

A N N U A L R E P O R T 2 0 0 1



THE SUPREME
ADMINISTRATIVE
COURT

*The Annual Report 2001 of the
Supreme Administrative Court is published in
Finnish, Swedish, English and French.*

*The cover photograph shows the building housing
the Supreme Administrative Court at the address
Fabianinkatu 15. The year 1901 is inscribed at the
top, indicating that in 2001 a hundred years had
passed since the building was erected.*

Contents

- 4 The Supreme Administrative Court, the rule of law and society
Mr Pekka Hallberg
President
- 6 The Supreme Administrative Court as last administrative judicial instance
- 7 Judicial matters in the year 2001
- 9 On land use and building
Ritva Koljonen
Justice of the Supreme Administrative Court
Hannu Ranta
Senior Judicial Secretary
- 10 On competition
Ahti Rihto
Justice of the Supreme Administrative Court
Irma Telivuo
Senior Judicial Secretary
- 11 On patents and utility models
Karri Vartiainen
Chief Engineering Counsellor
Kristina Björkvall
Judicial Secretary
- 12 The activities
- 15 Organisation and personnel
- 18 Statistics
- 31 The regional Administrative Courts and other lower administrative judicial procedure

The Supreme Administrative Court, the rule of law and society

Mr Pekka Hallberg

President of the Supreme Administrative Court

When we follow world events, many of us feel concern for the development of society. For us Finns, the essential thing is to stand by our rule of law and its basic values: freedom and rights of man and social justice.

Justice is sometimes understood as mere problem solving, since crime, compensation payouts and legal expenses attract so much publicity. Justice as a stabilising element is, however, of much greater importance to society.

The role of the administrative courts in legal protection. Administrative judicial procedure is of key importance when we ask ourselves what kind of constitutional state we live in. We are all constantly in contact with the authorities and claiming our rights, e.g. in questions concerning taxation, environment, social welfare and local government. The Supreme Administrative Court examines cases from all administrative sectors and instances. They outline a picture of the efficiency of the rule of law in Finland. As one third of all cases concern Community law, they also open up a view into the legal reality of Europe as a whole.

The Supreme Administrative Court settled 3,612 cases during the year 2001. A vast majority, some 2,400 of the decisions, were substantive judgments. The average handling time was over 10 months. The

backlog caused by the volume of Natura cases of previous years will be gradually cleared, and we are going to reach our target of prompt procedure.

Worth mentioning among last year's reforms is the merging of the Competition Council and the existing Market Court into a new Market Court, which is a special administrative court. There is a project in the pipeline to reform appeals in matters of subsistence support and to create a possibility of extraordinary appeal before the Supreme Administrative Court against the decisions of the Insurance Court. These reforms will increase the responsibility of the administrative judicial system for safeguarding legal protection.

Impact of court decisions. When settling disputes between parties, the courts of law aim at fairness based on law. Nevertheless, the social and economic impact of the decisions frequently extends beyond the parties involved. This is exemplified in this Annual Report, now published for the 33rd time, through cases concerning land use, economic competition and patents. In order to make its decisions more accessible as material for social and economic research, the Supreme Administrative Court has introduced a series of research publications. The first basic reports have already appeared.

Examples of decisions with a far-reaching impact during the year 2001 are the consideration of

health care services for subsistence support, the right of diabetics to free health care items, the right of people working in special fields to deduct extra living expenses from their earned income, tax treatment of pensioned repatriates and lease prices of fixed telephone connections. Furthermore, the promptness of the procedure, e.g. in planning matters, often has an impact on housing and employment.

Availability of legal protection. Protection under the law is the fundamental right of every individual. The principles of a fair trial and good governance are provided by the Constitution. They include the publicity of proceedings, the right to be heard, the right to receive a reasoned decision and the right of appeal. Appeal should be seen from the point of view of the citizens and not as part of the work of the courts. Our Constitution goes further than the international conventions on human rights, so why could Finland not be a model country in the development of court proceedings?

The procedural reforms of recent years should at long last be adjusted by cutting down formal requirements and thus reducing legal expenses. Although expenses have not formed a barrier to administrative judicial procedure, there is a need to develop a more immediate and rapid procedure. Efficiency will reduce the use of right of appeal for delaying purposes.

Reality of justice. An active conduct of the proceedings is characteristic of the administrative judicial procedure. In public law cases, the parties are not always equal. Assuming liability for the cases to be reviewed will increase the balance when one party of the proceedings is a private person and the other party a public authority. It is essential to legal security that de-

isions are not based on insufficient evidence. Decisions must reflect reality.

Reality of justice must include transparent and detailed presentation of reasons. This is important to the parties as well as to the normative impact on case law of the decisions of a supreme jurisdiction. The objective of the Openness Act is good data management in the activities of public authorities. A new act on the publicity of proceedings is also being prepared.

Communication within the Supreme Administrative Court has been developed by reforming the system of cause book entries and by making public decisions of principle on the website of the court on the very day they are given. All exercise of power, also judicial power, must be transparent and open to criticism. Strong judicial power and confidence in its impartiality can only be based on an open procedure.

A well-functioning rule of law. Besides the principles of rule of law, conformity to law, balance in the distribution of powers and the fundamental rights of the individual, the efficiency of the system must be borne in mind. The courts of law have an essential responsibility for the reality of the rule of law. Everyday problems form a picture of what is right and what is wrong and how justice is done in society.

Courts of law naturally must also assume responsibility for the appropriate use of resources, case management and efficient activities. The Supreme Administrative Court shall also, according to the Constitution, supervise the working of the lower courts, provide opinions and, when necessary, submit proposals for the initiation of legislative action. These duties emphasise social responsibility for the development of legal security, fairness and the rule of law. ■

The Supreme Administrative Court as last administrative judicial instance

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.

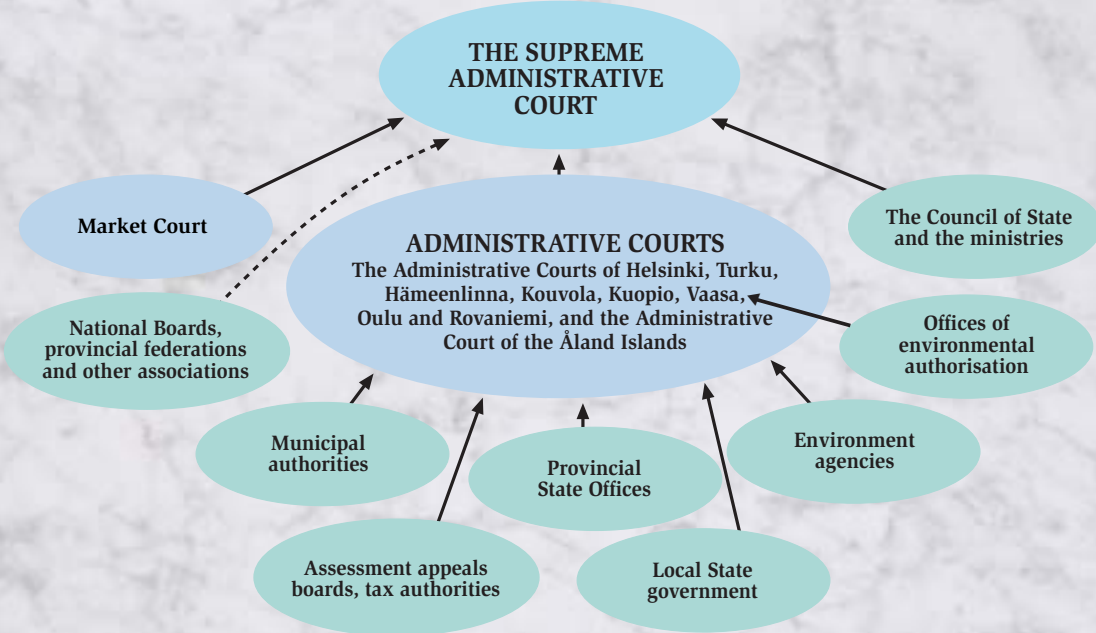
Further, the Supreme Administrative Court shall supervise the administration of justice in its own field. Its objective is to safeguard the efficient functioning of the entire administrative court system.

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 regulat-

ed by the Administrative Judicial Procedure Act.

The Administrative Judicial Procedure Act is the code of procedure in the general administrative courts. The purpose of administrative judicial procedure is to maintain legal certainty and to ensure effective access to justice in keeping with the requirements of substantive law.

The objective of legal protection is also emphasised by a provision of the Administrative Judicial Procedure Act on the scope of review, called principle of judicial investigation and principle of legal protection. The administrative courts are responsible for reviewing the matters. Normally, a party can present his or her case without an attorney, thus facilitating appeal and the exercise of legal protection. The aim of the administrative judicial procedure is that decisions shall not be based on insufficient examinations and that legal protection shall be genuine. ■



Judicial matters in the year 2001



Incoming. A total of 3,752 new cases were brought before the Supreme Administrative Court during the year 2001. Of these 3,446 were appeals or applications for leave to appeal and 306 were petitions, the largest group being applications for revision.

The largest category of cases involving appeal and leave to appeal were the tax cases, 23 per cent of all the incoming cases (28 per cent in 2000). Other large groups concerned social welfare 13 (14) per cent, planning and construction 13 (10) per cent, environment and water rights 7 (6) per cent, aliens 7 (4) per cent, health care 6 (5) per cent, civil service 5 (5) per cent and municipal administration 4 (5) per cent. The scheme for the cause book of the Supreme Administrative Court contains 180 different categories of cases.

Settled. During the year 2001, the Supreme Administrative Court settled 3,612 cases. Of them

Judicial matters are normally decided in benches of five judges. In a session of the second chamber (from left to right) Referendary Counsellor Paula Tenkanen as referendary, Justice Raimo Anttila, Justice Ahti Rihto as chairman, Justice Ismo Talikka, Justice Tuulikki Keltanen and Justice Heikki Kanninen.

2,120 cases were appeals and 1,170 applications for leave to appeal. The remaining 322 settled cases mainly concerned extraordinary appeal.

Average handling time of the settled cases was 10.9 months.

The Supreme Administrative Court arranged four inspections during the year 2001.

The number of cases pending in the Supreme Administrative Court at the close of the year totalled 3,281.

No general system of leave to appeal. The vast majority of the categories of cases handled by the Supreme Administrative Court are not subject to

leave to appeal. As a rule, the parties have a right to appeal, and the Supreme Administrative Court will make a decision as to the substance.

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, however, are defined in a manner preventing appeal to the Supreme Administrative Court from becoming a mere system of precedents.

Of the 1,170 cases settled where leave to appeal is required, leave was granted in 260 cases, or 22 per cent. Of all leave to appeal cases settled, 722 concerned taxation, and leave was granted in 143 cases, or 20 per cent. Among the 3,612 cases involving appeal and leave to appeal settled during the year 2001, a total of 2,380 cases, or 66 per cent, was settled as to the substance.

Publishing the precedents. Since 1918, the Supreme Administrative Court has published its most important decisions in its yearbook. The cases chosen to be published are matters of relevance to the application of law in other similar cases or otherwise of general interest.

In July, the Supreme Administrative Court launched its redesigned Internet site (<http://www.kho.fi> and <http://www.hfd.fi>) with new technical and layout features. In September, publication of the decisions was reformed so that the descriptions of decisions chosen for the yearbook are published in the same form as later in the yearbook on the website the very day the decisions are given.

The yearbook for the year 2001 contained descriptions of 69 decisions. Further, the Supreme Administrative Court published on its website 154 descriptions of decisions other than those chosen for the yearbook. The decision on which cases will be chosen for publication in the yearbook and for which cases a shorter description will be drawn up is taken by the chairman of each session. Descriptions of the preliminary rulings of the Supreme Administrative Court since 1944 can be found in the Finlex Data Bank (<http://www.finlex.fi>).

The citizens' opportunities for keeping up with the cause book entries of the Supreme Administrative Court were improved in June, when a new public access terminal was installed in the Registry enabling customers to scan the public cause book entries of the courts with the aid of the data system Kyösti. The system includes information on cases brought before the Supreme Administrative Court as from 1 June 2001.

In order to promote research into legal practice, the Supreme Administrative Court has introduced a series of research publications. A basic report on the decisions of the Supreme Administrative Court as material for social and economic research was the first to appear in the year 2001.

Preliminary references to the EC Court of Justice. In 2001, the Supreme Administrative Court referred two cases to the Court of Justice of the European Communities, one concerning country rock and enrichment sand resulting from mining operations and one concerning parallel imports of pharmaceutical products. ■

On land use and building

Ritva Koljonen
Justice of the Supreme Administrative Court

Hannu Ranta
Senior Judicial Secretary

The proportion of appeals concerning building and land use planning was about 13 per cent of all appeals brought before the Supreme Administrative Court in the year 2001. Accordingly, it constitutes a comparatively large category of cases.

The old Building Act was replaced by the new Land Use and Building Act on 1 January 2000. According to the transitional provisions of the Land Use and Building Act, the provisions of the Building Act shall apply with a few exceptions to matters being processed by administrative authorities when the new act came into force. Therefore, the majority of the appeals brought before the Supreme Administrative Court during the year 2001 concerned cases where the Building Act was applied.

The most important legal problems in matters under the Building Act were related to the intersection between the Building Act and other environmental legislation. Most frequently, the cases concerned the need to consider protection based on the Nature Conservation Act in land use planning under the Building Act. Further, problems of application were caused by the relation between both the Act on Environmental Impact Assessment Procedure and the Environment Act on the one hand and the Building Act on the other.

Most appeals concerned local master plans arranging for building in shore areas. The areas covered

by the plans were often large. The cases involved a conflict between the often considerable economic interests of the owners of the shore areas on the one hand and conservation objectives based on international obligations on the other. The legal problems were linked to the relation between provisions ensuring the protection of sites proposed for the Natura 2000 network and the requirement of equal treatment of the land owners, i.e. building volumes to be compensated in conservation areas.

The most extensive matters concerning detailed planning under the Building Act dealt with preserving townscape and buildings of historic and artistic value. Inspection was arranged in one of the cases.

Provisions concerning siting guidance of large retail units under the Land Use and Building Act were applicable as early as 1 March 1999 in such a way that the provisions of the old Building Act still applied in other respects. During the year 2001 a few cases on exemptions and planning were settled involving legal problems in connection with the application of the provisions concerning siting guidance systems as part of the whole formed by the Building Act.

The number of cases under the Land Use and Building Act brought before the Supreme Administrative Court during the year 2001 was comparatively insignificant (226) and was concentrated to the close of the year. The published decisions concerned authority to deviate in shore zones and in areas where a detailed plan has already been ratified as well as national objectives concerning land use. Other appeals settled concerned local detailed plans, deviation, building permits and permits in areas requiring planning. ■

On competition

Ahti Rihto
Justice of the Supreme Administrative Court

Irma Telivuo
Senior Judicial Secretary

The Supreme Administrative Court made eight decisions in all concerning the application of the Act on Competition Restrictions in the year 2001. In numbers, the share of actual competition cases is not large as a proportion of all decisions of the Supreme Administrative Court. But the cases are generally extensive and involve significant economic values. They often arouse public interest, too. As the individual cases quite often concern questions of legal interest, the Supreme Administrative Court has decided to publish three of its decisions on competition made in 2001.

Abuse of a dominant market position was clearly the largest group of competition cases. In 2001, the Supreme Administrative Court handled cases concerning ownership discounts in local telecom services, discount practice in sales of calendars and almanacs, taxi call services and discount pricing in the school textbook market.

Cases dealing with bidding cartels are also a clearly distinguishable group among the competition cases brought before the Supreme Administrative Court. For the most part, bidding cartels are related to public procurement. In a judgment in 2001, the

Supreme Administrative Court, however, ruled that the Competition Council, in itself competent to handle cases under the Acts on Public Procurement and Competition Restrictions, when handling a case dealing with public procurement, cannot examine whether those participating in a tender procedure have infringed the Act on Competition Restrictions.

In the year 2001, for the first time since the Act on Competition Restrictions came into force in 1992, the Supreme Administrative Court handled a case dealing with an actual cartel. So far, no cases concerning control of mergers between undertakings have been brought before the Supreme Administrative Court.

Promotion of competition is also at issue in certain cases covered by special legislation. The fairness of prices of electricity transmission set by a monopolistic electricity network operator was examined by the Supreme Administrative Court under the Electricity Market Act as well as the fairness of the price of a metallic local loop set by a fixed telephone network operator under the Telecommunications Market Act. ■

On patents and utility models

Karri Vartiainen
Chief Engineering Counsellor

Kristina Björkvall
Judicial Secretary

In Finland, applications for patents or utility model rights on inventions are submitted to the National Board of Patents and Registration (Registering Board). The protection sought will be granted by the Registering Board, provided that the invention described is new and involves an inventive step in relation to what is known at the time of application. The inventive step requirement is less stringent for utility models than for patents. If the requirements for conferring protection are not fulfilled, the application will be rejected either at once *ex officio* or upon request by a third party wishing to prevent the exclusive right from being granted. Decisions of the Registering Board can be appealed against to the board of appeal, a review body with an independent status separate from the rest of the organisation of the Registering Board.

An applicant dissatisfied with a decision of the board of appeal may challenge it before the Supreme Administrative Court, where about twenty patent and utility model cases are handled annually. These cases are settled in a specific composition, with two chief engineering counsellors assisting the regular bench of five judges.

Besides certain formal questions, the main issues of the patent and utility model cases settled by the Supreme Administrative Court deal

with examining whether the invention is sufficiently new and inventive in order to be conferred patent or utility model rights. In principle, technical processes which have become known anywhere in the world are then taken into account. Owing to the absolute novelty and inventive step requirement, new prior art objections can be presented during the entire procedure and, correspondingly, the applicant can limit his application through all stages up to the Supreme Administrative Court, which is rather exceptional in the last instance.

Finland acceded to the Patent Cooperation Treaty (PCT) on 1 October 1980, and the international character of the patent cases can also be seen in the fact that a substantial part of the patent applications filed here are based on international PCT applications. Furthermore, it is usual for applicants to refer to patents obtained in other countries in support of the patentability of their inventions.

Finland has been a member state of the European Patent Convention (EPC) since 1 March 1996. Therefore, patents entering into force in Finland are also awarded by the European Patent Office (EPO), which has reduced the number of national patent applications as well as the number of appeals concerning patents brought before the Supreme Administrative Court. Finland's membership of the EPO has also aroused debate on the impact that the decisions and legal practice of the EPO have had on the examination of national applications, bearing in mind that our patent legislation has been brought into line with the EPC. ■

The activities

The Administrative Courts Day. The traditional Administrative Courts Day was arranged on the premises of the Supreme Administrative Court in November. This joint meeting of the Supreme Administrative Court and the regional Administrative Courts discussed the increasingly international nature of the administrative judicial procedure.

Other kinds of training and communication took place with the regional Administrative Courts. For instance, referendaries from the Administrative Courts came to the Supreme Administrative Court to study the handling of planning matters.

International cooperation. In May the Supreme Administrative Court arranged the gen-

eral meeting of the association of the supreme administrative jurisdictions of the European Union. It was attended by the presidents of the supreme administrative jurisdictions of the fifteen Member States of the Union and representatives of the Court of Justice of the European Communities.

The official name of the association is Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, in French Association des Conseils d'Etat et des Juridictions administratives suprêmes de

In November, a joint debate was held between the Supreme Administrative Court and the regional Administrative Courts.



Mrs Liu Yang, Vice Minister of Justice of China, and her entourage made a visit in April.



l'Union européenne. During the year under review, the association was chaired by Mr Pekka Hallberg, President of the Supreme Administrative Court.

Representatives of many foreign courts of law and judicial authorities familiarised themselves with the activities of the Supreme Administrative Court. The close relations with the highest administrative jurisdiction of Sweden, the Regeringsrätten, were maintained. During the year under review, it was the turn of the representatives of the Regeringsrätten to pay a visit to the Supreme Administrative Court.

In October, representatives of the Regeringsrätten made a visit. From left to right, Olof Olsson, Justice of the Supreme Administrative Court, and Hans Ragnemalm, President, and Leif Lindstam, Justice of the Regeringsrätten.



In May, the general meeting of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union was held on the premises of the Supreme Administrative Court.



Correspondingly, representatives of the Supreme Administrative Court paid visits to many courts of justice abroad and participated in international seminars and meetings. The congress of the International Association of Supreme Administrative Jurisdictions IASAJ (Association Internationale des Hautes Juridictions Administratives AIHJA) convened for the first time in Sub-Saharan Africa in Dakar, capi-

and punitive sanctions as regards persons undergoing non-military service, a report of the judicial training committee, the Public Procurement Act, the Civil Servants Decree, a report of the commission for the reform of the Language Act, the Public Administration Act, the Administrative Judicial Procedure Act and an initiative to develop the evaluation of reasonable return from network operations. ■

tal of Senegal. The topic of the congress was human rights in administrative courts.

Legal opinions.

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

The opinions issued during the year 2001 concerned among others the Act on the Parliamentary Ombudsman, the Aarhus Convention on access to information and public participation in environmental matters, the Mental Health Act, discipline, coercive measures

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 Mr Sakari Vanhala, 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. In total, there are about 180 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 Water Act and the Environment Act and in matters concerning patents, utility models and topographies of integrated circuits, the court is composed of two expert members in the fields under discussion in addition to its legally trained members.

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.

Anne Sahlman, Departmental Secretary (seated), and Ritva Ingman, Notary, working in the office of the first chamber. Planning matters, for instance, require a great many maps.

Nina Johnsson, Departmental Secretary (left), and Eeva Väänänen-Silén, Registrar, attend to customers in the Registry.

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.



Personnel of the Supreme Administrative Court 31.12.2001

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.

Justice appointed for a fixed term in the year 2001 was Ilkka Pere between 1.1.2001 and 30.9.2001.

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.

The President was chairman of the first chamber. The second chamber was chaired by Justice Ahti Rihto on 31.12.2001 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 (on leave), Kari Honkala, Matti Halen (on leave), Eila Rother (on leave), Hannu Ranta, Irma Telivuo, Marja-Terttu Savolainen, Anne Niemi (on leave), *Judicial Secretaries* Raimo Viitasaari, Marjo Snellman, Kari Nieminen, Anneli Tulikallio, Liisa Tähtinen (on leave), Marja-Liisa Judström, Irene Mäenpää, Arja Niemelä, Marja Leena Kempainen, Kristina Björkvall, Hannele Klemettinen, Kari Tornikoski (on leave), Mikko

Rautamaa, Leo Kaasinen, Riitta Kreula, Riitta Mutikainen, Marita Eeva, Päivi Pietarinen (on leave), *temporary Judicial Secretaries* Satu Heikkilä, Petri Leinonen, Aila Linnakangas, Maija-Liisa Marttila, Jaana Moilanen, Elisabeth Vuorenhela.

Marja Ihto, *Administrative Secretary*, acted as referendary during the year 2001.

Other employees

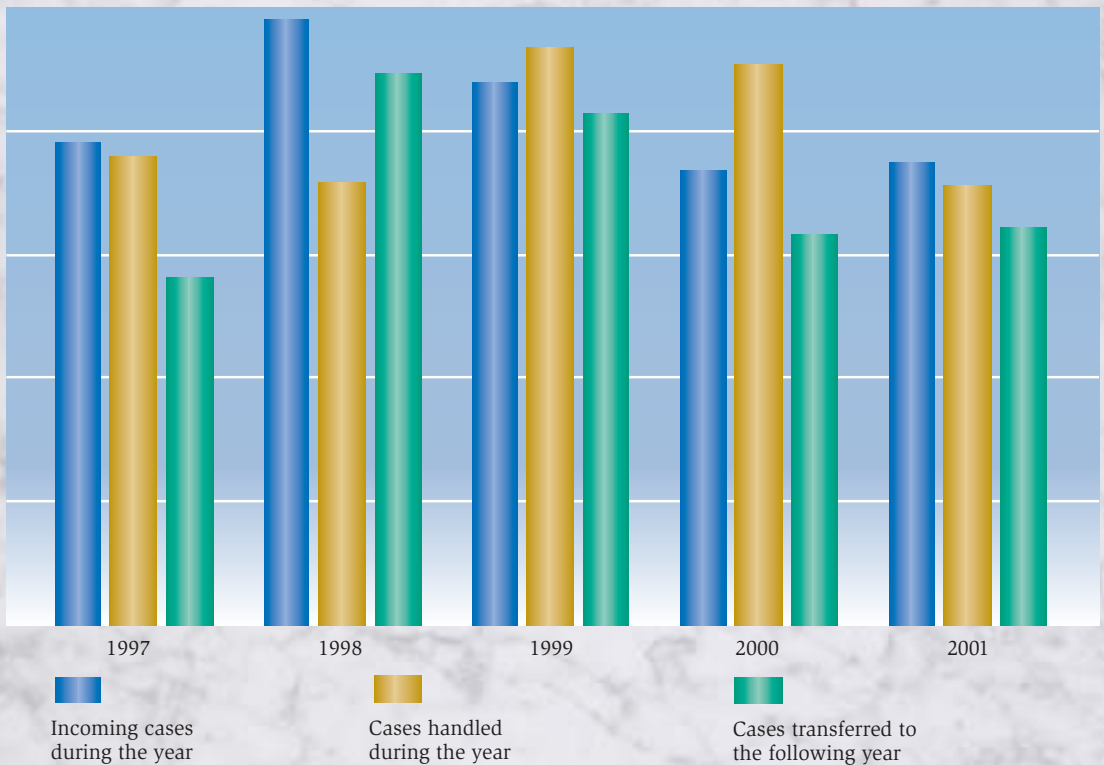
Head of the Information Service Timo Ahvenniemi, *Data Service Lawyer* Pekka Tuominen, *Information Specialist* Marja Halttunen (on leave), *Registrar* Eeva Väänänen-Silén, *Notaries* Ritva Ingman, Vuokko Kantanen, Paula Kilponen, Carita Rostiala, Marjatta Räsänen, Satu-Maarit Tarkkanen, *Budget Officer*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

Statistics

The work load 1986-2001

	Incoming cases during the year	Cases handled during the year	Cases transferred to the following year
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
2001	3752	3612	3281

Development of the work load 1997-2001



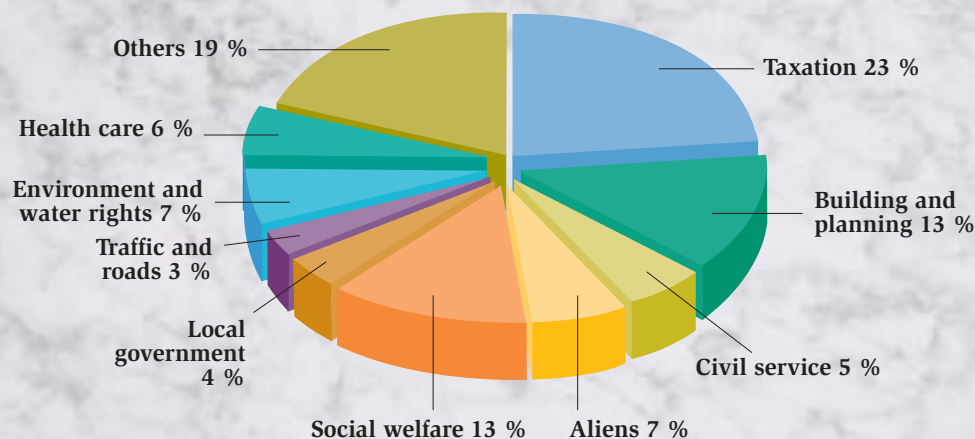
Number of incoming cases by category 1998-2001

Appeals	Number				% of appeals			
	1998	1999	2000	2001	1998	1999	2000	2001
Taxation	977	927	921	803	21	24	28	23
Building and urban planning	403	380	317	457	9	9	10	13
Civil service	327	192	168	181	7	5	5	5
Aliens	145	152	148	228	3	4	4	7
Social welfare	243	419	472	460	5	10	14	13
Local government	217	196	178	131	5	5	5	4
Traffic and roads	98	90	71	108	2	2	2	3
Environment and water rights	231	244	211	228	5	6	6	7
Natura	1241	0	0	0	28	0	0	0
Sami Ting elections	0	657	0	0	0	17	0	0
Health care	202	178	162	193	4	4	5	6
Others	495	580	689	657	11	14	21	19
Total number of appeals	4579	4015	3337	3446	100	100	100	100

Petitions	Number				% of petitions			
	1998	1999	2000	2001	1998	1999	2000	2001
Annulment	250	284	271	216	77	79	77	71
Restoration of expired time	34	24	43	52	10	7	12	17
Others	41	49	40	38	13	14	11	12
Total number of petitions	325	357	354	306	100	100	100	100

Total number of all cases 4904 4372 3691 3752

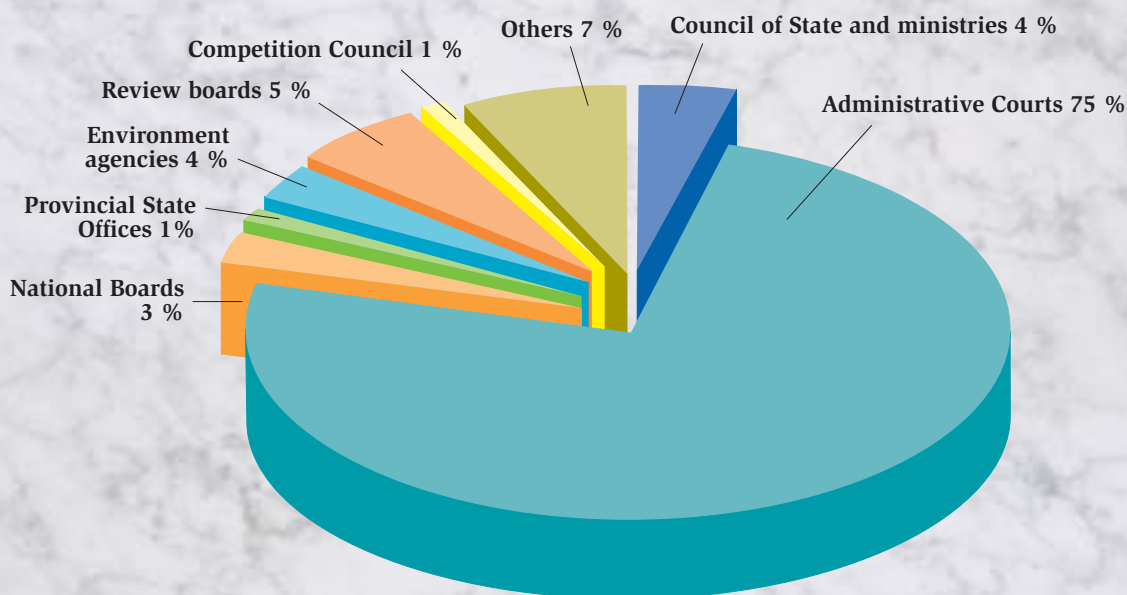
Incoming appeals by category in 2001



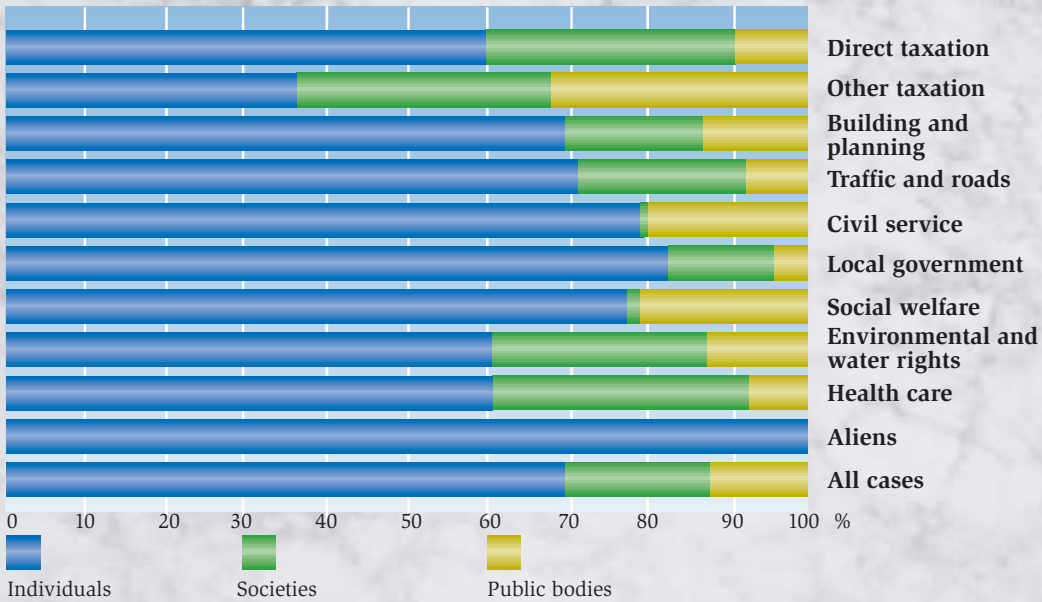
Incoming cases by authority 1997-2001

	1997	1998	1999	2000	2001
Council of State and ministries	347	1466	262	213	160
Administrative Courts	2281	2362	2446	2605	2798
Water Court of Appeal	77	43	51	0	1
National Boards	204	125	129	100	105
Provincial State Offices	57	26	28	26	47
Environment agencies	215	230	205	133	109
Review boards				192	216
Competition Council				41	45
Others	729	652	587	381	271
Total	3910	4904	3708	3691	3752

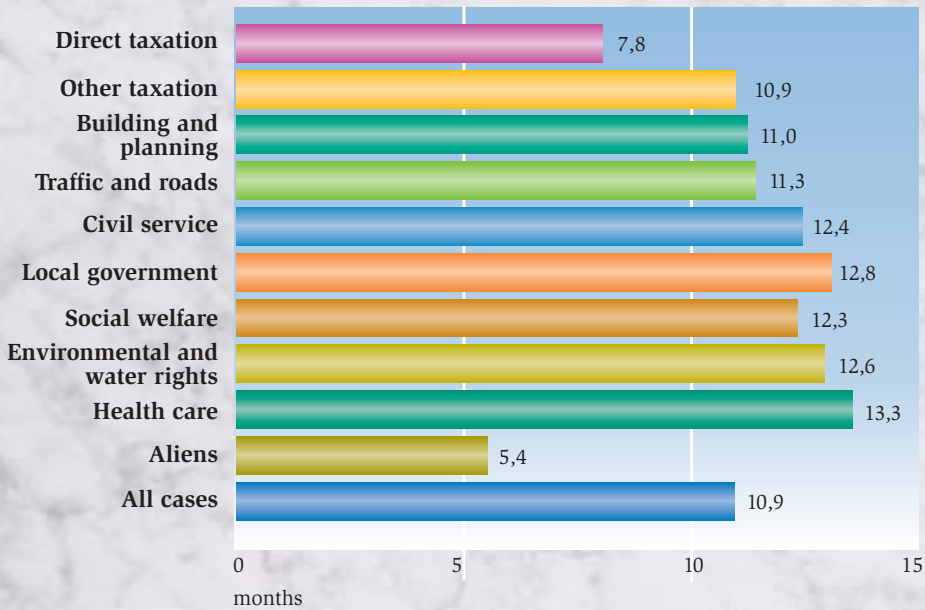
Incoming cases by authority in 2001



Incoming cases by appellant in 2001



Average handling time of settled cases in 2001

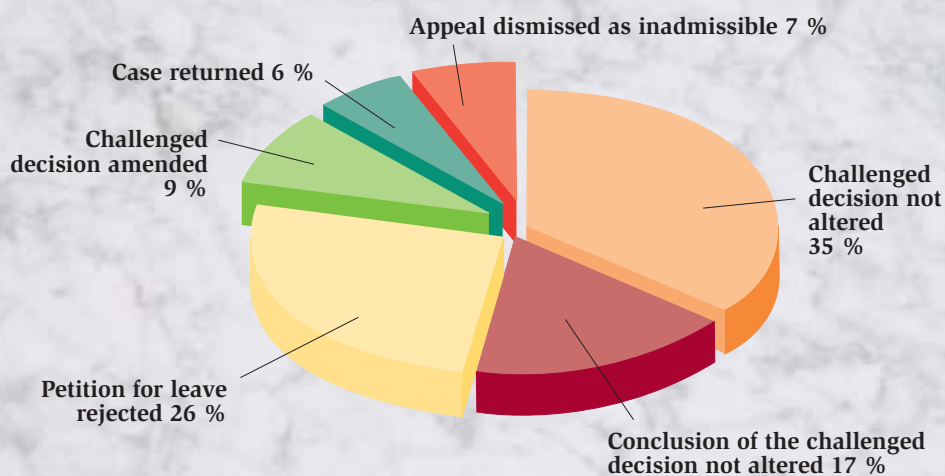


Outcome of settled cases

%

	1995	1996	1997	1998	1999	2000	2001
1. The decision of the appeal is not altered (neither the conclusion nor the statement of reasons)	44,1	26,8	29,5	26,6	27,3	33,0	27,5
2. The conclusion of the appeal is not altered (unlike the the statement of the reasons)	18,5	21,0	19,3	16,0	24,3	26,4	17,0
3. The decision of the appeal is altered (as well as its conclusion)	10,6	9,3	9,4	8,8	8,5	4,9	8,1
4. The petition for leave to appeal is rejected	9,0	21,0	20,8	28,2	22,1	17,2	26,1
5. The appeal is returned	7,5	7,9	7,6	4,8	5,5	6,0	5,6
6. The extraordinary appeal is allowed	1,1	0,6	1,2	0,9	1,1	0,7	0,8
7. The extraordinary appeal is rejected	3,0	5,9	4,9	6,6	5,0	4,7	6,1
8. The case is transferred to the government	0,5	0,3	0,3	0,2	0,1	0,0	0,0
9. The case is transferred to another authority	0,2	0,1	0,3	0,7	0,3	0,3	0,2
10. The case lapses							2,0
11. The Supreme Administrative Court does not consider the case	5,5	7,1	6,7	7,2	5,8	6,8	6,6

Outcome of settled cases in 2001



Cases pending at the close of 2001 by year of arrival

	1996	1998	1999	2000	2001	Pending at the close of the year
Appeal	2	5	31	360	1568	1966
Leave to appeal	0	2	20	243	806	1071
Partial leave to appeal	0	0	0	0	1	1
Annulment	0	0	3	40	141	184
Restoration of expired time	0	0	0	11	22	33
Procedural complaint	0	0	0	3	16	19
Other petitions	0	0	0	3	4	7
Total	2*	7	54	660	2558	3281

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

Working statistics of the Supreme Administrative Court in 2001

	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	Case lapsed	Removed from the cause book	Pending at the close of the year
A. By category										
Citizenship	18	23	31	23		7		1		10
Provincial autonomy of the Åland Islands	37	27	38	14	8	3	4		1	25
Asylum and refugees	35	79	87	60	3	9	11	4	1	26
Other aliens matters	44	172	108	82	8	13	4	1		110
Other matters of constitutional law		1	1				1			
Sami Ting elections	9	1	10	9				1		
Exemption from charges	4	15	12	11			1			7
Restitution and damages	5	3	3	3						5
Access to documents	29	35	42	20	2	15	4	1	2	20
Data protection	7	8	10	6	1		3			5
Private legal persons	3	3	4	2			2			2
Administrative complaint	2	2	1				1			3
Other matters of general administration	14	19	15	11	1		1	2		18
Discretionary state grants	5	2	6	5				1		1
Public legal aid	4	5	2	2						7
Employment relationship (state officials)	32	41	44	37	4		2	1	1	28
Salary, working hours, annual leave (state officials)	8	17	14	12	1			1		11
Discipline (state officials)	7	6	9	8			1			4
Other matters of the law of civil servants (state officials)	24	17	25	20	1	3	1			16
Municipal elections		10	9	7	2					1
Municipal division	1	2								3
Municipal regulations	3	1								4
Municipal council decisions	82	45	71	65	3		2	1		56
Municipal board decisions	51	32	50	42	5	1	2			33
Municipal committee decisions	47	27	38	29	6	1	2			36
Employment relationship (municipal officials)	105	79	99	86	9	2	2			85
Salary, working hours, annual leave (municipal officials)	23	24	24	12	11	1			1	24
Discipline (municipal officials)	8	13	7	6	1					14
Intermunicipal cooperation	17	13	16	10	4		2			14
Other local government matters	10	6	7	6	1				1	8

	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	Case lapsed	Removed from the cause book	Pending at the close of the year
Church law	18	38	26	17	2	1	4	2		30
Pension matters	1	8	4	2			2			5
Population register	3	1	3	1						1
Given name and surname	1	2	1	1						2
Other population administration matters	1									1
Firearms	14	29	27	24	2	1				16
Public law and order, entertainment events	4	8	7	4	1		2		1	4
Regional plan and master plan	151	79	104	53	13	22	14	2	1	125
Town plan and plot subdivision	41	15	36	29	3		3	1		20
Building plan	18	14	15	10			4	1	1	16
Shoreline plan	29	18	27	17	3	5	1	1	1	19
Other planning matters	1	3	1		1					3
Building ordinance	1		1		1					
Building permit	55	22	56	43	9	1	3		1	20
Other permits relative to building	25	7	20	11	5	1	2	1		12
Exemptions and parcelling permit	84	69	89	71	3	4	8	3	1	63
Building supervision and unauthorized building	25	25	29	20	4		5			21
Demolition of buildings		1	1	1						
Protection of buildings	11	6	14	11	2		1			3
Redemption according to the Building Act	2	1								3
Other building matters	20	3	14	13			1			9
Regional plan (LBA)		1	1				1			
Local master plan (LBA)		13								13
Local detailed plan (LBA)	3	35	7	4			1	2		31
Detailed shore plan (LBA)		8								8
Other matters relative to land use and building (LBA)		1	1				1			
Plot division (LBA)		4	1				1			3
Streets and public areas (LBA)		3								3
Expropriation on the basis of a plan (LBA)		1								1
Building conservation (LBA)		3	1	1					1	3
Building permit (LBA)	7	46	7	3	2		1	1	2	44
Building permit in areas requiring planning (LBA)	1	9								10
Maintenance of buildings, care of the environment etc. (LBA)		2	2	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	Case lapsed	Removed from the cause book	Pending at the close of the year
Action permit (LBA)	1	17	1					1		17
Demolition permit (LBA)		2	1	1						1
Permit for landscape work (LBA)		5	2	2						3
Type approval (LBA)		2	2					2		
Deviation (LBA)	6	66	11	6	2			3		61
Building supervision (LBA)		5								5
Conditional fines and action in building matters (LBA)		4								4
Other building matters (LBA)		1								1
Streets and roads marked on a building plan	9	2	7	7						4
Water and sewage	4	2	4	4						2
Wastewater charge		7	5	5						2
Other matters of municipal engineering	1	2	2	2						1
Environmental authorisations	76	69	45	29	11	1	4			100
Establishment permits	3	1	4	4						
Waste management	19	31	29	20	4	3	2		1	20
Health supervision	9	11	6	5	1					14
Noise abatement		2								2
Oil-spill control	4		4	4						
Off-road traffic and motor boat traffic	3	8	6	6						5
Extractable land resources	24	27	29	17	11		1			22
Outdoor recreation and camping	2		2	2			1			
Nature conservation	11	8	11	8	2		1			8
Advertising boarding		2								2
Other environment matters	5	9	4	4						10
Natura	1	1								2
Protection of animals	2	5	4	3	1					3
Fire and rescue services, civil defence		1								1
Housing production and other housing matters		40					1			40
Redemption	9	3	7	4		2	1			5
Right of pre-emption	5	4	5	5						4
Other real estate matters	5	3	4	3		1			1	3
Hydraulic engineering	19	23	16	8	3	2	3			26
Ground water	3	5	2	2						6
Conducting water for use as a liquid	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	Case lapsed	Removed from the cause book	Pending at the close of the year
Conducting wastewater	10	6	2	2						14
Fish farming	2	6	3	2	1					5
Compensations	16	9	14	4	9	1				11
Other water matters	28	21	11	8	2	1				41
Public roads	15	12	16	13		3				11
Private roads	1		1	1						
Other road matters	1		1	1						
Driver's licences, permits for professional transport	11	12	12	8	1		3		1	10
Driving schools		3								3
Professional motor traffic	21	40	25	18		3	2	2		36
Traffic fines and other charges	9	12	12	10	1		1			9
Railway traffic, shipping, aviation	1	2	1		1					2
Data communication	21	35	37	35	1		1		1	18
Other communication matters	5	2	6	1	1		4			1
Seamen, aviators etc.	2	2	1	1						3
Speed and weight limits		2		1						2
Other matters related to vehicles	12	5	4	1		3				13
Banking and insurance	7	6	4	3		1				9
Mining	6	4	4	2			1	1		6
Food trade	1		1	1						
Hotel and catering industry, liquor licences and alcohol retailing	36	90	54	40	6		5	3		75
Trades engaged in by aliens		1								1
Other matters related to trade	3	2	3	3						2
Competition law, consumer protection, price control	58	49	60	33	18	6	2	1	1	46
Other supervision of trades	8	1	3				3		1	5
Company law administration		10	3	2			1			7
Trade register	1	1	1				1			1
Patents and utility models	23	32	20	8	1	10		1		35
Design protection and trade mark	54	34	58	37	2	17	2		1	29
Other financial administration matters	2	5	5	4	1				1	1
Primary, secondary and higher secondary school	3	15	6	3	1		2			12
Vocational education	4	4	2	1				1		6
Universities	6	3	6	5	1					3

	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	Case lapsed	Removed from the cause book	Pending at the close of the year
Social welfare matters	210	273	281	249	5	12	7	8	7	195
Child welfare and taking children into care	76	141	122	96	12	5	8	1	2	93
Child maintenance payment guarantee	12	10	8	7			1			14
Special care of persons with a disability	8	3	1	1						10
Handicap services	68	83	51	35	2	8	6		2	98
Other social aid	3	3	4	4						2
Other social welfare matters	7	12	8	4	1		3			11
Public health work	4		2	1	1					2
Mental health	47	159	135	128			6	1	5	66
Pharmacy institution	28	29	39	28		1	1	9		18
Practising health care and nursing	2	4	3	1		2				3
Foodstuffs supervision	2	1	2	1		1				1
Other health care matters	12	14	11	5		2	3	1		15
Aid and state grants for education	6	1	6	4			2			1
Other aid and state grant matters		1								1
Guidance of agricultural production		1								1
Promotion of forestry	2	6	5	3		1	1			3
Reindeer husbandry	8	4	5	1	1	2	1			7
Hunting and fishing	20	4	11	11						13
Other agricultural and forestry matters	46	34	40	28		6	6			40
Employment and unemployment	12	6	10	5			5			8
Wage security	45	48	64	53	3	2	2	4		29
Industrial safety	2	1	2	2						1
Labour administration	5	10	12	8	2		2			3
Defence administration	13	17	25	18	5		1	1		5
Judicial administration	5	8	7	2	1		4		2	4
Other administrative sectors	1									1
Cost-free legal proceedings	28	17	34	9	3	1	21			11
Other matters		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	Case lapsed	Removed from the cause book	Pending at the close of the year
Taxation of personal income	186	330	294	267	17	3	7		6	216
Taxation of business income	111	110	151	135	10	1	5			70
Taxation of agriculture and forestry	4	12	13	13						3
Taxation of income from real estate		2								2
Property taxation	1	1	1	1						1
Advance rulings of the Central Tax Board	19	18	27	14	11	1		1		10
Tax withheld and social security fees	24	57	49	44	3	1		1	1	31
Taxation at source	3	1	3	3						1
Other income and property taxation matters	11	14	18	17			1			7
Inheritance and gift duty	11	37	31	28	3				1	16
Value added tax	164	113	167	129	31	4	3		5	105
Customs matters	87	41	18	16	2				2	108
Excise tax	27	38	1	11			1			53
Car and motorcycle tax	82	54	29	21	7		1			107
Tax on motor vehicles	4	4	4	4						4
Tax on insurance premiums	4	2	1	1						5
Stamp duty	6	3	7	6	1					2
Transfer tax	22	22	23	23						21
Lottery tax	1		1	1						
Tax on waste	1	1	1	1						1
Other taxes and payments	8	4	7	7						5
Total	3187	3752	3612	2779	322	202	237	72	46	3281

B. By category of appeal

Appeal	1935	2166	2120	1531	205	152	173	59	15	1966
Leave to appeal	960	1279	1169	997	87	44	30	11		1071
Partial leave to appeal	1	1	1	1						1
Annulment	231	216	239	196	19	5	17	2	23	184
Restoration of expired time	34	52	51	39	6		6		2	33
Procedural complaint	17	24	21	10	2	1	8		1	19
Other petitions	9	14	11	5	3		3		5	7
Total	3187	3752	3612	2779	322	202	237	72	46	3281

Cases referred by the Administrative Courts 1998-2001

	1998	1999	2000	2001
County administrative courts				
Uusimaa	946	902	69	6
Turku ja Pori	294	398	9	0
Häme	276	250	10	0
Kymi	109	81	3	0
Mikkeli	66	66	0	0
Kuopio	90	77	0	0
Pohjois-Karjala	79	69	0	0
Vaasa	133	142	14	2
Keski-Suomi	113	84	5	0
Oulu	167	186	2	0
Lappi	87	90	4	0
Total	2360	2345	116	8

	1998	1999	2000	2001
Administrative courts				
Helsinki		35	1089	1014
Turku		29	345	452
Hämeenlinna		6	293	343
Vaasa		6	272	298
Kouvola		1	112	127
Kuopio		6	127	245
Oulu		8	150	173
Rovaniemi		4	90	120
Administrative Court of the Åland Islands	16	6	11	18
Total	16	101	2489	2790

The regional Administrative Courts and other lower administrative judicial procedure

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

Of the 3,752 cases brought before the Supreme Administrative Court during the year 2001, a total of 2,798 matters, or 75 per cent, concerned decisions made by the regional Administrative Courts.

As a general rule, the remedy process against an administrative decision is initiated before a regional Administrative Court. However, appeals against the decisions of certain boards of appeal are brought before the Supreme Administrative Court. During the year 2001, for instance, 64 cases originated from the Board of Appeal of the National Board of Patents and Registration, 52 cases from the National Product Control Agency for Welfare and Health, 48 cases from the Civil Service Committee, 29 cases from the Appeals Board for Rural Industries and 27 cases from the Central Tax Board.

In 2001 the Supreme Administrative Court received 45 cases concerning decisions of the Competition Council. During the year under review, Parliament adopted a reform centralising the cases of the Competition Council concerning competition restrictions and procurement and the cases of the existing Market Court in the new Market Court. Decisions of the Market Court in



The address of the Administrative Court of Hämeenlinna is Raatihuoneenkatu 1.

matters of competition and procurement can be appealed against before the Supreme Administrative Court. Marketing cases can be appealed against before the Supreme Court, subject to leave of appeal.

Regional Administrative Courts.

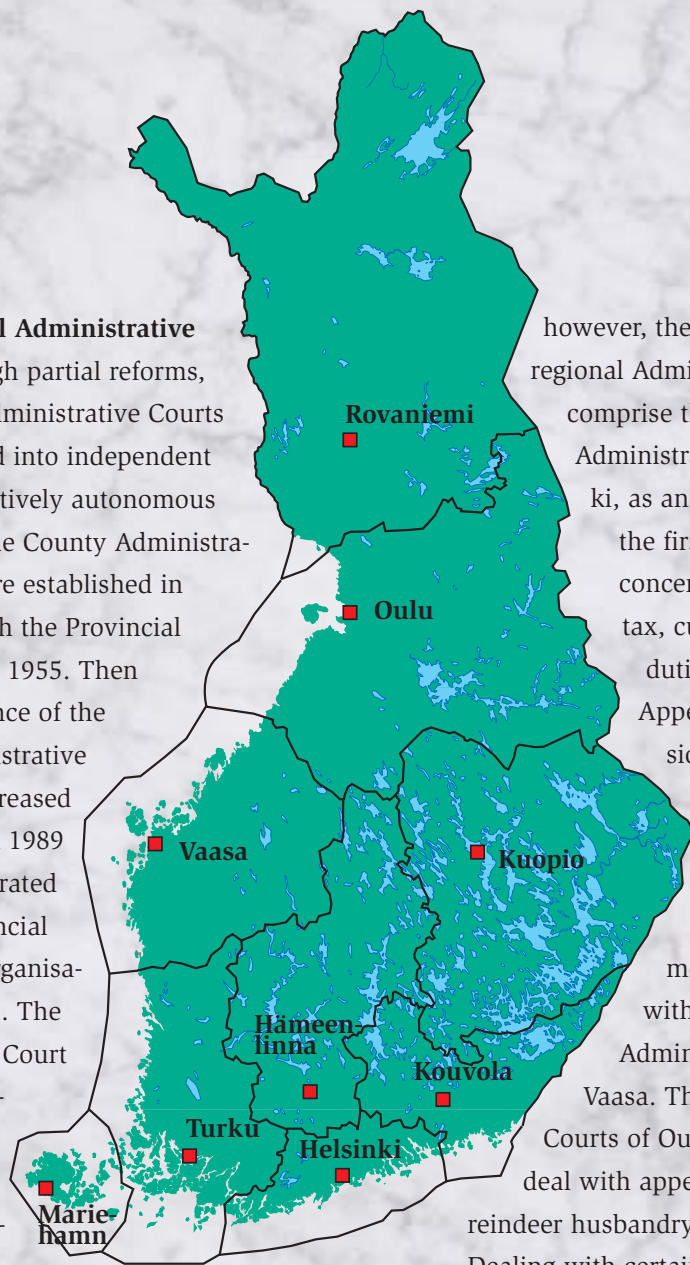
Through partial reforms, the regional Administrative Courts have developed into independent and administratively autonomous courts. First, the County Administrative Courts were established in connection with the Provincial State Offices in 1955. Then the independence of the County Administrative Courts was increased in 1974, and in 1989 they were separated from the Provincial State Offices organisationally as well. The Administrative Court of the Åland Islands was established in 1994 by a separate act.

In 1999 eleven County Administrative Courts were transformed by the Administrative Courts Act into eight regional Administrative Courts, located in Helsinki, Hämeenlinna, Kouvola, Kuopio, Oulu, Rovaniemi, Turku and Vaasa.

The judicial districts of the regional Administrative Courts consist of one or more provinces. For certain categories of cases,

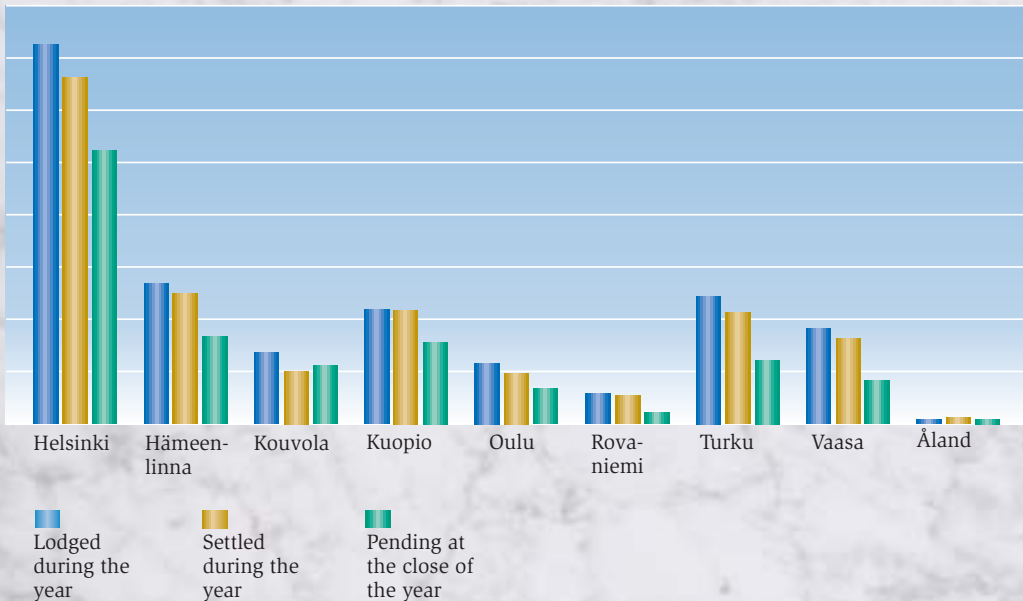
however, the judicial district of a regional Administrative Court may comprise the whole state. The Administrative Court of Helsinki, as an example, settles as the first instance all cases concerning value-added tax, customs and excise duties and asylum. Appeals against decisions on licences and decisions involving an obligation under the Water Act and the Environment Act are dealt with centrally in the Administrative Court of Vaasa. The Administrative Courts of Oulu and Rovaniemi deal with appeals concerning reindeer husbandry.

Dealing with certain categories of cases, such as matters concerning mental health and taking children into care, the legally trained members of regional Administrative Courts are assisted by an expert member in the field in question. In matters under the Water Act and the Environment Act, the composition of the Administrative Court of Vaasa also includes expert members in addition to the legally trained members. ■



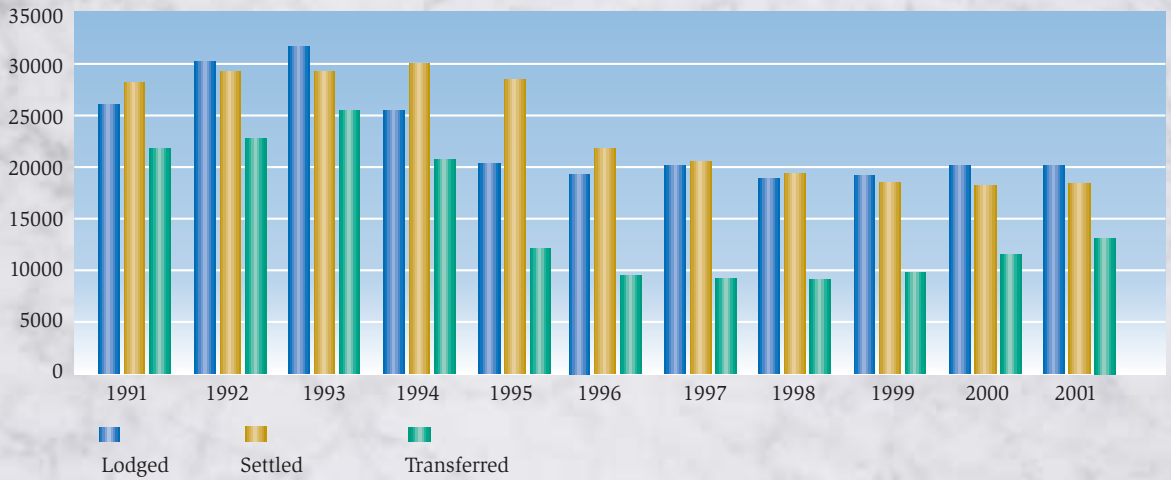
Working statistics of the Administrative Courts in 2001

	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	4774	7374	6744	85	5319	+ 545
Hämeenlinna	1605	2807	2619	9	1784	+ 179
Kouvola	864	1477	1099	1	1241	+ 377
Kuopio	1666	2303	2299	11	1659	-7
Oulu	596	1278	1096	1	777	+ 181
Rovaniemi	247	686	626	7	300	+ 53
Turku	989	2547	2222	8	1306	+ 317
Vaasa	794	1929	1735	35	953	+ 159
Åland	115	87	112	0	90	-25
Total	11650	20488	18552	157	13429	+ 1779



Figures as provided by the Administrative Courts.

Development of the work load in the Administrative Courts 1991-2001



*Editor: Timo Ahvenniemi
Translation: Inga Ohlson
Design: Adplus Oy
Photos: Rauno Träskelin and Risto Laine
Printed by F. G. Lönnberg*

**THE SUPREME
ADMINISTRATIVE
COURT**

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