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Communiqué

Important issues:

- (1) strengthen the legality of administration and administrative procedure e.g. by promoting legislation on administrative procedure law and administrative process law
- (2) establishing independent administrative courts (or special chambers for administrative law issues), which have the powers to examine appeals made against administrative decisions
- (3) guarantee that everyone has *de facto* possibility to make an appeal to the administrative courts (i.e. proceedings are easy, affordable, transparent and speedy)
- (4) strengthen independence in the field of administrative justice, including that judges are nominated for permanent positions with the right against dismissal
- (5) ensure professional qualifications for judges, their impartiality, expertise and lifetime education

Article 6 of the European Convention on the “right to a fair trial” gives strong and inspiring guidelines :

1. To Ensure the respect the rights of defence:

- All grievances against the defendant must be communicated to them
- The defendant must be given adequate time to prepare their defence
- The defendant must be in a position to effectively implement their defence (ie, have access to a lawyer, opportunity to examine witnesses...)

2. Judgments shall be pronounced publicly:



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- Transparency and publicity are necessary;
- Some exceptions can be allowed, especially in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

3. The duty to state reasons:

- The person who is to be sanctioned must be able to understand, merely from reading the decision, the reason why they are being sanctioned

4. Implementing the impartiality principle:

- Ensuring objective impartiality: distinct departments or bodies should be in charge of prosecution on the one hand, and judging on the other hand
- Ensuring subjective impartiality: no member of the panel should be prejudiced, either favourably or unfavourably, towards the person being investigated.

