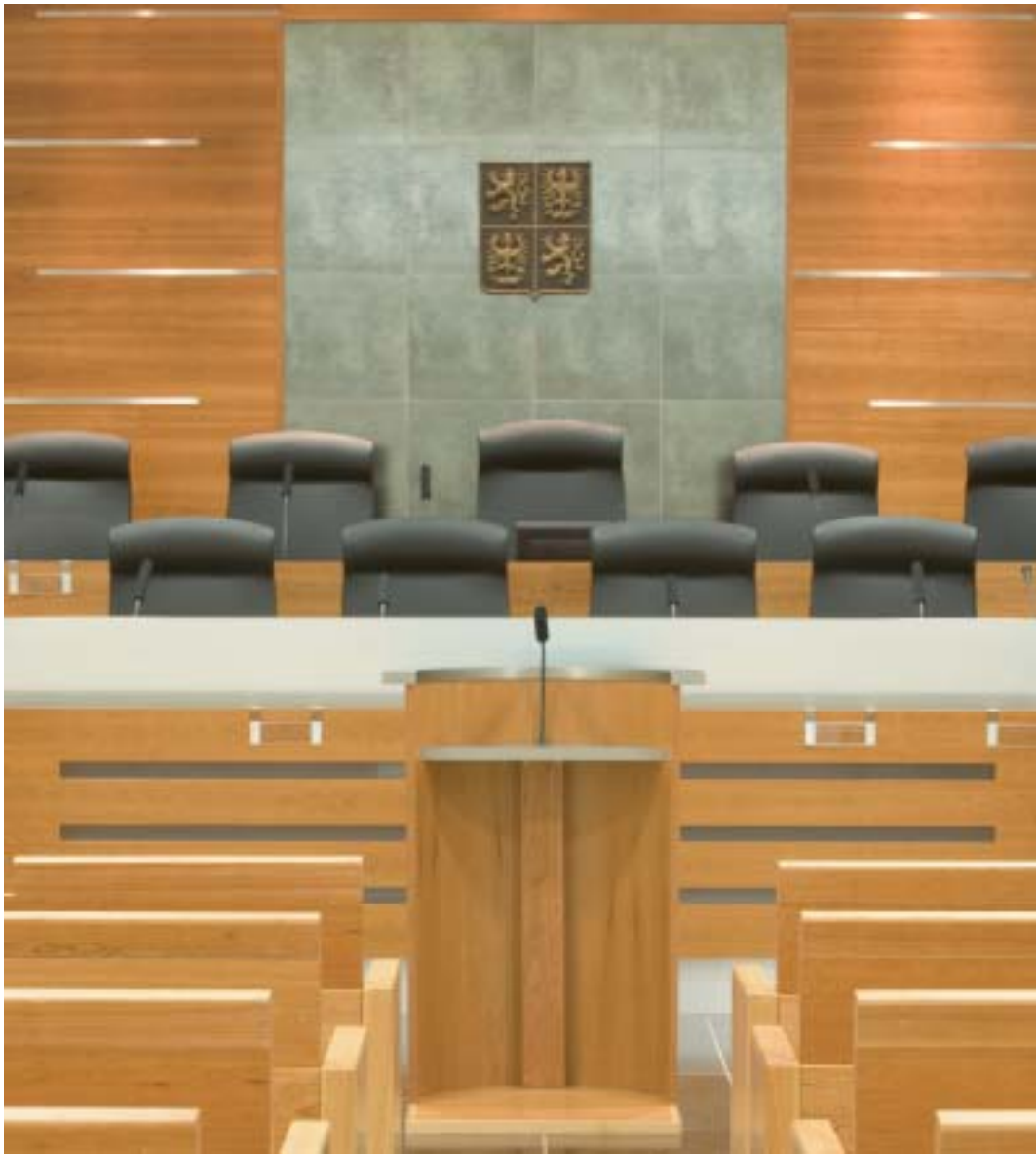


THE SUPREME ADMINISTRATIVE COURT
REPORT OF ACTIVITIES
FROM 2003–2009



THE SUPREME
ADMINISTRATIVE
COURT

REPORT OF ACTIVITIES
FROM 2003–2009



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A CD-rom which contains summary of the Court's case-law is attached to this report.



A FEW INTRODUCTORY
WORDS AND WHAT'S
ON THE WAY...



You are holding in your hands the second book published on the Supreme Administrative Court since its establishment in 2003. The first book was issued four years ago on the occasion of the Court's relocation into new premises. It was a document describing the first years of life for the new institution, the period of its development and the process of searching for the face of this "slightly different court".

The second period, the same in length actually, has been a time of gradual stabilisation of the Court, the completion of personnel (the Court has added new judges, judges' assistants and the Research and Documentation Service) and attaining full participation in the judicial system of the Czech Republic as well as of the European Union. After nearly eight years of existence we present to the public a review of our activities. In addition to the introduction of the Court, its internal personnel and organisational structure and description of procedural instruments, the content of this book is focused primarily on an overview of significant fields of decision-making and selection of relevant case law.

The Court has not just been growing. In the last year Václav Novotný, Marie Součková and Petr Přihoda, prominent judges and renowned personalities, whose participation in the establishment of the Court is undeniable and will never be forgotten, have passed away. We honour their memory.

The idea to issue this publication arose from realising that the administration of justice must be a public matter; this holds true not only for decision-making regarding specific cases, but also for the conduct of every public institution, which is even all the more true for the court. Openness towards the public which the Court has chosen at the time of its establishment and which it seeks to consistently apply has undoubtedly contributed significantly in gaining public trust in concerning how this institution functions. Therefore, this book should continue in the coming years with the regular issuing of annual reports.

The courts are nothing without trust or rather nothing more than just a soulless repressive apparatus, bureaucratic gears reminiscent of Kafka's Castle. Trust is also a very fragile value; it is hard to gain, and easy to lose. Caring for its maintenance and development is, therefore, a constant challenge. Courts can fulfil their role of a guardian of legal order and a protector of rights not only through constitutional and statutory definition of their powers and jurisdiction but also through everyday practical activities. Thus, they can best contribute to the establishment of genuine rule of law and justice, which is a fundamental precondition for life in liberty. I would like to express the conviction that the Supreme Administrative Court is aware of this task and that through its activity it brings a modest contribution to its achievement. May this publication bear a testimony to that.



Brno, September 2010

Josef Baxa



ABBREVIATIONS

Coll.	Collection of Laws (<i>Sbírka zákonů, Sb.</i>)
Court Reports	Court Reports published by the Supreme Administrative Court (<i>Sbírka rozhodnutí Nejvyššího správního soudu, Sb. NSS</i>)
CJEU	Court of Justice of the European Union
ECHR	1950 European Convention of Human Rights
ECtHR	European Court of Human Rights
SAC or “the Court”	Supreme Administrative Court



ADMINISTRATIVE JUSTICE IN THE CZECH LANDS IN DATES



- 1867 The so-called December Constitution laid the foundations for administrative justice in the Cisleithania (*Předlitavsko*) which was conceived as a specialized and concentrated system of judicial review, functioning on the principle of general clause, according to which all decisions of public administration authorities are subject to review, unless the law provides otherwise.
- 1875 The Administrative Court in Vienna was established in law. Rules of procedure governing the proceedings before the court were adopted (Law No. 36/1876 Imp. Coll., so-called “October Act”). The rules enumerated exclusions from the jurisdiction of the Court which was based on the principle of protection of subjective rights of individuals. Judicial review was limited to the lawfulness of an administrative act.



*Lažanský Square
(Lažanského náměstí)
and Freedom Square
(náměstí Svobody) picture
taken from the former
German house (in the park
you may notice the statue
of emperor Joseph II.)*

- 1876 The actual creation of the Administrative Court of Justice and the first public hearings before the court.
- 1918 The Czechoslovak Republic took up the institution of the Supreme Administrative Court (Act No. 3/1918 Coll., on the Supreme Administrative Court and the Resolution of Conflicts of Jurisdiction, also known as the “November Act”) and adopted the October Act. Ferdinand Pantůček was appointed as the first president of the SAC, later on Emil Hácha was appointed as the second president. The fact that lower instances of administrative justice envisaged by the Constitution were not established had an adverse affect on the corresponding workload of the Supreme Administrative Court. The length of the proceedings gradually rose to several years, even a progressive increase in the number of judges was of no avail.
- 1920s–30s The Supreme Administrative Court was on par with administrative jurisdictions in Europe. Its activity is apparent from its case reports. The Court’s official case reports, named after its editor Josef V. Bohuslav, known as the “Bohuslav Law Reports”, had the best reputation. Between 1918 and 1948 tens of thousands of decisions were published in it, thousands of them are still of some relevance today.



*Lažanský
Square
opening
into
Solniční
Street
(round
1900)*

- 1937 A major amendment of the October Act (Act No. 164/1937 Coll.) was adopted in an effort to speed up the proceedings and to reduce the significant amount of the pending cases.
- 1939–1945 Period of the “Protectorate of Bohemia and Moravia”. A separate Supreme Administrative Court (*Najvyšší správný súd*) was established in the independent Slovak state.
- 1945 After World War II the SAC could not fully restore its activity. The Court was not sufficiently staffed; new judges were not being appointed. Division of competences between the Czech and the Slovak courts remained unclear until 1949 and was completely solved by the purposeful transfer of the Court’s seat to Bratislava (Act No. 166/1949 Coll.).
- 1948 Soon after February 1948 a political decision was made on the dissolution of the Supreme Administrative Court. Judicial control of public administration and the provision for protecting the public subjective rights of citizens, which was guaranteed by the court and independent of the totalitarian power, no longer had place in the new regime. After personnel purges in February 1948 and after the retirement of “pre-war” judges in June 1948, the Prague court was decimated, and became essentially inoperable.



View into
Joštova
street

- 1952 Administrative justice was abolished by the Constitutional Act (Act No. 64/1952 Coll.) that “quietly” abolished all provisions on administrative court. “All provisions relating to administrative court” (Act No. 65/1952 Coll.) were also annulled on the principle of general derogation. The sole remnant of public-law justice remained justice concerning insurance matters (dealing with insurance for workers against illness, invalidity and old age), but gradually it came to be viewed as a special type of justice in civil matters.
- 1991 The renaissance of the Czechoslovak administrative justice thanks to the new constitutional basis of Article 36, para. 2 of the Charter of Fundamental Rights and Freedoms (Constitutional Act No. 23/1991 Coll. and the amendment to the Code of Civil Justice No. 519/1991 Coll.).
- 1992 Decisions of public authorities were reviewed under the specific provisions of the Code of Civil Justice by courts of general trial jurisdiction, especially by the regional courts and the Supreme Courts of both Republics (since 1993 by the High Courts).
- 1993 The Constitution of the Czech Republic (Article 91) restored the Supreme Administrative Court, which should represent the second apex of the court system. However, it was not to be established for the next ten years.
- 2001 The Constitutional Court, which, in its rulings from the mid-nineties, repeatedly pointed out the deficiency of legal regulation of administrative justice, with effect from 1 January 2003 annulled in its entirety the fifth part of the Code of Civil Justice, which still regulates administrative justice (judgment No. 276/2001 Coll.).
- 2002 The Parliament adopted Act No. 150/2002 Coll., the Code of Administrative Justice, as well as other accompanying laws. Fifty years after the liquidation of residues of the SAC its activity was re-established.
- ***
1. 1. 2003 The modern Supreme Administrative Court was established.
2. 1. 2003 Josef Baxa was appointed as President of the SAC, Michal Mazanec was appointed as Vice-President. Another eleven judges were appointed as well.

- February 2003 The Judicial Council was established, led by Miluše Došková. The Court was composed of 17 judges.
- Spring 2003 Judges selected their assistants, mostly young graduates of faculties who were at the beginning of their careers. The Court had 23 judges. Among those were also university teachers and high-standing public officials.
8. 9. 2003 The Plenary of the SAC discussed the Rules of Procedure of the SAC at its first ever meeting in Kroměříž.
- Autumn 2003 An editorial board of the *Court Reports (Sbírka rozhodnutí Nejvyššího správního soudu)* and the Case-Law Documentation Service were established. The Editorial Board set an aim to publish case-law which would be up-to-date, understandable, bold and dynamic and which would respond to questions raised by parties to the legal proceedings.
3. 10. 2003 Web sites of the Court (www.nssoud.cz) were launched.
4. 12. 2003 The first issue of the Court Reports was published.



Cover of the first issue of the Court Reports

1. 5. 2004 Chambers of the SAC were divided into two divisions according to their main areas of activity by the Plenary decision of 29 April 2004. Václav Novotný (Financial Law Division) and Marie Součková (Social Security Law Division) were appointed as Presidents of the divisions.
The extended chamber was constituted, because of an increase of judicial activity and thus the risk of divergent legal opinions and incoherency of case-law.
At the same time the Department of European law was established as a reaction to the accession of the Czech Republic to the European Union.
- 2004 The period of stabilization of the Court. Judges chosen from administrative sections of the regional courts were asked to come to the SAC for a short term, usually six-month internships. Their stay brought a needed outside view from the lower courts, and the judges gained experience in deciding cassation complaints. Some of them were later appointed as judges of the SAC, the Court thus enlarged to have 26 judges.
13. 10. 2005 The amendment to the Asylum Act (No 350/2005 Coll.) imposed a writ of certiorari of asylum cases (specific type of admissibility) as an expression of efforts to redefine the future role of the SAC.
1. 9. 2006 The Court moved from the temporary rental on Masaryk street No. 31 in Brno (Pozemstav, Inc.) to a newly renovated complex of three buildings on Moravian Square No. 6 (the former seat of the district authority Brno-venkov and numerous other institutions and enterprises).
2. 10. 2006 The SAC as a “friend of freedom of information and openness of public administration” was awarded “Otevřeno” (“Open”) for the publication of full texts of all its judgments on the web sites with user-friendly searching possibilities.
- January 2007 At the beginning of the year the Court’s staff grew with the arrival of new judge’s assistants, thereby allowing every judge a total of two assistants. The maximum number of judges was reduced proportionally to 34 (ten chambers; at the end of 2009 nine were working).
1. 3. 2007 The Research and Documentation Service was established. It provides expertise in case-law evidence, the publication of the *Court Reports* and assists when dealing with decisions on cases with foreign elements.



5. 5. 2008 The SAC referred the first case to the Court of Justice of the European Communities for preliminary ruling (C-233/08).
1. 10. 2008 The SAC became a disciplinary tribunal for all Czech judges and prosecutors (on the basis of Act No. 314/2008 Coll.).
26. 6. 2009 The SAC has become a disciplinary court for all enforcement agents (pursuant to Act No. 183/2009 Coll.).
30. 6. 2009 Besides information on final decisions, the SAC has made accessible at its web sites information on pending and completed proceedings.
31. 12. 2009 At the end of the period for which this report is drafted the Court consists of 29 judges, 56 judge's assistants, 6 professional advisers and 58 other employees.

POSITION OF THE SUPREME ADMINISTRATIVE COURT IN THE SYSTEM OF ADMINISTRATIVE JUSTICE



Since 1 January 2003 the system of administrative justice has been represented in part by regional courts, in which case the detachment of their administrative jurisdiction from other matters is merely an issue of internal organization within the court, and secondly by the Supreme Administrative Court, which is the supreme judicial body specialized exclusively in the field of administrative justice.

Unless otherwise stipulated by law, regional courts are competent in first instance and take decisions in specialized chambers, consisting of a presiding judge and two other judges. Specialized single judges can also make decisions.

The SAC, as a court of cassation in particular, shall ensure the lawfulness and the unity of decision-making in regional courts and administrative authorities by deciding on cassation complaints in which the complainants seek to quash a regional court's decision. Protection from unlawful decisions of the administrative authority is further complemented by new protections from its failure to act and from its unlawful interference. The jurisdiction to decide in disciplinary matters of judges, state prosecutors and enforcement agents has recently been transferred to the SAC. The SAC decides in three, five, seven and nine-member chambers. Some simple procedural decisions may be issued by a presiding judge.

All the judges form the Plenary which, upon a proposal from the President, decides on the number of court divisions. Currently the SAC is divided into two divisions: Financial Law Division and Social Security Law Division. Their names were chosen according to the main areas of their activity, which in the first case mainly concerns fiscal law and, in the second case, social-security law. Both divisions then also decide on matters which *stricto sensu* belong neither to fiscal law, nor to social-security law, but which are similar or related thereto.

The President and the Vice-President of the SAC, who represent the state management of the Court, are judges of the SAC appointed and dismissed by the President of the Republic. For the validity of the decision the signature of the Prime Minister or of a delegated member of the

Government is necessary. Presiding judges and the presidents of divisions are appointed by the President of the SAC. The Judicial Council gives its opinion on the candidates for appointment to the position of president of the division or presiding judge.

To ensure unity of judicial decision-making the SAC publishes the *Court Reports of the Supreme Administrative Court* (*Sbírka rozhodnutí Nejvyššího správního soudu*, which is examined below) after a discussion in the Plenary. These reports are used for the publication of selected decisions of the SAC, decisions of regional courts on administrative matters and two special non-procedural instruments, which ensure unity and the lawfulness of decisions made by administrative authorities and administrative courts. One instrument is a particular legal position adopted by the divisions or the Plenary, second is a ruling of an exemplary nature adopted by the extended chamber of the SAC in the field of administrative decision-making.

In the field of administrative law European Union law is frequently used. If the SAC decides on an issue of law to which European Union law applies, and if doubt arises on application and interpretation of the EU law, the SAC submits reference for a preliminary ruling to the Court of Justice of the European Union with a request to respond to that question. The number of references submitted by the SAC to the CJEU has been on an increase.



PERSONNEL AND ORGANIZATIONAL STRUCTURE OF THE SUPREME ADMINISTRATIVE COURT



The Supreme Administrative Court is headed by the President of the Court, who is assisted by the Bureau of the President of the Court, and by the Vice-President of the Court. The Court is composed of the Department of Administration of Justice, the Department of the Court Management, the Department of Human Resources and the Research and Documentation Service.

The President of the Court manages state administration of the Court to the extent set forth by Section 29 of the Code of Administrative Justice and, among other things, ensures the proper operation of the court offices, endeavours to increase the expertise of judge's assistants and other court employees, ensures free access to information, security of the court and tasks relating to crisis management. The President of the Court also performs the acts of a disciplinary petitioner. Besides that, he serves as a judge within the Department of Administration of Justice. Since the establishment of the SAC in 2003 Josef Baxa has been the President of the Court.

The Vice-President of the Court acts on behalf of the Court's President in times of his absence. He manages state administration of the Court in all matters except for those conferred on the President of the Court by law and those that the President of the Court decided to retain. Moreover, the Vice-President also acts as a judge within the Department of Administration of Justice. Michal Mazanec has been the Vice-President of the Court since the creation of the Court.

The Department of Administration of Justice consists of judges who are members of chambers, judge's assistants, court offices, a registry and register office. The work schedule sets details for the organization of the administration of justice. On 29 April 2004 the Plenary of the SAC, which is comprised of all the judges of the court and of the judges temporarily assigned to act at the SAC, decided that Financial Law and Social Security Law Divisions are to be established with effect as from 1 May 2004. The establishment of the divisions anticipated foreseen specialization within the court. The Financial Law Division comprised of five chambers (as from 2007 of six chambers) and Václav Novotný was appointed head of this division. After his



Plenary of the Supreme Administrative Court

resignation in 2008, Petr Příhoda was procured to serve as deputy of the head of the Division. Petr Příhoda passed away after serious illness in March 2010. Currently, Marie Žišková is the head of the Financial Law Division. This Division adjudicates cassation complaints in the matters of taxes and duties, accounting, foreign investment protection, prices, securities, collective investment, pension funds, additional pension insurance, insurance, competition and public procurement, hallmarking, lotteries and other games. The **Social Security Law Division** comprises of three chambers and originally Marie Součková, who passed away in 2009 after a long fight with a serious disease, was its head. Marie Turková is the head of the Division currently. This division adjudicates in particular matters of pension insurance, restitution in lump-sum payments, sickness insurance, social security insurance and employment insurance, health insurance, health service and hygiene, social assistance, state social support, social and legal protection of children, employment, safety at work, common interest and professional self-government bodies and the service of officials. Apart from the divisions, since 2008 there have been three **disciplinary chambers** taking decisions (two on disciplinary matters of judges and one on state prosecutors). Since 2009 two more chambers were created for enforcement agents. There is more information about the disciplinary jurisdiction of the SAC in Chapter dedicated to Disciplinary Court. The remaining agenda is assigned to individual judges according to the work schedule regardless of their specialization.

The Department of the Court Management ensures the management of the Court property, maintenance of information and communication technologies, car park, budget controlling, accounting of the Court and Court library operation. Towards the end of 2009 Naděžda Pokorná was the head of the Court Management.

The Department of Human Resources organizes the selection of applicants for employment and selection procedures for managing positions. It administers activities related to appointment, revoking of employees, salary matters of employees and personnel matters of judges. Additionally, it organizes further apprenticeships and performs some strategy tasks, for instance it proposes the plan for the Court's salary policy, works out the wages budget proposal and controls to what extent it was adhered to. Blanka Nováková is the head of the Department of Human Resources.

The Research and Documentation Service. With regard to the extensive case-law of the Court and the need to document legal opinions pronounced by the court, in 2003 Case-law Documentation Service was established. Its task was to administer the case-law database and to

assist in editing the Court Reports of the Supreme Administrative Court. In May 2004 the Department of European Law was also established which provided for internal consultancy related to the application of European, international and comparative law, in particular focusing on the research of relevant literature and case-law. In March 2007 both of the departments merged into the Research and Documentation Service, headed by Aleš Roztočil at the time of writing the report.

The Court President's Bureau provides information and communicates with the public on behalf of the Court and conducts some security tasks. It also ensures that the Court employees are kept informed in the field of the Bureau's competence; it organizes business trips abroad and manages administrative matters for the President and Vice-President of the Court and for the presiding judges of chambers. Renáta Balíková was the head of the Court President's Bureau in 2009.

More details on individual departments' activities and tasks are available in the Organization Rules of the Court, which can be downloaded from the Court's webpage.

Number of judges and other employees per year:	2003	2004	2005	2006	2007	2008	2009
– judges	22	21	24	26	28	30	29
– temporarily assigned judges	–	6	7	3	4	2	1
– judge's assistants	23	21	26	30	52	56	56
– advisors at Research and Documentation Service	–	1	1	4	4	6	6
– other employees	42	45	50	54	57	58	64

Table 1. The number of judges includes all the judges assigned to the SAC throughout the respective year. The number of judge's assistants, advisors and other employees only includes the number as of 31 December of the respective year.



JUDGES OF THE SUPREME
ADMINISTRATIVE COURT



JUDr. Josef Baxa (* 1959), President of the Court

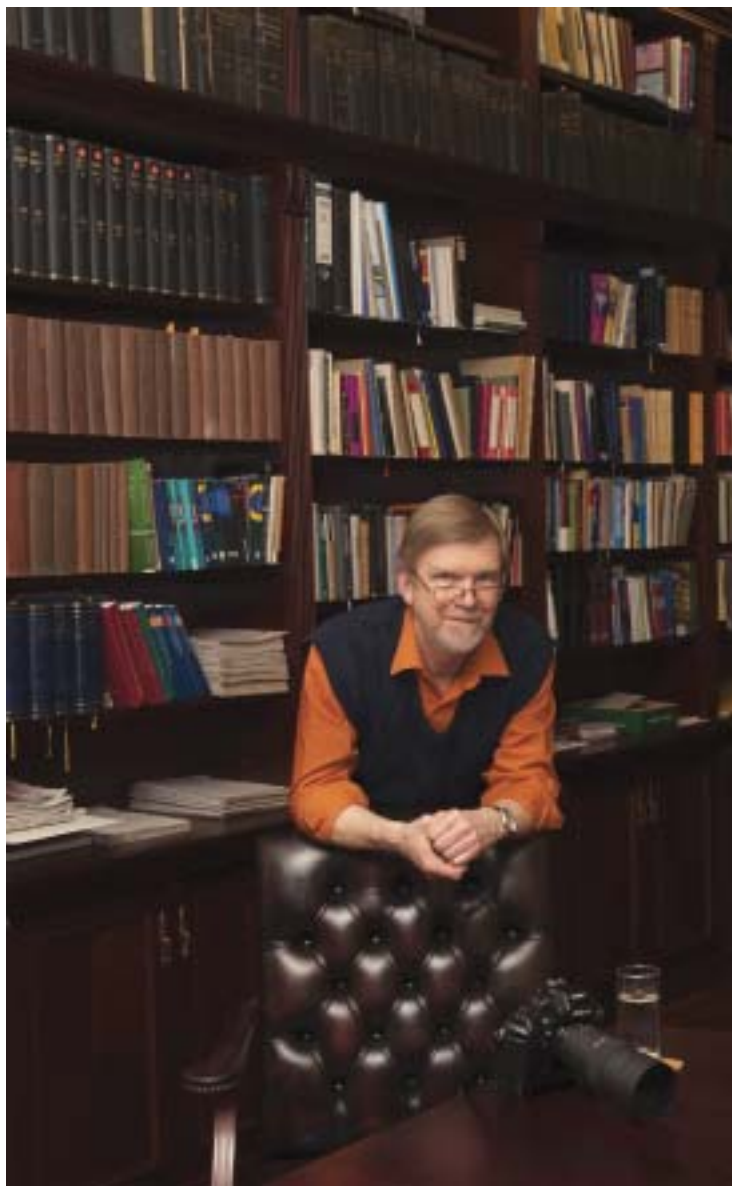
Judge since 1984.

He graduated from the Faculty of Law, Charles University, Praha. In 1984 he became a criminal judge of the District Court in Plzeň, later on of the Regional Court in Plzeň; he was appointed as its Vice-President in spring 1990. In the nineties of the last century he contributed to the establishment of the Faculty of Law at the University of West Bohemia in Plzeň (*Západočeská univerzita v Plzni*). He has been teaching criminal law there ever since. From 1998 till 2002 he held the position of the first Deputy Minister of Justice – he was working successively for the following Ministers: Otakar Motejl, Jaroslav Bureš and Pavel Rychetský. He participated in drafting and the enforcement of the “major amendment” to the Criminal Procedure Code as well as in the creation of a new institutional and procedural framework of administrative justice. In January 2003 the President of the Czech Republic Václav Havel appointed him President of the Supreme Administrative Court and he has been holding the office since then. In his numerous public appearances he has focused on critical analysis of the functioning of the judiciary and its possible reform.

JUDr. Michal Mazanec (*1951),
Vice-President of the Court

Judge since 1992.

He completed a law degree at the Faculty of Law, Charles University, Praha. Before being appointed as a judge, he had served as a prosecutor at the non-criminal section of general and civil-court supervision. In 1990 he became head of legal and legislative division of the Ministry of Culture of the Czech Republic. In 1992 he was appointed as judge of the Supreme Court in administrative matters, from 1993 he was as a judge of the High Court in Praha. In that year he also set up the then sole Czech Court Reports in administrative justice matters (otherwise known as the “Red Reports”). In the years 1990–1998 he was a member of the Commission for Administrative Law of the Government Legislative Council, and he was a member of the Government Legislative Council until 2002. In co-operation with Justice Marie Žišková and other judges of the Supreme Administrative Court he prepared institutional, jurisdictional and procedural provisions within the reform of administrative justice, including the draft Code of Administrative Justice and legislation relating thereto in the years 2000–2001. He was appointed as Vice-President of the Supreme Administrative Court in 2003.





JUDr. Marie Žišková (*1951), presiding judge of a chamber,
Head of the Financial Law Division

She graduated from the Faculty of Law, Charles University, Praha. From 1975 to 1977 she served as a presiding judge of a chamber within the civil law division of the District Court in Jičín. Thereafter, she was employed at the Ministry of Justice until 2000. She initially focused on supervision activities and after that on legislation as the head of the Department of Civil Law Legislation. Furthermore, she was secretary of the Working Commission for Civil Law of the Government Legislative Council. Together with Justice Michal Mazanec and other judges of the Supreme Administrative Court she participated in drafting the institutional, jurisdictional and procedural provisions of administrative justice, including the draft Code of Administrative Procedure and legislation relating thereto in the years 2000-2001. From 2000 till 2002 she was assigned as a judge to the High Court in Praha. In 2003 she became a judge of the Supreme Administrative Court where she has been serving as a presiding judge of a chamber. Currently she is the head of the Financial Law Division. She has authored several publications as well.



JUDr. Marie Turková (* 1954), presiding judge of a chamber;
Head of the Social Security Law Division

Judge since 1979.

She graduated from the Faculty of Law, University of Jan Evangelista Purkyně, Brno (currently, Masaryk University). She was appointed as a judge and assigned to the District Court in Rychnov nad Kněžnou in 1979. While serving at the District Court in Svitavy from 1982 till 1987 she was several times temporarily assigned to other district courts in East Bohemia. In 1987 she was assigned to the Regional Court in Hradec Králové and in 1988 to the Regional Court in Brno. From 1994 until 1995 she was temporarily assigned to the High Court in Praha and in 1996 she was assigned as a permanent judge to the High Court in Olomouc where she was serving until 2002. In 2003 she was assigned to the Supreme Administrative Court where she has been serving as a presiding judge of a chamber and head of the Social Security Law Division.



JUDr. Miluše Došková (*1953), presiding judge
of a chamber, President of the Council of Judges

Judge since 1994.

She completed a law degree at the Faculty of Law, Charles University, Praha. Initially she practiced as a state prosecutor at the District, later at the Regional Public Prosecutor's Office. She was appointed as a judge in 1994 and served at the Regional Court in Ústí nad Labem until 2002 when she was assigned to the High Court in Praha. She has been a presiding judge of a chamber at the Supreme Administrative Court since its establishment in 2003. Moreover, she is the President of the Council of Judges of the SAC and a member of the Council of the Judicial Academy.

JUDr. Jakub Camrda, Ph.D., LL.M. (*1973), judge

Judge since 2006.

He holds a law degree from the Faculty of Law, Charles University, Praha and a Master of European Law degree (LL.M) from Stockholm University. He was the head of the European Integration Department at the Ministry of Justice of the Czech Republic from 2000 until 2003 when he was appointed as Deputy Minister of Justice. He has been a member of the Government Legislative Council since November 2004. In February 2006 he was appointed as a judge and served in the administrative law division of the Municipal Court in Praha. After being temporarily assigned to the Supreme Administrative Court from July until December 2007, he has become one of its permanent judges since December 2007.





JUDr. Eliška Cihlářová (* 1950),
presiding judge of a chamber

Judge since 1975.

She graduated from the Faculty of Law, University of Jan Evangelista Purkyně, Brno (currently, Masaryk University). After being appointed as a judge she was assigned to District Courts in Nový Jičín and Přerov until 1980. Thereafter, she was working in the legal department of the Regional Committee of Consumer Cooperatives in Ostrava until 1985. From 1985 to 1991 she worked as a legal counsellor at the Regional Institute of National Health in Ostrava. After this point in time, she returned to the judicial office and served at a civil law appeal chamber of the Regional Court in Ostrava. After the establishment of administrative judiciary in 1992 she served at the same court as a presiding judge of a chamber within the administrative law division until 2002. In 2003 she was assigned to the Supreme Administrative Court to be a presiding judge of a chamber.



Mgr. et Bc. et Ing.
Radovan Havelec (*1970), judge

Judge since 1996.

He obtained a law degree from the Faculty of Law, Charles University, Praha. In addition, he graduated from the University of Economics, Praha, majored in Management of Public Sector, and completed a Bc. degree at the Silesian University in Opava, majored in Public Administration and Regional Policy. In 1996 he was appointed as a judge and served at the District Court in Hodonín until 1997. At this time he was temporarily assigned to the District Court in Břeclav. Thereafter, he was assigned to the administrative law division of the Regional Court in Brno. Between January and December 2007 he was temporarily assigned to the Supreme Administrative Court and became one of the SAC's permanent judges since the following year.



Mgr. David Hipšr (*1974), judge

Judge since 2001.

He graduated from the Faculty of Law, Masaryk University, Brno. From 1998 until 2001 he was a judicial trainee at the Municipal Court in Praha. After being appointed as a judge he served as a presiding judge of a chamber within the civil law division of the Circuit Court for Praha 1, and thereafter (from 2003 till 2009) again at the Municipal Court in Praha where he was included in the administrative law division of the court. During the period of January till June 2007 he was temporarily assigned to the Supreme Administrative Court. In January 2010 he became the SAC's permanent judge.



JUDr. Bohuslav Hnízdl (*1943), presiding judge
of a chamber

Judge since 1969.

He holds a law degree from the Faculty of Law, Charles University, Praha. He was appointed as a judge of the District Court in Louny in 1969. Thereafter, he served at the Regional Court in Ústí nad Labem (from 1987 as a presiding judge of a chamber within the civil law division) until assigned to the High Court in Praha in 1993. At the High Court he specialized in administrative law matters and from 2000 served as a presiding judge of a chamber, and was also a member of a disciplinary chamber. He was appointed as a presiding judge of a chamber at the Supreme Administrative Court in 2003.



JUDr. Jaroslav Hubáček (* 1946), presiding judge of a chamber

Judge since 1994.

He graduated from the Faculty of Law, Charles University, Praha. From 1976 he practiced as a state prosecutor at the Regional Public Prosecutor's Office in Praha, from 1978 at the District Public Prosecutor's Office for the municipal district Praha-východ, and from 1988 to 1994 he was senior prosecutor at the Office of the Prosecutor General in Praha. He was appointed as a judge and initially assigned to the Circuit Court for Praha 4 in 1994 and after that to the Municipal Court in Praha where he served until 2005. In 2006 he was assigned to the Supreme Administrative Court and became a presiding judge of a chamber.



JUDr. Milan Kamlach (*1944),
judge

Judge since 2003.

He obtained a law degree from the Faculty of Law, Charles University, Praha. In 1971 he became a lawyer serving for the Regional Association of Lawyers in České Budějovice. From 1978 he started to work at the Ministry of Justice where he stayed until 2001. He was appointed as head of the Legislative Department at the Ministry in 1990. In 2001 he became the head of the Legislative and Publication Department of the Czech Bar Association. In 2003 he was appointed as a judge and assigned to the Supreme Administrative Court.

JUDr. Lenka Kaniová (* 1956), presiding judge of a chamber

Judge since 2003.

She graduated from the Faculty of Law, University of Jan Evangelista Purkyně, Brno (currently, Masaryk University). In 1982 she began practicing as a legal counsellor at the Municipal, later at the District Institute of National Health in Brno-venkov. She was employed in tax administration from 1990 to 2001, first as an employee of the Department of Income Taxes of Natural Persons, later she was in charge of drawing methodologies for this type of tax. In 2001 she joined the Constitutional Court as an expert consultant for tax law. In 2003 she was appointed as a judge and assigned to the Supreme Administrative Court where she has been serving as a presiding judge of a chamber. Additionally, she is teaching as an external lecturer at the Faculty of Law, Masaryk University, Brno.





Doc. JUDr. Zdeněk Kühn, Ph.D., LL.M., S.J.D. (*1973),
judge

Judge since 2008.

He holds law degrees from the Faculty of Law, Charles University, Praha, and from the University of Michigan Law School, Ann Arbor, USA. From 1997 till 2001 he was working as an articulated clerk and in 2000 he passed bar exams. From 2000 he was an expert assistant and from 2006 an associate professor at the Department of Legal Theory and Legal Doctrines, Faculty of Law, Charles University in Praha, where he remains active up till now. He was a judge's assistant at the Constitutional Court from 2004 to 2007 and between 2006 and 2007 a member of the Government Legislative Council. In 2008 he was appointed as a judge and assigned to the Supreme Administrative Court. Furthermore, he has authored several monographs and numerous articles which have been published in the Czech Republic as well as abroad.



JUDr. Radan Malík (*1959), presiding judge of a chamber

Judge since 1990.

He graduated from the Faculty of Law, University of Jan Evangelista Purkyně, Brno (currently, Masaryk University). He practised at the legal department of the Municipal Institute of National Health in Brno from 1982 to 1990. He was appointed as a judge in 1990 and assigned to the Municipal Court in Brno where he served as a presiding judge of a chamber. On 1 January 1992 he was assigned to the Regional Court in Brno as a presiding judge of a chamber where he served till 2003. In April 2003 he was assigned to the Supreme Administrative Court where he has been serving as a presiding judge of a chamber.



JUDr. Lenka Matyášová, Ph.D.
(* 1960), presiding judge of a chamber

Judge since 2003.

After obtaining a law degree from the Faculty of Law, University of Jan Evangelista Purkyně, Brno (currently, Masaryk University), she was practising as an expert officer at the Regional Tax Administration from 1983 to 1995. From 1995 to 2000 she was in charge of methodology at the Tax Department of the Financial Directorate in Brno. She was the head of the Department of Income Taxes of Natural Persons at the directorate from 2000 until 2003 when she was appointed as a judge and assigned to the Supreme Administrative Court. She has been serving as a presiding judge of a chamber and is active as a lecturer, too.



JUDr. Dagmar Nygrínová (*1947),
presiding judge of a chamber

Judge since 1971.

She completed a law degree at the Faculty of Law, Charles University, Praha. She was appointed as a judge in 1971 and served at the District Court in Chomutov until 1978, thereafter at the Regional Court in Ústí nad Labem until 1992. From 1987 she served as a presiding judge of a chamber within the civil law division of the court. She was assigned to the High Court in Praha in 1993 where she was serving as a presiding judge of a chamber within the administrative law division until her assignment to the Supreme Administrative Court in 2003. She has been serving as a presiding judge of a chamber at the SAC, as well. Moreover, she is involved as a lecturer in the training of judicial trainees and higher judicial clerks.

JUDr. Jiří Palla (* 1973), judge

Judge since 2000.

He belongs to the alumni of the Faculty of Law, Charles University, Praha. From 1996 till 1997 he worked at the Legislative Department of the Office of the Chamber of Deputies. Between 1997 and 2000 he was active as a judicial trainee at the Regional Court in Ústí nad Labem. After being appointed as a judge he served at the District Court in Louny and from 2001 at the Regional Court in Ústí nad Labem. Initially he served as a judge in the criminal law appeal division of the Regional Court, afterwards in the administrative law division. From October 2008 till December 2009 he was temporarily assigned to the Supreme Administrative Court and in January 2010 he has become one of its permanent judges.





JUDr. Jan M. Passer, Ph.D., LL.M. (*1974), judge

Judge since 2001.

He holds a law degree from the Faculty of Law, Charles University, Praha and a Master of European Law degree (LL.M) from Stockholm University. From 2001 until 2005 he served as a judge of the Circuit Court for Praha 2. From September 2004 till August 2005 he was temporarily assigned to the Supreme Administrative Court, thereafter (in September 2005) he became one of its permanent judges. From 2001 till 2003 he was active as an external lecturer at the Faculty of Social Science, Charles University, Praha, and currently, he is an external lecturer at the Faculty of Law, Masaryk University, Brno, and at the Judicial Academy, both in the area of European law. He has completed several long-term work and study stays abroad. Furthermore, he represents the SAC in the EU Forum of Judges for the Environment (EUFJE) and belongs among the founding members of the Czech Society for European and Comparative Law. Finally, he has authored several articles and co-authored a monography.



JUDr. Barbara Pořízková (*1968),
judge

Judge since 2006.

She graduated from the University of Jan Evangelista Purkyně, Brno (currently, Masaryk University). From 1993 to 2001 she practiced as a legal counsellor at the Department of Indirect Taxes of the Financial Directorate in Brno. From 2001 until 2006 she specialized in tax disputes in the international law firm PricewaterhouseCoopers. She was appointed as a judge and assigned to the Supreme Administrative Court in 2006. She has authored several publications focused on tax law.



Prof. JUDr. Petr Průcha, CSc. (*1949),
presiding judge of a chamber

Judge since 2003.

He completed a law degree at the Faculty of Law, University of Jan Evangelista Purkyně, Brno (currently, Masaryk University). He was a full-time teacher of administrative law at this Faculty from 1976 to 2003 and remains active as a lecturer there to this day. From 1990 he was head of the Department of Administrative Law, Administrative Science and Finance Law at the Faculty and a member of the Government Legislative Council. Moreover, since 1990 he has been a member of the Scientific Board of the Law Faculty. In July 2003 he was appointed as a judge and assigned to the Supreme Administrative Court where he has been serving as a presiding judge of a chamber. His numerous publication activities reveal that he belongs to the leading experts in administrative law and administrative science.

JUDr. Petr Příhoda (* 1942, † 2010),
presiding judge of a chamber

Judge since 1994.

He graduated from the Faculty of Law, Charles University, Praha. He was a state prosecutor at the Municipal State Prosecutor's Office in Praha from 1965 to 1990. Thereafter, he served as head of the Legislative Department of the Ministry of Interior from 1990 to 1994. He was appointed as a judge in 1994 and assigned to the Regional Court in Praha. After one year he was assigned to the High Court in Praha where he served as a presiding judge of a chamber. He remained at the High Court until assigned to the Supreme Administrative Court in 2003. He served there as presiding judge of a chamber and deputy head of the Financial Law Division. He was also an examiner for judicial exams of judicial trainees and assistants of judges at the Ministry of Justice. JUDr. Petr Příhoda passed away on 29 March 2010.





JUDr. Kateřina Šimáčková, Ph.D.
(*1966), judge

Judge since 2009.

She obtained a law degree from the Faculty of Law, University of Jan Evangelista Purkyně, Brno (currently, Masaryk University) where she was active as an expert assistant at the Department of Constitutional Law and Political Science from 1990 till 1993, and again since 2001. She has been lecturing at the Faculty of Law, Masaryk University, Brno, in courses of constitutional law, political science, theory of state law, and media law. She worked as a judge's assistant at the Constitutional Court in 1992 and began her practice as a lawyer registered in the Bar Association in 1994. She specialized inter alia in constitutional complaints and in some areas of administrative, finance and private law. From 2007 she was a member of the Government Legislative Council and since 2008 she has been a member of the Selection Committee for the Appointment of Judges of the Civil Service Tribunal of the EU. She was appointed as a judge and assigned to the Supreme Administrative Court in 2009.



Doc. JUDr. Vojtěch Šimíček, Ph.D. (*1969),
presiding judge of a chamber

Judge since 2003.

He holds a law degree from the Faculty of Law, University of Jan Evangelista Purkyně, Brno (currently, Masaryk University) where he has been teaching constitutional law since 1992. In 1995 he completed his postgraduate study there and in 2001 he became an associate professor. Furthermore, he has completed several long-term study stays abroad – Regensburg and Bochum, and a five-month internship at the Bundestag (Parliament of the Federal Republic of Germany). From 1996 till 2003 he was working as a legal assistant at the Constitutional Court. In 2003 he was appointed as a judge and assigned to the Supreme Administrative Court where he has been serving as a presiding judge of a chamber. He authored and co-authored numerous publications and he is a happily married father of three beautiful children.



JUDr. PhDr. Karel Šimka, LL.M., Ph.D.
(*1973), judge

Judge since 2001.

He obtained degrees in law and political science from the universities in Plzeň, Praha and Passau. After graduating from the Faculty of Law in 1998 he became a judicial trainee and in 2001 he was appointed as a judge. Initially he served at the District Court Praha-západ in the field of civil law and enforcement. Since 2005 he has been serving as a judge of the Financial Law Division of the Supreme Administrative Court. Since 1998 he has been an external lecturer at the Faculty of Law of the University of West Bohemia (*Západočeská univerzita*) in Plzeň where he held various academic positions between 2000 and 2005; recently, he has been appointed as a member of the Scientific Board of the Law Faculty and as a member of the Dean's Council. Furthermore, he has been teaching constitutional law at the CEVRO Institut College. From 2006 till 2009 he was a member of the Board of the Grant Agency of the Academy of Sciences of the Czech Republic in the area of social and economic sciences.



Mgr. Eva Šonková (* 1976), judge

Judge since 2003.

She graduated from the Faculty of Law, Palacký University, Olomouc. She was appointed as a judge in 2003 and until 2005 she served at the District Court in Rokycany and was at the same time temporarily assigned to administrative section of the Regional Court in Plzeň. In 2005 she was assigned to the Regional Court in Plzeň. From October 2005 till March 2006 she was temporarily assigned to the Supreme Administrative Court and became one of its permanent judges in 2007. She is married and has two children. Currently, she is on parental leave.



JUDr. Milada Tomková (* 1959),
presiding judge of a chamber

Judge since 2003.

She completed a law degree at the Faculty of Law, Charles University, Praha. From 1987 till 2003 she served at the Ministry of Labour and Social Affairs, from 1992 as the head of the Legislative Department where she was in charge of the legislation in the field of social policy, and especially social security. From 1998 till 2003 she was a member of the Government Legislative Council. When the reform of administrative justice was prepared, she drafted amendments of the related legislation in the field of social protection (social security and employment). She was appointed as a judge in 2003 and at the same time assigned to the Supreme Administrative Court where she has been serving as a presiding judge of a chamber. She is a member of the Council of the Judicial Academy, as well.



JUDr. Ludmila Valentová
(* 1943), presiding judge of a chamber

Judge since 1968.

She holds a law degree from the Faculty of Law, Charles University, Praha. From 1968 till 1977 she was assigned to several district courts and in 1977 to the Regional Court in Ostrava. In 1992 she was assigned for the period of three months to the Supreme Court. In 1993 she was assigned to the High Court in Praha where she served as a judge of the administrative division specialized in the area of pensions. After that, in 1996 she was assigned to the High Court in Olomouc where she served as presiding judge of a chamber within the administrative law division. She was assigned to the Supreme Administrative Court in 2003 and has been serving there as a judge of a chamber.



JUDr. Jaroslav Vlašín (*1961), presiding judge of a chamber

Judge since 1993.

He graduated from the Faculty of Law, University of Jan Evangelista Purkyně, Brno (currently, Masaryk University). From 1983 till 1984 he worked as an in-house counsel for the state enterprise Railway Engineering Brno. From 1984 until 1990 he worked as an officer at the Department of Social Affairs and Work Force of the South Moravian Regional National Committee and from 1992 as a legal counsellor at the Czech Social Security Administration. He was appointed as a judge in 1993 and assigned to the Regional Court in Brno. In 2003 he was assigned to the Supreme Administrative Court where he has been serving as a presiding judge of a chamber.

Mgr. Daniela Zemanová (* 1971),
presiding judge of a chamber

Judge since 2001.

She obtained a law degree from the Faculty of Law, Charles University, Praha. From 2001 until 2006 she served as a judge at the Regional Court in Ústí nad Labem. From March till August 2005 she was temporarily assigned to the Supreme Administrative Court and became one of its permanent judges in 2006. She has been serving there as a presiding judge of a chamber. Furthermore, since 2001 she has been a member of the Union of Judges of the Czech Republic and currently she is a member of its National Council.



FORMER JUDGES OF THE SUPREME ADMINISTRATIVE COURT

JUDr. Brigita Chrástilová (born 1945; had been a judge since 2002, she resigned from the office of judge at the Supreme Administrative Court in 2008).

JUDr. Antonín Koukal (born 1951; had been a judge since 1999, he resigned from the office of judge at the Supreme Administrative Court in 2004).

JUDr. Václav Novotný (1963–2009; had been a judge since 1993, he resigned from the office of judge at the Supreme Administrative Court in 2008).

JUDr. Marie Součková (1946–2009; had been a judge since 1975, judge of the Supreme Administrative Court from 2003 until 2009 when she passed away).

JUDr. Jiří Vyvadil (born 1954; had been a judge since 2000, he resigned from the office of judge at the Supreme Administrative Court in 2006).