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THE ROLE OF QUASI-COURT INSTITUTIONS IN EUROPEAN COUNTRIES

master thesis

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Kyiv-Vilnius, 2026

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LIST OF ABBREVIATIONS

CJEU — the Court of Justice of the European Union

ECtHR — the European Court of Human Rights

ESA — European Supervisory Authorities

GDPR — General Data Protection Regulation

ECHA — the European Chemicals Agency

EASA — the European Union Aviation Safety Agency

CADA — the Commission on Access to Administrative Documents of France

PHSO — the Parliamentary and Health Service Ombudsman in the United Kingdom

INTRODUCTION

Problem of research. The heavy workload of judicial bodies leads to excessive delay in legal proceedings, fatigue of judges, complicated process of judicial dispute resolution. Thus, a lot of scholars attempt to propose alternative ways of dispute resolution. However, proposals regarding implementation of a quasi-court as an alternative dispute resolution institution have not been widely developed. There are just a few researches related directly to the topic of quasi-court institutions which resulted in misunderstanding of the nature and efficiency of such an institution. Therefore, it is necessary to examine this problem and eventually understand what is a quasi-court institution and whether it is efficient way of alternative dispute resolution in comparison to the court procedure based on the role which reserved for them in several countries.

Relevance of the final thesis. This problem becomes particularly relevant in the context of Ukraine. The increasing number of courts are no longer operating due to Russian invasion on the territory of Ukraine, resulting in even more burden on the judiciary. Lack of scientific knowledge and deep examination of the quasi-court institution lead to discussions which happened in the literature related to the contradictory nature of the institution, in particular, in European countries where the word «quasi-court» rarely found in the scientific researches and legal acts. There are almost no studies in the context of Ukraine which causes the absence of such bodies in Ukrainian legal system.

Scientific novelty and overview of the research on the selected topic. The chosen research problem is poorly investigated in European countries. Most of the existing articles regarding a quasi-court were conducted by the English scientists and only in the context of common law system. As a result, there is limited analysis of how such institutions might function within civil law jurisdictions, which creates a significant gap in comparative legal research and understanding. At the same time, Ukraine is also a civil law system State, therefore, it would be useful to examine experience of other civil law system countries and might use their experience.

Significance of research. The importance of the research lies in the examination of possible efficient way of alternative dispute resolution in Ukraine and other countries. In case the defendant statement is proven the quasi-court may be implemented in more number of States. A detailed analysis of already existing quasi-court institutions will provide opportunity to choose the most proper type of the institution for State authorities. The research will come in use in the question of assessment whether Ukraine needs quasi-judicial bodies in its legal system and in such way may alleviate the burden of cases which judiciary should consider.

The aim of research. The aim of this research is to examine the nature, classification and role of a quasi-court institution within European countries. The research is aimed at analysing quasi-court institutions functioning in comparison to courts, paying attention to their rules of

procedure, independence and activity. Moreover, it is necessary to examine efficiency of a quasi-court institution in ensuring access to justice and resolving disputes. Some attention should also be paid to compulsory nature, transparency and guarantees of quasi-court institutions. The master thesis focuses on whether a quasi-court institution is a sufficient alternative to the judiciary and provides some recommendations for their establishment or regulation within the European countries, in particular, in Ukraine.

The objectives of research. In order to implement the aim it is essential to formulate the definition and features of a quasi-court institution, to distinguish such institutions on the level of the European Union and to assess their types, procedure and role in different European countries, based on the above-mentioned, to make a conclusion which proved or disproved the defendant statement.

Research methodology. As it is a legal research the document analysis method was used to identify rules of procedures and guarantees which possess the quasi-court institution. For this purpose a wide range of laws, rules and decisions were analysed which was really useful to distinguish powers of the institutions. The next method is a comparative method which was implemented for comparison of the described theoretical features of the institution and powers and characteristics of real bodies which are supposed to be a quasi-court in nature. The next method was literature research method which was aimed at seeking proper and reliable legal articles to make my master thesis more scientific and trustworthy. Moreover, the method of generalization was applied to provide a quasi-court definition for my thesis.

During my research Google translator was used to provide a translation from languages of the researched countries and obtain necessary information. Additionally, AI resource was applied in order to make sentences in thesis more coherent and comprehensive due to the fact that I am not a native speaker in English.

Structure of research. The first Chapter is dedicated to the notion and classification of a quasi-court institution in order to formulate proper definition and describe features of the institution. The second Chapter provides practical side of a quasi-court institution and describes how they function on the level of the European Union and gives an understanding of both similarities or discrepancies of quasi-courts within the European Union. The third Charter is about quasi-court institutions which exist in several European countries such as France, Lithuania, Germany and the United Kingdom. Moreover, it highlights some different aspects of the system of quasi-courts in each State. All of the Chapters demonstrate the role of quasi-court institution in legal sphere and in proper dispute resolution.

Defence statement. Whether it is necessary to establish a quasi-court institution in Ukraine based on the nature of a quasi-court institution and its significance in other European countries.

1. THE CONCEPT OF A QUASI-COURT INSTITUTION

1.1. Notion and Features of a Quasi-Court Institution

To begin with examination of quasi-courts, it is significant to pay attention to the terminology which is used to define such an institution. The first term is a quasi-court. The word consists of two parts — «quasi» and «court». According to the Cambridge Dictionary the word «quasi»: “used with adjectives and nouns to say that something is almost, but not completely, a particular type of thing”.¹

In the lecture of Professor of Mykolas Romeris University Eglė Bilevičiūtė on the topic «Quasi-Court Institutions in Lithuania» stated: “many countries use quasi-courts, which are hybrids between the judiciary and the public administration [...]”.² Therefore, a quasi-court refers to the institution which is partially similar to a court or have functions which are similar to a court.

Other term which has been widely used in the literature is a quasi-judicial body or institution. As stated in the legal definition of Merriam-Webster Dictionary «quasi-judicial» is: “relating to, or being an administrative act, body, or procedure that is concerned with the adjudication of specific rights and obligations rather than the promulgation of rules, that requires discretion and decision, and that may be subject to notice and hearing requirements and judicial review”.³ In Cambridge dictionary «quasi-judicial» defined as power which is equivalent to court or judge.⁴ In Wex, legal dictionary and legal encyclopedia, «quasi-judicial», inter alia, defined as: “a proceeding conducted by an administrative or executive official or organization that is similar to a court proceeding [...]”.⁵

The term «quasi-court institution» is also used in the literature to describe bodies that do not formally belong to the judicial, executive, or legislative branches, however, perform part of judicial function. Accordingly, these various terms may be understood as alternative names for institutions with similar functional features.

Therefore, it could be considered that terms «quasi-court», «quasi-judicial body», «quasi-judicial institution», «quasi-court institution» can be used interchangeably since they are referred to the same legal phenomenon. All terms «quasi-judicial body», «quasi-judicial institution» and

¹ “Word «quasi»,” Cambridge dictionary, accessed 10 January 2026, <https://dictionary.cambridge.org/quasi>

² Eglė Bilevičiūtė, “Quasi-Court Institutions in Lithuania”, Students lecture, Online, October 2025.

³ “Definition «quasi-judicial»,” Merriam-Webster dictionary, accessed 10 January 2026, [https://dictionary/quasi-judicial](https://dictionary.quasi-judicial)

⁴ “Definition «quasi-judicial»,” Cambridge dictionary, accessed 10 January 2026, <https://dictionary.quasi-judicial>

⁵ “Definition «quasi-judicial»,” Wex dictionary, accessed 11 January 2026, <https://www.law.cornell.edu/wex/quasi-judicial>

«quasi-court», «quasi-court institution» are something closely related to the court institution and the proceeding in such institutions has some similar features to the court proceeding.

The emergence of the term «quasi-judicial body» dates back to 1820. Roots of the term came from the common law system. However, depends on the state, it was used slightly different. In English law it was applied to define decision which was adopted by the administrative body and was object of the judicial review «in the manner of their exercise». In American law it is recognised as a judicial decision adopted by the administrative authority.⁶ In continental Europe the institution of a quasi-court appeared in 1799 when Conseil d'Etat was established in France. It was a quasi-judicial body only by its nature and legal status since the term «quasi-judicial body» had not existed yet. The creation of such an institution was designed to separate the executive and judicial branches of government, depriving the courts of powers to review decisions of public administration and hold public officials liable for their adoption.⁷

It is necessary to identify features which are inherent in them in order to obtain deeper understanding of what a quasi-judicial body is.

One of the first attempt to distinguish the features of the quasi-court institution on the European level was made by the Court of Justice of the European Union (hereinafter — CJEU). CJEU tried to analyze features of tribunals who may apply to it since the Article of Treaty on Functioning of the European Union (hereinafter — Treaty) established that not only courts but also tribunals may refer to the Court for preliminary ruling. According to Article 267 of the Treaty: “where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court to give a ruling thereon”.⁸ Therefore, preliminary ruling questions should be related to the dispute which the referring body consider. If the tribunal may consider legal dispute but at the same time is not a court then it is a quasi-judicial body. Consequently, the features distinguished by CJEU may be applied to recognize a quasi-judicial body.

Thus, in Case C-54/96 in which CJEU established: “In order to determine whether a body making a reference is a court or tribunal [...], which is a question governed by Community law alone, the Court takes account of a number of factors, such as whether the body is established by law, whether it is permanent, whether its jurisdiction is compulsory, whether its procedure is inter partes, whether it applies rules of law and whether it is independent”.⁹ Such features were also

⁶ Edouard Fromageau, “Quasi-Judicial Body,” Max Planck Encyclopedias of International Law, (2020): para.7, <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e2036.013.2036/law-mpeipro-e2036>

⁷ Peter Cane, Administrative Tribunals and Adjudication (Oxford and Portland, Oregon: Hart Publishing, 2009), 87.

⁸ “The Treaty on the Functioning of the European Union,” EUR-lex, accessed 10 January 2026, article 267, <https://eur-lex.europa.eu/resource>.

⁹ “Dorsch Consult Ingenieurgesellschaft mbH v Bundesbaugesellschaft Berlin mbH, Case C-54/96,” EUR-lex, accessed 11 January 2026, para. 23, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61996CJ0054>

used in more recent decisions of CJEU in order to determine whether the referring body is a court or tribunal and if it has power to apply for preliminary ruling.

The above-mentioned features, which were highlighted by CJEU, should be described in more detailed way. The first characteristic was establishment of a quasi-judicial body by law. The feature established by law was analyzed in practice of European Court of Human Rights (hereinafter — ECtHR) in case of *Guðmundur Andri Ástráðsson v. Iceland*. ECtHR noted: “the phrase “established by law” covers not only the legal basis for the very existence of a “tribunal” but also the compliance by the court or tribunal with the particular rules that govern it and the composition of the bench in each case”. It also added that established by law is related not only to functioning of the tribunal but also to the very first appointment of the judges on their positions.¹⁰ If the tribunal is not met a requirement of “established by law” it would lack the legitimacy necessary in a democratic society to hear cases of individuals.¹¹ Since a quasi-court institution was created in order to consider cases it should be established by law. Hence, its functioning, powers and procedures should be strictly provided for by legal acts.

According to the concurring opinion of judge Šimáčková to the decision of ECtHR in the case of *Semenya v. Switzerland* «established by law» depends on the existence of another feature of a quasi-judicial body — independence. If the body is not independent there is not a body established by law.¹²

In order quasi-judicial bodies to be independent, they must follow the requirements of independence which established for judiciary. However, some requirements cannot be met taking into account the nature of quasi-judicial bodies.¹³ For example, quasi-courts may have another procedure of appointment or possess both less strict and different level of guarantees.

Requirements of judiciary independence was mentioned by CJEU in joined Cases C-585/18, C-624/18 and C-625/18. Thus, CJEU established that independence has two aspects. The external aspect requires courts to operate autonomously, free from any hierarchical control, external instructions, or pressure that could influence their decisions. The internal aspect relates to impartiality, requiring courts to remain neutral and maintain equal distance from the parties,

¹⁰ “*Guðmundur Andri Ástráðsson v. Iceland*, Application no. 26374/18,” HUDOC, accessed 15 January 2026, para. 223-225, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-206582%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-206582%22]})

¹¹ “*Case Lavents v. Latvia*, application no. 58442/00,” HUDOC, accessed 15 March 2026, para. 81, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-65362%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-65362%22]})

¹² “*Case “Semenya v. Switzerland*, Application no. 10934/21, concurring opinion of judge Šimáčková,” HUDOC, accessed 15 January 2026, para. 9, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-244348%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-244348%22]})

¹³ Toma Birmontienė, “Žmogaus Tisių Konstitucinės Doktrinos Plėtra: teisės į teismą metamorfozės,” *Constitution and Legal System. Liber Amicorum to Vytautas Sinkevičius*: [collection of peer-reviewed scientific articles]. Vilnius: Mykolas Romeris University, (2021): page 132, <https://cris.mruni.eu/server/api/core/bitstreams/91c593ff-c8f7-47b4-9b0d-0924c368c30a/content>

ensuring decisions are based solely on the rule of law without any personal interest in the outcome.¹⁴

Impartiality of the quasi-court may also be considered as its important feature which connects it with courts. Both judges of courts and quasi-courts should be impartial resolving the case which constitutes a procedural guarantee under internationally recognized right to fair trial.¹⁵

Impartiality of court was interpreted, in particular, by ECtHR. The Court mentioned that: “whilst impartiality normally denotes absence of prejudice or bias, its existence or otherwise can, notably under Article 6 § 1 (art. 6-1) of the Convention, be tested in various ways (“ objective and subjective ways”)”.¹⁶ The Court described what mean objective and subjective ways of impartiality examination. Thus, subjective test refers to the behavior of the judge and their personal conviction in particular case. Whereas an objective test means analysis of some external factors which may indicate impartiality of judge, even the appearances should be paid attention to in such way. The Court added that: “What is at stake is the confidence which the courts in a democratic society must inspire in the public”.¹⁷ And if there is any real doubts in impartiality of the judge such person should be dismissed from the case examination.¹⁸ The same types of tests should be applied regarding person who considers case in a quasi-judicial bodies and in case of impartiality of such person it should be excluded from the consideration of the case.

The third feature of a quasi-court mentioned by CJEU was permanency of functioning of the quasi-judicial body. In that regard important to examine practice of CJEU. In order of the Court in case C-555/13 CJEU concluded that if the tribunal is created by national legislation and procedural requirements according to which such tribunal functions are also established by law, the tribunal can be considered as a permanent. Even despite the fact that it was dissolved after the proceeding.¹⁹ The foregoing gives grounds to conclude that permanence of the quasi-courts should be assessed regarding each body since a lot of factors can indicate stability and permanence of a quasi-court functioning.

The fourth feature is that the procedure should be inter partes. According to the definition given in Wex, legal dictionary and legal encyclopedia: “inter partes is Latin for “between parties.”

¹⁴ “A. K. and Others v Sąd Najwyższy, CP v Sąd Najwyższy and DO v Sąd Najwyższy, Joined Cases C-585/18, C-624/18 and C-625/18,” EUR-lex, accessed 20 January 2026, para. 121-122 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62018CJ0585>

¹⁵ “Case № 420/31125/23, decision of Odessa District Administrative Court of Ukraine,” Unified State Register of Court Decisions, accessed 10 April 2026, <https://reyestr.court.gov.ua/Review/118844220>

¹⁶ “Case of Piersack v. Belgium, Application no. 8692/79,” HUDOC, accessed 10 April 2026, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-57557%22%7D>

¹⁷ “Case of Hauschildt v. Denmark, application no. 10486/83,” HUDOC, accessed 11 April 2026, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-57500%22%7D>

¹⁸ “Case of De Cubber v. Belgium, application no. 9186/80,” HUDOC, accessed 11 April 2026, para. 26 <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-57465%22%7D>

¹⁹ “Merck Canada Inc. v Accord Healthcare Ltd and Others, Case C 555/13,” EUR-lex, accessed 15 January 2026, para. 24, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62013CO0555&qid=1774302706192>

In litigation, it refers to any proceeding in which all interested parties are given notice and an opportunity to be heard, as opposed to *ex parte* proceedings, which involve only one party”.²⁰ Therefore, provision of administrative services by public authority cannot be a quasi-judicial procedure as the procedure in quasi-courts should involve two parties. It can be both adversarial process or just the procedure which involves two parties based on a complaint submitted by the one of them.

The next feature is compulsory nature of quasi-courts. It was also established by CJEU in Case C-54/96 where the Court noted that compulsory means either the parties should be obliged to apply to quasi-judicial body for the resolution of their dispute, or the decisions of that body should be binding.²¹ The compulsory character of the quasi-court may be indicated also by the fact that the decision can be challenged only through review before the administrative courts or tribunals.²²

Additionally, in other case C-134/97 CJEU added another feature of tribunal: “it should be observed that it has been consistently held that a national court may refer a question to the Court only if there is a case pending before it and if it is called upon to give judgment in proceedings intended to lead to a decision of a judicial nature”.²³ Decision is of judicial nature when it resolves legal dispute and consequently, the body which adopted it, exercises judicial function. If such a requirement is not met, the body cannot be considered as a quasi-court.²⁴

The last but not least feature is that a quasi-judicial body should apply rules of law. It means that quasi-courts in their activity should adhere provisions of law and general procedural principles such as obligation to hear the parties or to give reasons of their decisions.²⁵ Almost the same conclusion was made by ECtHR which noted that a quasi-judicial body may also meet the requirements of Article 13 of the Convention, provided it ensures adequate procedural guarantees.²⁶ Article 13 of the Convention provided with the right to an effective legal remedy. Therefore, quasi-courts may be an effective remedy within the meaning of the Convention if it follows procedural principles of the court process.

Additionally, the conclusion regarding legal procedure was made by ECtHR in its another decision. The Court noted that judicial or quasi-judicial bodies should conduct their procedures

²⁰ “Definition «inter partes»,” Wex dictionary, accessed 15 January 2026, https://www.law.inter_partes

²¹ *supra* note, 9:27.

²² “Case C-610/23,” EUR-lex, accessed 10 April 2026, para. 38, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0610>

²³ “Victoria Film A/S, Case C-134/97,” EUR-lex, accessed 20 January 2026, para. 14, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61997CJ0134>

²⁴ “OKR, Case C-387/20,” EUR-lex, accessed 29 January 2026, para.24-25, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62020CO0387>

²⁵ *supra* note 9:33.

²⁶ “Case of Mugevangango v. Belgium, application no. 310/15,” HUDOC, accessed 11 April 2026, [https://hudoc.echr.coe.int/#{?%22tabview%22:\[%22document%22\],%22itemid%22:\[%22001-203885%22\]}](https://hudoc.echr.coe.int/#{?%22tabview%22:[%22document%22],%22itemid%22:[%22001-203885%22]})

through an adversarial procedure in which each party may be informed, have opportunity to reply to the other party's submissions. Moreover, such bodies should react and pay attention to individual applications, making its decisions public and providing motivation.²⁷ That means that a quasi-court should also provide a person or a body with the opportunity to comment or be heard during the case consideration.

An understanding and crucial features of a quasi-courts were mentioned in the decision of the Great Chamber of the Supreme Court of Ukraine. In its opinion the members of the Chamber concluded that the High Council of Justice which is a disciplinary body and not a court possesses some features of a "court" and, therefore, in the exercise of its functions, may be regarded as a "court" in the substantive meaning of that term based on interpretation of Article 6 of the Convention.²⁸ The fact that such bodies consider complaints about the actions of judges and make decisions based on the balance of evidence resulted in the conclusion of the Chamber that they are quasi-court institutions.²⁹ One more confirmation of the nature of a quasi-court institution as a body closely similar to judiciary.

«Quasi» is a word which could mean both similarity and discrepancy of two objects.³⁰ That means a quasi-court has comparable features to the court but simultaneously it is not a court and has different functions and legal status. Furthermore, for the detailed examination the similar and distinct features of the courts and quasi-courts should be described and deeply analyzed.

What is significant and demonstrates similarity between a quasi-court and a court is that a quasi-judicial body is also aimed at protection of human rights. In many states quasi-judicial bodies are considered as a part of the administrative justice system and are designed to safeguard individuals against unfair decisions and arbitrary actions by public authorities.³¹ The above-mentioned means that quasi-judicial bodies are aimed at resolving disputes in the sphere of public administration. They consider cases between public administration and private individuals.

The second mutual feature of quasi-courts and courts is that their activity intended for resolution of legal disputes. Such requirement is crucial for recognizing the body as a quasi-judicial as was previously stated in analysis of features of quasi-judicial bodies.

The third similarity is official proceeding through which body resolves the dispute. This feature is closely related to the establishment by law. Since the procedure of a quasi-judicial body

²⁷ "Case of Selahattin Demirtaş v. Turkey, application no. 14305/17," HUDOC, accessed 11 April 2026, para. 185 [https://hudoc.echr.coe.int/#/%22tabview%22:\[%22document%22\],\[%22itemid%22:\[%22001-207173%22\]\]](https://hudoc.echr.coe.int/#/%22tabview%22:[%22document%22],[%22itemid%22:[%22001-207173%22]])

²⁸ Case No. 9901/194/19, decision of the Great Chamber of the Supreme Court of Ukraine," Unified State Register of Court Decisions, accessed 12 March 2026, <https://reyestr.court.gov.ua/Review/86877144>

²⁹ *ibid.*

³⁰ Eglė Bilevičiūtė and Birutė Pranevičienė, "The role of quasi-courts in controlling the legality of public administration: prerequisites for systematisation of pre-trial tax dispute resolution in Lithuania," *International Comparative Jurisprudence* 6, 2 (2020): 180, <https://ojs.mruni.eu/ojs/international>

³¹ *Ibid.*, 181.

and powers which they have should be strictly provided by law. According to the research of Eglė Bilevičiūtė «The role of quasi-courts in controlling the legality of public administration: prerequisites for systematisation of pre-trial tax dispute resolution in Lithuania»: “administrative justice in quasi-courts follows a similar procedure to administrative courts and guarantees the basic principles of judicial process, e.g. the principle of legality, the right to be heard”.³² Therefore, in order to be a quasi-judicial institution administrative body should resolve case in accordance with the procedure prescribed by law in the same way as through regular court procedure.

The above was also held by the ECtHR in its judgement *Bryan vs. The United Kingdom*, in which the Court highlighted: “it (“the national court”) would have had the power to satisfy itself that the inspector’s (“quasi-judicial body here”) findings of fact or the inferences based on them were neither perverse nor irrational [...] Such an approach by an appeal tribunal on questions of fact can reasonably be expected in specialized areas of the law such as the one at issue, particularly where the facts have already been established in the course of a quasi-judicial procedure governed by many of the safeguards required by Article 6 para. 1”.³³ Therefore, according to the opinion of the ECtHR quasi-court procedures should have the same guarantees as the court procedure provides.

In general, emergence of quasi-judicial bodies in Europe was caused by complicated and time-consuming process of dispute resolution in courts. Thus, creation of quasi-courts was an additional opportunity to dispute resolution along with the administrative courts. But important to mention that disputes in quasi-courts are often considered by the professionals in the particular sphere, such as taxation, environment, pensions etc.³⁴ Therefore, one of the distinct features of quasi-judicial bodies is that they function in specific sphere and quasi-court “judges” are specialists in that area. And it could be considered as a huge benefit of quasi-courts since the examination of the dispute can be conducted by the person who has deep knowledge in the narrow and specific sphere.

In the book of Edward Jacobs «Tribunal Practice and Procedure» is mentioned: “according to Lords Guest and Devlin in *United Engineering Workers' Union vs. Devanayagam*, a person who is not a judicial officer but who has to exercise judicial power of the State is acting quasi-judicially”.³⁵ Thus, the next distinct feature is that quasi-judicial bodies is not a part of judicial system of the state and specialists who resolve cases in quasi-court are not judges in its ordinary meaning.

³² Ibid., 179.

³³ “*Bryan v. The United Kingdom*, Application no. 19178/91,” HUDOC, accessed 29 January 2026, para. 47, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57954%22%5D%7D>

³⁴ Agnė Paluckaitė, “Kvaziteisminės institucijos Lietuvoje,” Festival of Legal Thought 2022: a collection of student research articles. Vilnius: Mykolas Romeris University (2022): 303, <https://cris.mruni.eu/server/>

³⁵ Edward Jacobs, *Tribunal Practice and Procedure* (London: Legal Action Group, 2011), 30.

The main purpose of creation of quasi-judicial bodies needed to be examined since it would benefit general understanding of establishment and necessity of them. In its Recommendation, the Committee of Ministers of the Council of Europe proposed the use of amicable dispute resolution outside the judicial system, either before or during court proceedings, in order to reduce the burden on the courts and achieve more effective protection of human rights, in particular the right to a trial within a reasonable time, as enshrined in Article 6 of the European Convention on Human Rights.³⁶

Therefore, objective of quasi-court is to propose alternative resolution of the dispute to the court procedure which can be efficient and provide parties with fair motivated decision adopted by impartial body. Additionally, quasi-courts unlike courts, do not create a uniform judicial practice of dispute resolution but they are intended for prompt and effective consideration of administrative case.³⁷

Moreover, tribunals, or quasi-judicial bodies mostly presented in English law, are not as firmly bound by precedent as courts. They are focused on flexible administrative standards of decision-making rather than on the development and application of strict legal rules. However, this distinction should not be overstated, as all decision-makers are subject to some degree of pressure to maintain consistency in their decisions.³⁸ This feature related specifically to quasi-courts in English law but still it shows flexibility of the institution in general.

Moreover, quasi-judicial bodies seem to be the best way to resolve administrative disputes out-of-court. The parties of administrative relations are public body and private person. Such relations is unequal in nature since public body has more power and opportunities. In court judge is aimed at balancing such relation and is involved in the procedure to reach fairness. Alternative dispute resolution such as mediation and negotiation do not have enough tools to make the relations equal. Quasi-courts, acting in behalf of the state and being independent public authority, can better balance such relations and take control over the fairness of the dispute resolution.³⁹

The next crucial factor of quasi-judicial procedure is its obligatoriness. It is stated in some Constitutional Courts' judgements that mandatory out-of-court dispute resolution is a violation of the right to access to justice which guaranteed, inter alia, in Constitutions.⁴⁰ However, there is a case-law of CJEU where stated: "it is settled case-law that fundamental rights do not constitute

³⁶ "Recommendation of the Council of Europe R (86)," Council of Europe Committee of Ministers, accessed 10 January 2026, <https://rm.coe.int/16804f7b86>.

³⁷ Birutė Pranevičienė, "Kvaziteismai administracijos kontrolės sistemoje," Vilnius (2003): 18 quoted in Agnė Paluckaitė, "Kvaziteisminės institucijos Lietuvoje," Festival of Legal Thought 2022: a collection of student research articles. Vilnius: Mykolas Romeris University (2022): 303, <https://cris.mruni.eu/server/>

³⁸ Peter Cane, Introduction to administrative law (England: Clarendon Press, 1992), 335.

³⁹ Sofija Chyzykowska, "Alternative dispute resolution of administrative cases," (research, Mykolas Romeris University, 2026), 6.

⁴⁰ Ibid.,5.

unfettered prerogatives and may be restricted, provided that the restrictions in fact correspond to objectives of general interest pursued by the measure in question and that they do not involve, with regard to the objectives pursued, a disproportionate and intolerable interference which infringes upon the very substance of the rights guaranteed”.⁴¹ The Court established that creation of mandatory out-of-court dispute resolution may be violation in some specific situations. Therefore, it can be possible to establish obligatory quasi-judicial procedure if it would be proportionate and more efficient in comparison with limitations of the right to access to justice. In this regard it would not constitute a violation of human rights.

1.2. Classification of Quasi-Courts

Pursuant to the definition given in Merriam-Webster the word «classification» means systematic arrangement in groups or categories according to established criteria.⁴² Classification is needed to organize and separate different types of quasi-judicial bodies and their functions. A lot of classifications of quasi-judicial bodies exist in the literature depending on different grounds for classification.

The first classification is based on branch with which the institution is associated. Therefore, it can be institutions which are connected with the legislative branch. Their main function is to consider complaints about maladministration as a part of parliamentary control. They take control over executive branch and are known as the ombudsman. Moreover, it can be institution which are more connected with the executive branch. They are responsible before the government or ministers and exist in form of tribunals or commissions.⁴³ Additionally, quasi-courts may be a part of judicial branch, however, they are still not courts in their nature due to less formal procedure and flexibility, for example, as in the United Kingdom.⁴⁴

The second ground for classification is nature of quasi-judicial institution. In the lecture of Eglė Bilevičiūtė on the topic «Quasi-Court Institutions in Lithuania» was mentioned such division of quasi-courts: “Independent and not mandatory Commissions which are independent from the executive branch and not a part of public administration. The next type is mandatory quasi-courts which composed by public administration body. Such quasi-judicial institutions are also

⁴¹ “Rosalba Alassini and Others v. Telecom Italia SpA and Others, Joined Cases C-317/08 to C-320/08,” EUR-lex, accessed 5 February 2026, para 63-65, <https://eur-lex.europa.eu/legal-content/>

⁴² Definition «classification», Merriam-Webster dictionary, accessed 30 January 2026, <https://www.merriam-webster.com/dictionary/classification>

⁴³ Paluckaitė, supra note, 34:303

⁴⁴ Robert Thomas, “UK tribunals: structure, history, constitutional status, and practice,” *Administrative Tribunals in the Common Law World* (2024): 13, https://pure.manchester.ac.uk/ws/portalfiles/portal/297596874/RThomas_Tribunals_chapter_for_SSRN_October_2023.pdf

independent but their composition, appointment or election are made by public administration in accordance with procedure prescribed by law. The last type is a mandatory central public administration bodies. Technically, they are part of public administration and they consider cases in which officials of their local branches are involved”.⁴⁵

The third classification is related to the form in which quasi-judicial bodies function, in that regard tribunals, commissions and institution of ombudsman, boards etc.

Tribunals are a characteristic form of quasi-judicial institutions in English law. The large numbers of tribunals perform their functions as an appellate bodies which consider complaints on the administrative decisions adopted by public authorities or other tribunals.⁴⁶ Thus, their main function is to consider administrative decisions on the ground whether the public body applied laws relevantly to the circumstances of the case.⁴⁷ Whereas the main function of the ombudsman is to deal with complaints of private individuals on the actions of public authorities relation to maladministration. In LexisNexis maladministration defined as: “something that happened in connection with action taken by or on behalf of one of the authorities [...] which caused injustice to a member of the public. The characteristics of maladministration include bias, neglect, inattention, delay, incompetence [...]”.⁴⁸ In fact, tribunals were titled differently as commissioners, boards, courts of referees, umpires, appellate body etc.⁴⁹ Therefore, all of such titles are just names for the same institution and there is no actual difference in their nature.

Another classification is related to the level on which they function. Here the following types are distinguished. The international level quasi-judicial bodies are mostly established by different international treaties or a lot of them work under the United Nations initiative. Their activity primarily focused on the States as a responsible institution of the violation rather than separate public body. However, such institutions also may consider complaints and bring the State to the responsibility. For example, the Human Rights Committee or the Committee on the Elimination of Racial Discrimination.⁵⁰ The next level is a regional level. Here an important role plays the European Union since there are a lot of different quasi-courts established on the level of the Union. They also resolve administrative disputes which will be examined in the next Chapter. The last level is a national level, each country may create its own quasi-court institutions as an alternative to the judicial process.

The last but not least is a classification on the ground of the nature of decision of the body. Literature distinguishes two types: adopting binding decisions and non-binding. Non-binding

⁴⁵ Bilevičiūtė, supra note, 2.

⁴⁶ Cane, supra note, 38:326.

⁴⁷ Cane, supra note, 38:326.

⁴⁸ “Maladministration definition,” LexisNexis glossary, accessed 30 February 2026, <https://www.lexisnexis.co.uk/>

⁴⁹ Thomas, supra note, 44: 8, footnote 40, <https://pure.manchester.ac.uk.pdf>

⁵⁰ Fromageau, supra note, 6: section C.

decisions are of recommendatory nature, they are not mandatory for authorities and individuals to execute. For example, the institution of the European Ombudsman adopts recommendations. However, considering high respect for the Ombudsman, its decision, nevertheless, are always taken into account.⁵¹ Consequently, binding decisions are mandatory for execution for public administration and individuals, for example, decision of the Board of Appeal of European Supervisory Authorities.

As was mentioned in the previous subchapter one of the key features of a quasi-court is its compulsory nature. However, taken into account the fact that despite non-obligatory nature the recommendations of Ombudsman is taken into account due to its value, the conclusion can be made that the recommendatory nature of decisions does not deprive the body of the status of quasi-court institution if its role in the society is respectful and leads to implementation of their non-binding acts. It forms additional element of the compulsory feature mentioned above. Thus, it can be considered that compulsory nature here stems from the legal custom.

In conclusion of the Chapter, the definition of the quasi-court institution may be established. Thus, a quasi-court institution is a body established by law which is not part of the judiciary but performs judicial function, aimed at the dispute resolution, is characterized by permanence, independence, impartiality and considers the case respecting procedural guarantees determined for courts. A quasi-court may be created in a lot of forms and be connected to different branches of power. Moreover, quasi-courts may be created on the several levels: international, regional and national. International level related to the disputes where the State is involved not public body. Therefore, it is appropriate to begin the examination of existing quasi-judicial bodies from the regional level.

⁵¹ Chyzhykovska, *supra* note, 39:9.

2. QUASI-COURT INSTITUTIONS AT THE REGIONAL LEVEL

2.1 Types of Quasi-Courts on the European Level

According to the Article «The Boards of Appeal of European agencies: an overview» of Paula Chirulli: “The structure and functions of such adjudicatory bodies vary according to the sectoral founding regulations. However, they share a number of common features and represent an expeditious, accessible, specialised and less expensive instrument of rights protection bearing some resemblance to the non-judicial bodies operating in most common law countries, such as tribunals in the UK”.⁵² Each body which adjudicates in each sphere should be assess applying the features of quasi-court stated in the decision of the CJEU.

Initially, it worth mentioning that the CJEU has made a general conclusion regarding such Boards. Thus, the Court mentioned that these are internal administrative review bodies that operate within agencies. They have a certain degree of autonomy and conduct quasi-judicial review of cases in an adversarial nature. They are composed of both lawyers and experts, which provide with a better assessment of appeals by the competent persons. In addition, they may also consider cases concerning third parties, if this is provided for by the regulatory acts governing their establishment and powers.⁵³

The first sphere is financial. A High Level Group decided that something had had to be done in order to protect citizens and solidify trust in the financial system following the 2008 global financial crisis. Therefore, in January 2011, the European System of Financial Supervision was created. The system consist of 3 European supervisory authorities: the European Insurance and Occupational Pensions Authority, the European Securities and Markets Authority and the European Banking Authority.⁵⁴ Activities which such Authorities carry out are established by Regulations, so called the ESAs’ Regulations.

The ESAs’ Regulations created a specific body – the Board of Appeal of the European Supervisory Authorities (hereinafter — the Board of Appeal of the ESA) which considers cases related to the decisions adopted by such Authorities. According to Article 58 of the ESAs’ Regulations the Board of Appeal of the ESA should consist of 6 members and 6 alternates. The candidates should be citizens of the Union and should have a good reputation and deep knowledge

⁵² Paula Chirulli, “The Boards of Appeal of European agencies: an overview,” Journal for the society for advanced legal studies, 103 (2015): 2, <https://share.google/opIYxZiklEShWGSQi>

⁵³ “ Case C-46/21 P,” EUR-lex, accessed 10 March 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62021CJ0046>

⁵⁴ “European Supervisory Authorities.” EUR-lex, accessed 10 February 2026, <https://eur-lex.europa.eu/EN/legal-content/glossary/european-supervisory-authorities-esas.html>

of Union law, banking or other financial services and speak at least two official languages of the Union.⁵⁵ Under the ESAs' Regulations the term of office of the members of the Board is 5 years and they may be reappointed once. Thus, the body and the procedure of its activity are established by law and it follows rules of law. Additionally, the fact that it is established by law is enough to consider the Board of Appeal of the ESA as a permanent body.

The most important feature of the Board of Appeal of the ESA is its independence. The Board of Appeal of the ESA is independent in adoption of its decision and it is not mandatory for the Board to follow any instructions. The Board of Appeal of the ESA is also impartial since it is forbidden under the ESAs' Regulations to consider a case if a member has its personal interest in the case or was previously a part of the appealed decision. Each Member of the Board is obliged to act independently and in public interest. The procedure through which the Board of Appeal of the ESA decides upon a case is prescribed by rules of procedure which it adopts on its own.⁵⁶

Under Article 60 of the ESAs' Regulations a decision of the Authority may be appealed by any individual or legal entity, including competent authorities, when the decision is addressed to them or when, although addressed to someone else, it directly and individually affects their interests. The appeal, along with supporting grounds, must be filed in writing no later than three months after the affected person is notified of the decision.⁵⁷

If the application is admissible then the Board of Appeal of the ESA considers whether it is well-founded. The parties may file observations on its own notifications or on communications from the other parties to the appeal proceedings and make oral statements. The Board of Appeal of the ESA may either confirm the decision taken by the Authority or return the case to the Authority. The Authority is bound by the decision of the Board of Appeal of the ESA and should adopt new decision in compliance with it.⁵⁸ The appellant should submit the appeal by filing a notice of appeal with the Secretariat of the Board of Appeal of the ESA. The respondent should set out its case in a response. The Board of Appeal of the ESA during the proceeding may assess any evidence and its value. The proceeding should be public, unless the Board of Appeals directs, upon request from a party or on its own initiative, and with good reason, that it should be private.⁵⁹ The above-mentioned confirmed that the proceeding in the Board is inter partes since there are established parties — appellant and respondent which have enshrined rights. Moreover, it has a compulsory jurisdiction since its decision is mandatory for the Authority and it is bound by it.

⁵⁵ "Regulation (EU) No 1093/2010," EUR-lex, accessed 10 February 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32010R1093>

⁵⁶ *ibid.*

⁵⁷ *ibid.*

⁵⁸ *ibid.*

⁵⁹ "Board of Appeal of the European Supervisory Authorities Rules of Procedure", EIOPA website, accessed 10 February 2026, <https://www.eiopa.europa.eu/system/files/2021-01/boa-rules-of-procedure-2020.pdf>

Moreover, in order to examine if the Board of Appeal of ESA is a quasi-judicial body, it should be understood whether the Board is performing a judicial function. According to the decision of the Board in case NOVIS Insurance Company against the European Insurance and Occupational Pensions Authority: “this dispute concerns the taxation of costs [...]”, so it means that the decision is aimed at resolving of the dispute. Having examined the decision, it is seen that the Board of Appeal also gave reasons for its decision, distinguished costs to reimburse and provided legal assessment of the circumstances of the case.⁶⁰ Therefore, all of the foregoing give reasons to claim that the Board of Appeal of ESA performs judicial function.

On the basis on the above, comparing the features of quasi-courts analyzed in Chapter 1 and characteristics of the Board of Appeal of the ESA, it could be concluded that the Board of Appeal of the ESA is a quasi-court institution.

The next sphere is intellectual property. The specific Board of Appeal called upon to review decisions adopted by European Union Intellectual Property Office concerning European Union trademarks, designs, and geographical indications.⁶¹ However, it must be pointed that creation and detailed proceeding before the Board of Appeal are prescribed only by Regulation on the European Union trade mark and there are not such provisions in the other Regulation such as Regulation on Community designs. In particular, that was held by the General Court in its judgement in case Case T-515/19.⁶² Therefore, creation of the Board of Appeal is prescribed by law and it gives all reasons to claim that this body is permanent and acts in accordance with rules of law.

The Boards of Appeal consists of 5 different Boards and the Grand Board. They are controlled by the President who is appointed by the Council of Ministers. The Presidium is in charge of defining the rules and overseeing the organization of activity of the Boards.⁶³ Members of the Board of Appeal should be appointed for five-year term with the right to extend this period for one more five-year period. The Board of Appeal should be independent and is not a subject to any binding instructions. Moreover, members of the Board of Appeal should meet all of the requirement of impartiality which were analyzed above for the members of the Board of Appeal of the ESA.⁶⁴

According to the Article 165 of the Regulation on the European Union trade mark: “In certain specific cases, decisions shall be taken by the Grand Board chaired by the President of the

⁶⁰ “NOVIS Insurance Company, decision of the Board of Appeal of ESA,” ESMA website, accessed 17 February 2026, <https://www.eiopa.europa.eu/doc>

⁶¹ “Organization of Boards of Appeal”, EUIPO website, accessed 17 February 2026, <https://www.euipo.europa.eu/en/boards-of-appeal/organisation>

⁶² “Lego A/S v European Union Intellectual Property Office, case T-515/19, General Court,” EUR-lex, accessed 17 February 2026, para 44, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62019TJ0515>

⁶³ supra note, 61.

⁶⁴ “Regulation (EU) 2017/1001,” EUR-lex, accessed 18 February 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R1001>

Boards of Appeal or by a single member, who shall be legally qualified. In order to determine the special cases [...] account should be taken of the legal difficulty or the importance of the case or of special circumstances which justify it”.⁶⁵

The decisions of the Boards of Appeal are adopted by three members according to the rules of procedure that should be established by the Board of Appeal. According to the Rules of Procedure of the Boards of Appeal the appeal, firstly, directs to the Registrar who examines whether it complies with the requirements and is admissible. The defendant may provide the Board of Appeal with its response or submit a cross appeal which should be done during the time limits given for response. The proceeding may be written or oral. Talking about the written after the appeal and response second round of written submissions can be granted by the Board of Appeals if it is necessary for the proceedings. Moreover, the Board also has a right to invite a party to comment on the other party submission. Regarding the oral hearing it could be carried out at the request of the party or by its own motion by the Board of Appeals. Oral hearing is held in public. Here is seen one of the main rights — right to be heard.⁶⁶

Right to be heard is a basic principle of any procedure before court. Thus, in decision of the Constitutional Court of Ukraine is stated: “only if a person's right to be heard in court is respected can the court fulfill its constitutional duty - to independently and impartially, taking into account the point of view of the interested person, consider all specific aspects of the case and, on this basis, issue a reasoned (motivated) court decision”.⁶⁷ Therefore, it means that the Board of Appeal in its procedures follow the basic principles of judicial procedures which is one of the key features of the quasi-court institutions.

Additionally, in the case T-164/02 General Court held that the Board of Appeal may perform a review of both facts and law. Thus, the Court established: “It has been held that [...] the Board of Appeal is required to base its decision on all the matters of fact and of law which the party concerned introduced either in the proceedings before the department which heard the application at first instance or, [...] in the appeal”.⁶⁸ This indicated that the Board of Appeal acts truly similar to the court of the first instance which also has power to review decisions of public bodies and assess both facts and application of law.

Having examined the Rules of Procedure of Board of Appeal it was observed that some Articles mentioned about the ex parte proceeding which is opposite to the inter partes proceeding.

⁶⁵ *ibid.*

⁶⁶ “Rules of Procedure of the Boards of Appeal of EUIPO,” EUIPO website, accessed 20 February 2026, https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/about_euipo/

⁶⁷ “Decision of the Constitutional Court of Ukraine in case № 3-88/2022”, website of the Verkhovna Rada of Ukraine, accessed 20 February 2026, para.6.3, <https://zakon.rada.gov.ua/laws/show/v008p710-24#top>

⁶⁸ “Kaul v OHMI – Bayer, case T-164/02”, Infocuria, accessed 20 February, para. 29, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62002TJ0164_SUM

Thus, under the Board it is possible two types of procedure: *inter partes* and *ex parte*.⁶⁹ However, as was examined in Chapter 1 the procedure in quasi-courts should involve two parties not only one. Therefore, conclusion can be made that whether the Board of Appeal is a quasi-court should be assessed regarding each specific case. And only if the procedure related to two parties it could be a quasi-judicial body. Otherwise, the Board of Appeal is lack of one of the feature and, therefore, cannot be consider as a quasi-court.

Furthermore, the Board of Appeals should examine all evidence and adopt a decision. The decision of the Board of Appeal should, as far as possible, clearly state the grounds, facts and evidence which have influence on the decision. If the was annulled the Board of Appeal returns the case to the body which made the annulled decision.⁷⁰ Consequently, this body performs a judicial function since its activity is related to the resolution of the dispute through the procedure prescribed by law and which ends with the adoption of the decision based on evidence.

To sum up, examining all of the features of the Board of Appeal and comparing them to the features of the quasi-court institution which stated in Chapter 1 it can be claimed that the Board of Appeal is a quasi-court with a small remark regarding *ex parte* procedure.

The next sphere is data protection. European Data Protection Board (hereinafter — the Board) works in this area. Its activity regulated by General Data Protection Regulation (hereinafter — GDPR) and the Law Enforcement Directive. It performs its task according to the rules of procedure which it establishes by own. The Board was created in order to ensure relevant application of GDPR and resolve disputes. However, such a disputes is only related to some conflict situations between supervisory authorities, not private individuals and public bodies⁷¹. This fact differs the Board from other quasi-judicial bodies which were analysed in this Chapter.

It worth mentioning that pursuant to Article paragraph 2(c) of Article 65 of GDPR the Board has power to consider cases which related to the conflict between two authorities regarding their competence⁷². It is a clear power of administrative courts to resolve such types of disputes since, for example, in Article 19 of the Code of Administrative Procedure of Ukraine it stated that administrative court jurisdiction covers disputes between public authorities regarding distinction of their competences, including delegated powers.⁷³ Therefore, here is a clear performing of the one judicial powers by the Board.

⁶⁹ *supra* note, 66

⁷⁰ *supra* note, 66

⁷¹ “Regulation (EU) 2016/679 (General Data Protection Regulation),” EUR-lex, accessed 22 February 2026, <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng>

⁷² *ibid.*

⁷³ “The Code of Administrative Procedure of Ukraine”, website of the Verkhovna Rada of Ukraine, accessed 22 February 2026, <https://zakon.rada.gov.ua/laws/show/2747-15#Text>

As stated above activity of the Board is regulation by Regulation and Directive of the European Union so it is body established by law and also, consequently, permanent. Article 65 of GDPR enshrined that the Board within its activity regarding cases should adopt binding decisions and this fact indicates compulsory nature of the Board.

The decisions of the Board are not addressed to the private individuals but they have influence on them. As the General Court mentioned in Joined Cases T-70/23, T-84/23 and T-111/23: “if the lead supervisory authority has to supplement its analysis and investigation in respect of a case, [...] following an EDPB (“the Board”) binding decision it is not obliged to do so without delay, as a priority over its other tasks”.⁷⁴ As the Board may adopt a decision about the investigation of the authority and the authority should execute it then the Board may indirectly influence the rights of the private individuals. It was held by CJEU in case C-97/23-P where it examined whether private individual has a right to apply to the General Court in order to annul binding decision of the Board. CJEU established: “the Court states that the fact that the challenged act is not directly enforceable against the applicant and the fact that the act concerned is not the final stage of a composite procedure do not preclude that act from being of direct concern to the applicant where the addressee of that act has no discretion”.⁷⁵ Therefore, decision of the Board may also be related to private persons and it should be assessed in each case.

Under Article 69 of GDPR the Boards should perform its tasks independently and may not obtain any instructions or demands from other public bodies or individuals. The procedure of appointment of the members of the Board also shows its independence. Thus, the Board is composed of the heads of the National data protection authorities of the countries in the European Economic Area and a European Data Protection Supervisor.⁷⁶ Hence, the Board is independent from any of the European Union institutions. This conclusion was also made by the General Court which in Joined Cases T-70/23, T-84/23 and T-111/23 established: “What is important is that the bodies scrutinising the supervisory bodies should themselves be independent. This is the case with the EDPB, as it is composed of the supervisory authorities of the Member States and the European Data Protection Supervisor, which is itself an independent authority vis-à-vis the EU institutions and other entities under its supervision”.⁷⁷

⁷⁴ “Data Protection Commission v European Data Protection Board, Joined Cases T-70/23, T-84/23 and T-111/23”, EUR-lex, accessed 22 February 2026, para. 80, <https://eur-lex.europa.eu/eli/C/2025/1640/oj/eng>

⁷⁵ “WhatsApp Ireland Ltd v European Data Protection Board, Case C-97/23-P, ”, EUR-lex, accessed 22 February 2026, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62023CJ0097_RES

⁷⁶ “Information on Data Protection Board,” website of EDPB, accessed 22 February 2026, https://www.edpb.europa.eu/about-edpb/who-we-are/european-data-protection-board_en

⁷⁷ “Data Protection Commission v European Data Protection Board, Joined Cases T-70/23, T-84/23 and T-111/23,” EUR-lex, accessed 22 February 2026, para.82, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023TJ0070>

The Rules of Procedure of the Board (hereinafter — the Rules) prescribes process of resolution of the disputes by the Board. The first, the authorities should submit all of the necessary information through the system. The information should include all of the documents and evidence which are needed. Then the next rule which enshrined in the Rules is obligation of the Board to heard all of the persons which the decision can affect. Eventually, to adopt final decision the Board examines and analyses only the documents which were provided by the authority and the other supervisory authority concerned before the matter is referred to the Board. And further may examine information which was taken as realization of the right to be heard. But under extraordinary circumstances the Board may accept and decide to consider other evidence which are useful and required to efficient resolution of the case. The authorities should be aware of the taken decision and perform it as soon as possible.⁷⁸

Having performed examination of the legislation which regulates and enshrines the Board powers and activity, summary can be made that the Board is a quasi-court institution since it possesses all of the characteristics of a quasi-court and at the same time are not a part of judiciary.

The forth sphere is chemical safety where the Board of Appeal of European Chemicals Agency (hereinafter — the Board of Appeal of ECHA) works. The legislation which enshrined powers and activity of it is so-called REACH Regulation. The Board of Appeal of ECHA considers appeals against decisions of ECHA so decisions of public bodies. Therefore, the Board of Appeal of ECHA resolves disputes between private individuals and public bodies as an administrative court does. Moreover, its functioning is established by law. The procedure is inter partes since it involves a dispute between two parties.

The Board of Appeal of ECHA consists of the Chairman and two members which may be substituted by two alternatives which are appointed together. As stated in the REACH Regulation the Chairman, members, and alternates are appointed by the Management Board from candidates nominated by the European Commission after a public call for expressions of interest published in the European Union Official Journal and other media or websites. Selection is based on their appropriate experience and knowledge in chemical safety, natural sciences, or regulatory and judicial procedures, using an approved list of qualified candidates.⁷⁹ The fact that candidates of the position of the members should be aware of the judicial procedure gives rise to claim that the Board of Appeal of ECHA in its activity uses standard and rules of judicial procedure.

The Members may hold their position 5 years with the right to be reappointed once. One of the important features of the Board is its independence. The REACH Regulation requires the

⁷⁸ “European Data Protection Board Rules of Procedure,” EDPB website, accessed 23 February 2026, <https://www.edpb.europa.eu/s>

⁷⁹ “Regulation (EC) No 1907/2006,” EUR-lex, accessed 23 February 2026, <https://eur-lex.europa.eu/legal-content/>

Board of Appeal of ECHA to be independent and it is not mandatory for ECHA to follow any instructions and their decisions should be based on the law of the European Union. Moreover, the Members should also be impartial and may not perform other duties in the ECHA. If the Member has personal interest in resolution of the dispute, they may not be involved in the process of appeal of the decision of the ECHA.⁸⁰

Moreover, in its decision in the case T-755/17 the General Court established: “the objectives [...] is to allow the addressees of such decisions to review those decisions not only concerning legal aspects, but also concerning technical aspects. Concerning those technical aspects, as a result of the competences of the members of the Board of Appeal, the intensity of the review conducted by that board is greater than that of a review carried out by the EU Courts”.⁸¹ In its last sentence CJEU, in fact, admit that the Board of Appeal of ECHA partially perform judicial function but technically it is not a part of judiciary. Additionally, the Court added that if the Board of Appeal did not have power to analyze appeals which is aimed at seeking substantive errors in ECHA decisions it would violate right to effective remedy for the purposes of Article 47(1) of the Charter of Fundamental Rights of the European Union.⁸²

Under Article 92 of the REACH Regulation any private individual has right to appeal decision which is directly addressed to that person or is of direct individual concern.⁸³ During the appeal process, parties are encouraged to submit appeals and other procedural documents using the online form provided by the Board of Appeal of ECHA. It has also prepared templates and a checklist to assist parties in preparing their documents. Although the use of these templates is not mandatory, it is recommended that they may be used as it helps to organize their submissions more clearly. In addition to written submissions, parties are also entitled to present their arguments orally. Hearings may take place in person or remotely. Hearings are normally open to the public but the Board of Appeal of ECHA may decide to hold them in camera if there are compelling reasons to do so, such as discussing confidential information.⁸⁴

The Board of Appeal is moving to a new operating model, whereby its members will no longer be ECHA staff. Instead, they will be appointed to participate in appeal procedures on an ad hoc basis as cases arise. This ad hoc structure is expected to be in place no later than the end of the five-year mandates of the current staff members, approximately on 30 November 2026.

⁸⁰ Ibid.

⁸¹ “Federal Republic of Germany v European Chemicals Agency, case T-755/17,” Infocuria, accessed 23 February 2026, para. 55, <https://infocuria.curia.europa.eu/t>

⁸² Ibid. para.57.

⁸³ *supra* note, 79.

⁸⁴ “Appeal procedure,” ECHA website, accessed 24 February 2026, <https://echa.europa.eu/regulations/appeals>

However, the procedure of dispute resolution will not change.⁸⁵ This fact should be analyzed from the point of view of feature of permanency of a quasi-courts.

According to Wex: ad hoc is Latin for "to this" and means "for this purpose only". Common examples are an ad hoc committee or an ad hoc commission created for a specific or one-time purpose to address issues that fall outside the scope of other existing committees or commissions".⁸⁶ Thus, from the first view, the establishment of the body may mean that it is not a permanent body. However, the procedure will remain the same. Members of the Board of Appeal of ECHA will be expected to be available enshrined numbers of time per year only for specific case but persons who will consider each case will be unchanged for the term of their powers.⁸⁷ Therefore, the body, in fact, will not be dissolved after consideration of each case. That means that the legal status of the Board of Appeal of ECHA as a permanent body will be preserved, nevertheless.

To sum up, having examined the body, a quasi-judicial nature of the Board of Appeal of ECHA is established since it is follow all of the features which are characterized for quasi-judicial body.

The fifth sphere is aviation safety. For that purpose the European Union Aviation Safety Agency was created. Special Board of Appeal (hereinafter — the Board of Appeal of EASA) functions in order to review decisions of the Agency which was established by the Regulation 2018/1139. The Members of the Board of Appeal of EASA, as in other Boards previously mentioned, are appointed based on a list of qualified candidates and the term of their office is five years with the right to be reappointed. Moreover, as some of the above-mentioned Boards it is aimed at resolution of the dispute between two parties.⁸⁸

A specificity of the Board of Appeal of EASA is its independence since under the Regulation is stated that it is a part of the administrative structure of the Agency. However, at the same time, the members of the Board of Appeal of EASA should be independent and impartial. During the adoption of the decision it should not be subject to instructions made by any bodies.⁸⁹ Therefore, the Board of Appeal of EASA is not fully independent in terms of its organizational structure, but in practice it operates independently, being a part of another body.

⁸⁵ "Who we are," ECHA website, accessed 27 February 2026, <https://echa.europa.eu/about-us/who-we-are/board-of-appeal/the-board-of-appeal>

⁸⁶ "ad hoc," Wex dictionary, accessed 28 February 2026, https://www.law.cornell.edu/wex/ad_hoc

⁸⁷ "Call for expression of interest in the appointment as member and alternate/additional member of the Board of Appeal of the European Chemicals Agency," EUR-lex, accessed 28 February 2026, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C_202601397

⁸⁸ "Regulation (EU) 2018/1139", EUR-lex, accessed 27 February 2026, <https://eur-lex.europa.eu/eli/reg/2018/1139/oj/eng>

⁸⁹ Ibid.

The procedure starts with the appeal which can be submitted by any private person if the decision of Agency directly concerns them. The next step is that the Board of Appeal of EASA assesses regarding its admissibility and whether it is well founded. Additionally, the Board of Appeal of EASA considering the dispute should invite parties to provide written submissions or decide on its own initiative or upon request of the parties to hold an oral hearing if necessary. Under the Article 113 of the Regulation 2018/1139 in case the Board of Appeal finds the claim inadmissible or ill-founded it should reject it, in case the appeal is admissible and motivated it remits the case to the Agency. The Agency must issue a new reasoned decision, considering the decision of the Board of Appeal.⁹⁰ The last sentence gives grounds to claim that decisions of the Board of Appeal of EASA is binding since the Agency should take it into account when adopting a new decision, thereby establishing the compulsory nature of the Board of Appeal of EASA.

Moreover, the compulsory nature of the Board of Appeal of EASA is confirmed by the Article 37 of the Rules of Procedure where stated that : “actions for the annulment of decisions of the Agency taken pursuant to some Articles [...] of the Basic Regulation may be brought before the Court of Justice only after all appeal procedures within the Agency have been exhausted”.⁹¹ The same was held by the General Court which in its judgement in case T-102/13 established: “nevertheless, the consequence of this reclassification is that the pleas in law and arguments about the alleged irregularities relating to the initial decision, such as a lack of grounds or insufficient grounds for that decision, must be dismissed as ineffective as the Court can only rule on the legality of the Board of Appeal decision”.⁹² Therefore, in some cases before applying to the Court of Justice private individuals should obligatory apply to the Board of Appeal of EASA.

Based on the above analysis, the Board of Appeal of EASA can be described as a quasi-judicial, given that it reflects the features of a quasi-judicial institution.

The next sphere is competition. Under Article 101 of TFEU: “The following shall be prohibited as incompatible with the internal market: all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the internal market [...]”. Pursuant to Article 105 of TFEU it is within the power of the Commission to ensure implementation of the provisions of Article 101 of TFEU. The Commission should investigate suspected violations of these principles either upon request from a Member State or on its own initiative, working in cooperation with national competent

⁹⁰ supra note, 88.

⁹¹ “Rules of procedure of the Board Of Appeal of EASA,” EASA website, accessed 27 February 2026, <https://www.easa.europa.eu/sit>

⁹² “Heli-Flight GmbH & Co. KG v European Aviation Safety Agency, case T-102/13,” EUR-lex, accessed 28 February 2026, para.32, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62013TJ0102>

authorities that should assist it. If a breach is confirmed, the Commission should recommend appropriate actions to bring it to an end.⁹³

Thus, in order to achieve such tasks of European Commission (hereinafter — the Commission) the Directorate-General for Competition was established. It is primarily responsible for these direct enforcement powers. Under the Regulation №1/2003 of 16 December 2002 European Commission has powers to bring infringement of the competition rules enshrined in TFEU to the end. The above may be done by own initiative of the Commission or on the obtained complaint. The complaint may be submitted by any private individual, whether natural or legal person, if they show interest in lodging this complaint.⁹⁴ Here it should be noted that if an investigation starts by own initiative of the Commission, the procedure cannot be considered as a quasi-judicial and the Commission acts here not in quasi-judicial role. Since one of the features of quasi-judicial bodies is the procedure *inter partes*. However, if the Commission is initiator of the investigation, it can't be assumed that the procedure will take place between parties. Here is only one party — person against whom the Commission will conduct investigations. Therefore, such a procedure seems to be an administrative one. On the other hand, the procedure upon complaint is conducted between two parties, consequently it possesses *inter partes* feature.

In case of infringement of competition rules the Commission may adopt a decision and impose whether behavioral or structural remedies. Remedies should be proportionate to the committed infringement and necessary to bring the infringement effectively to an end.⁹⁵ Thus, there is no clear definition of both behavioral and structural remedies. Structural remedies is mostly defined as changes of internal structure of the legal person through transfer of property rights and it does not give rise to further relationships between previous and new owner. Whereas behavioral remedies is a detailed and complicated plan for activity which required certain behavior.⁹⁶ Such power of the Commission demonstrates that the Commission in such type of procedure performs judicial function since it adopts decisions aimed at resolution of the dispute and even may impose some sanctions related to restructuring of the legal person.

According to the Article 9 of the above-mentioned Regulation: “where the Commission intends to adopt a decision requiring that an infringement be brought to an end and the undertakings concerned offer commitments to meet the concerns expressed to them by the Commission in its preliminary assessment, the Commission may by decision make those

⁹³ *supra* note, 8.

⁹⁴ “Council Regulation (EC) No 1/2003,” EUR-lex, accessed 27 February 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003R0001-20090701>

⁹⁵ *Ibid.*

⁹⁶ Frank P. Maier-Rigaud, “Behavioural versus Structural Remedies in EU Competition Law,” *European Competition Law Annual* (2013): 210-211, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2457594

commitments binding on the undertakings”.⁹⁷ Therefore, decisions of the Commission adopted in the competition sphere have binding affect and indicates the next feature of Commission activity — compulsory character. Permanency character of the Commission and performance of the powers according to the law is beyond doubt since it is one of the fundamental bodies within the European Union.

Regarding the procedure of the investigation the Commission has power to conduct inspections and examination of the undertaking which it considers as necessary. And what is important is to ensure right to a fair procedure therefore the Regulation enshrined the right of the parties to be heard. And parties should comment all objections which the Commission uses. On the other hand, the Commission has to base its decision only on arguments on which the parties gave their comments. Moreover, Regulation also provides with the right to defense and be aware of the material of the case considered against them except for confidential information. In general, parties should be associated closely with the procedure. The procedure enshrined also protection of the rights of the third parties which may, if the case is in direct concern, lodge their comments or explanations regarding the case.⁹⁸

The General Court also held that the Commission is bound to respect both the substantive provisions of EU law and the procedural guarantees protecting undertakings’ rights in competition proceedings. This interpretation is consistent with one of the aims of the Regulation, which seeks to reconcile the effective enforcement of EU competition law with the protection of fundamental rights.⁹⁹ Therefore, the procedure before the Commission is characterized by the presence of important procedural guarantees inherent in the judicial process such as right to be heard, right to defense or protection of rights of affected third parties.

On the basis of the above, it could be concluded that European Commission may be considered as a quasi-judicial institution in competition sphere. In this area it possesses all of the features which distinguish quasi-court institutions from other bodies. It considers cases between parties, conducts investigations and adopts binding decisions paying attention to the ensuring of the human rights during such activities.

2.2 European Ombudsman as a Specific Quasi-Court Institution

The word ombudsman is related to Swedish word «ombud» which means a representative of another person. The first establishment of the institution of the Ombudsman was in Sweden in

⁹⁷ supra note, 94.

⁹⁸ supra note, 94.

⁹⁹ Damirchayev M. I. and Komarov V. V. and Komarova T. V., “Protection of Ukrainian business in the European Union competition law,” *Financial and credit activity problems of theory and practice* 31,4 (2019): 108, https://www.researchgate.net/publication/339667284_PROTECTION_OF_UKRAINIAN_BUSSINESS_IN_THE_EUROPEAN_UNION_COMPETITION_LAW

1809. Thus, the Swedish Constitution created a body which had power to control actions of the executive branch and ensure implementation of the principle of separation of powers.¹⁰⁰

According to the book «Alternative dispute resolution in European administrative law» of Dacian Dragos which was cited in the research of Sofiia Chyzykovska «Alternative dispute resolution of administrative cases»: “...generally, the Ombudsman institutions, depending on the powers provided to them by the legal system, investigate behavior of the state administration following a complaint, on their own initiative or based on a reference from some other body, and thus they can potentially solve the dispute between these subjects before it reaches the stage of a judicial dispute solution”.¹⁰¹ Thus, its role is to investigate complaints from citizens and making recommendations to the Parliament concerning the actions of public officials.

Despite the importance of traditional oversight mechanisms, including judicial review and parliamentary oversight, these instruments often face difficulties in terms of accessibility, procedural burden and efficiency. Therefore, ombudsman institutions have emerged as additional non-judicial means of dealing with administrative complaints. Their powers to supervise the activities of public authorities allow them to respond effectively to cases of maladministration and abuse of administrative powers. In their independent role, ombudsmen strengthen the protection of individual rights, promote administrative transparency and support the development of good governance.¹⁰²

According to the Recommendations № R(85) 13 on the institution of the Ombudsman: “it is suggested to the State consider the possibility of appointing an Ombudsman at national, regional or local level or for specific areas of public administration. and to consider empowering the Ombudsman, where this is not already the case, to give particular consideration, within his general competence, to the human rights matters under his scrutiny and, if not incompatible with national legislation, to initiate investigations and to give opinions when questions of human rights are involved”.¹⁰³

Based on this suggestions the Venice Commission adopted its Principles on the protection and promotion of the Ombudsman institution. Thus, according to them, the Ombudsman institution should be established on the legal basis, preferably on the constitutional level and then specified on the level of statutes. Its legal status should be considered as an independent, impartial and legitimate, therefore, the process of appointment or election of the person on the Ombudsman

¹⁰⁰ Chyzykovska, supra note, 39:7

¹⁰¹ Dacian C. Dragos and Bogdana Neamtu, “Alternative dispute resolution in European administrative law” (Springer, 2014), 573, quoted in supra note, 39: 7

¹⁰² Zhyvko, M., and Dombrovska, A., and Kiblyk, D., “The Role of Ombudsman Institutions in Administrative Accountability: a Comparative Perspective,” Public Administration and Law Review 21,1 (2025): 88. <https://public.scnchub.com/palr/index.php/palr/article/view/248/226>

¹⁰³ “Recommendations № R(85) 13 on the institution of the Ombudsman”, the Council of Europe, accessed 2 March 2026, <https://rm.coe.int/cmrec-85-13-on-the-institution-of-the-ombudsman/1680a43b56>

position should facilitate such features of its legal status. Moreover, the Venice Commission enshrined that the Ombudsman may have discretionary power in investigation taking into account existing administrative remedies. The Ombudsman can issue specific recommendations to any bodies or institutions. They also have power to require officials and authorities to provide a response within a reasonable time determined by the Ombudsman.¹⁰⁴

Consequently, necessity to introduce the institution of Ombudsman was caused by the fact that actions of public authorities should be considered by the body which has enough independence to ensure and protect human rights from the activity of public bodies. Such a body had to be something similar to court but simultaneously be more flexible, time-saving and efficient. Considering the fact that each country has its own history, traditions and cultural peculiarities, the institution of the Ombudsman has its own specificity as well. It leads to existence of different types of Ombudsmen in several countries which will be examined in the next Chapter.

In general, the Ombudsman institution has all of the features inherent in quasi-court institution. Firstly, it is aimed at dispute resolution which is alternative to the court, consequently it is not within the judiciary power, it is independent and impartial body. Moreover, the legal status of the Ombudsman is established by law, mostly in Constitutions and it has permanent character. However, it is significant to examine character of the decisions which the Ombudsman adopts.

The Ombudsman does not have the power to issue legally binding recommendations, which can be seen as a structural weakness. However, granting such powers would effectively turn the Ombudsman into a court, fundamentally changing the nature of the institution. The Ombudsman is designed to operate on the basis of trust from both the public and the state administration, relying on his ability to evaluate situations fairly and impartially, guided by the principles of equality and justice. In the relatively few cases where state authorities do not want to implement the Ombudsman's recommendations, the responsibility for responding falls to other mechanisms of democratic control.¹⁰⁵ The Ombudsman should adopt recommendations as a result of their activity which it spreads among bodies concerned. Public bodies have to even provide reasons for rejection of Ombudsman's recommendations in several countries.¹⁰⁶

Regarding the mandatory character of the acts of the Ombudsman the European Court of Human Rights in case *Egmez v. Cyprus* established that the applicant maintained before the domestic courts that he had been subjected to conduct by state police officers in the breach of Article 3 of the ECHR, which protects individuals against inhuman or degrading treatment.

¹⁰⁴ "Principles on the protection and promotion of the ombudsman institution," the Venice Commission website, accessed 2 March 2026, <https://www.venice.coe.int/webforms/>

¹⁰⁵ Joseph Zammit McKeon, "The Ombudsman: Strengthening access to justice," Times Malta, (2025), <https://ombudsman.org.mt/news-and-events/the-ombudsman-strengthening-access-to-justice/>

¹⁰⁶ Chyzykowska, *supra* note, 39.

Furthermore, rather than pursuing judicial proceedings, the applicant decided to submit a complaint to the Ombudsman. The Ombudsman opened an investigation and later issued a report concluding that the applicant was subject to the maladministration. Nevertheless, the Ombudsman's mandate did not extend to ordering specific corrective actions or imposing penalties on those responsible. However, ECtHR found that the mere publication of such findings was sufficient to engage the State's procedural obligations under Article 3. In particular, the authorities were required to initiate an effective investigation of their own motion, which should have resulted not only in confirming the bodies who did so but also in ensuring that appropriate sanctions were applied.¹⁰⁷ Therefore, despite the fact that Ombudsman may not issue binding decision its high role and respect lead to reaction on its decision from the public authorities.

Julia Laffranque in her Article «The Ombudsman in the Eyes of the European Court of Human Rights» concluded: “the conditions for a fair trial as specified in Article 6 ECHR and the case law of the ECtHR are applicable to the procedure before the Ombudsman if the Ombudsman determines the applicant's civil rights and obligations, including (to a certain extent) dealing also with administrative cases [...]. According to the existing case law of the ECtHR, among these rights are those to a public hearing, publication and accessibility of the decisions (including on the website), foreseeability, and reasoning of the decision of the Ombudsman”.¹⁰⁸

Thus, it can be concluded that institution of the Ombudsman is a quasi-court institution. Ombudsman is characterized by its independence, permanence, legality and respect for its decisions and some of the judicial procedural requirements.

On the European Union level is existing European Ombudsman institution which activity consists of consideration of maladministration. In fact, the European Ombudsman is both the ombudsman for the European Union in general and a coordinator for gathering all of the Ombudsmen of European Union countries and candidates countries within the European Network of Ombudsmen.¹⁰⁹

The establishment of European Ombudsman is closely related to citizenship of the European Union. The history of creation of the institution of European Ombudsman dates back to May 1990 when the Spanish delegation proposed its plan on Political Union and one of the aspect of which was European citizenship. The plan involved enshrining of rights of citizens of the Union in Treaty on European Union and additionally establishment of the mechanism which has power to protect and ensure such rights on the level of European Union. Such function, as was suggested

¹⁰⁷ Julia Laffranque, “The Ombudsman in the Eyes of the European Court of Human Rights,” *Juridica International* 29 (2020): para.1.1, https://juridicainternational.eu/public/pdf/ji_2020_29_95.pdf

¹⁰⁸ Ibid., para. 2.1

¹⁰⁹ Martin Guillaume and Dimitri Oudin, “The European Ombudsman: Defending Democracy and Human Rights Amidst the Crisis in Ukraine,” *Caucasus Journal of Social Sciences* 17,1 (2024): 211, <https://cjss.ug.edu.ge/index.php/cjss/article/view/280/281>

by the Spanish delegation, should be concentrated in the hands of European Ombudsman to whom the citizens may have right to lodge their complaints. Furthermore, the institution of European Ombudsman was supported by the European Parliament, government and head of States. Then Spanish delegation provided more detailed plan which consisted of 10 Articles, 1-8 Articles enshrined rights of the citizens and Article 9 established special ways of protection of these rights. It has been proposed to create an Ombudsman in each Member State. The role would aim to support EU citizens in defending their rights in the Union. The Ombudsman would help individuals interact with administrative bodies, both in the European Union and in national governments, and could represent them or help them bring their cases before the courts when necessary. Moreover, the European Ombudsman had to have task to inform citizens of the European Union regarding their rights. Eventually, the European Ombudsman was created under Maastricht Treaty which was in force from 1993. Citizenship in the European Union implies that its institutions and bodies must be responsible to the public. This accountability is exercised both through democratically elected representatives and through legal and administrative oversight mechanisms comparable to those used at the national level to supervise public authorities. In this context, the European Ombudsman plays a significant role in promoting proper administration within European Union institutions and agencies. Since citizens have only limited opportunities to submit cases directly to the Union courts, the Ombudsman provides an important alternative channel for addressing complaints.¹¹⁰

Pursuant to Article 228 of TFEU the European Ombudsman works with complaints of any private individual who is citizen of the European Union or has its registration within the European Union on the activities of the Union institutions, bodies, offices or agencies, except for CJEU acting in its judicial role. It is also stated: “in accordance with his duties, the Ombudsman shall conduct inquiries for which he finds grounds, either on his own initiative or on the basis of complaints submitted to him direct or through a Member of the European Parliament, except where the alleged facts are or have been the subject of legal proceedings”.¹¹¹ The power of the European Ombudsman is limited to the maladministration of the bodies of the European Union, so it is not possible to submit a complain to European Ombudsman regarding actions of the public bodies the Member States. For that internal mechanisms of the Member States exist.

Under the Regulation № 2021/1163 of 24 June 2021 (hereinafter — Regulation on the Ombudsman) : “the Ombudsman should be elected by the European Parliament at the beginning of the parliamentary term and for the duration thereof, chosen from among persons who are

¹¹⁰ Paweł Zawadzki, “Origin of the European Ombudsman,” *Miscellanea historico-iuridica* 19 (2020): 453-455, https://www.researchgate.net/publication/352967977_Origin_of_the_European_Ombudsman

¹¹¹ *supra* note, 8.

citizens of the Union and who offer all requisite guarantees of independence and competence”.¹¹² Article 12 of the Regulation on the Ombudsman also provides with requirements for the person who may be a candidate for the position of the European Ombudsman, thus, the person should be a citizen of the Union, have full civil and political rights, offer every guarantee of independence, meet the conditions required for the exercise of the highest judicial office in their country or have the acknowledged competence and qualifications to undertake the duties of the Ombudsman, and have not been members of national governments or members of the European Parliament, the European Council or the European Commission within the two years preceding the date of publication of the call for nominations. The appointment procedure of the European Ombudsman should be transparent. The European Ombudsman should be reelected after each election of the European Parliament and the previous person may be reelected. It is significant to mention that European Ombudsman possesses the same conditions of benefits and advantages as a judge at the Court of Justice.¹¹³ The last sentence is further proof that the institution of European Ombudsman is a quasi-court institution since the Ombudsman has the same social security as judges have.

The next significant element of legal status of the European Ombudsman is to examine is independence of the European Ombudsman. Thus, pursuant to paragraph 3 of Article 228 of TFEU: “the Ombudsman shall be completely independent in the performance of his duties. In the performance of those duties he shall neither seek nor take instructions from any Government, institution, body, office or entity. The Ombudsman may not, during his term of office, engage in any other occupation, whether gainful or not”.¹¹⁴ Moreover, in order to prevent the institution of the Ombudsman from illegal invasion in its activity, Article 16 of the Regulation on the Ombudsman provide it an adequate budget which will be efficient and enough to protect its independence.¹¹⁵

Additionally, the independence of the Ombudsman is ensured by Code of Conduct of the European Ombudsman (hereinafter — the Code). Thus, the European Ombudsman should submit declaration of interest in order to recognize whether it has a conflict of interest in the future in exercising its powers. The Code of interest define conflict of interest as such: “The Ombudsman shall declare any financial interests or assets or other private interests which might create an actual, apparent or potential conflict of interest in the performance of her duties. A conflict of interest involves a conflict between the public duty and private interests of a public official, in which the

¹¹² “Regulation № 2021/1163, Statute of the European Ombudsman,” EUR-lex, accessed 4 March 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R1163>

¹¹³ Ibid.

¹¹⁴ *supra* note, 8.

¹¹⁵ *supra* note, 112.

public official's private-capacity interests could improperly influence the performance of their official duties and responsibilities [...]”.¹¹⁶

Also, powers of the European Ombudsman may be ceased only by the decision of the CJEU upon an application of the European Parliament and only on grounds strictly enshrined in the Regulation on the Ombudsman.¹¹⁷ Therefore, on the basis of the above it could be concluded that the Ombudsman, in fact, is an independent authority which falls within the feature of quasi-judicial institution.

The procedure of investigation starts whether with the complaint, which can be lodged directly by private individual or through the Member of the European Parliament, or by own initiative of the Ombudsman. Article 2 of the Regulation on the Ombudsman enshrined requirements for the complaint. Thus, it should make clear reference to its object and identify the person who applies to the Ombudsman. Moreover, the person may ask for complaint to be confidential. The complaint should be filed within two years from the date on which the facts on which it is based became known to the complainant. Before filing it, person must have turned to the relevant Union body with the appropriate administrative means. The complaint may be declared as inadmissible or manifestly unfounded. Inadmissibility of the complaint is when the complaint whether not within the scope of Ombudsman's power or if the requirements for the complaint were not met. The European Ombudsman should direct the person to the relevant body if their complaint is not authorization of the Ombudsman. In case of manifestly unfounded complaint the Ombudsman closes the procedure and provides the person with thus information. If the complaint is admissible the European Ombudsman proceeds with the procedure and inform about it the body of the European Union concerned. The procedure of own initiative of the Ombudsman may be started in case of sufficient grounds and where maladministration is on high level of seriousness. These inquiries are conducted to address matters of public interest. In the course of such inquiries, the Ombudsman may additionally propose measures or initiatives aimed at improving administrative practice in the bodies of the European Union.¹¹⁸

According to the Regulation on the Ombudsman Union institutions, bodies, offices, agencies, and the competent authorities of Member States are under a duty of active cooperation with the Ombudsman. They must supply, without undue delay, any information requested for the purposes of an inquiry, and may also proactively provide relevant materials. The institution or body concerned can, either on its own initiative or at the request, submit observations,

¹¹⁶ “Code of Conduct for the European Ombudsman”, the European Ombudsman website, accessed 5 March 2026,

¹¹⁷ Herwig C.H. Hofmann, "The developing role of the European Ombudsman," in the Accountability in the EU: The Role of the European Ombudsman, Herwig C.H. Hofmann, Jacques Ziller (Edward Elgar Publishing, 2017), 6, <https://www.elgaronline.com/edcollchap/edcoll/9781785367304/9781785367304.00006.xml>

¹¹⁸ supra note, 112.

explanations, or evidence that may assist the investigation. Furthermore, officials are obliged to be heard when requested, giving statements on facts connected to the ongoing inquiry, ensuring the Ombudsman has full access to both documentary and testimonial evidence necessary for effective oversight.¹¹⁹ Such a features of the procedure before the European Ombudsman give reasons to claim that it is an adversarial process where both parties may be heard and present their opinions or evidence as a judicial process is.

In general, the European Ombudsman possess wide power to carry out investigation regarding the complaint. It should as soon as possible find a solution for the issue stated in the complaint and inform concerned person about its decision. In case of confirmed maladministration the Ombudsman should provide the body concerned with the recommendations and notify it regarding its decision. The concerned body should inform the European Ombudsman regarding its opinion of the case of maladministration within three month. If the body refused to provide the Ombudsman with its explanation, the procedure should be closed. Furthermore, the Ombudsman has to direct report with the recommendations to the concerned body and even in case of serious illegal actions of the body to the European Parliament.¹²⁰

The next significant subject to examine is types of misconduct of public bodies which the European Ombudsman may investigate. As neither TFEU nor the Regulation on Ombudsman provide with explanation or definition of maladministration in their understanding. Each European Ombudsman understood such misconduct differently. The first European Ombudsman carried out its investigation regarding any action of public authority where it perform its functions in contradiction to European Union law. However, the first Ombudsman also was convinced that misconduct of public bodies may also have stemmed from the general principles of European Union law which was established by CJEU case law. Nowadays, the European Ombudsman typically relies on two main criteria when assessing whether a situation constitutes maladministration. At first, it examines whether the body acted in accordance with the law, in particular, whether all relevant procedural and substantive rights of individuals were respected. In simple terms, this involves determining the legality of the act or decision in question. However, this examination does not extend to assessing how the discretionary powers exercised, provided they remain within the legal mandate of the body. In such cases, the European Ombudsman can review the legality of the act or decision itself but not the policy decisions taken by administrative bodies in the exercise of their powers. At second, it examines whether such misconduct affected the purpose of public administration — ensuring rights of the citizens.¹²¹

¹¹⁹ *supra* note, 112.

¹²⁰ *supra* note, 112.

¹²¹ *supra* note, 117: 12-13

The institution of European Ombudsman, as was stated before, has wide power, in particular, discretionary power. It was also held by case of law of CJEU. In its Case C-337/15 P the General Court concluded that in order to provide efficient and careful investigation the Ombudsman possess discretionary power to examine merits of case, to resolve the case in general and which ways of resolution use in its inquires. It is not significant which type of investigation the European Ombudsman carries out whether on the complaint or by its own initiative. However, exercising such discretionary power, the European Ombudsman should respect the principle of diligence. The principle means that the body should analyze all of the circumstances of the case carefully, coherent and in conjunction with all of the necessary information.¹²²

Besides, the power of European Ombudsman has some limitations. In particular, the European Ombudsman cannot intervene in a situation where the public administration is obliged to act in a particular way under European Union law or a court decision. Activity of the public body carried out within such legal obligations cannot be considered maladministration, even if they are «illegal» from the point of view of the complainant.¹²³

On the basis of the above it could be seen that the European Ombudsman had quite extensive authority to investigate cases of maladministration of public bodies within the Union. However, in comparison to judicial branch the European Ombudsman possess limited powers since it may not investigate actions of judiciary, adoption of legal acts of the European Parliament. This fact also confirms quasi-judicial nature of the European Ombudsman since its powers are more narrow than judicial one. Nevertheless, the institution of the European Ombudsman the same as judiciary has its main function — protection of the rights of the citizens of the European Union against public bodies. In such way it seeks for a resolution of the disputes between them and ensures more efficient and professional performing of duties of public administration.

The role of the European Ombudsman may be assessed through summaries of its activity. Pursuant to the Regulation on the Ombudsman the European Ombudsman should submit its annual report to the Parliament and if necessary include there evaluation of the level of adherence to its recommendations. Thus, in its annual report from 2024 the European Ombudsman mentioned a lot of recommendation made to the European Commission, it held a lot of positive actions which was made by the Commission, for example in the area of decision of infringement of European Union law. Moreover, the European Ombudsman proposed to the European Commission to expand its regulations in the sphere of Artificial Intelligence, particularly, to improve activity of it in public administration and ensure that it is within the requirements established by Artificial

¹²² “European Ombudsman v Claire Staelen, case C-337/15 P,” EUR-lex, accessed 6 March 2026, para 11, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62015CJ0337>

¹²³ *supra* note, 117: 12-13

Intelligence Act. The Ombudsman proposed to advance transparency of EU-US Trade and Technology Council and resilience and responsibility of public administration. The Ombudsman helped almost 20.000 of people in 2024 and opened 415 inquiries, 411 of them were based on the complaint from private individuals.¹²⁴

Additionally, in the European Ombudsman's Strategy for the 2025-2029 mandate stated as was cited Sofiia Chyzykowska «Alternative dispute resolution of administrative cases»: "since the Office was established in 1995, the Ombudsman has dealt with over 68 000 complaints and conducted close to 10 000 inquiries".¹²⁵ The report of work carried out by the European Ombudsman gives rise to claim that the institution is quite efficient based on cases it considered. Moreover, number of complaints indicates existing struggles in activity of public bodies but simultaneously it demonstrates respect and trust of the citizens in such as institution. Having analyzed report of the Ombudsman, it could be concluded that the Ombudsman deeply examined all of the issues arisen from public administration and initiated a lot of improvements and proposals how to tackle them.

In addition to resolving individual cases, the European Ombudsman's work aims to promote broader and longer-term improvements. It encourages the European Union bodies to more actively implement the rules on public access to documents and to adopt a more open and forward-looking approach to transparency in general. Some of its recommendations are particularly ambitious, require considerable effort and sometimes require the revision of long-standing institutional procedures and practices.¹²⁶

Moreover, from the beginning of the full Russian invasion in 2022 on the territory of Ukraine, the European Ombudsman ensure protection of the rights of refugees within the European Union, in particular, access to healthcare, employment, housing, education, and social services. In relation to the sanctions imposed on Russia, the European Ombudsman focused on promoting transparency by giving EU citizens access to documents held by the European Commission regarding measures related to sanctions.¹²⁷ Therefore, as can be seen the European Ombudsman's role not only ensuring and protection of human rights through improvement of activity of public bodies but also through direct implementation of the rights.

To sum up the Chapter, it should be mentioned that specificity of quasi-courts at the European Union level is that they mostly exist as independent Boards which function as a quasi-

¹²⁴ "Annual report 2024 of the European Ombudsman," The European Ombudsman, accessed 5 March 2026, <https://www.ombudsman.europa.eu/en/doc/annual-report/en/202253>

¹²⁵ "The European Ombudsman's Strategy for the 2025-2029 mandate," the European Ombudsman, accessed 5 March 2026, <https://www.ombudsman.europa.eu>.

¹²⁶ Markus Spoerer, "The European Ombudsman's role in access to documents," ERA Forum 23 (2022): 256, <https://link.springer.com/article/10.1007/s12027-022-00717-6>

¹²⁷ *supra* note, 109 : 215.

judicial institution within the agency and are aimed at reviewing of decisions adopted by its agency in particular sphere. What is similar to all of the Boards is the fact that its decision are obligatory to follow for the agency during reexamination of the case. The next analyzed quasi-court institution was the European Ombudsman. Its activity is related to maladministration of European Union public bodies. Such an institution is a truly effective mechanism for protection of the rights of citizens of the European Union due to respect, trust and flexibility of the procedure. Its role in European Union area has significant impact which was confirmed by the reports of its activity.

Hence, having analyzed quasi-judicial bodies on the European regional level, the consideration of quasi-courts can be continued with the national level of selected countries.

3. EXAMPLES OF QUASI-COURT INSTITUTIONS AND THEIR ROLE IN SELECTED EUROPEAN COUNTRIES

3.1. Quasi-Court Institutions in France

As was stated before, in the literature is existing the point of view that the first quasi-court institution in the continental Europe was Conseil d'état or State Council of France (hereinafter — the Council). This body is a quasi-judicial in nature since it has two aims — to consider disputes between citizens and the public administration, and to provide legal opinions to the Government and the Parliament on their draft legal acts.¹²⁸ The fact that besides judicial power the Council proposes recommendations gives rise to claim that the Council is not a regular court. Its power is a mix of judicial and legislative powers. However, it is significant to explore such an institution in more detailed way.

The history of establishment of the Council dates back to 1799 in the Constitution of that time. The Council had power to make drafts of the statutes and then defend them before the Parliament and to resolve disputes between citizens and administration. However, actions of the Council should be approved by the Head of the State. Furthermore, the Council became an independent authority for resolution of the disputes in administrative sphere in May 1872.¹²⁹ In such way with the development of administrative justice in continental Europe, the Council also adjusted.

Later on in 2008 the Constitution of France established that the Council had also power to adopt preliminary judgements regarding the constitutionality of statutes and then had to apply to the Constitutional Council of France for examination of such question. Moreover, the Constitutional Council recognized that the Council is the highest body in system of administrative justice. Nowadays Constitution of France enshrined powers of the public bodies to consult with the Council while adopting Statutes, Ordinances, Government Bills.¹³⁰

Such powers also specified in in Article L111-1 of the Code of Administrative Justice where is stated: “The Council of State is the highest administrative court. It rules, without further possibility of appeal, on appeals on points of law lodged against judgments rendered at the last instance by the various administrative courts and tribunals and on cases that are referred to it as a

¹²⁸ “ The Council of State,” official website of the Council of State, accessed 7 March 2026, <https://www.conseil-etat.fr/qui-sommes-nous/le-conseil-d-etat>

¹²⁹ “Administrative justice, from its origins to the present day,” official website of the Council of State, accessed 7 March 2026, <https://www.conseil-etat.fr/qui-sommes-nous/le-conseil-d-etat/histoire-et-patrimoine/la-justice-administrative-des-origines-a-aujourd-hui>

¹³⁰ “ The Constitution of France,” the Constitutional Council of France website, accessed 7 March 2026, <https://www.conseil-constitutionnel.fr/en/constitution-of-4-october-1958>

court of first instance or as an appeal court”. And Article L112-1 enshrined: “The Council of State is involved in the preparation of laws and ordinances. Proposals prepared by the government are referred to it by the Prime Minister. [...] The Council of State gives its opinions on draft decrees and any other draft provisions [...] the Council of State gives its opinion and proposes any changes that it deems to be necessary. It also prepares and drafts provisions [...]”.¹³¹ These provisions confirm that the Council has double nature — judicial and legislative. This specificity is not inherent in the judicial power as such since administrative courts, even higher ones, do not involved in the performing legislative branch duties. This causes that the Council could be considered as a quasi-court.

Further investigation should be related to establishment of other features of quasi-court. There are no doubts in its legality since as was stated above the activity of the Council is regulated by both Constitution of France and the Code of Administrative Justice. Thus, Article L112-5 of the Code of Administrative Justice established that the Council should investigate the administrative courts and tribunals on a permanent basis.¹³² It means that the Council carries out its powers on regular basis.

Members of the Council are appointed by decree of Council of Minister upon the proposal of the Minister of Justice.¹³³ Here one more specificity of the Council can be seen since the procedure of appointment the Council indicates its dependence from the executive branch. In such way the legal status of the Council can be described as such: perform judicial power and a part of legislative but in fact is not a part of this branch and depended from the executive branch through the procedure of its Members appointment.

Under Article L121-3 of the Code of Administrative Justice enshrined that the Council consists of a Litigation Section and Administrative Sections. The Litigation Section deals with disputes between citizens, associations or businesses and the administration. It also deals with disputes between two authorities. There are 10 existing parts within the Litigation Section which deal with different sphere of public life.¹³⁴

Individuals or legal entities who consider that their rights and freedoms have been violated may appeal administrative decisions to the Council. The Council generally hears these cases after they have been examined by lower administrative courts and courts of appeal. However, if the decision in question was issued by a national authority, for example, the President, the Government or an independent administrative body then the case may be submitted directly to the Council. Its

¹³¹ “The Code of Administrative Justice of France,” Legifrance, accessed 8 March 2026, https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070933/LEGISCTA000006118208/#LEGISCTA000006118208

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Ibid.

decisions are binding on state authorities and the Council is responsible for ensuring their proper implementation.¹³⁵

The role of the Council in France is significant since it possess high respect for its activity from the administration and citizens. The Council has adopted a lot of conclusion in its cases which had influence on the legislation in France. For instance, the case law of the Council had established the principle of silence equal to rejection. Thus, according to such principle if public body does not provide the person with the reaction on their appeal such inaction means rejection and, therefore, can be challenged before the administrative court. Furthermore, this principle was enshrined in law. Moreover, the Council in the absence of procedural rules in administrative justice works as a creator of case law which administrative courts will follow in the future.¹³⁶ In such way the Council plays role in public order of France, performing its tasks as an court and advisor on legal acts which are defined the Council as a quasi-court institution.

The next body to examine is the Commission on Access to Administrative Documents of France (hereinafter — CADA). Pursuant to the Code of Relations between the Public and the Administration (hereinafter — the Code of Relations) CADA is an independent administrative body. However, pursuant to Article L342-1 of the Code of Relations: “the Commission for Access to Administrative Documents issues opinions when it is approached by a person who has been refused access to an administrative document or its publication [...] has been refused access to documents in public archives or their provision, [...] and acts and documents created or received by parliamentary assemblies, or in the event of an adverse decision on the reuse of public information”. Moreover, CADA performs functions related to bringing guilty persons to liability for infringement of rules of access to the information as a result of the procedure of giving opinions.¹³⁷ Therefore, powers of CADA give rise to claim that CADA performs judicial functions since it resolve disputes between individuals and public body, being an administrative body.

Under Article L342-1 of the Code of Relations application to CADA for the opinion is obligatory requirement before submitting appeal to the court.¹³⁸ This provision found its reflection in practice, in particular, the Council of State in its decisions confirmed that application to the CADA for its conclusion before submission of the lawsuit to the court is an obligatory step which determines the admissibility of legal proceedings.¹³⁹ This fact means that CADA has compulsory

¹³⁵ “Missions of the State Council”, official website of the Council of State, accessed 10 March 2026, <https://www.conseil-etat.fr/qui-sommes-nous/le-conseil-d-etat/missions>

¹³⁶ Dacian, *supra* note, 101: 64-65.

¹³⁷ “Code of Relations between the Public and the Administration,” Legifrance, accessed 10 March 2026, https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000031366350/

¹³⁸ *Ibid.*

¹³⁹ “Decision of the Council of State of France № 488227,” Legifrance, accessed 10 March 2026, <https://www.legifrance.gouv.fr/ceta/id/CETATEXT000049267166>

nature. Additionally, CADA works according to the Code of Relations, therefore, it is established by law and has permanent character.

CADA consist of 11 members which qualification enshrined in the Code on Relations for each person and several bodies who should propose candidacy. The head of CADA should be appointed by decree of the President and other Members by decree of the Prime Minister.¹⁴⁰ Such complicated procedure of appointment of Member of CADA facilitates to its independence since proposition of candidates makes a lot number of public bodies from different branches of state power, this approach prevents CADA from possible dependence from other public bodies and ensure impartiality in adoption of decisions.

The role of CADA is that it helps ensure transparency in government operations through research and recommendations that the government often follows and shares its understanding of the rules. It can suggest changes to government to improve people's access to information. It can also impose fines on those who violate the rules of the code that governs public interactions with the government, when it comes to the reuse of public information.¹⁴¹

Therefore, CADA could be considered as a quasi-court institution since it resolve disputes between citizens and public bodies in specific area, legitimate, permanent and independent body. In addition, it is mandatory to apply to CADA before submit lawsuit to the court.

As was stated in previous Chapter the institution of Ombudsman is a quasi-judicial body. Thus, it is necessary to examine activity of such institution in France. Establishment of the Ombudsman in France was enshrined in the Constitution of France. The institution of the Ombudsman was created in 2011 by merging four institutions: the Ombudsman of the Republic, the Ombudsman for Children, the High Authority for Combating Discrimination and for Equality, and the National Security Ethics Commission. In 2016, the legislator added a fifth mission to the institution: the protection of whistleblowers.¹⁴²

The name of the French Ombudsman is Défenseur des Droits or the Defender of Rights in English (hereinafter — the Defender). Thus, pursuant to Article 71-1 : “the Defender of Rights shall ensure the due respect of rights and freedoms by state administrations, territorial communities, public legal entities, as well as by all bodies carrying out a public service mission or by those that the Institutional Act decides fall within his remit”.¹⁴³ Activity of the Defender specified in Organic law. The Defender is appointed by the President of France for six-year term and cannot be appointed twice.¹⁴⁴

¹⁴⁰ supra note, 137

¹⁴¹ “The role of CADA,” CADA website, accessed 11 March 2026, <https://www.cada.fr/lacada/le-role-de-la-cada>

¹⁴² “The Defender of Rights,” the Defender of Rights website, accessed 11 March 2026, <https://www.defenseurdesdroits.fr/decouvrir-le-defenseur-des-droits-197>

¹⁴³ supra note, 130.

¹⁴⁴ supra note, 130.

The Organic law № 2011-333 of March 29, 2011 (hereinafter — the Organic law) regarding the Defender of Rights enshrined that the Defender is an independent administrative body who may not obtain and ask for any instructions from other bodies. One of the features of its independence is that opportunity to dismiss the Defender from its position is only possible under specified grounds and the other one is that the Defender cannot be brought to the liability, be arrested or convicted for opinions expressed or actions taken in the performance of their functions. Therefore, it possess immunity while performing its duties.¹⁴⁵

Moreover, the Constitutional Council of France in its decision № 2022-838 DC held that the Defender is an independent authority. Thus, the Constitutional Council of France mentioned: “according to the second paragraph of Section I of Article 11, the Prime Minister appoints the Deputy Ombudsman upon his proposal. These provisions ensure the independence of the Ombudsman. This independence means that the Prime Minister may also terminate the duties of the Deputy Ombudsman responsible for supporting whistleblowers upon the proposal of the Ombudsman”.¹⁴⁶

According to Article 5 of the Organic law: “the Defender of Rights may be contacted by any natural or legal person who believes that his or her rights and freedoms have been violated by the activities of a state administration, local government body, state institution or organization entrusted with performing public duties. [...] In addition, the Defender of Rights may initiate proceedings on his or her own initiative or be notified by the legal representatives of the person whose rights and freedoms have been violated”.¹⁴⁷

The Defender has power to hear person who lodge complaint to it, obtain information from public bodies, conduct inquiries in private or public places and in order to make such inquiries the Defender may apply to a court for access. During the procedure of instigation the Defender may even propose for the parties to conclude an amicable agreement or propose mediation to resolve their dispute. The Defender may adopt opinions and recommendations to ensure implementation and protection of human rights.¹⁴⁸ These powers of the Defender indicates how close to the judicial process the procedure before the Defender is since some of possibilities and rights of the court are enshrined in investigation of the Defender.

According to the information which stated on the official website of the Defender, there are 120 000 analyzed each year and approximately 80 percentage of settlements were successfully brought to the end. Therefore, its role in protection of human rights is really important and

¹⁴⁵ “The Organic Law on the Defender of Rights,” Legifrance, accessed 10 March 2026, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000023781167>

¹⁴⁶ “Decision № 2022-838 DC of the Constitutional Council of France,” the Constitutional Council website, accessed 10 March 2026, para. 11, <https://www.conseil-constitutionnel.fr/decision/2022/2022838DC.htm>

¹⁴⁷ supra note, 145.

¹⁴⁸ supra note, 145.

significant. The Defender also provides people with learning of their rights and ways of their protection¹⁴⁹.

A significant role of the Defender of Rights can be demonstrated through the case of the French Nancy Court of Appeal. Thus, in its decisions the Nancy Court of Appeal made a reference to the Defender of Rights opinion that the Pension Fund of France and the social security system, in general, are not capable enough to ensure and perform their tasks. He also mentioned about a lot of drawbacks of the procedures which are long-lasting and complicated and that the social security system needs to be reformed. The Nancy Court of Appeal held the opinion of the Defender of Rights and adopted a decision which reflects the Defender of Rights position.¹⁵⁰ Besides, the Paris Court of Appeal also paid attention to the conclusion of the Defender of Rights and provided additional analysis on possible interpretation of legal acts in order to provide parties with proper guarantees against the risk that checks will avoid any effective judicial review.¹⁵¹ Therefore, the conclusions Defender of Rights are appreciated and followed by courts in France and it can be said that the Defender of Rights works as a valuable complement to the judiciary.

To sum up, the above-mentioned quasi-court institutions which exist in France play crucial role, especially in protection of human rights, in particular, the Council has influence on legislation adoption and the same time being a creator of administrative procedure rules and principles. CADA issues conclusions which are obligatory to obtain in order to apply to the court and provides recommendations on how to improve access to information. Defender of Rights acts as a complement, opinions of which are often followed by courts.

3.2. Quasi-Court Institutions in Lithuania

As stated in research «Quasi-judicial institutions in Lithuania» of Agnė Paluckaitė: “the main quasi-judicial institutions in Lithuania are the Administrative Disputes Commission, the Ombudsmen of the Seimas of Lithuania, the Tax Disputes Commission. It is emphasized that the system of resolving administrative disputes is dualistic, in other words, the protection of individual rights is ensured by judicial and pre-trial institutions”.¹⁵² Therefore, it is essential to examine each of the institution and defined its role in protection of human rights in Lithuania.

The first quasi-judicial body which should be examined is Tax Dispute Commission (hereinafter — the Tax Commission). Thus, in its judgement in case № C385/ 09 Nidera

¹⁴⁹ supra note, 142.

¹⁵⁰ “Case № 21/00905, decision of the Nancy Court of Appeal,” the Court of Cassation website, accessed 20 March 2026, <https://www.courdecassation.fr/dec>

¹⁵¹ “Case № 13/24284, decision of the Paris Court of Appeal,” the Court of Cassation website, accessed 20 March 2026, <https://www.courdecassation.fr/decision>

¹⁵² Paluckaitė, supra note, 34: 302

Handelscompagnie BV v. State Tax Inspectorate CJEU examined the features of the court or tribunal which may request for preliminary ruling before the Court of Justice and assessed whether the Tax Commission has the following features which have been examined before in Chapter 1. The feature of independence of the Tax Commission was appealed by Government since the Tax Commission works under Ministry of Finance. The Court of Justice established that the Tax Commission possess necessary independence, even being a part of structural organization of Ministry of Finance since it has strict rules which guarantees its independence and impartiality which enshrined in law. Thus, the Court of Justice held that the Tax Commission is the court or tribunal which has power to apply to CJEU for preliminary ruling.¹⁵³ The Tax Commission is an independent administrative body in its nature which works under Ministry of finance. Paying attention to the judgement of CJEU which recognized the Tax Commission as court or tribunal, the conclusion can be made that the Tax Commission is a quasi-court institution.

For further examination it is necessary to be acknowledged with legal acts which regulate its activity. Pursuant to Article 151 of the Law on Tax Administration: “the Tax Disputes Commission shall consider: tax disputes arising between a taxpayer and the central tax administrator; tax disputes between a taxpayer and the central tax administrator regarding decisions of the central tax administrator made after considering taxpayers' complaints against decisions of the local tax administrator; tax disputes between a taxpayer and the central tax administrator, if the central tax administrator has not made a decision on the tax dispute within the time limits established by this Law”.¹⁵⁴ Additionally, the Law on Tax Administration provides with the aim of the Tax Commission and it is objective examination of appeal with adoption of motivated decision.¹⁵⁵ Powers of the Tax Commission demonstrates that it is a body which resolve legal disputes which arise from the actions of public body in the sphere of taxation and such resolution is motivated by protection of human rights and fair examination of the case.

It worth mentioning that according to Article 145 of the Law on Tax Administration: “This Law establishes and regulates the mandatory pre-trial procedure for considering tax disputes. This provision does not limit the right of a taxpayer to directly apply to court after the central tax administrator has made a relevant decision on a tax dispute”.¹⁵⁶ This Article should be examined from the point of view of rights of the person to use whether the pre-litigation mechanisms or the court.

¹⁵³ “Nidera Handelscompagnie BV v. State Tax Inspectorate, case № C385/ 09,” EUR-lex, accessed 15 March 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62016CJ0387>

¹⁵⁴ “Law on Tax Administration of Lithuania,” Teises Aktu Registras, accessed 15 March 2026, <https://www.e-tar.lt/portal/lt/legalAct/TAR.3EB34933E485/asr>

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

Thus, tax disputes may be resolved by central tax administrator, by quasi-court institution — the Tax Commission and administrative courts. The only one power of the central tax administrator is resolve disputes between taxpayer and local tax administrator such a decision may be appeal to the Tax Commission or the court.¹⁵⁷ Therefore, the Article means that the person mandatory should apply to pre-trial procedures before central tax administrator or the Tax Commission in accordance with their power and only after that submit an appeal to the court. However, if person uses at least one pre-trial mechanism whether central tax administrator or the Tax Commission it may apply to the court. Thus, it is not obligatory to initiate procedure before the Tax Commission after central tax administrator decision. Therefore, conclusion can be made that the procedure before the Tax Commission is mandatory except appellation of the decision of made by central tax administrator after consideration of tax dispute. Thus, compulsory nature of Tax Commission is established.

As stated in research of Eglė Bilevičiūtė and Birutė Pranevičienė «The role of quasi-courts in controlling the legality of public administration: prerequisites for systematisation of pre-trial tax dispute resolution in Lithuania»: “the Supreme Administrative Court of Lithuania noted that the purpose of the institute for Pre-trial Administrative Dispute Resolution is to enable the competent authorities to examine and resolve a legal issue (administrative dispute) to the maximum extent and under the same conditions as in the Administrative Court. This means that the purpose of such method of dispute resolution is not to obstruct the defense of the allegedly violated rights or interests, but, on the contrary, to establish an additional mechanism that could solve the mentioned legal conflicts”.¹⁵⁸ Therefore, such a mandatory way of tax dispute resolution was held by the Supreme Administrative Court of Lithuania as useful and flexible way of conflict resolution which can only complement the dispute resolution for parties due to its speed and effectiveness.

The procedure before the Tax Commission is quite similar to court process. Thus, pursuant to Article 155 of Law on Tax Administration in order to apply to the Tax Commission the person should lodge its appeal through the central tax administrator. Then the process of preparation to the consideration of the case starts. The central tax administrator should prepare all of the materials and provide the Tax Commission with it, the other party should also be acquainted with the information from materials. The decision should be adopted within 60 days and the parties should be notified about it. Decisions is made by a majority vote of the members of the Tax Commission.

The most interesting is that the Tax Commission adopt its decision only on evidence that were submitted to the central tax administrator save for the situation of impossibility to lodge such

¹⁵⁷ Ibid.

¹⁵⁸ Bilevičiūtė and Pranevičienė, *supra* note, 30:184

an evidence earlier.¹⁵⁹ The last provision is look like provision from the process before the court of appeal which only reinforce the conclusion about quasi-judicial nature of the Tax Commission.

The confirmation that the Tax Commission resolves disputes in accordance with the rule of law can be found in its case law. Thus, the Commission resolving a dispute regarding fine in the amount of 3000 EUR concluded that the person should be exempted from paying a fine in the amount of 2400 EUR. The ground for such conclusions was deep analysis of the behavior of the payer by the Commission. It was stated that the economic sanctions must be proportional to the violation committed, otherwise a fine imposed will not be an effective, fair measure against further violations. The Commission consideration in such way truly reflects principle of fairness during the procedure and indicates that the Commission not are just aimed at resolution of the dispute but adaptation of reasonable and fair decision in accordance with principles of law.¹⁶⁰

The role of the Tax Commission can be analyzed based on the statistics of dispute resolution published in its official website. Thus, in 2024 the Tax Commission adopted 283 decision regarding private individuals. 54 percent of such decisions was in favour of tax administrator whereas 46 in favour of private individuals. Moreover, the Supreme Administrative Court of Lithuania and the Regional Administrative Court adopted procedural decisions on 60 decisions of the Commission of which the decisions and rulings confirmed the calculated amount of EUR 6,340,857 million, while the amount of EUR 510,135 million was annulled and the amount of EUR 102,003 in taxes was transferred to the tax administrator for reconsideration.¹⁶¹ Such a large number of confirmed decision by the Courts indicates professional activity of the Tax Commission and its efficiency in dispute resolution.

The next body to consider is the Ombudsman of Lithuania. The Constitution of Lithuania in Article 73 enshrined that misconduct of public authorities except judges should be investigated by Seimas Ombudspersons (hereinafter — the Ombudspersons) and the Constitution of Lithuania established that the Ombudspersons even may initiate before the court dismissal of officials from their positions for such misconduct. What is important for independence of the Ombudspersons in Lithuania is that the Constitution of Lithuania enshrined establishment of power of the Ombudspersons should be only in law.¹⁶² That means powers may not be specified in subordinate legal act but only in act of the Parliament. This prevents the institution from possible intervention of other public bodies.

¹⁵⁹ supra note, 154.

¹⁶⁰ “Decision of the Tax Dispute Commission, Nr. S-2026/S-2026/17 (7-2025/190),” the Tax Dispute Commission website, accessed 15 March 2026, [https://mgk.lrv.lt/public/canonical/1775214228/1365/2026-02-06_Sprendimas_Nr.S-17_\(7-2025-190\).pdf](https://mgk.lrv.lt/public/canonical/1775214228/1365/2026-02-06_Sprendimas_Nr.S-17_(7-2025-190).pdf)

¹⁶¹ “Information 2024,” The Tax Disputes Commission website, accessed 15 March 2026, <https://mgk.lrv.lt/lt/atviri-duomenys/>

¹⁶² “The Constitution of Lithuania,” The Constitutional Court official website, accessed 15 March 2026 <https://www.lrs.lt/home/Konstitucija/Constitution.htm>

Thus, powers of the Ombudspersons is enshrined in the Law on the Seimas Ombudspersons'. Objectives which followed by the Ombudspersons are protection of good governance, ensure implementation of human rights, to struggle possible unlawful application of force by public authorities and human trafficking. These powers are ensured by principles of their activity which also enshrined in the Law on the Seimas Ombudspersons' such as respect for person and state, freedom of activity, legality, independence, impartiality and justice.¹⁶³ The principle of independence and legality should be examined in more detailed way since existence of such features is crucial for quasi-court institution.

Thus, Article 4 of the Law on the Seimas Ombudspersons' specifies rules of independence of the Seimas Ombudsmen. Thus, they should act in accordance with the Constitution of Lithuania, the Law on the Seimas Ombudspersons' and other legal acts. They may not be subordinated to other public bodies, each of them is independent and equal within its powers and competence.¹⁶⁴ Consequently, the Ombudspersons are established by law and should act within the law and legal principles. The independence is also important feature of the Ombudspersons since it facilitates fair investigations of the case.

The Parliament should appoint two Ombudspersons. If person alleges about violation of its right, they may lodge a complaint to the Ombudsperson for abuse of office from the public body. Besides the complaint can be submitted by the Member of the Parliament or the investigation may start on own initiative of the Ombudsperson. Conducting the investigation the Ombudspersons may access to information necessary for the procedure, may request public bodies or ask for their comments or receive an explanation from private individuals. Moreover, the Ombudspersons may draw up protocols on bringing to administrative liability for failure to comply with its requests.¹⁶⁵ Thus, requests of the Ombudspersons have mandatory character since existence of the liability for their non-fulfilment indicates its mandatory nature and that every person should follow such requests.

Additionally, as a result of procedure the Ombudsman may adopt its recommendations or proposals and send to the public authority concerned. And it is obligatory for the public body to consider such proposal and notify the Ombudspersons regarding its opinion or comments otherwise the public body may be brought to the liability.¹⁶⁶

As stated on the official website of the Office of Ombudspersons: “the Seimas Ombudspersons also carry out national prevention of torture in places of deprivation of liberty in

¹⁶³ “Law on the Seimas Ombudspersons',” Teises Aktu Registras, accessed 16 March 2026, <https://e-tar.lt/portal/lt/legalAct/TAR.EC01522BCE65>

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Seimas Ombudsmen's Office is an institution that performs the function of the national rapporteur on combating trafficking in human beings and is also a national human rights institution accredited by the United Nations at level A".¹⁶⁷ These demonstrates a significant role of the Ombudspersons which was also confirmed by the United Nations. Moreover, their role can be seen not only in protection of human rights through its investigations but also through recommendations for the Parliament and government regarding possible mechanisms of development and improvement of implementation of human rights and ensuring efficient system of public bodies to reduce violations of human rights by public administration.

The following institution to consider is Lithuanian Administrative Dispute Commission (hereinafter — the Administrative Dispute Commission). Its establishment enshrined in the Law of the Procedure for the pre-trial examination of administrative disputes which in Article 1 specifies: "this Law establishes the procedure for pre-trial consideration of complaints regarding individual administrative acts or actions (inaction) taken by public administration entities in the field of public administration, the procedure for the formation and competence of the Administrative Disputes Commission of Lithuania and its territorial divisions".¹⁶⁸ Therefore, the procedure in the Administrative Dispute Commission aims at resolution of administrative dispute which arise between private individuals and public administration out-of-court.

As all of quasi-courts institutions the Administrative Dispute Commission is an independent body which is enshrined in Article 4 of the Law of the Procedure for the pre-trial examination of administrative disputes and also can be seen in establishment in law of strictly reasons for termination of powers for members of the Administrative Dispute Commission and that even territorial departments of the Administrative Dispute Commission adopt their decisions autonomously and independently.¹⁶⁹

In particular, powers of the Administrative Dispute Commission consist of consideration of legality of individual administrative acts, actions or inaction of both central and local public bodies, in addition, consideration of delays by public bodies in carrying out actions within their competence.¹⁷⁰ Moreover, newly established power of the Administrative Dispute Commission is examination individual administrative acts, action or inaction and delays in caring out functions of the Agency for the Protection of the Rights of Persons with Disabilities under the Ministry of

¹⁶⁷ "About the Office of Seimas Ombudspersons," official website of the Office of Ombudspersons, accessed 14 March 2026, <https://www.lrski.lt/apie-istaiga/>

¹⁶⁸ "The Law of the procedure for the pre-trial examination of administrative disputes," Teises Aktu Registras, accessed 16 March 2026, <https://www.e-tar.lt/portal/lt/legalAct/TAR.594F129CE9AD/asr>

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

Social Security and Labor of the Republic of Lithuania. It was added from 2024 January 1 since the specific commission existed back then for resolution disputes between Agency for the Protection of the Rights of Persons with Disabilities and private individuals.¹⁷¹

Pursuant to the Article 6 the Law of the Procedure for the pre-trial examination of administrative disputes any individual who considers that its rights is violated may lodge a complaint to the Administrative Dispute Commission. Moreover, the public administration which also believes that its rights are violated may ask the Administrative Dispute Commission to resolve such dispute and apply to it with request. Then the complaint or request should be handed to the Head of the Administrative Dispute Commission who analyzes them for admissibility. In case of admissibility of the appeal a rapporteur in the case should be chosen and this person conducts preparation of the case for consideration. A rapporteur may request the information or documents from any public body, ask to provide the Administrative Dispute Commission with necessary evidence or engage experts to provide an opinion. Furthermore, the consideration of the case begins with the rapporteur announcing the complaint or petition filed by the applicant, and also reading out the statement of claim. After that, the applicant as well as representatives of the defendant and interested third parties should be heard. The chairman of the meeting has the right to stop the speech of any of the participants if their explanations go beyond the subject of the dispute. After the speeches are completed, the members of the Administrative Dispute Commission may ask questions to the parties. Then the participants have the opportunity to briefly express their comments on each other's positions and ask mutual questions. Other evidence is also examined during the consideration process, in particular, witness testimonies, expert opinions and substantive evidence. At the request of any party, the written materials of the case may be announced publicly.¹⁷² Here an active role of the members of the Administrative Dispute Commission could be seen since it may stop speeches of the parties if it is beyond the subject of the dispute or may ask for additional evidence if necessary or prepare the case for consideration. Such an active role of the Administrative Dispute Commission indicates core principle of the administrative process in courts, therefore, the feature of the Administrative Dispute Commission is similar to the administrative court.

Besides, the Law of the Procedure for the pre-trial examination of administrative disputes the possibility of the parties to use mediation. Whether one of the members of the Administrative Dispute Commission or independent person can be a mediator. Another possibility for the parties is to conclude an amicable agreement and the Administrative Dispute Commission should propose

¹⁷¹ "Handling of complaints," official website of the Lithuanian Administrative Disputes Commission, accessed 15 March 2026, <https://lagk.lrv.lt/en/fields-of-activity/handling-of-complaints/>

¹⁷² supra note, 168.

it to the parties during the procedure. What else is similar to the court process is that to record the process of the Administrative Disputes Commission, an audio recording or meeting minutes are kept, which the parties can review.¹⁷³ At the end of the procedure the Administrative Dispute Commission adopts a decision.

Pursuant to Article 23 of the Law of the Procedure for the pre-trial examination of administrative disputes: “the final decision of the Administrative Disputes Commission, which resolved the dispute, as well as the decision of the Administrative Disputes Commission on the approval of the amicable agreement of the parties must be executed within 20 working days from the date of receipt of the final decision or within another period determined by the Administrative Disputes Commission”.¹⁷⁴ Moreover, if the decision is not executed within the time period voluntarily, it could be a subject to enforcement procedure in accordance with the Civil Procedure Code.¹⁷⁵ Therefore, decisions of the Administrative Disputes Commission are of mandatory nature and even can be enforced under the same procedure as court decisions which is one more confirmation of quasi-judicial nature of the Administrative Disputes Commission.

A significant role of the Administrative Disputes Commission lies in its nearly identical nature to the court process, therefore, it means that dispute resolution in the Administrative Disputes Commission is as efficient as in the court. Additionally, the advantage of the Administrative Disputes Commission is its speed of the procedure, even the execution of the decision should be fast, during 20 days — voluntarily, then — enforcement. It provides with pre-litigation resolution of administrative disputes and due to truly well-established legal framework, which regulate the procedure, the Administrative Disputes Commission conducts the procedure on guarantees designed to protect human rights.

To sum up, Lithuania has well-developed system of quasi-judicial institutions. Such institutions are based on proper legislation which lead to efficient procedures of dispute resolution. Procedure of consideration of the disputes in Lithuanian quasi-judicial institutions closely resembles the court proceeding, even the procedure of enforcement of the decisions.

3.3. Quasi-Court Institutions in Germany

To begin with, the Germany does not have one national Ombudsman who considers complaints from citizens on action of public administration. However, Basic Law of the Federal Republic of Germany (hereinafter — the Basic Law) enshrined the establishment of the

¹⁷³ supra note, 168.

¹⁷⁴ supra note, 168.

¹⁷⁵ supra note, 168.

Ombudsman — a Parliamentary Commissioner for the Armed Forces (hereinafter — the Commissioner) which works in specific area of military service. The Commissioner supports another institution — a Petitions Committee.¹⁷⁶ The Basic Law enshrined that a Petitions Committee deals with requests and complaints addressed to the Bundestag as a constitutional right of every person.¹⁷⁷

The complaints are referred to the Petition Committee from Federal Government and federal authorities. While conducting the procedure the Petition Committee may request the appellant, experts and witnesses to provide the Petition Committee with the opinions regarding the case.¹⁷⁸ The Petitions Committee reviews petitions related to federal affairs. This includes federal laws, actions of the federal government, federal authorities, and other agencies performing federal functions. The Petition Committee may also consider petitions regarding the court proceedings but until violation the judiciary independence.¹⁷⁹ Such a power to consider cases stem from judicial procedure constitutes specificity of the institution since in most countries the decisions of quasi-court institution does not spread on judicial power.

After the consideration of the case a Petition Committee adopts decision which should be motivated and the petitions should be notified of the results of the case resolution. Furthermore, the Petition Committee submits monthly summary reports, recommended measures, and an annual report on its activities to the Bundestag.¹⁸⁰ The Higher Administrative Court of Berlin-Brandenburg clarified the requirements which are established under German law, in particular: “review of the petition, which is required by Article 17 of the Basic Law, includes the requirement that the representative body to which the petition was addressed, or the committee responsible for reviewing petitions [...] clarify the content and purpose of the petition and considered the issue in a clear and non-discriminatory manner”.¹⁸¹

Thus, crucial role of the Petition Committee as a quasi-judicial body is that it is the only one body on the federal level in Germany who acts as an Ombudsman in general cases. Additionally, the Petition Committee has power to examine petitions about judicial procedures.

¹⁷⁶ “Pre-trial Procedures in Administrative Justice Proceedings in England and Wales, France, Germany and the Netherlands,” World Bank (2010): 72. <https://openknowledge.worldbank.org/entities/publication/d43f2633-18f5-5e0c-9e47-ba5a1721a6ba>

¹⁷⁷ “The Basic Law of the Federal Republic of Germany,” Federal Office of Justice, accessed 10 March 2026, https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html

¹⁷⁸ “Law on the powers of the Petitions Committee of the German Bundestag,” Federal Office of Justice, accessed 12 March 2026, <https://www.gesetze-im-internet.de/ggart45cg/BJNR019210975.html>

¹⁷⁹ “Principles of the Petitions Committee on the handling of petitions and complaints,” German Bundestag, accessed 14 March 2026, <https://www.bundestag.de/>

¹⁸⁰ Ibid.

¹⁸¹ “Case BVerwG 6 C 16.16,” Bundeswervaltungsgericht, accessed 11 April 2026, <https://www.bverwg.de/150317U6C16.16.0>

The most important that the Petition Committee ensure implementation of the constitutional provision which enshrined right to address written requests or complaints to competent authorities.

The next institution is the Commissioner institution. As was stated before the Commissioner is functioning in the sphere of military service. It is also body of parliamentary control over the activity of public bodies. Pursuant to Article 1 of the Law on the Parliamentary Commissioner for the Armed Forces of the German Bundestag the Parliamentary Commissioner for the Armed Forces may start the consideration of the case on its own initiative if they found the situation where the rights of soldiers are or may be violated.¹⁸² Therefore, the Commissioner may initiate procedure by its own or any person who serves in armed forces may apply directly to the Commissioner for protection of their rights.

“The Parliamentary Commissioner is neither a Member of the Bundestag nor a civil servant, but has a special status, holding office under public law in accordance with the provisions of the Act on the Parliamentary Commissioner for the Armed Forces” as stated in the Parliamentary Commissioner for the Armed Forces brochure.¹⁸³

In fact, every citizen of Germany who reached the age of 35 years may be elected by the Bundestag as the Commissioner. The Commissioner holds its position for five-year period and may be reelected. The dismissal of the Commissioner can be only on the grounds strictly enshrined in the Law on the Parliamentary Commissioner for the Armed Forces of the German Bundestag. Therefore, the Commissar is an independent and impartial official.¹⁸⁴

The Parliamentary Commissioner reviews complaints alleging violations of the fundamental rights of military personnel or internal command principles. In such cases, the Commissioner seeks advice and expertise from the most competent departments and units within the Ministry of Defense to address the matter impartially, professionally, and thoroughly, and to take the necessary corrective action. After receiving responses and investigation reports, the Commissioner assesses the validity of the investigation, the accuracy of the evidence, the adequacy of the arguments, and whether any issues have been adequately addressed. If these criteria are met, the Commissioner issues a response outlining the review's findings.¹⁸⁵

The Parliamentary Commissioner may direct the appropriate departments or bodies to deal with any issues on their own. Upon identifying problems or breaches of the law, they can recommend measures to prevent recurrence and take criminal or disciplinary action against the

¹⁸² “Law on the Parliamentary Commissioner for the Armed Forces of the German Bundestag,” Federal Office of Justice, accessed 10 March 2026, <https://www.gesetze-im-internet.de/wehrbttg/BJNR006520957.html>

¹⁸³ “The Parliamentary Commissioner for the Armed Forces Safeguarding Servicewomen and Men’s Basic Rights and Overseeing the Forces,” Bundestag, accessed 10 March 2026, page 17, <https://www.btg-bestellservice.de/pdf/80150000.pdf>

¹⁸⁴ *supra* note, 182

¹⁸⁵ *supra* note, 182:35

appropriate authorities. The Commissioner assists in improving the internal command structure of the armed forces through his plans and recommendations. Although these recommendations are not legally binding, the impact on the ground is significant. The existence of an independent body that is accessible to all soldiers, regardless of rank, has a positive impact on leadership behavior. The Commissioner also plays an important role in raising problems with senior officials, and reporting to the Federal Ministry of Defense, and to the Parliament in annual or special reports.¹⁸⁶

Moreover, important role of the Commissioner are demonstrated by the area in which it is working — protection of rights of soldiers. Nowadays more and more countries have specific Ombudsman for soldiers such as Norway, the Great Britain, Canada etc. For example, such an institution was recently established in Ukraine. And, in this matter, Ukraine has also adopted the experience of Germany. Thus, it will provide soldiers with efficient procedures of consideration of their cases regarding their rights and it is truly essential for protection of their health and lives.

Having analyzed the literature, the conclusion can be made that there are not a lot of quasi-judicial bodies on the federal level in Germany. The reason for that is quite well-established judicial system in Germany which consists of five different branches. Therefore, there is no necessity to establish a lot of quasi-court institutions. However, quasi-judicial commissions exist on the level of lands, which aimed at consideration of objection procedure on decisions of public administration. In case of establishment of such commissions the procedure look as follows: firstly, person submit its objections to the body who adopted a decision, then the body considers it and in case of its refuse to affirm this objection, it should refer the objection to the quasi-judicial body.¹⁸⁷

However, such an institution exists only in two lands — Rheinland-Pfalz and the Saarland. Thus, legal commissions of the municipalities were created for this reason. Such commissions were established following a judicial way of dispute resolution. The procedure of consideration of the objection takes place as a result of oral hearing. Additionally, the commissions are independent since it is not allowed to give any instructions or demands to the commissions. The appeal on the decision of the commissions regarding the objections may only be submitted only to the court.¹⁸⁸

In accordance to the book of Dacian C. Dragos and Bogdana Neamtu «Alternative Dispute Resolution in European Administrative Law», in the Chapter 1 «Administrative Appeals in Germany» of the author Ulrich Stelkens: “the *Rechtsausschüsse* (“it is the name of such commissions in German”) seem to have a quite good reputation. Their independence, the

¹⁸⁶ *supra* note, 182:30

¹⁸⁷ Dragos and Neamtu, *supra* note, 101.

¹⁸⁸ Dragos and Neamtu, *supra* note, 101:19-20.

mandatory oral hearing and the participation of the lay commission members clearly help the appellant to accept its final decision as being unbiased. The procedure guarantees that the arguments of the appellant are seriously considered by the *Rechtsausschüsse*. Nonetheless, an objection procedure involving a *Rechtsausschüsse* is quite complex and, therefore, there is a real danger that these procedures can become unduly lengthy”.¹⁸⁹ Therefore, there are controversial opinion regarding this commissions. The problem might lie in the deficient legislation which lead to establishment of such a long and complicated procedure with obligatory conduction of the oral hearings. Obligatory hearing seemed to be not efficient sometimes since some cases do not require the oral hearing due to their clear nature. It would be better to assess it in every single case.

To sum up, system of quasi-court institutions in Germany is not as wide as in the countries mentioned above. On the federal level exist only institution of the Ombudsmen, including the Parliamentary Commissioner for the Armed Forces. Besides, as a part of parliamentary control a Petition Committee works which main function is to implement a constitutional right to submit petitions. Other quasi-courts function on the level of several lands, however, on this level they are also not truly well-established and their activity and existence is an object of discussions.

3.4. Quasi-Court Institutions in the United Kingdom

In the contradistinction to the previous countries the United Kingdom is a common law system country. Therefore, a lot of distinctions in quasi-judicial system can be seen. The first of all, as was stated in Chapter 1, term «quasi-judicial» was created in common law system and, the second, the building of the judicial system itself facilitate existence of the quasi-judicial institutions since there are no separate administrative justice courts.

In the United Kingdom quasi-judicial bodies exist in the form of tribunals. They function in the sphere of administrative dispute resolution but some of them also related to other areas, such as the Employment Tribunal. As stated in the judgement *R v. The Upper Tribunal*: “these jurisdictions were – and remain – very diverse. The subject matter can range from liability to VAT or entitlement to performing rights or the price of leasehold enfranchisement, which can be worth millions of pounds, to the amount of weekly means-tested benefits or war pensions entitlement, which may be worth only a few pounds at a time but may mean a great deal to the claimants involved and to others like them”.¹⁹⁰ Therefore, tribunals area of functioning in resolution of the administrative disputes are quite wide and applies to the most important areas of public life. Their

¹⁸⁹ Dragos and Neamtu, *supra* note, 101:20

¹⁹⁰ “*R v. The Upper Tribunal*,” The Supreme Court of the UK, accessed 13 March 2026, para. 12, https://supremecourt.uk/uploads/uksc_2010_0176_judgment_3c1ecb56f2.pdf

status from the first day of their creation was unclear. Thus, it is necessary to examine these institutions in more detailed way in order to understand their activity better.

To begin with, the development of tribunals should be analysed. Their emergence related to the fact that at the beginning of the 20 century there was no judicial review of decisions of the public administration, only some remedies existed for that purpose. Besides, the court procedures were too formal, pricy and long. Necessity for the establishment of other public bodies who may resolve such an issue occurred. Thus, the tribunals were created, they were part of administration whereas had powers as a judiciary to resolve administrative disputes. They were flexible, less formal than courts and faster. Simultaneously, tribunals had a lot of negative aspects, for example, ad hoc procedure, private hearings, absence of procedural rules and unclear position. They were criticized by several scholars.¹⁹¹ The judgement *R v. Lord Chancellor* provided with clarification of reasons due to which the tribunals emerged in the United Kingdom. Thus, it was stated: “tribunals should be established to provide “an easily accessible, speedy, informal and inexpensive procedure” for the settlement of employment disputes”.¹⁹² Such conclusion only confirms the fact that tribunals provides with less formal procedure than courts.

As a result of such criticism, the tribunals reform started and the Tribunals, Courts and Enforcement Act was adopted in 2007 (hereinafter — Tribunals Act). According to Tribunals Act tribunals became a part of judiciary, whereas in fact their nature and features remained unchanged. Tribunals Act established First-tier Tribunal and Upper Tribunal. Moreover, Tribunals Act also establishes independence of all tribunals. Each level of tribunal may be divided into chambers by an order of the Lord Chancellor with the concurrence of the Senior President of Tribunals.¹⁹³ However, the position of tribunals remained unclear constitutional position between government and judiciary.¹⁹⁴ Thus, the tribunals could be considered as a quasi-judicial institutions in the United Kingdom. It is significant to examine them based on some specific examples of the tribunals.

The first tribunal is a First-tier Tribunal, the Tax Chamber. For example, Taxes Management Act refers appeals to the Tax Chamber for dispute resolution. Mostly such an appeal may be submitted by the applicant only after HM Revenue and Customs.¹⁹⁵ It is public body which is responsible for the taxes and customs in the United Kingdom.

¹⁹¹ Thomas, *supra* note, 44: 8-11.

¹⁹² “*R v. Lord Chancellor*,” The Supreme Court of the UK, accessed 13 April 2026, https://supremecourt.uk/uploads/uksc_2015_0233_judgment_d0f3da86aa.pdf

¹⁹³ “Tribunals, Courts and Enforcement Act,” Government of the UK, accessed 13 March 2026, <https://www.legislation.gov.uk/ukpga/2007/15/contents>

¹⁹⁴ Thomas, *supra* note, 44:13.

¹⁹⁵ “Taxes Management Act,” Government of the UK, accessed 13 March 2026, <https://www.legislation.gov.uk/ukpga/1970/9/part/V/crossheading/proceedings-before-commissioners>

Taxes Chamber functions under the Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules (hereinafter — the Tax Chamber Procedural Rules). Pursuant to the Tax Chamber Procedural Rules the tribunal should consider the case fairly and justly. It means: “dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties, avoiding unnecessary formality and seeking flexibility in the proceedings, ensuring, so far as practicable, that the parties are able to participate fully in the proceedings [...]”.¹⁹⁶ Therefore, Taxes Chamber provides parties with the flexible, efficient and independent resolution of their case which are important features of the dispute resolution procedures.

The procedure starts from the submission of the appeal to the Taxes Chamber which should distinguish the case category and based on the latter give its directions to the parties. Taxes Chamber should also notify the respondent about the procedure. Furthermore, the hearing may be held whether private or public regarding the direction of the tribunal. At the end of the procedure the tribunal adopts a decision which should be motivated. Additionally, the tribunal may adopt a consent order ending of the proceedings and making such other measures as the parties have agreed.¹⁹⁷ Therefore, as can be seen the procedure before the Tax Chamber of the First-tier tribunal is truly similar to the court procedure. It provides with some guarantees of the procedure, oral hearing which could be either private or public and motivated decision.

Then truly interesting procedure may start if a person wants to appeal the decision of the Taxes Chamber. In such cases the person should ask the Taxes Chamber for possibility to appeal to the Upper Tribunal. If the Taxes Chamber refuses the permission may be asked in the Upper Tribunal.¹⁹⁸ Such a specificity is an analog of the appellation filters which exist in civil law system except the fact that decision of refusal can be made only by the body itself for non-compliance of such filter and unreasonable application to the higher courts. It prevents higher court from resolving the case dispute twice without necessity for it.

The next example is Immigration and Asylum Chamber of the First-tier tribunal. It works with the administrative cases against decisions of the Home Office regarding permission to stay in the United Kingdom, deportation from the United Kingdom, entry clearance to the United Kingdom. It is one of the seven First-tier tribunal Chamber together with Taxes Chamber.¹⁹⁹

The procedure is enshrined in the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules (hereinafter — the Immigration and Asylum Chamber Procedural

¹⁹⁶ “ The Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules,” Government of the UK, accessed 13 March 2026, <https://www.legislation.gov.uk/uksi/2009/273/part/1>

¹⁹⁷ Ibid.

¹⁹⁸ *supra* note, 190: para.2.

¹⁹⁹ “First-tier Tribunal (Immigration and Asylum),” Government of the UK, accessed 13 March 2026, <https://www.gov.uk/courts-tribunals/first-tier-tribunal-immigration-and-asylum>

Rules). In general, the procedure before the Immigration and Asylum Chamber are quite similar to the procedure before the Taxes Chamber. However, the procedure of appeal may start without obligatory review of the body which adopted the decision as was provided by the Taxes Chamber. It could be submitted directly to the Immigration and Asylum Chamber. Then there is no any categorizations of the cases which was mentioned in the Taxes Chamber, so the procedure is less complicated.²⁰⁰

Then the tribunal must conduct the oral hearing unless otherwise asked by the parties and assess all of the evidence. The oral hearing may be either private or public. The decision should be motivated and may be appealed to the Upper Tribunal. Similarly to the Taxes Chamber appeal may be lodge whether after the permission of the Immigration and Asylum Chamber or if it refuses upon the permission of the Upper Tribunal.²⁰¹

Regarding the decisions of the Upper Tribunals upon the appeal of the decision of the First-tier Tribunals it is stated in judgement *R v. The Upper Tribunal*: “There is no express provision in the 2007 Act which makes any attempt to limit or remove the supervisory jurisdiction of the High Court [...] to review the decisions of the Upper Tribunal. It is nevertheless argued, and both the Divisional Court and the Court of Appeal held, that in the light of the system introduced by the 2007 Act the exercise of that jurisdiction should be limited to certain exceptional cases [...]”.²⁰² Therefore, there is a well-established system of appeal of the decision of the tribunals to courts. However, it can be made only in extraordinary circumstances.

The next quasi-court institution which exist in the United Kingdom is the institution of the Ombudsman. In particular, the Parliamentary and Health Service Ombudsman (hereinafter — PHSO). Establishment of the institution made by the Parliamentary Commissioner for Administration Act and the Health Commissioner Act (hereinafter — the Acts) which enshrined powers and procedure of investigation of the PHSO with amends. Control over the activity of the PHSO is made by the Public Administration and Constitutional Affairs Committee which also examines its annual report.²⁰³

PHSO considers cases regarding maladministration of a government department or other authority on the actions taken in the exercise of administrative functions of such public bodies. As for the area related to the health, section 3 of the Health Commissioner Act establishes that: “any failure or maladministration mentioned [...] may arise from action of the health service body, a

²⁰⁰ “The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014,” Government of the UK, accessed 14 March 2026, <https://www.legislation.gov.uk/ukxi/2014/2604>

²⁰¹ Ibid.

²⁰² *supra* note, 190: 29

²⁰³ “Parliamentary scrutiny of the Parliamentary and Health Services Ombudsman,” UK Parliament, accessed 15 March 2026, <https://publications.parliament.uk/pa/cm5804/cmselect/cmpubadm/198/summary.html>

person employed by that body, a person acting on behalf of that body, or a person to whom that body has delegated any functions”.²⁰⁴

PHSO adopts its decisions in the form of recommendation, so there is no obligation of the public body to follow such a recommendation. However, once the maladministration of the public authority was proven, the PHSO has wider legal remedies than those available in a court case. For example, PHSO may offer the public authority to provide financial compensation or an admission and clarification of the error. It may also recommend that the authority reconsider its decision or take specific measures.²⁰⁵ Therefore, as similar to the other institutions of the Ombudsman in other countries PHSO has trust and respect from both citizens and public bodies and that is why its recommendations have force and are executed.

The role of the PHSO cannot be exaggerated according to its annual report from 2024. In the report is mentioned that: “We independently investigate complaints about the NHS in England, UK government departments and some other UK public organisations. Our service is completely free, focused on fairness and open to everyone. We champion higher standards of behaviour to help inspire a better relationship between people and public services”.²⁰⁶ Such words mean that PHSO is dedicated to its work and do all its best to advance protection of human rights. Moreover, cases which stated on the annual report give rise to claim the PHSO is really useful and efficient institutions since it helped a lot of people to protect their rights.

Thus, due to discrepancy of the legal systems, quasi-judicial bodies in the United Kingdom look differently than quasi-courts in civil law countries, in particular they functions in the form of tribunals. Here tribunals are part of the judiciary whereas in civil law countries it is mostly part of public administration. Tribunals are truly similar to court in the United Kingdom since they have the same guarantees, rules and requirements. It could be said that tribunals as quasi-judicial institution resemble the courts more than the other analyzed bodies.

The United Kingdom formed quite well-established system of tribunals which work in different spheres and even has its own appellate instance — Upper Tribunals. The institution of Ombudsman in the United Kingdom is quite alike to the same institution in civil law countries. It also considers maladministration and issues recommendations which due to high respect for the Ombudsman authority are executed by the public bodies.

To sum up the Chapter a comparison can be made. Thus, the most developed system of the quasi-court in continental Europe is a Lithuanian one. Lithuania has Tax Dispute Commission, the

²⁰⁴ “Health Service Commissioners Act,” Government of the UK, accessed 15 March 2026, <https://www.legislation.gov.uk/ukpga/1993/46/contents>

²⁰⁵ David Marrani and Youssef Farah, “ADR in the Administrative Law: A Perspective from the United Kingdom” in Dragos and Neamtu. *supra* note, 101: 275.

²⁰⁶ “Annual report from 2024,” the Ombudsman website, accessed 15 March 2026, page 12, <https://www.ombudsman.org.uk/sites/.pdf>

Ombudsman, Administrative Dispute Commission which perform its tasks through the procedure that is almost the same as the court procedure and has similar guarantees. Less developed system is a German quasi-court system, the reason for that German truly huge system of regular courts, thus, it might seem unnecessary to create quasi-courts. However, despite that Germany has some quasi-judicial bodies which demonstrate truly important and helpful complement role of the quasi-judicial bodies. At the same time British quasi-courts are part of its judicial system what distinguishes the United Kingdom from civil law countries. French quasi-judicial system is the oldest among civil law system countries due to establishment of the State Council which currently proceeds its functioning. In general, each country has its own specificities of quasi-courts depending on their national legal traditions.

CONCLUSIONS

After implementation of the first objective definition of a quasi-court institution was provided. Thus, a quasi-court institution is a body established by law which is not part of the judiciary but performs judicial function, aimed at dispute resolution, is characterized by permanence, independence, impartiality and considers the case respecting procedural guarantees determined for courts. The main discrepancy between quasi-court institutions and courts is that the former is not formally lie within the judiciary, despite performing part or full of the judicial powers. Moreover, the opinion was expressed that compulsory nature of the quasi-court as one of the necessary features of such institution lies not only in the mandatory execution of their decisions or mandatory application before court but also in legal custom to implement recommendations of some bodies due to high level of trust for this institution. This demonstrates that bodies which adopt recommendations or opinions can also belong to the quasi-court institutions. Additionally, different types of quasi-courts were highlighted in the classification which give rise to claim that a quasi-court is just theoretical title of all of the institutions which consider cases, apply regulations and interpret rules in the way similar to judiciary. In practice, the general concept of a quasi-court institution covers a lot of different titles such as boards, commissions, the Ombudsman, tribunals, inspectors, committees etc. This confirms their prevalence in different legal systems and states and ability to adjust to any legal system.

After implementation of the second objective it was established that quasi-court institutions in the European Union exist in the form of Boards which functions within the Agencies in several spheres of the European Union legal order such as data protection, aviation and chemical security, financial sphere and area of protection of trade marks. Separately, the institution of European Ombudsman was examined. The European Ombudsman considers cases regarding maladministration of the European public bodies. The above-mentioned demonstrates that quasi-judicial bodies at the European Union level play role of administrative justice which consider cases against public administration. Therefore, it is not essential to establish separate system of administrative courts on the European Union level since quasi-judicial bodies fully cover such a necessity in an efficient way.

After the implementation of the third objective it was determined that Lithuania possess quite developed system of quasi-courts in continental Europe whereas Germany's system is comparatively less well-established. The United Kingdom has its own unique system of quasi-courts, known as tribunals, which are not comparable to the continental Europe system due to the fact that the United Kingdom is common law system country and has its own legal tradition.

Moreover, it was established that France is the first country of continental Europe which created a quasi-judicial body — the State Council which perform its functions even nowadays and this fact indicates that this quasi-court institution is truly crucial for the French legal system. Moreover, it highlights the importance of national legal traditions in formation and functioning of the quasi-judicial institutions. Simultaneously, in each country the quasi-judicial bodies effectively performs its powers and significantly reduce workload of judiciary.

Hence, having analyzed a quasi-court institution it was established that quasi-court institutions are competent in resolution of the disputes. They are more flexible, time-consuming and less complicated. In this regard, quasi-judicial bodies should be viewed not only as a complement to the judiciary but also as an effective alternative mechanism for dispute resolution on both regional and national level. Relevant legal regulation of quasi-courts, which lies in clarification of their legal status, establishment of procedural strict guarantees, proper procedure and ways of execution of their decisions, will result in a high level of protection of person in the disputes comparable to courts protection and increasing number of resolved cases among States.

Therefore, the defendant statement was proved and an opinion is expressed that it is necessary to implement a quasi-judicial institution into Ukrainian legal order which will significantly alleviate the burden on judicial system while enhancing access to justice for individuals due to its advantages and efficiency in dispute resolution.

RECOMMENDATIONS

1) On the basis of research the recommendation can be given to implement quasi-court institutions into Ukrainian legal order which will facilitate judiciary in such complicated times of Russian invasion. It would be appropriate to take the experience of Lithuania as an example since it has developed system of quasi-courts. The Lithuanian Administrative Dispute Commission can be considered as a good particular example of quasi-judicial institution. Regulation of its activity resembles the court process, enshrined procedural guarantees for parties and even provide with the execution of its decisions. Moreover, Lithuania is also civil law system country and has truly similar legal traditions to Ukraine. Therefore, Lithuanian experience will come in use to Ukraine in the process of creation of quasi-court institutions.

2) On the basis of research another recommendation can be given which lies in more proper regulation of already existing institution. Thus, it is advisable to enshrine legal status of the quasi-court institution which lies in their clear distinction with courts, proper procedural guarantees for parties and provides with the standard of their independence. Moreover, it is essential to enshrine some mechanisms which would provide proper implementation of decision of quasi-judicial bodies. For example, establishment that their decisions should be enforced like the court decisions or provide the obligatory pre-trial examination in such bodies before court, in case the legal rules of the country allow it. The above-mentioned will lead to consideration that quasi-courts are a good alternative to judiciary and are capable to ensure appropriate protection of human rights.

LIST OF BIBLIOGRAPHY

Books

1. Cane, Peter, *Administrative Tribunals and Adjudication*. Oxford and Portland, Oregon: Hart Publishing, 2009.
2. Jacobs, Edward .*Tribunal Practice and Procedure*. London: Legal Action Group, 2011.
3. Cane, Peter. *Introduction to administrative law*. England: Clarendon Press, 1992.
4. Dragos, Dacian C. and Bogdana Neamtu, “Alternative dispute resolution in European administrative law.” Springer, 2014.

Periodicals

5. Fromageau, Edouard. “Quasi-Judicial Body.” *Max Planck Encyclopedias of International Law*, (2020): paras. 7, 14-28. <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e2036.013.2036/law-mpeipro-e2036>
6. Toma Birmontienė, Toma, “Žmogaus Tisių Konstitucinės Doktrinos Plėtra: teisės į teismą metamorfozės.” *Constitution and Legal System. Liber Amicorum to Vytautas Sinkevičius*: [collection of peer-reviewed scientific articles]. Vilnius: Mykolas Romeris University, (2021): page 132. <https://cris.mruni.eu/server/api/core/bitstreams/91c593ff-c8f7-47b4-9b0d-0924c368c30a/content>
7. Bilevičiūtė, Eglė and Birutė Pranevičienė. “The role of quasi-courts in controlling the legality of public administration: prerequisites for systematisation of pre-trial tax dispute resolution in Lithuania.” *International Comparative Jurisprudence* 6, 2 (2020): 180-184. <https://ojs.mruni.eu/ojs/international>
8. Paluckaitė, Agnė. “Kvaziteisminės institucijos Lietuvoje.” *Festival of Legal Thought 2022*: a collection of student research articles. Vilnius: Mykolas Romeris University (2022): 302-303. <https://cris.mruni.eu/server/>
9. Chyzykowska, Sofiia. “Alternative dispute resolution of administrative cases.” *Research*, Mykolas Romeris University, 2026 : 5-9.
10. Thomas, Robert. “UK tribunals: structure, history, constitutional status, and practice.” *Administrative Tribunals in the Common Law World* (2024): 8-13. https://pure.manchester.ac.uk/ws/portalfiles/portal/297596874/RThomas_Tribunals_chapter_for_SSRN_October_2023.pdf

11. Chirulli, Paula, "The Boards of Appeal of European agencies: an overview," *Journal for the society for advanced legal studies*, 103 (2015): 2.
<https://share.google/opIYxZikIEShWGSQi>
12. Maier-Rigaud, Frank P. "Behavioural versus Structural Remedies in EU Competition Law." *European Competition Law Annual* (2013): 210-211.
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2457594
13. "Damirchyiev M. I., Komarov V. V., Komarova T. V. "Protection of Ukrainian business in the European Union competition law." *Financial and credit activity problems of theory and practice* 31,4 (2019): 108.
https://www.researchgate.net/publication/339667284_PROTECTION_OF_UKRAINIAN_BUSSINESS_IN_THE_EUROPEAN_UNION_COMPETITION_LAW
14. Zhyvko, M., and Dombrovska, A., and Kiblyk, D., "The Role of Ombudsman Institutions in Administrative Accountability: a Comparative Perspective." *Public Administration and Law Review* 21,1 (2025): 88.
<https://public.scnchub.com/palr/index.php/palr/article/view/248/226>
15. Laffranque, Julia. "The Ombudsman in the Eyes of the European Court of Human Rights." *Juridica International* 29 (2020): paras.1.1-2.1
https://juridicainternational.eu/public/pdf/ji_2020_29_95.pdf
16. Guillaume, Martin and Dimitri Oudin. "The European Ombudsman: Defending Democracy and Human Rights Amidst the Crisis in Ukraine." *Caucasus Journal of Social Sciences* 17,1 (2024): 211, 215. <https://cjss.ug.edu.ge/index.php/cjss/article/view/280/281>
17. Zawadzki, Paweł. "Origin of the European Ombudsman." *Miscellanea historico-iuridica* 19 (2020): 453-455.
<https://www.researchgate.net/publication/352967977-Origin-of-the-European-Ombudsman>
18. Hofmann, Herwig C.H.. "The developing role of the European Ombudsman." in *the Accountability in the EU: The Role of the European Ombudsman*, Herwig C.H. Hofmann, Jacques Ziller. Edward Elgar Publishing, 2017, 6, 12-13.
<https://www.elgaronline.com/edcollchap/edcoll/9781785367304/9781785367304.00006.xml>
19. "The European Ombudsman's Strategy for the 2025-2029 mandate." *European Ombudsman*. Accessed 5 March 2026, <https://www.ombudsman.europa>.
20. Annual report 2024 of the European Ombudsman." *The European Ombudsman*. Accessed 5 March 2026. <https://www.ombudsman.europa.eu/en/doc/annual-report/en/202253>

21. Spoerer, Markus. "The European Ombudsman's role in access to documents." ERA Forum 23 (2022): 256, <https://link.springer.com/article/10.1007/s12027-022-00717-6>
22. Marrani, David and Youssef Farah, "ADR in the Administrative Law: A Perspective from the United Kingdom." in Dragos and Neamtu. "Alternative dispute resolution in European administrative law." Springer, 2014. p. 275.
23. "Pre-trial Procedures in Administrative Justice Proceedings in England and Wales, France, Germany and the Netherlands." World Bank (2010): 72. <https://openknowledge.worldbank.org/entities/publication/d43f2633-18f5-5e0c-9e47-ba5a1721a6ba>
24. McKeon, Joseph Zammit. "The Ombudsman: Strengthening access to justice." Times Malta, (2025). <https://ombudsman.org.mt/news-and-events/the-ombudsman-strengthening-access-to-justice/>
25. "The Parliamentary Commissioner for the Armed Forces Safeguarding Servicewomen and Men's Basic Rights and Overseeing the Forces." Bundestag. Accessed 10 March 2026. page 17. <https://www.btg-bestellservice.de/pdf/80150000.pdf>
26. "Annual report from 2024." the Ombudsman website. Accessed 15 March 2026. page 12. <https://www.ombudsman.org.uk/sites/.pdf>

Legal Acts

27. "The Treaty on the Functioning of the European Union." EUR-lex. Accessed 10 January 2026. <https://eur-lex.europa.eu/resource>.
28. "Recommendation of the Council of Europe R (86)." Council of Europe Committee of Ministers. Accessed 10 January 2026. <https://rm.coe.int/16804f7b86>.
29. "Regulation (EU) No 1093/2010," EUR-lex, accessed 10 February 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32010R1093>
30. "Board of Appeal of the European Supervisory Authorities Rules of Procedure." EIOPA website. Accessed 10 February 2026. <https://www.eiopa.europa.eu/system/files/2021-01/boa-rules-of-procedure-2020.pdf>
31. "Regulation (EU) 2017/1001," EUR-lex. Accessed 18 February 2026. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R1001>
32. "Rules of Procedure of the Boards of Appeal of EUIPO." EUIPO website. Accessed 20 February 2026. https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/about_euipo/boards_of_appeal/Rules_of_Procedure_en.pdf

33. “Regulation (EU) 2016/679 (General Data Protection Regulation).” EUR-lex. Accessed 22 February 2026. <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng>
34. “The Code of Administrative Procedure of Ukraine.” website of the Verkhovna Rada of Ukraine. Accessed 22 February 2026. <https://zakon.rada.gov.ua/laws/show/2747-15#Text>
35. “European Data Protection Board Rules of Procedure.” EDPB website. Accessed 23 February 2026, <https://www.edpb.europa.eu/s>
36. “Regulation (EC) No 1907/2006.” EUR-lex. Accessed 23 February 2026. <https://eur-lex.europa.eu/legal-content/>
37. “Regulation (EU) 2018/1139.” EUR-lex. Accessed 27 February 2026. <https://eur-lex.europa.eu/eli/reg/2018/1139/oj/eng>
38. “Rules of procedure of the Board Of Appeal of EASA.” EASA website. Accessed 27 February 2026. <https://www.easa.europa.eu/sit>
39. Council Regulation (EC) No 1/2003.” EUR-lex. Accessed 27 February 2026. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003R0001-20090701>
40. “Recommendations № R(85) 13 on the institution of the Ombudsman,” the Council of Europe. Accessed 2 March 2026. <https://rm.coe.int/cmrec-85-13-on-the-institution-of-the-ombudsman/1680a43b56>
41. “Principles on the protection and promotion of the ombudsman institution.” the Venice Commission website. Accessed 2 March 2026, <https://www.venice.coe.int/webforms/>
42. “Regulation № 2021/1163, Statute of the European Ombudsman.” EUR-lex. Accessed 4 March 2026. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R1163>
43. “Code of Relations between the Public and the Administration.” Legifrance. Accessed 10 March 2026. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000031366350/
44. “The Constitution of France.” the Constitutional Council of France website. Accessed 7 March 2026. <https://www.conseil-constitutionnel.fr/en/constitution-of-4-october-1958>
45. The Organic Law on the Defender of Rights.” Legifrance. Accessed 10 March 2026. <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000023781167>
46. “The Code of Administrative Justice of France.” Legifrance. Accessed 8 March 2026. https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070933/LEGISCTA00006118208/#LEGISCTA000006118208
47. “Law on Tax Administration of Lithuania.” Teises Aktu Registras. Accessed 15 March 2026. <https://www.e-tar.lt/portal/lt/legalAct/TAR.3EB34933E485/asr>
48. “The Constitution of Lithuania.” The Constitutional Court official website. Accessed 15 March 2026. <https://www.lrs.lt/home/Konstitucija/Constitution.htm>

49. “Law on the Seimas Ombudspersons’,” Teises Aktu Registras, accessed 16 March 2026, <https://e-tar.lt/portal/lt/legalAct/TAR.EC01522BCE65>
50. “The Law of the procedure for the pre-trial examination of administrative disputes.” Teises Aktu Registras. Accessed 16 March 2026. <https://www.e-tar.lt/portal/lt/legalAct/TAR.594F129CE9AD/asr>
51. “The Basic Law of the Federal Republic of Germany.” Federal Office of Justice. Accessed 10 March 2026. https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html
52. “Law on the powers of the Petitions Committee of the German Bundestag.” Federal Office of Justice. Accessed 12 March 2026. <https://www.gesetze-im-internet.de/ggart45cg/BJNR019210975.html>
53. “Principles of the Petitions Committee on the handling of petitions and complaints.” German Bundestag. Accessed 14 March 2026. <https://www.bundestag.de/>
54. “Tribunals, Courts and Enforcement Act.” Government of the UK, accessed 13 March 2026, <https://www.legislation.gov.uk/ukpga/2007/15/contents>
55. “Taxes Management Act,” Government of the UK, accessed 13 March 2026, <https://www.legislation.gov.uk/ukpga/1970/9/part/V/crossheading/proceedings-before-commissioners>
56. “The Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules.” Government of the UK. Accessed 13 March 2026. <https://www.legislation.gov.uk/uksi/2009/273/part/1>
57. “The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.” Government of the UK. Accessed 14 March 2026. <https://www.legislation.gov.uk/uksi/2014/2604>
58. “Health Service Commissioners Act.” Government of the UK. Accessed 15 March 2026. <https://www.legislation.gov.uk/ukpga/1993/46/contents>

Case-law

59. “Dorsch Consult Ingenieurgesellschaft mbH v Bundesbaugesellschaft Berlin mbH, Case C-54/96.” EUR-lex. Accessed 11 January. para. 23. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61996CJ0054>
60. “Guðmundur Andri Ástráðsson v. Iceland, Application no. 26374/18.” HUDOC. Accessed 15 January 2026. para. 223-225. [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-206582%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-206582%22]})
61. “Case “Semenya v. Switzerland, Application no. 10934/21, concurring opinion of judge Šimáčková.” HUDOC. Accessed 15 January 2026. para. 9. [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-244348%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-244348%22]})

62. “Case Lavents v. Latvia, application no. 58442/00.” HUDOC. Accessed 15 March 2026. para. 81. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-65362%22%5D%7D>
63. “A. K. and Others v Sąd Najwyższy, CP v Sąd Najwyższy and DO v Sąd Najwyższy, Joined Cases C-585/18, C-624/18 and C-625/18.” EUR-lex. Accessed 20 January 2026. para. 121-122. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62018CJ0585>
64. “Case № 420/31125/23, decision of Odessa District Administrative Court of Ukraine.” Unified State Register of Court Decisions. Accessed 10 April 2026. <https://reyestr.court.gov.ua/Review/118844220>
65. “Case of Piersack v. Belgium, application no. 8692/79.” HUDOC. Accessed 10 April 2026. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57557%22%5D%7D>
66. “Case of Hauschildt v. Denmark, application no. 10486/83.” HUDOC. Accessed 11 April 2026. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57500%22%5D%7D>
67. “Case of De Cubber v. Belgium, application no. 9186/80.” HUDOC. Accessed 11 April 2026. para. 26 <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57465%22%5D%7D>
68. “Merck Canada Inc. v Accord Healthcare Ltd and Others, Case C 555/13.” EUR-lex. Accessed 15 January 2026. para. 24. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62013CO0555&qid=1774302706192>
69. “Case C-610/23.” EUR-lex. Accessed 10 April 2026. para. 38. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0610>
70. “Victoria Film A/S, Case C-134/97.” EUR-lex. Accessed 20 January 2026. para. 14. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:61997CJ0134>
71. “OKR, Case C-387/20.” EUR-lex. Accessed 29 January 2026. para.24-25. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62020CO0387>
72. “Bryan v. The United Kingdom, Application no. 19178/91.” HUDOC. Accessed 29 January 2026. para. 47. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57954%22%5D%7D>
73. “Case of Mugemangango v. Belgium, application no. 310/15.” HUDOC. Accessed 11 April 2026. <https://hudoc.echr.coe.int/-/%7B%22tabview%22:%5B%22%22%5D%7D>
74. “Case of Selahattin Demirtaş v. Turkey, application no. 14305/17.” HUDOC. Accessed 11 April 2026. para. 185 <https://hudoc.echr.coe.int/#%7B%22tabview%22:%5B%22document%22%5D%2C%22itemid%22:%5B%22001-207173%22%5D%7D>

75. “Case No. 9901/194/19, decision of the Great Chamber of the Supreme Court of Ukraine.” Unified State Register of Court Decisions. Accessed 12 March 2026. <https://reyestr.court.gov.ua/Review/86877144>
76. “Rosalba Alassini and Others v. Telecom Italia SpA and Others, Joined Cases C-317/08 to C-320/08.” EUR-lex. Accessed 5 February 2026. para 63-65. <https://eur-lex.europa.eu/legal-content/>
77. “Case C-46/21 P.” EUR-lex. Accessed 10 March 2026. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62021CJ0046>
78. “NOVIS Insurance Company, decision of the Board of Appeal of ESA.” ESMA website. Accessed 17 February 2026. <https://www.eiopa.europa.eu/doc>
79. “Lego A/S v European Union Intellectual Property Office, case T-515/19 General Court.” EUR-lex. Accessed 17 February 2026. para. 44. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62019TJ0515>
80. “Decision of the Constitutional Court of Ukraine in case № 3-88/2022.” website of the Verkhovna Rada of Ukraine. Accessed 20 February 2026. para.6.3. <https://zakon.rada.gov.ua/laws/show/v008p710-24#top>
81. “Kaul v OHMI – Bayer, case T-164/02”, EUR-lex, accessed 20 February, para. 29. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62002TJ0164_SUM
82. “Data Protection Commission v European Data Protection Board, Joined Cases T-70/23, T-84/23 and T-111/23.” EUR-lex. Accessed 22 February 2026. para. 80. <https://eur-lex.europa.eu/eli/C/2025/1640/oj/eng>
83. “WhatsApp Ireland Ltd v European Data Protection Board, Case C-97/23-P, ”, EUR-lex. Accessed 22 February 2026. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62023CJ0097_RES
84. “Data Protection Commission v European Data Protection Board, Joined Cases T-70/23, T-84/23 and T-111/23.” EUR-lex. Accessed 22 February 2026. para.82. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023TJ0070>
85. “Federal Republic of Germany v European Chemicals Agency, case T-755/17.” Infocuria. Accessed 23 February 2026. para. 55, 57. <https://infocuria.curia.europa.eu/t>
86. “Heli-Flight GmbH & Co. KG v European Aviation Safety Agency, case T-102/13.” EUR-lex. Accessed 28 February 2026. para.32 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62013TJ0102>
87. “European Ombudsman v Claire Staelen, case C-337/15 P.” EUR-lex. Accessed 6 March 2026. para. 11. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62015CJ0337>

88. “ Decision of the Council of State of France № 488227.” Legifrance. Accessed 10 March 2026. <https://www.legifrance.gouv.fr/ceta/id/CETATEXT000049267166>
89. “Decision № 2022-838 DC of the Constitutional Council of France.” The Constitutional Council website. Accessed 10 March 2026. para. 11, <https://www.conseil-constitutionnel.fr/decision/2022/2022838DC.htm>
90. “ Case № 21/00905, decision of the Nancy Court of Appeal.” The Court of Cassation website. Accessed 20 March 2026. <https://www.courdecassation.fr/dec>
91. “ Case № 13/24284, decision of the Paris Court of Appeal.” The Court of Cassation website. Accessed 20 March 2026. <https://www.courdecassation.fr/decision>
92. “Nidera Handelscompagnie BV v. State Tax Inspectorate, case № C385/ 09.” EUR-lex. Accessed 15 March 2026. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62016CJ0387>
93. “Decision of the Tax Dispute Commission, Nr. S-2026/S-2026/17 (7-2025/190).” The Tax Dispute Commission website. Accessed 15 March 2026, [https://mgk.lrv.lt/public/canonical/1775214228/1365/2026-02-06_Sprendimas_Nr.S-17_\(7-2025-190\).pdf](https://mgk.lrv.lt/public/canonical/1775214228/1365/2026-02-06_Sprendimas_Nr.S-17_(7-2025-190).pdf)
94. “Case BVerwG 6 C 16.16.” Bundeswervaltungsgericht. Accessed 11 April 2026. <https://www.bverwg.de/150317U6C16.16.0>
95. “R v. The Upper Tribunal.” The Supreme Court of the UK. Accessed 13 March 2026. para. 12. https://supremecourt.uk/uploads/uksc_2010_0176_judgment_3c1ecb56f2.pdf
96. “ R v. Lord Chancellor.” The Supreme Court of the UK. Accessed 13 April 2026. https://supremecourt.uk/uploads/uksc_2015_0233_judgment_d0f3da86aa.pdf

Websites

97. “Word «quasi».” Cambridge dictionary. Accessed 10 January 2026. <https://dictionary.cambridge.org/quasi>
98. Eglė Bilevičiūtė. “Quasi-Court Institutions in Lithuania”. Students lecture. Online. October 2025.
99. “Definition «quasi-judicial».” Merriam-Webster dictionary. Accessed 10 January 2026. <https://dictionary/quasi-judicial>
100. “Definition «quasi-judicial».” Cambridge dictionary. Accessed 10 January 2026. <https://dictionary.quasi-judicial>
101. “Definition «quasi-judicial».” Wex dictionary. Accessed 11 January 2026. <https://www.law.cornell.edu/wex/quasi-judicial>

102. “Definition «inter partes».” Wex dictionary. Accessed 15 January 2026. https://www.law.inter_partes
103. Definition «classification».” Merriam-Webster dictionary. Accessed 30 January 2026. <https://www.merriam-webster.com/dictionary/classification>
104. “Maladministration definition.” LexisNexis glossary. Accessed 30 February 2026. <https://www.lexisnexis.co.uk/>
105. “Information on Data Protection Board.” website of EDPB. Accessed 22 February 2026. https://www.edpb.europa.eu/about-edpb/who-we-are/european-data-protection-board_en
106. “Organization of Boards of Appeal.” EUIPO website. Accessed 17 February 2026. <https://www.euipo.europa.eu/en/boards-of-appeal/organisation>
107. “Appeal procedure.” ECHA website. Accessed 24 February 2026. <https://echa.europa.eu/regulations/appeals>
108. “Who we are.” ECHA website. Accessed 27 February 2026. <https://echa.europa.eu/about-us/who-we-are/board-of-appeal/the-board-of-appeal>
109. “ad hoc.” Wex dictionary. Accessed 28 February 2026. https://www.law.cornell.edu/wex/ad_hoc
110. “European Supervisory Authorities.” EUR-lex. Accessed 10 February 2026. <https://eur-lex.europa.eu/EN/legal-content/glossary/european-supervisory-authorities-esas.html>
111. “Call for expression of interest in the appointment as member and alternate/additional member of the Board of Appeal of the European Chemicals Agency.” EUR-lex. Accessed 28 February 2026. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C_202601397
112. “The Council of State.” official website of the Council of State. Accessed 7 March 2026. <https://www.conseil-etat.fr/qui-sommes-nous/le-conseil-d-etat>
113. “Administrative justice, from its origins to the present day.” official website of the Council of State. Accessed 7 March 2026. <https://www.conseil-etat.fr/qui-sommes-nous/le-conseil-d-etat/histoire-et-patrimoine/la-justice-administrative-des-origines-a-aujourd-hui>
114. “Missions of the State Council.” official website of the Council of State. Accessed 10 March 2026. <https://www.conseil-etat.fr/qui-sommes-nous/le-conseil-d-etat/missions>
115. “The role of CADA.” CADA website. Accessed 11 March 2026. <https://www.cada.fr/lacada/le-role-de-la-cada>

116. “The Defender of Right.” the Defender of Rights website. Accessed 11 March 2026. <https://www.defenseurdesdroits.fr/decouvrir-le-defenseur-des-droits-197>
117. “Information 2024.” The Tax Disputes Commission website. Accessed 15 March 2026. <https://mgk.lrv.lt/lt/atviri-duomenys/>
118. “About the Office of Seimas Ombudspersons.” Official website of the Office of Ombudspersons. <https://www.lrski.lt/apie-istaiga/>
119. “Handling of complaints.” official website of the Lithuanian Tax Dispute Commission. Accessed 15 March 2026, <https://lagk.lrv.lt/en/fields-of-activity/handling-of-complaints/>
120. “Parliamentary scrutiny of the Parliamentary and Health Services Ombudsman.” UK Parliament. Accessed 15 March 2026. <https://publications.parliament.uk/pa/cm5804/cmselect/cmpubadm/198/summary.html>

ABSTRACT

The master thesis examines functioning of quasi-court institutions in several European countries. In the first Chapter the definition of a quasi-court institution was analyzed. Besides, some significant features and classification of the institution were distinguished. Case law provided with deeper understanding and explanation of the features of quasi-courts. In the second Chapter quasi-courts on the European Union level were considered. In particular, functioning of different Boards of European Union Agencies were deeply analyzed and compared with significant features of a quasi-court institution. Additionally, this Chapter describes European Ombudsman as a type of quasi-court institution, its powers and procedure of case resolution. In the third Chapter system of quasi-courts in Lithuania, France, Germany and the United Kingdom were examined. The analysis provides also with the examination of importance of each institution. Moreover, the comparison of the systems of these countries were given in the master thesis.

Keywords: a quasi-court institution, a quasi-court, a quasi-judicial body, tribunal, an ombudsman.

SUMMARY

Sofiia Chyzykivska. «The Role of Quasi-Court Institutions in European Countries» (master thesis). 2026. Kyiv - Vilnius. Taras Shevchenko National University of Kyiv, Mykolas Romeris University.

The burden which has been placed on the judicial system led to the emergence of different out-of-court dispute resolution ways. One of such ways is an application to the quasi-judicial bodies. These bodies exist on different levels and can be divided into several types of bodies. The problem of the research requires to examine the concept and role of quasi-courts in different countries. The aim of the master thesis can be achieved through specific objectives such as: to formulate the definition and features of a quasi-court institution, to distinguish such institutions at the level of the European Union and to assess their types and role in several European countries. The first Chapter demonstrates the examination of the definition, classification and features of quasi-judicial bodies, the last were recognized based on the court practice of CJEU and ECtHR. The second Chapter pays attention to the European Union quasi-court institution system. Thus, several agencies and their Boards of dispute resolution were analyzed. Besides, the institution of European Ombudsman which plays a significant role in many countries worldwide was mentioned in the context of a quasi-judicial body. The third Chapter dedicated to the quasi-courts which exist in some European countries such as France, Lithuania, Germany and the United Kingdom. The Lithuanian considered to be the most well-established and efficient, whereas the German system is quite limited to just some quasi-court bodies. The role of quasi-judicial bodies in each countries were described through outcomes of their activities. The results of master thesis revealed that there is necessary to establish such institutions in Ukraine, as they can significantly alleviate the burden on judicial system while provide access to justice for individuals. Additionally, it was recommended to advance legal regulation of already existing quasi-judicial bodies in order to eliminate negative aspects of their functioning.