



**THE SUPREME
ADMINISTRATIVE
COURT
OF FINLAND**

Annual Report 2002

The Annual Report 2002 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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Law, integration and globalisation

Mr Pekka Hallberg
President of the Supreme Administrative Court

Responsibilities of the state. Affected by the increasing international cooperation, by economic and political integration and, as a result of technological development, by changes in the structure of economy, the state's role and functions are undergoing changes, and the Finnish authorities are also faced with new challenges of maintaining and increasing the competitiveness of Finland in the world market. At the same time, the changes in social structures, in particular the increasing number of ageing persons and the more demanding working life, entail new requirements for the use of public powers.

In the view of the Finnish Parliament's Committee for the Future, the role of the state will increasingly be to strengthen social structures and economy instead of merely producing services. This includes, in particular, strengthening of the basic functions of the state, the legal system, access to legal remedies, and the principles of good governance.

In recent studies, attention has been paid not only to the impact of globalisation on the economy but also to its social consequences. Although the possibilities of individual states to influence the market are reduced by globalisation, it has also created new kind of dependency. The state maintains its role but its duties with regard to the enactment of legislation and to the guarantees of access to legal remedies have become more demanding.

Rule of law as a foundation of democracy. The forespeaker of the rule of law in Finland, K.J. Ståhlberg whose death was commemorated at the Supreme Administrative Court in the autumn of 2002, set an objective of "development of democracy based on the law", thus combining

the principles of democracy and legal protection into a functional entity, which still works as guidance. Apart from the requirement of compliance with the law, any use of power must be legitimate.

Apart from being understood as a principle guiding the organisation of the role and functions of state institutions, the rule of law must also be examined from the citizens' perspective. Thus, this principle entails a requirement of clear and carefully prepared legislation. The law is a means to achieve justice. For the purpose of developing the preparation of legislation, it is important to clearly define the issues that need to be covered by the legislation, as well as to determine whether the laws to be enacted should be detailed or general in nature and whether they should regulate the past or the future, under what circumstances the laws may be applied and what kind of effects they will have.

Development of the administrative judicial procedure. The administrative courts and the administrative judicial proceedings are of great importance in a state based on the rule of law as all of us have contacts with administrative authorities, e.g. in issues relating to social security, taxation, land use and building, nature conservation, exercise of independent professions or competition.

Decisions of administrative courts often not only affect the parties to the proceedings, but may also have environmental or financial implications and even effects on the national economy. In 2002, the Supreme Administrative Court decided a total of 3,778 cases, including several extensive cases concerning e.g. the construction of a harbour, application of the Water Act with regard to plans to construct an artificial lake, responsibility for the provision of health care services, and taxation of imported cars.

In 2002, there were working groups set up by the Supreme Administrative Court for the purpose of preparing a proposal to the Government to amend a large number of acts of Parliament. The said proposal was submitted at the beginning of 2003. Although the proposed amendments do not entail reforms of the underlying principles of the system of appeal, they contribute together to the development of the administrative judicial procedure by strengthening the role of the regional administrative courts and by reducing delays in procedure. This continued reform of the procedure was called for by Parliament already upon the enactment of the Administrative Judicial Procedure Act of 1996. It is desirable to have the reform completed without delays.

Impact of international developments. The administrative judicial procedure is increasingly affected by regional economic integration and globalisation. Obstacles to the free movement of persons, labour, services, goods and capital - the fundamental freedoms of the European Union - are usually removed by means of administrative measures. In the context of the integration process, the

Member States have paid particular attention to the development of the administrative judicial procedure.

One of the highlights in the activities of the Supreme Administrative Court in 2002 was a colloquium held with the supreme administrative jurisdictions of the EU Member States and the Court of Justice of the European Communities. The colloquium provided an opportunity to share information on national experiences of the system of preliminary rulings. The debate was continued on the occasion of the Fiftieth Anniversary of the Court of Justice of the European Communities in December 2002.

Cooperation among courts has become even more important than before, due to the need to prepare for the enlargement of the European Union and to revise the founding treaties. The national courts and authorities play indeed a crucial role in the application of Community law. Likewise, the principle of subsidiarity should be paid attention to in the context of reforming the Union's institutional structure and decision-making procedures. A consistent and working division of deci-

sion-making competence between the Union's institutions and the Member States is the best way of achieving general trust in the system and thereby contributing to the construction of citizens' Europe.

Development of the national system of legal remedies improves at the same time the possibilities to contribute to international cooperation among judicial authorities, both with the neighbouring states or other European states and worldwide. A state based on respect for the rule of law is a lasting strategy in the face of globalisation.

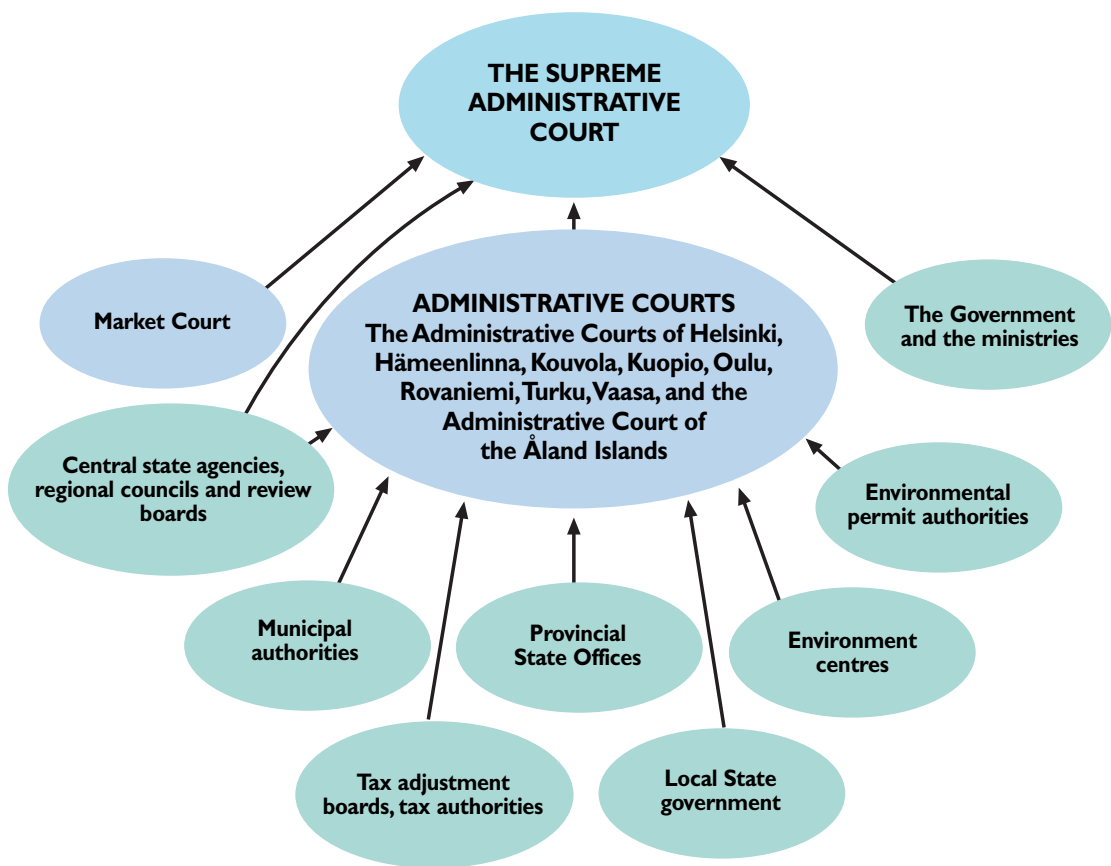
Supreme Administrative Court as last administrative judicial instance

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.

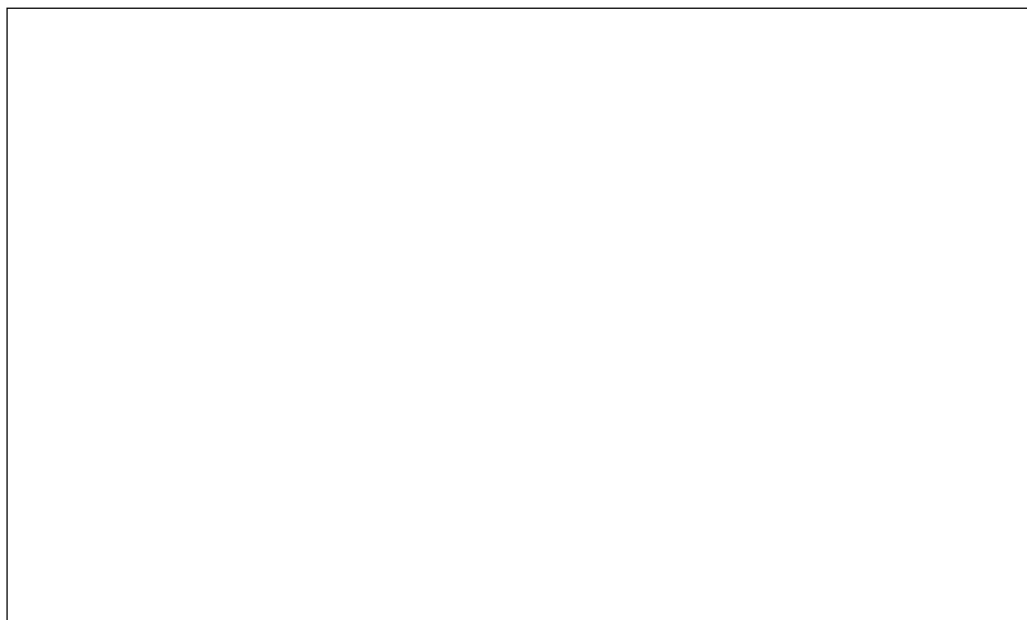
Apart from being the highest appellate court, the Supreme Administrative Court supervises the administration of justice by lower administrative courts, with a view to ensuring a functioning and effective system of administrative courts. Furthermore, the

Supreme Administrative Court may submit proposals to the Government for legislative measures.

The Constitution requires that any 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.



Cases in 2002



Risto Laine

New cases. A total of 4,036 new cases were filed with the Supreme Administrative Court in 2002. Of these, 3,724 were appeals or requests for leave to appeal and 312 were petitions, the largest group being requests for the annulment of judgment.

The largest category of cases of appeal and of requests for leave to appeal were the tax cases, constituting 22 per cent of all the new cases (23 per cent in 2001). Other significant groups included cases concerning planning and building, 15 (13) per cent, social welfare, 12 (13) per cent, and aliens, 10 (7) per cent.

Decided cases. In 2002, the Supreme Administrative Court issued a final decision in 3,778 cases. Of these, approximately 55 per cent were final decisions on the merits of the case.

The average length of proceedings in respect of the decided cases was 11.2 months.

Before the oral hearing held by the third chamber, (from left to right) Notary Marjatta Räsänen, Senior Judicial Secretary Kristina Björkqvall, Justice Marita Liljeström, Justice Esa Aalto, presiding Justice Ilmari Ojanen, Justice Pirkko Lundell, Justice Pekka Vihervuori and Judicial Secretary Leo Kaasinen.

Pending cases. At the end of 2002, there were 3,486 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 of 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 vari-

In February 2002, the Supreme Administrative Court held an on-site inspection in the area of Puu-Tammela in Tampere. In the picture, Justice Erkki Onikki, who was the presiding Justice in the case examined by the first chamber, is answering questions of the reporter of Tampere Radio.



Timo Ahveniemä

ous grounds, and not exclusively because of a need to issue a precedent. In 2002, the Supreme Administrative Court decided 1,431 cases of request for leave to appeal, of which 22 per cent were admitted.

Oral hearings and on-site inspections. In 2002, the Supreme Administrative Court held three oral hearings and arranged four on-site inspections.

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 some other significant interest.

The afore-mentioned 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 2002, the Supreme Administrative Court published 92 precedents in the yearbook. On the Court's web site, brief summaries were also published of certain other cases.

References for a preliminary ruling to the Court of Justice of the European Communities. In 2002, the Supreme Administrative Court submitted to the Court of Justice of the European Communities three references for a preliminary ruling, concerning public procurement (C-244/02), the corporation tax credit system (C-319/02) and the liability to pay car tax for an imported car in connection with a change of residence (C-365/02), respectively.

On the publicity of official documents

Mr Esa Aalto
Justice

Mr Mikko Rautamaa
Judicial Secretary

The Act on the Openness of Government Activities, repealing the Publicity of Official Documents Act, entered into force on 1 December 1999. Under the new Act, the Supreme Administrative Court decided 115 cases pertaining to the publicity of official documents by the end of 2002, most of which were related to the application of the Act on the Openness of Government Activities. The Act provides for the publicity and confidentiality of official documents.

Most of the appeals in the afore-mentioned cases were lodged by persons who had first requested the competent authority to provide them with the document in question but whose request had been refused. The appeal may concern one document only or relate to even thousands of pages of documentary evidence. In some of the cases was the appeal made by the authority that had been ordered by an administrative court to disclose the requested document. In cases relating to the publicity of official documents, the right of appeal of the competent authority is mainly justified by a public interest to be protected.

In 2002, the Supreme Administrative Court decided 49 cases concerning the publicity of official documents, the average length of proceedings being seven months. Of these decisions, six were published as precedents. One of them was given in a case where the Ministry of Finance was ordered to disclose

information on materials containing car prices, used for the preparation of the Government Bill to amend the Car Tax Act, which had been communicated to the Ministry by an information service company. The Supreme Administrative Court ruled that the information was not part of the confidential reference materials, and nor did it constitute a business or professional secret or contain other comparable private business information.

In one of the published cases, a person who was not an interested party was entitled to obtain a copy of a decision of the Supreme Administrative Court containing confidential information on taxation, so that the name and other personal identification data were hidden. The access to the document was granted in view of the principle of publicity of official documents, and of the specific interest in allowing access to decisions of the Supreme Administrative Court having a duty to enhance consistency of case law and respect for fair trial rights.

Another published case was related to a provision on the right of appeal in the Act on the Openness of Government Activities, which had raised problems of interpretation. It was found that in a case concerning the publicity of a decision made by a state-owned company, appeal was to be first lodged with an administrative court and not directly to the Supreme Administrative Court. Another provision of the Act that has been difficult to interpret is a provision on its application to internal documents of authorities. However, most cases examined under the Act so far have concerned the application and interpretation of its provisions containing a 32-item list of secret documents.

On direct taxes

Mr Ismo Talikka
Justice

Ms Paula Tenkanen
Referendary Counsellor

The number of new cases concerning direct taxes before the Supreme Administrative Court has significantly decreased in the past ten years. Whereas there were more than 1,000 of such new cases each year throughout the 1980's, the number remained below 600 in 2002. Of all the new cases in the 1980's, the share of cases concerning direct taxes was nearly 30 per cent, whereas it was only 15 per cent in 2002. Until mid-1990's, it was necessary to assign cases concerning direct taxes to two different chambers. In 2002, all cases concerning taxes, including indirect taxes, were examined by the second chamber where they constituted approximately two thirds of all the cases examined.

The decrease in the number of cases concerning direct taxes is partly explained by the amendments made to tax laws at the end of the 1980's and at the beginning of the 1990's, such as the repealing of the provisions on the assessment carried out on the basis of estimated income. However, the reduction has been more a result of the reform of the appeal system in cases concerning taxes which was introduced in mid 1990's, including the establishment of tax adjustment boards and the extension of the requirement of leave to appeal to concern all cases of taxation. In respect of direct taxes, leave to appeal had been required in some cases already since 1968. Appeal may still be lodged without leave to

appeal from advance rulings on taxation given by the Central Tax Board and from certain decisions concerning tax concessions.

The purpose of the afore-mentioned amendments has been to ensure that in each case, a lawful decision is made at the earliest possible stage and to guarantee the tax payer access to proceedings before an administrative court. At the same time, the Supreme Administrative Court is provided with better possibilities to concentrate on cases where it is particularly important to have a precedent in view of the application of law in future cases, or where the case involves a significant interest. However, this does not exclude the possibility of having manifest errors corrected by the Supreme Administrative Court.

In 2002, the Supreme Administrative Court gave a decision in 531 cases concerning direct taxes. Of these, 451 were requests for leave to appeal which was granted in 70 cases, thus constituting 15.5 per cent of the requests.

In the afore-mentioned cases, the leave to appeal was requested by the person liable to pay taxes in 87.2 per cent of the cases, and by the tax recipient in 12.8 per cent of the cases. Of the first-mentioned, 12.2 per cent of the requests were admitted, and of the latter, 24.5 per cent of the requests.

Although the legislation of the European Communities only includes a limited number of provisions on direct taxes, the Supreme Administrative Court submitted a reference for a preliminary ruling of the Court of Justice to have an opinion on the compliance of the Finnish corporation tax credit system with Community law. In 2002, the Supreme Administrative Court also gave a decision in a case concerning the relationship between the Act on the Taxation of Shareholders of Controlled Foreign Companies and international tax agreements and Community law, which has raised interest in other Member States.

On water rights

Mr Timo Silenti
Justice

Ms Tuulia Riikonen
Referendary Counsellor

The Supreme Administrative Court has had, since its establishment, jurisdiction over water rights, and cases concerning them were first examined and decided pursuant to the provisions on appeal in the Water Court Act and since 1 April 1962 in accordance with the corresponding provisions in the Water Act.

In cases concerning water rights, decisions are made in a composition of five justices and two experts on water and natural resources engineering, respectively, the latter of which were called chief engineering counsellors until 2000 and are currently called expert counsellors on the environment.

The water courts and the Water Court of Appeal were abolished on 1 March 2000. The water courts were replaced by three environmental permit authorities and the Water Court of Appeal was made part of the Administrative Court of Vaasa. Appeal from decisions of the regional environment centres or local environmental authorities are thus currently made to Vaasa Administrative Court, in accordance with the provisions of the Water Act. Decisions of the Administrative Court may be directly appealed to the Supreme Administrative Court, without leave to appeal.

Accordingly, the Supreme Administrative Court has been issuing decisions on water

rights in accordance with the provisions of the Water Act for 40 years. In the course of this rather long period of time, the nature of water rights cases has considerably changed. During the first twenty years after the entry into force of the Act, the cases largely concerned large projects such as the construction of water power stations, or log floating, the purpose of which was to reconstruct Finland after the war. Since the 1980's, the interests of conservation of water areas have more clearly affected the construction of waterways, the construction projects have been less extensive and their technical standards have been constantly raised, and the conditions for the granting of permissions have thereby been made stricter.

One of the most important cases examined in the past few years has been the one concerning the construction of the artificial lake of Vuotos, in which a permission for a project was for the first time refused since the entry into force of the Water Act with reference to the detrimental effects of the project on the environment and natural watercourses, taking account of the provisions of Chapter 2, section 5, of the Water Act.

Another important decision given pursuant to the provisions of the Water Act was a decision concerning the construction of a harbour in Vuosaari, Helsinki, where the Supreme Administrative Court needed to take a position, among others, on the impact of the project on the Natura network and on a bird conservation area.

International cooperation

Mr Heikki Kanninen
Justice

In the same way as society in general, the administration of justice has become increasingly international in the past few years, having various transfrontier dimensions. This is reflected, firstly, in an increasing number of cases concerning aliens or cases which otherwise involve facts which are not merely attached to Finland. Secondly, rules of international law are increasingly applied either directly or indirectly through the application of national law. Furthermore, knowledge of the administration of justice in other states has become important in rather concrete contexts, particularly within the framework of the European Union.

In 2002, the Supreme Administrative Court continued its cooperation with certain foreign courts and other relevant bodies, particularly through visits. In addition, multilateral cooperation has taken place with certain states which are geographically located close to Finland. The Supreme Administrative Court is a member of the International Association of Supreme Administrative Jurisdictions (AIH-JA; Association Internationale des Hautes Juridictions Administratives), as well as of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (Association des Conseils d'Etat et des Juridictions administratives suprêmes de l'Union européenne). The members of the latter association, established in 2000 and continuing the traditions of cooperation dating back to 1964, include the supreme administrative courts of the fifteen Member States as well as the Court of Justice of the European Communities.

The participants of the colloquium of 20 and 21 May 2002 in the Finlandia Hall.

In 2002, the Supreme Administrative Court had the honour of hosting the regular colloquium of the members of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, held every two years, which is the most important event organised by the Association. The colloquium was attended by judges from the courts which are members of the Association, as well as by representatives of the supreme jurisdictions of Cyprus, Poland, Slovenia, the Czech Republic, Hungary and Estonia as observers.

The afore-mentioned colloquium focused on

'the Preliminary Reference to the Court of Justice of the European Communities'. The topic was addressed in particular on the basis of experiences gained from the system. National reports and a report of the Court of Justice had been prepared for the colloquium, constituting the basis for a General report. The national reports (partly in English and partly in French) and the general report (in English and French) are available on the web site of the Association (part of the web site of the 'Conseil d'Etat' of Belgium), at www.raadvst-consetat.be.

The European Parliament has provided the Association with financial support for the purpose of publications, creation of a database of court

decisions, and exchange of officials. The Association has already undertaken to publish a newsletter providing information on the activities of the Association and containing summaries of national court decisions in the field of Community law. The newsletter is available on the Association's web site. The Association has also opened a database of national case law, containing already more than 19,000 cases. The public has access to the database through the Internet.

The following colloquium of the Association will take place at The Hague in 2004, focusing on the quality of EU legislation and on its national implementation and application by national jurisdictions.

Activities

Administrative Courts Day. The yearly Administrative Courts Day was arranged on the premises of the Supreme Administrative Court on 13 November. This joint meeting of the Supreme Administrative Court and the regional administrative courts focused on appeals in cases concerning building and planning, and on cases concerning social welfare and health.

Publications. In 2001, the Supreme Administrative Court introduced a new series of re-

search publications, with a view to enhancing research in the field of administration of justice. The second publication in the series, 'Costs in administrative judicial procedure - a study of case law', was issued in 2002.

Legal opinions. The Supreme Administrative Court provides each year, upon request, several opinions on questions of law, particularly on issues concerning administrative legislation. The opinions are published in the Court's yearbook.



The yearly meeting of the Supreme Administrative Court and the regional administrative courts was held in November. Presentations on building and planning cases were given by Chief Judge Hannu Renvall from Turku Administrative Court (left above) and Justice Kari Kuusiniemi (right). The breaks between presentations were used for informal discussions in smaller groups (left below).

In 2002, opinions were given, among others, on a working group's proposal for an overall reform of the Aliens Act, a committee report on appeals in cases concerning basic subsistence, a working group's proposal to reform the organisation of the Insurance Court, amendment of the provisions on appeal applied to cases concerning health care, and a committee report on the publicity of court proceedings, including a draft bill on the publicity of court proceedings. Opinions were also given on a proposal of the Sámi Parliament for a new Sámi Language Act, environmental aspects relating to quarrying and cutting of stone and asphalt, and draft bills for the enactment of a new Nationality Act and a new Aliens Act.

Organisation and personnel

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

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

The Supreme Administrative Court has three chambers. The first chamber focuses, among others, on cases concerning building, local and state government, the second chamber on cases concerning taxation and competition, and the third chamber on cases concerning social welfare, aliens and the environment. 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. There are as many as 180 different categories of cases.

The cases before the Supreme Administrative Court are decided by a composition of five judges. In cases referred to in the Water Act and the Environmental Protection Act

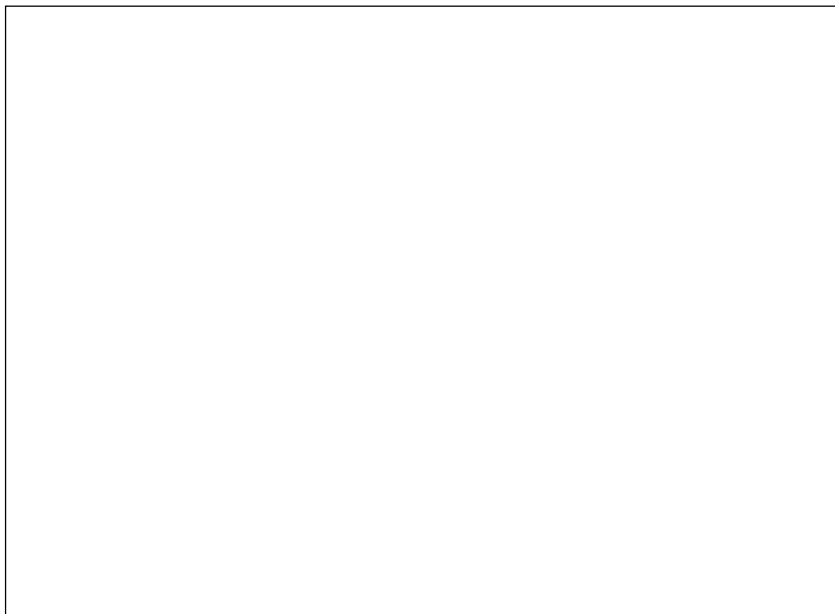
as well as in cases concerning intellectual property rights such as patents and industrial designs, the chamber is composed of the judges and two expert members having competence in the relevant field.

When refusing leave to appeal, a chamber may be composed of three judges. 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.

After the institution of proceedings in the Supreme Administrative Court, a notary and a secretary carry out an initial preparation of the case and particularly obtain 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. 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. In order to establish the facts of the case, the Supreme Administrative Court may arrange an on-site inspection or an oral hearing. Inspections are mainly arranged in cases relating to the environment.

Risto Laine

The information and documentation services of the Supreme Administrative Court are at the responsibility of (from left to right) Data Service Lawyer Pekka Tuominen, Departmental Secretary Sinikka Savolainen, Project Secretary Jani-Matti Isoviita and Data Analyst Minna Ronkainen (seated).



Personnel of the Supreme Administrative Court on 31 December 2002

President and other court members

President

Pekka Hallberg

Justices

Timo Silenti
Ahti Rihto
Erkki Onikki
Ilmari Ojanen
Olof Olsson
Ismo Talikka
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 Justices

Kari Kuusiniemi
Niilo Jääskinen
Ilkka Pere

Expert Counsellors on the Environment

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

Chief Engineering Counsellors

Karri Vartiainen
Pentti Uuspää
Tapani Jokinen
Allan Johansson
Matti Kleimola

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

Referendaries

Secretary General

Sakari Vanhala

Referendary Counsellors

Ilkka Pere (on leave)
Marianne Båsk
Liisa Hyvärinen
Ilpo Havumäki
Paula Tenkanen
Marina Äimä
Matti Metsäranta
Tuulia Riikonen
Hannu Ranta

Senior Judicial Secretaries

Kai Träskelin
Leena Halila
Kari Honkala
Matti Halen (on leave)
Eila Rother
Marja-Terttu Savolainen
Anne Niemi (on leave)

Judicial Secretaries

Marjo Snellman
Anneli Tulikallio
Raimo Viitasaari
Kari Nieminen
Liisa Tähtinen (on leave)
Marja-Liisa Judström
Irene Mäenpää
Arja Niemelä
Marja Leena Kemppainen
Kristina Björkvall
Hannele Klemettinen
Kari Tornikoski (on leave)

Mikko Rautamaa
Leo Kaasinen
Riitta Kreula
Riitta Mutikainen
Marita Eeva
Päivi Pietarinen

Temporary Judicial Secretaries

Satu Heikkilä
Petri Leinonen
Petteri Leppikorpi
Jaana Moilanen
Elisabeth Vuorenhela

Marja Ihto, Administrative Secretary, acted as referendary in 2002.

Other employees

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

Departmental Secretaries

Liisa Hartikainen
Nina Johnsson
Henna Mäkinen
Anne Sahlman

Sinikka Savolainen
Kaarina Tallberg
Soili Tolvanen
Elina Tukiainen

Data Analyst

Minna Ronkainen

Project Secretary

Jani-Matti Isoviita

Secretaries

Merja Ahlfors
Pirkko Heikkinen
Mirja Johansson
Heli Kalajainen
Anneli Liukkonen
Liisa Martikainen
Christina Nyberg
Tuula Pelkonen
Tarja Piho
Irma Reunanen
Maarit Romppanen
Anneli Ronimus
Piia Ronkainen
Marja Tiihonen
Eila Viitaniemi
Raija Vuori
Maija Ylönen

Head of the Caretaker Service

Kari Joutsenlahti

Chief Office Caretakers

Anssi Kaikko
Timo Rousku
Tapani Ruostela

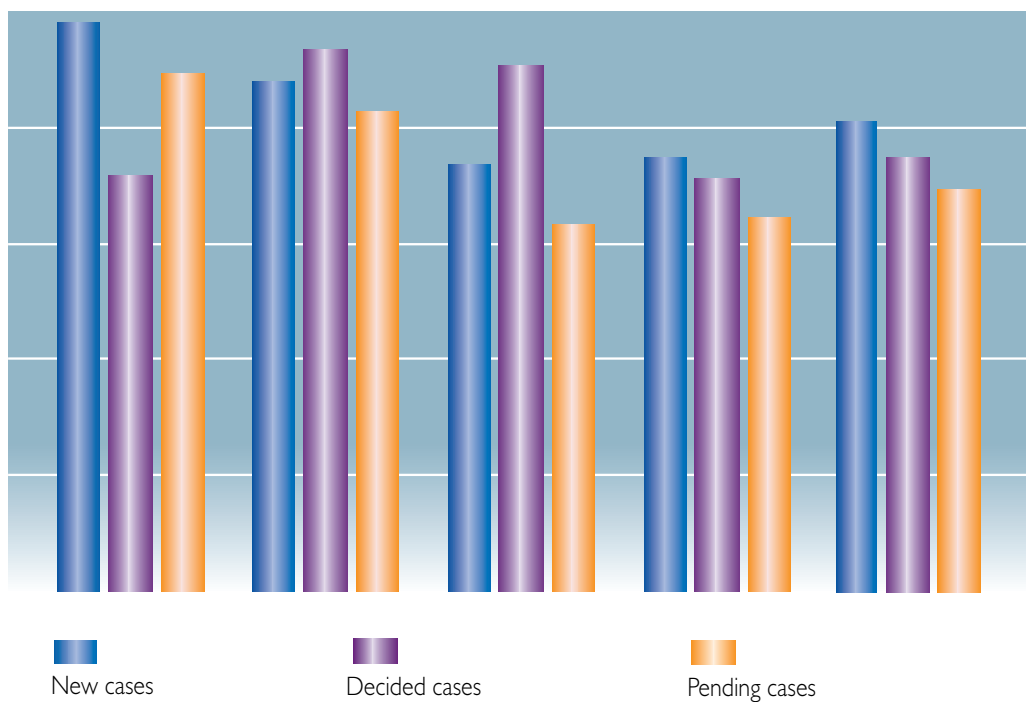
Of the Court's personnel, Justice Ritva Koljonen retired on 1 September 2002 and Referendary Counsellor Tapio Kuosma on 1 July 2002.

Statistics

Cases 1987–2002

	New cases	Decided cases	Pending cases
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
2001	3752	3612	3281
2002	4036	3778	3486

Development of the Court’s caseload 1998–2002



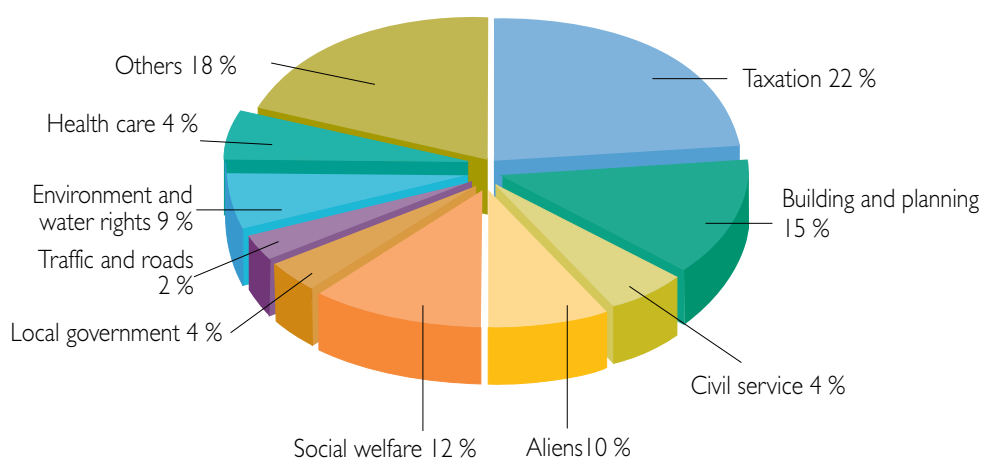
Number of new cases by subject-matter 1999–2002

Appeals	Number				Percentage share			
	1999	2000	2001	2002	1999	2000	2001	2002
Taxation	927	921	803	819	24	28	23	22
Building and planning	380	317	457	568	9	10	13	15
Civil service	192	168	181	160	5	5	5	4
Aliens	152	148	228	391	4	4	7	10
Social welfare	419	472	460	439	10	14	13	12
Local government	196	178	131	158	5	5	4	4
Traffic and roads	90	71	108	62	2	2	3	2
Environment and water rights	244	211	228	317	6	6	7	9
Sámi Parliament elections	657	0	0	0	17	0	0	0
Health care	178	162	193	158	4	5	6	4
Others	580	689	657	652	14	21	19	18
Total number of appeals	4015	3337	3446	3724	100	100	100	100

Petitions	1999	2000	2001	2002	1999	2000	2001	2002
Annulment of judgments	284	271	216	231	79	77	71	74
Restoration of lapsed time	24	43	52	41	7	12	17	13
Others	49	40	38	40	14	11	12	13
Total number of petitions	357	354	306	312	100	100	100	100

Total number of all cases	4372	3691	3752	4036
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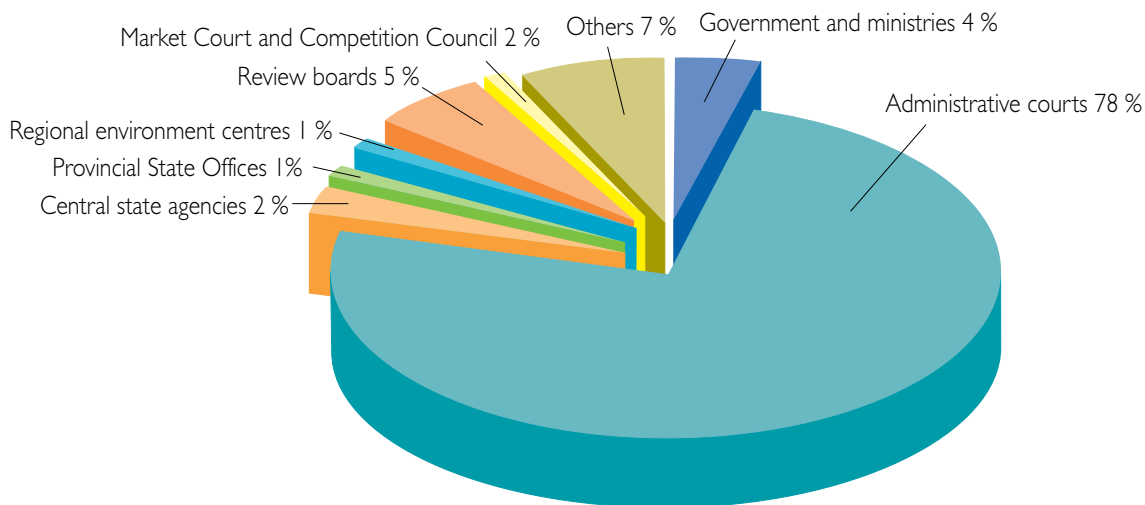
New appeals by subject-matter 2002



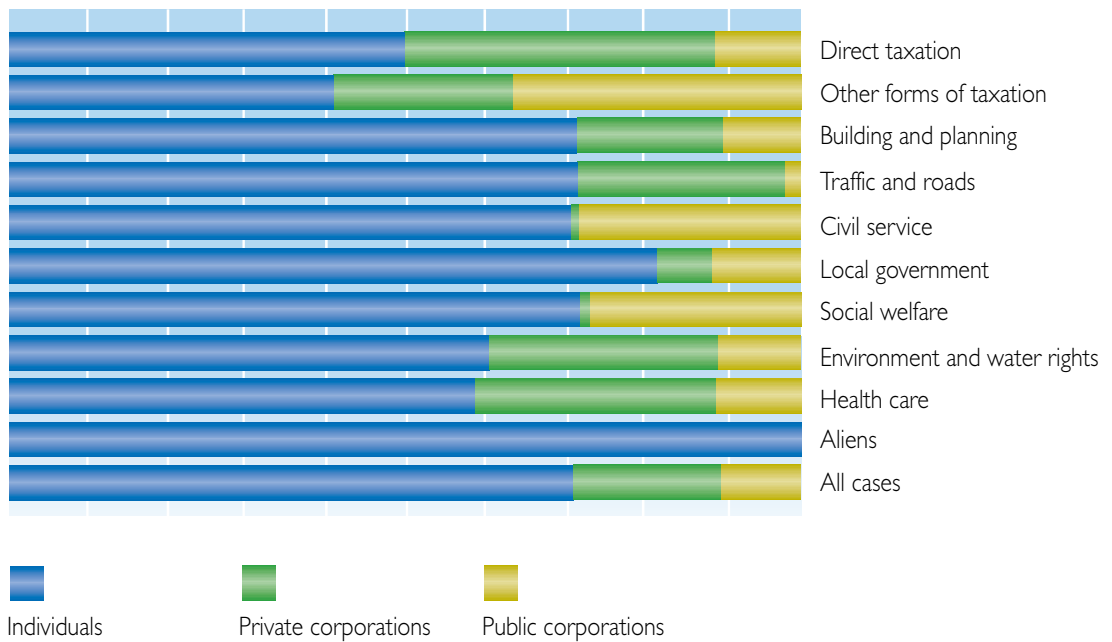
New cases by authority 1998–2002

	1998	1999	2000	2001	2002
Administrative courts	2362	2446	2605	2798	3121
Government and ministries	1466	262	213	160	163
Water Court of Appeal	43	51	0	1	1
Central state agencies	125	129	100	105	96
Provincial State Offices	26	28	26	47	40
Regional environment centres	230	205	133	109	59
Review boards			192	216	194
Market Court and Competition Council			41	45	64
Others	652	587	381	271	298
Total	4904	3708	3691	3752	4036

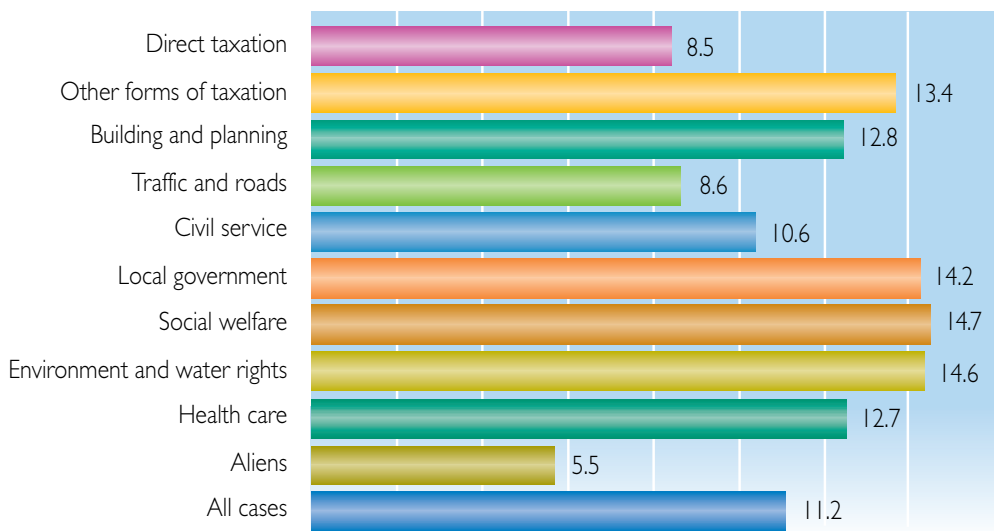
New cases by source authority in 2002



New cases by appellant in 2002



Average length of proceedings in decided cases in 2002



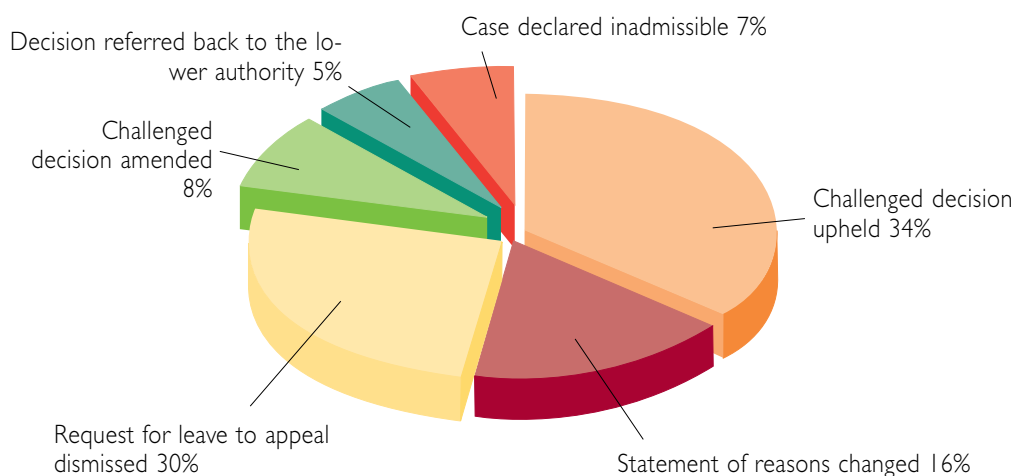
Months

Outcome of decided cases

Percentage share

	1995	1996	1997	1998	1999	2000	2001	2002
1. Challenged decision is upheld (including conclusions and statement of reasons)	44.1	26.8	29.5	26.6	27.3	33.0	27.5	27.6
2. Challenged decision is upheld but the statement of reasons is changed	18.5	21.0	19.3	16.0	24.3	26.4	17.0	15.5
3. Challenged decision is amended	10.6	9.3	9.4	8.8	8.5	4.9	8.1	7.6
4. Request for leave to appeal is dismissed	9.0	21.0	20.8	28.2	22.1	17.2	26.1	30.4
5. Appealed decision is referred back to the lower authority for reconsideration	7.5	7.9	7.6	4.8	5.5	6.0	5.6	4.7
6. Extraordinary appeal is admitted	1.1	0.6	1.2	0.9	1.1	0.7	0.8	0.5
7. Extraordinary appeal is dismissed	3.0	5.9	4.9	6.6	5.0	4.7	6.1	6.0
8. Case is referred to the Government	0.5	0.3	0.3	0.2	0.1	0.0	0.0	0.0
9. Case is referred to another authority	0.2	0.1	0.3	0.7	0.3	0.3	0.2	0.6
10. Case lapses							2.0	1.2
11. Case is declared inadmissible	5.5	7.1	6.7	7.2	5.8	6.8	6.6	6.3

Outcome of decided cases in 2002



Pending cases on 31 December 2002

	1998	1999	2000	2001	2002	Pending cases on 31 December 2002
Appeals	5	10	19	382	1778	2194
Requests for leave to appeal	2	2	7	166	879	1056
Annulment of judgments	0	0	5	36	150	191
Restoration of lapsed time	0	0	0	7	11	18
Procedural complaints	0	0	0	9	12	21
Other petitions	0	0	0	2	4	6
Total	7	12	31	602	2834	3486

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

Cases before the Supreme Administrative Court in 2002

	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 2002
A. By subject-matter										
Cases under the Nationality Act	10	22	8	5		3				24
Autonomy of the Åland Islands	25	11	25	12	4	4	2	3		11
Citizens' rights		1								1
Asylum and refugees	25	187	117	98	5	5	7	2		97
Other cases under the Aliens Act	109	227	175	139	4	17	10	5	3	158
Other governmental functions		1	1							
Exemption from charges	7	2	7	7						2
Restitution and damages	5	2	7	3			4			
Access to documents	20	82	49	31	12	2	4		4	49
Data protection	5	12	5	5					1	11
Private legal persons	2	5	5	2		2	1			2
Administrative complaints	3		3	3						
Other administrative law cases	18	16	21	17	2		2			13
Discretionary state subsidies	2	5	6	4			2			1
Public legal aid	7	6	9	7			2			4
Employment (state officials)	28	21	32	25	3		3	1	1	16
Remuneration, working hours and annual leave (state officials)	11	14	11	6			1	1		14
Disciplinary measures (state officials)	4	9	5	4				1		9
Other state officials cases	16	12	19	15	2	2				9
Local elections	2		2	1			1			
Division into municipalities	3	2	3	3						2
Local regulations	4		4	4						
Municipal council decisions	56	58	77	65	3	1	7	1	3	34
Municipal board decisions	34	49	42	37	1	1	3		1	40
Municipal committee decisions	35	34	42	33	3		6			27
Employment (local authority officials)	83	86	98	78	14		4	2	1	70
Remuneration, working hours and annual leave (local authority officials)	23	22	28	27			1		1	16
Disciplinary measures (local authority officials)	14	10	19	16	1		2			5
Joint arrangements of municipalities	14	9	14	10	1	2	1			9
Other local government cases	7	12	6	5	1				1	12
Church law	31	43	34	22	4	1	7		3	38

	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 2002
Pensions	7	6	13	9			4			
Population register	1	1	1				1			1
Given name and family name	2	9	4	3			1			7
Other population administration cases	1	1	1	1						1
Firearms	16	24	29	22	3	4			2	9
Public order; public entertainment	5	8	4	4						9
Regional plans and master plans	118	32	109	83	1	14	10	1		41
Town plans and plot division	20	9	20	17		3			1	8
Building plans	16	1	14	12		1	1			3
Shore plans	19	10	15			5				14
Other planning cases	3		3	3						
Building permits	20	13	22	16	1		4	1		11
Other authorisations relating to building	12	3	10	3	2	1	4			5
Exceptional permits and parcelling permits	62	47	74	59	5	3	6	1	4	31
Building inspections and unauthorised building	21	1	17	15	1		1			5
Preservation of buildings	3	8	4	3		1				7
Redemption under the Building Code	3	4	3	3						4
Other building cases	9	2	10	6	2	1	1			3
Regional plans (Land Use and Building Act; LBA)		7								7
Local master plans (LBA)	13	58	2	2						69
Local detailed plans (LBA)	31	78	20	17	1		2			89
Detailed shore plans (LBA)	8	18	2	2						24
Building ordinances (LBA)		5	2		2					3
Plot division (LBA)	3	2	3	2	1					2
Streets and other public areas (LBA)	3	8	8	6			1	1		3
Expropriation of land (LBA)	1									1
Preservation of buildings (LBA)	2	3	3	1			2			2
Building permits (LBA)	44	99	60	43	7	3	5	2	1	82
Decisions relating to areas requiring planning (LBA)	10	44	9	4		4		1		45

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 2002
Expropriation/redemption	5	3	5	1	4				3
Rights of pre-emptive purchase	4	2	3	3					3
Other real property cases	3	3	3	3				1	2
Hydraulic engineering	27	21	22	16	5	1		1	25
Ground water	6	15	1	1					20
Water treatment systems	1		1		1				
Sewage systems	13	7	11	6	4		1		9
Fish farming	5	4							9
Compensation	11	5	2	1	1				14
Other water rights cases	39	14	29	15	11	3			24
Public roads	12	10	10	10					12
Other roads cases		1							1
Driver's licences and permits for professional transport	10	20	20	17	1	1	1	1	9
Driving schools	3	2	2	2					3
Professional motor traffic	35	23	18	14		3	1		40
Traffic fines and other charges	9	7	9	9					7
Railway traffic, shipping, aviation	2		1	1					1
Data communications	18	29	17	12	3		2		30
Other communications cases	2	3	4	3			1		1
Seafarers, pilots, etc.	3	4	4	4				1	2
Speed and weight limits	2	2	3	2			1	1	
Other cases related to vehicles	13	6	12	9			3		7
Banking and insurance	9	1	8	4	2	1	1		2
Mining	6	2	8	8					
Real estate agencies		5							5
Hotel and catering industry, liquor licences and alcohol retailing	73	71	73	53	3	6	11		72
Trades engaged in by aliens	1		1	1					
Other trades cases	2		2	2					
Competition law, consumer protection, price control	50	72	44	32	8		4		82
Other control of industry and trade	4	3	4	2	1		1		3
Other company law cases	7	15	13	12			1	1	8
Trade register	1	1							2

	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 2002
Patents and utility models	35	25	32	20		10	1	1	1	27
Industrial designs and trade marks	29	20	30	18	1	9		2		19
Other financial management cases	1	2	2	2						1
School education	13	30	26	18	5	1	1	1		17
Vocational education	6	2	7	5	1			1		1
Universities	3	5	7	6			1			1
Other cases relating to education		3	2	1			1			1
Subsistence allowances	199	243	229	214	4	2	3	1	6	207
Child welfare and public care of children	93	120	100	85	1	6	8			113
Guarantees of child maintenance	14	9	14	10	2	2				9
Care of persons with disabilities	10	4	6	4		2				8
Handicap services	98	79	98	77	9	8	4		1	78
Other social assistance	2	2	1	1						3
Other social welfare cases	10	28	9	6	2		1			29
Public health	2	3	2	1		1				3
Mental health	66	120	141	129	1	2	9		1	45
Pharmacies	18	27	21	14		4	3			24
Health care professionals	4	6	2	2						8
Food safety	1	1								2
Other health care cases	15	15	15	11			4			15
State subsidies for education	1		1	1						
Other state subsidies	1									1
Agricultural production control	1	1								2
Promotion of forestry	3	2	3	3						2
Reindeer herding	7	4	7	3	2		2			4
Hunting and fishing	11	8	12	9	1		2			7
Other agricultural and forestry cases	40	45	46	41	2	2	1		1	39
Employment and unemployment	8	7	7	4	3					8
Wage security	29	21	27	26			1			23
Industrial safety	1	1								2
Labour administration	3	8	7	7					1	3
Defence administration	5	9	10	9	1				1	3
Judicial administration	4	1	4	4						1
Other sectors of administration	1		1	1						
Cost-free legal proceedings	11	24	12	8	2	2				23

	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 2002
Other cases		1								1
Taxes on earned income	216	381	346	316	13	7	8		7	249
Taxes on corporate income	70	111	98	88	6	2	2			83
Taxation of agriculture and forestry	3	7	7	6		1				3
Other taxes on properties		1								1
Taxes on capital	1	4	2	2						3
Advance rulings of the Central Tax Board	10	27	22	18	3		1			15
Prepayment of taxes and social security payments	33	49	35	26	7		2		1	46
Taxes withheld at source	1	1	2	2						
Other taxes on income and capital	9	19	19	16	2		1			9
Inheritance and gift taxes	16	38	29	25	3		1		1	24
Value added tax	105	130	141	101	31	5		4		95
Customs	108	32	108	98	10				1	31
Excise duties	52	17	36	27	5		4			33
Car and motorcycle taxes	107	40	92	85	4	2	1		2	53
Taxes on other than petrol-driven vehicles	4	2	5	5					1	
Taxes on insurance premiums	5		5	5						
Stamp duties	2	7	6	5			1			3
Asset transfer tax	22	17	32	27	5					7
Taxes on waste	1	1								2
Other taxes and duties	5	3	5	4			1			3
Total	3277	4036	3778	3028	289	178	238	45	68	3486

B. By category of appeal										
Appeals	1957	2306	2056	1566	168	122	164	37	22	2194
Requests for leave to appeal	1070	1418	1431	1229	105	50	40	6	11	1056
Partial leave to appeal	1		1	1						
Annulment of judgments	190	231	201	174	3	3	21		29	191
Restoration of lapsed time	33	41	56	38	7	1	9	1		18
Procedural complaints	19	16	14	11			2	1		21
Other petitions	7	24	19	9	6	2	2		6	6
Total	3277	4036	3778	3028	289	178	238	45	68	3486

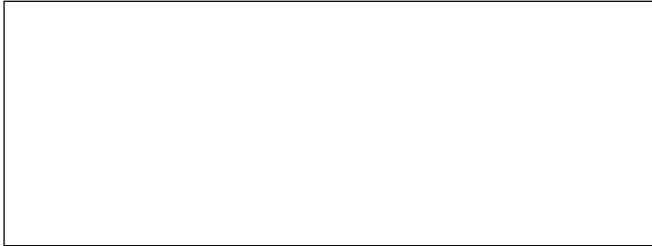
Cases referred by the administrative courts 1999–2002

	1999	2000	2001	2002
Administrative courts				
Helsinki	35	1089	1014	1235
Turku	29	345	452	443
Hämeenlinna	6	293	343	348
Vaasa	6	272	298	362
Kouvola	1	112	127	169
Kuopio	6	127	245	243
Oulu	8	150	173	206
Rovaniemi	4	90	120	87
Åland Islands	6	11	18	23
Total	101	2489	2790	3116

	1999	2000	2001	2002
County administrative courts				
Uusimaa	902	69	6	0
Turku and Pori	398	9	0	1
Häme	250	10	0	0
Kymi	81	3	0	0
Mikkeli	66	0	0	0
Kuopio	77	0	0	0
Pohjois-Karjala	69	0	0	0
Vaasa	142	14	2	3
Keski-Suomi	84	5	0	0
Oulu	186	2	0	1
Lapland	90	4	0	0
Total	2345	116	8	5

Regional administrative courts and other authorities applying the administrative judicial procedure

Esa Tommiska



The new building of Kouvola Administrative Court has been in use since 2002.

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 in cases concerning competition and public procurement or the Insurance Court in cases concerning the guarantees of basic subsistence. Before the appeal, a request for review is often made to the authority which made the original decision.

In 2002, a total of 21,800 new cases were lodged with the regional administrative courts, including the Administrative Court of the Åland Islands.

The number of appeals against decisions of the afore-mentioned administrative courts, made to the Supreme Administrative Court, was 3,121 in 2002. The total number of new cases lodged with the Supreme Administrative Court was 4,036.

In respect of decisions of certain administrative authorities, including decisions 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 is only possible against unlawful decisions. There were 163 appeals made against decisions of the Government or a Ministry to the Supreme Administrative Court in 2002.

A new Market Court assumed its functions on 1 March 2002. The new court exercises jurisdiction over cases concerning competition restrictions and public procurements, which earlier fell within the jurisdiction of the former Competition Council. In respect of 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. There were 64 such appeals made in 2002 (including both decisions of the Competition Council and those of the Market Court).

Regional administrative courts. There are eight regional administrative courts in Finland, in Helsinki, Hämeenlinna, Kouvola, Kuopio, Oulu, Rovaniemi, Turku and Vaasa, and the Administrative Court of the Åland Islands.

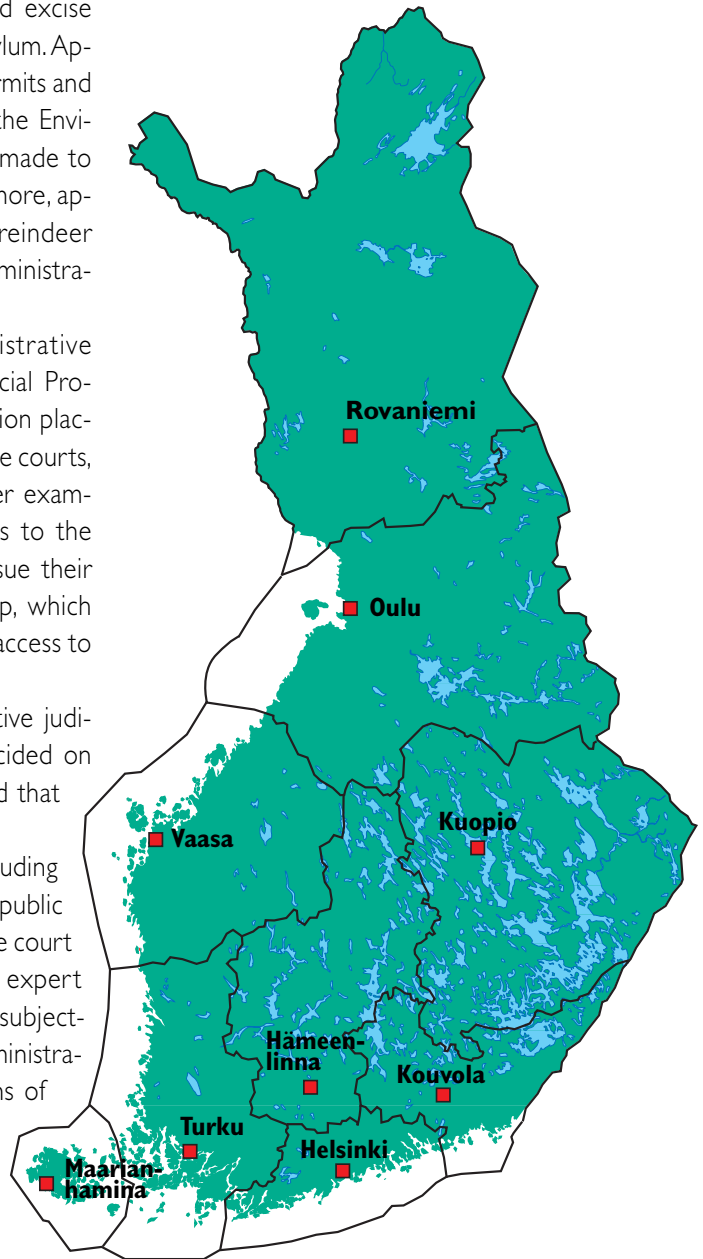
The judicial district of a regional court may consist of one or more regions as defined in the Division into Regions Act. However, in respect of certain subject-matters, the territor-

ial jurisdiction of one regional court may extend over the entire country. For example, Helsinki Administrative Court examines, as a court of first instance, any cases concerning value added tax, customs duties and excise duties, as well as 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. Furthermore, appeals against decisions relating to reindeer herding are only examined by the Administrative Courts of Oulu and Rovaniemi.

Examination of cases. Administrative courts apply the Administrative Judicial Procedure Act. The Act contains a provision placing the authorities, i.e. the administrative courts, under an obligation to ensure proper examination of the case. Thus, the parties to the proceedings are usually able to pursue their cases without professional legal help, which reduces costs and thereby enhances access to legal remedies.

The objective of the administrative judicial procedure is that no case is decided on the basis of inadequate evidence, and that the legal remedies are effective.

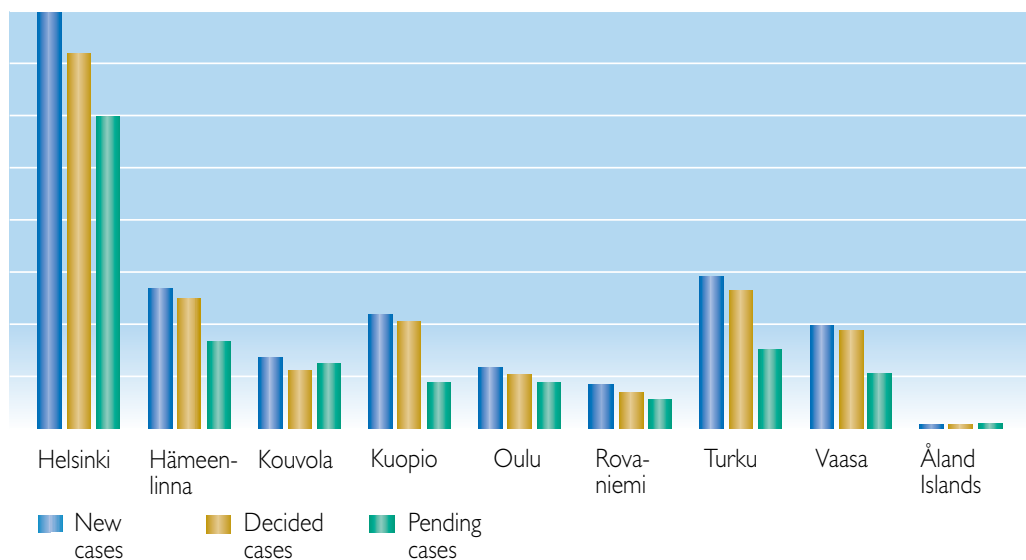
In certain categories of cases, including cases concerning mental health and public care of children, the composition of the court includes, apart from the judges, an expert having competence in the relevant subject-matter. Cases examined by Vaasa Administrative Court pursuant to the provisions of the Water Act or the Environmental Protection Act are decided by a composition of three judges and two expert members.



Judicial districts of the regional administrative courts.

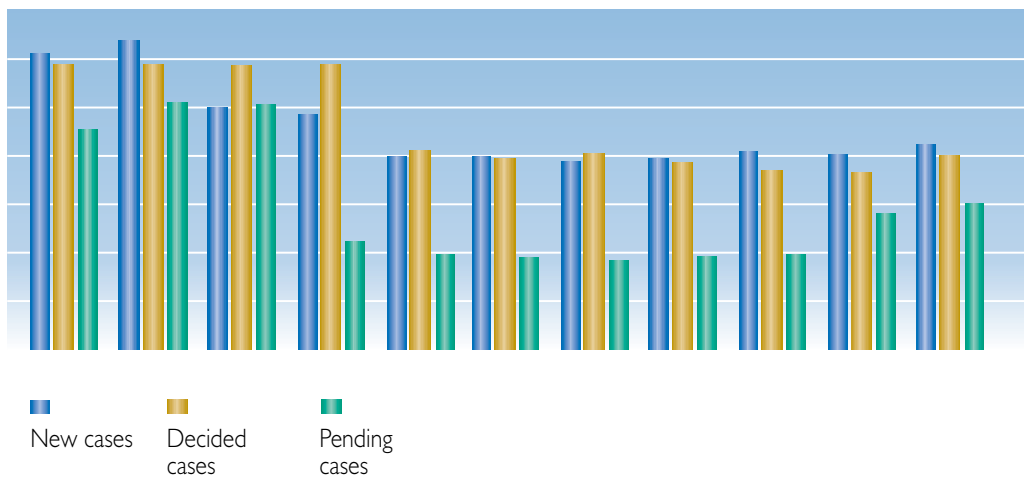
Cases before the administrative courts in 2002

	Pending at the beginning of the year	New cases	Decided cases	Removed from the docket	Pending at the end of the year	Change +/-
Helsinki	5366	8040	7318	55	6033	+ 667
Hämeenlinna	1792	2683	2611	13	1851	+ 59
Kouvola	1242	1629	1353		1518	+ 276
Kuopio	1698	2313	2124	9	1878	+ 180
Oulu	777	1340	1262	2	853	+ 76
Rovaniemi	297	808	686	3	416	+ 119
Turku	1329	2864	2578	13	1602	+ 273
Vaasa	953	2037	1910	29	1051	+ 98
Åland Islands	90	86	94	0	82	- 8
Total	13544	21800	19936	124	15284	+ 1740



Figures as provided by the administrative courts.

Development of the caseload of administrative courts 1992–2002



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