

The Congress of Local and Regional Authorities



Monitoring Committee

Indicative list of questions for the meeting of the CLRAE delegation and the President of the Supreme Administrative Court (SAC)

Key questions:

- 1. What is the place given to the European Charter of Local Self-Government (Charter) among the legal instruments that the Court takes into the account when carrying out a review? In this context, has your Court dealt with any cases where you had to interpret domestic legislation in the light of the Charter?**
- 2. Please describe the functions of the SAC (consultative and contentious) in relation to local and regional administration.**
- 3. What are the most controversial issues concerning local and regional authorities that have come before your Court?**

Additional possible questions¹:

1. What kind of controversies related to local and regional issues has the SAC been faced with in the recent years? Do you have any statistics on such cases?
2. What are the main criteria used to determine which powers and competences are allocated to local and regional authorities? Could you comment on the principle of subsidiarity as stipulated by the Constitution? Please give us examples of any cases you have dealt with in relation to this principle.
3. What forms of complaint are available to individuals who consider themselves to be an injured party to a regional/local administration decision?
4. Since the reform introduced between 1998 and 2000, the SAC may order the Administration to pay compensation for damages suffered by an individual due to administrative decisions contrary to the law. Could you please give us some examples of such cases, if any.
5. The Decree Law no. 29/2010 which provides for the “correct and proper conduct of regional elections”, has already been the subject of an application to the SAC. Could you please comment on your decision which overturned the first instance court’s judgment?

¹ Replies to these questions could be given to the delegation during the meeting; however, written replies would also be appreciated and can be sent after the visit by mail to the following address: congress.monitoring@coe.int