



# Supreme Administrative Court



Korkein hallinto-oikeus  
Högsta förvaltningsdomstolen  
Supreme Administrative Court of Finland

**The Supreme  
Administrative Court's field  
of competence is extensive.**

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The societal function of  
the Supreme Administrative Court and  
the administrative courts in general  
extends to all areas of society.

# Status & functions

Under its Constitution, judicial power in Finland is exercised by independent courts.

The Supreme Administrative Court is the highest administrative court in Finland and the final instance in administrative judicial matters. The Supreme Administrative Court oversees the application of the law within its own purview and may also deliver opinions and make proposals in matters of legislation.

The other courts dealing with administrative cases are the regional administrative courts, the Administrative Court of Åland, the Market Court and the Insurance Court. Most cases resolved by the Supreme Administrative Court are appeals against decisions of the administrative courts.

The Supreme Administrative Court's field of competence is extensive. It hears cases in areas such as land use planning and construction, the environment, taxation, economic activities (such as competition and public procurement), social welfare and health care, intellectual property rights, local government and matters concerning aliens.

Finland's two-instance administrative court system is comparable to many systems found in the Member States of the European Union. What is exceptional is that the decisions of the Government, which exercises the highest executive power in Finland, are open to appeal in the Supreme Administrative Court.

The Supreme Administrative Court is a member of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union and the International Association of Supreme Administrative Jurisdictions. Furthermore, the Supreme Administrative Court works in close cooperation with Nordic courts of law and participates in cooperation between constitutional courts, including through the Venice Commission.

# Procedure

A case becomes pending before the Supreme Administrative Court when an appeal is lodged within the time for appeal. In some cases, examining the appeal may require leave to appeal. These include certain matters related to taxation, social and environmental affairs and asylum cases.

The processing is normally in writing, under the active conduct of proceedings by the Court. The Court obtains evidence from the parties concerned, the administrative authority that made the decision in question, and other relevant sources. The Court may also organise an oral hearing or arrange an on-site inspection of the object or place that is the subject of the proceedings.

The appeal is resolved in a court session. The basic composition of the Supreme Administrative Court is five judges and a legally trained referendary, who gathers the material necessary to review the case and prepares a draft proposal. A case involving the granting of leave to appeal may be decided by a smaller composition, typically three judges. Cases involving a significant interest may be decided by a composition of at least seven judges of the chamber or, exceptionally, by the full court (all the judges).

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The basic principles of the legal system are the administration's conformity to the law and everyone's right to have a decision affecting his or her rights and obligations reviewed by a court.

The right of appeal and guarantees of a fair trial are secured by law.

# Composition & work

The work of the Supreme Administrative Court is headed by the President. There are approximately 100 permanent staff in all. These can be supplemented by temporary staff.

The judges of the Supreme Administrative Court include the President and the Justices. The Court has approximately 20 permanent Justices. The Court office is headed by the Secretary General.

The judicial functions of the Court are carried out in chambers. Each chamber specialises in resolving complaints and appeals relating to certain categories of cases. The President decides on the number of chambers and the categories of cases. There are at least two chambers.

The number of matters annually submitted to the Court varies. In the 2000s, the number of submitted cases has fluctuated between 4,000 and 6,000, and the number of resolved cases has, on average, been the same.

In the 2000s, the average processing time at the Supreme Administrative Court has been between 7 and 12 months. The processing time depends, among others, on the nature, extent and urgency of the case.

The Supreme Administrative Court can refer a question of interpretation of European Union law to the Court of Justice of the European Union for a preliminary ruling. Since 1996, the Court has made several dozen such references for a preliminary ruling.

The decisions of the Supreme Administrative Court guide administrative and legal practice. The main precedents are published (in Finnish and Swedish) on the Court's website and in Finlex, an Internet service on legal information. Furthermore, the Court publishes (in Finnish or Swedish) other decisions of regional or general interest. Several hundred decisions are published annually.

# Background & history

The roots of the system of administrative courts date back to the 17th century. In practice, the distinction between civil, criminal and administrative judicial power began at the end of the 18th century in countries such as France and Sweden. In Finland, this distinction became standard practice during the period of Finland's autonomy after 1809, when the administrative affairs were concentrated in the Economic Division of the Governing Council (Senate).

After Finland gained its independence, the Senate's Economic Division became the Council of State and the Supreme Administrative Court. The act on the establishment of the Supreme Administrative Court was adopted on 22 July 1918. This was a major step towards a constitutional state.

The traditional right to appeal against decisions by the authorities was declared universal under law in 1950. The right to appeal lies with the party concerned and, in an appeal against a decision by a municipal authority, with the member of the municipality in question. In certain cases, the appellants may also be authorities. The basic rules relating to the administrative process are laid down in the Administrative Judicial Procedure Act.

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The Court's first President,  
**K. J. Ståhlberg**, was later elected  
the first President of the Republic.

# Services & contact details

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**[www.kho.fi](http://www.kho.fi)**  
The website is in Finnish,  
Swedish, English, French  
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