemi
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THE SUPREME ADMINISTRATIVE COURT

*Unioninkatu 16
00130 Helsinki
Telephone +358 9 185 31
Fax +358 9 185 3382
www.kho.fi*