Chapter 6

Compliance, enforcement, appeals

Whilst adoption and communication of a law sets the framework for achieving a policy objective, effective implementation, compliance and enforcement are essential for actually meeting the objective. An *ex ante* assessment of compliance and enforcement prospects is increasingly a part of the regulatory process in OECD countries. Within the EU's institutional context these processes include the correct transposition of EU rules into national legislation (this aspect will be considered in Chapter 7).

The issue of proportionality in enforcement, linked to risk assessment, is attracting growing attention. The aim is to ensure that resources for enforcement should be proportionately higher for those activities, actions or entities where the risks of regulatory failure are more damaging to society and the economy (and conversely, proportionately lower in situations assessed as lower risk).

Rule-makers must apply and enforce regulations systematically and fairly, and regulated citizens and businesses need access to administrative and judicial review procedures for raising issues related to the rules that bind them, as well as timely decisions on their appeals. Tools that may be deployed include administrative procedures acts, the use of independent and standardised appeals processes,[1] and the adoption of rules to promote responsiveness, such as "silence is consent".[2] Access to review procedures ensures that rule-makers are held accountable.

Review by the judiciary of administrative decisions can also be an important instrument of quality control. For example, scrutiny by the judiciary may capture whether subordinate rules are consistent with the primary laws, and may help to assess whether rules are proportional to their objective.

Assessment and recommendations

Compliance and enforcement

Enforcement activities are (rightly) moving towards increased consideration of risk and better co-ordination between inspection services. "Obligations based on results" have replaced "obligations of means" while risk analysis is increasingly used to target controls. The policy on state modernisation and application of EU regulations have also led to the regrouping of some services (which in France are primarily under the remit of central government) and to improve co-ordination of inspection bodies. Simplification and co-ordination of inspection and control activities are concerns raised by business representatives. There is as yet no comprehensive approach, but several important initiatives already exist, such as those taken in the context of the RGPP (General Review of Public Policies), and it would seem that there is a trend in this direction.

Recommendation 6.1. Encourage co-ordination between inspection bodies, including through mergers if necessary.

Appeals

Alternatives to judicial proceedings have been developed, in particular, administrative appeals and mediator. This meets the need to reduce the number of cases that come before administrative courts. Mediators offer a service that is becoming increasingly well-known and which fills in (or attempts to fill in) gaps in the formal system. An important improvement relates to the need for greater transparency in relation to information about appeals procedures, in particular time limits for referring a case which are often very short. Another difficulty lies in the time it takes to process cases as the number of cases continues to rise.

Box 6.1. Extract from the 2004 OECD report

Administrative justice is a well-established practice in France with an easy, frequent appeals procedure against administrative laws. The appeals system is fairly liberal, which makes for easier access for the petitioner.

Source: OECD (2004).

Recommendation 6.2. Monitor the transparency of the different appeal processes for businesses and citizens, and time taken in processing appeals.

Background

Compliance and enforcement

It should be noted that the OECD team was not able, in its review, to identify all the provisions in place and/or in the process of reform. It nevertheless seemed helpful to give the examples, below.

Monitoring the level of compliance with regulations

There are no aggregate statistics at national level on the enforcement of regulations, something that is also true in other European countries. However, statistics broken down by type of regulation or by Ministry may be available.[3]

Monitoring regulatory enforcement by inspection services

The authorities responsible for inspection

Inspection services are attached essentially to Ministries. The Decentralisation Acts of 1982, 1983 and 2004 resulted in central government powers being transferred to regional authorities, but for the most part, responsibility for the enforcement of regulatory norms remained with central government. In most cases, the tasks involved are carried out at the level of regions and *départements* by officials of delegated government services, under the authority of Ministerial departments and *préfets*. For example, the Directorate-General for Competition, Consumption and the Prevention of Fraud (DGCCRF), within the Ministry for the Economy, is responsible for combating practices in restraint of competition and certain anti-competitive practices of enterprises, protecting consumers (implementation in particular of the Consumers' Code) and monitoring the quality and safety of foodstuffs, goods and services. Or again, the Regional Directorates for Industry, Research and the Environment (DRIRE), under the Ministry of the

Environment (MEEDAT), are responsible for the enforcement of environmental provisions with regard to most industrial installations. The staff of regional directorates support and monitor the activities of the directorates or entities of *départements* in which most inspectors work.

The general review of public policies (RGPP), conducted since 2007, has led to the reorganisation of a number of structures responsible for monitoring the enforcement of norms. The aim of the reforms is both to rationalise and reduce government operating expenditures and to improve public service quality. The reform of regional authorities included a consolidation of regional directorates as well as organisational simplification. Another reform carried out under the RGPP was the merger, on 1 January 2009, of three inspection services into a single labour inspectorate so as to create a single interlocutor for firms and employees.[4] This is a welcome development since one of the difficulties evoked by firms is the involvement of several Ministries in the same controls, with little co-ordination, which complicates the procedure, especially for SMEs. Some of those interviewed would like the reform to go further and, for instance, to establish inspection targets and then identify more effective ways of reaching them.

Investigatory powers

Investigatory powers, which vary depending on inspection agencies involved and the regulations applied, generally include access to premises and the communication of reports and documents. When an inspector finds that an offence has been committed, he prepares a report which he submits to the Public Prosecutor's office. In some cases or when enforcing certain regulations, he may also impose administrative measures (such as an order to comply or to complete work) in the event of a risk to public health or consumer safety.

Powers to impose sanctions

Préfets (officials who represent the state in the *départements* and regions) may in certain cases impose administrative sanctions after issuing a formal demand of performance or an informal letter. However, this does not apply to all fields of inspection. There is no provision for administrative sanctions in the Consumers' Code, for example, and any administrative measures imposed pursuant to Book II of the Code are not preceded by an order to comply. Administrative measures are separate from any criminal sanctions which might be pronounced by a court. Such sanctions are normally pronounced by a tribunal; the Public Prosecutor may decide to take measures other than criminal proceedings.

Guiding principles for the enforcement of regulations

The various health scares and crises which occurred in the 1990s together with the modernisation of public services led to changes in inspection and control functions. The implementation of Community regulations[5] also resulted in the strengthening of procedures and the application of principles such as risk assessment. These trends are significant, for example, in the fields of food safety and environmental protection.

Ex ante risk assessment and prevention and *ex post* inspection were separated with the creation of agencies such as the French Food Safety Agency (AFSSA), the French Agency for the Safety of Health Products (AFSAPS[6]) or the French Agency for Environmental and Occupational Safety (AFSSET[7]). These agencies are responsible, in relation to the risks and benefits in their respective fields of action, for monitoring

developments, issuing warnings and making assessments by means of collective expertise. Thus, the AFSSA has issued a new methodological guide for global risk assessment. The agencies submit recommendations to policy-makers.[8] Inspection duties remain within the jurisdiction of Ministerial departments.

An obligation of result, rather than of means, has now been applied to the principle of control. Since 1993, the safety of foodstuffs has been based on the principle that manufacturers are responsible for the safety of the products they put on to the market. In addition to standardised procedures, they must issue their own norms and formulate a series of internal procedures to provide an *a priori* guarantee of safety. In addition to visits by inspectors, compliance is monitored by examining self-surveillance reports as well as studies carried out by operators and outside bodies.

At the same time, control services have prepared their own procedures and instructions for carrying out quality assurance inspections. This has led to an almost total standardisation of the methods and tools used by inspectors in controlling environmental norms, for example, since a manual setting out the instructions relating to the procedures involved is available to them.[9] Use is increasingly made of risk assessment, as in food safety inspections and the monitoring of classified installations subject to licensing. In this latter case, inspections are targeted on the basis of an analysis of a whole series of risk criteria such as the complexity of the installations and the previous history of the establishment. These targeted inspections are completed by unannounced visits by inspectors essentially to take samples and check the accuracy of the self-surveillance data.

Follow-up given to inspections

Some administrations have the power to address a formal demand of performance to economic actors. In the field of consumer protection, officials of the Directorate-General for Competition, Consumption and the Prevention of Fraud (DGCCRF) of the Ministry for the Economy can give a warning to offenders, reminding them of the regulations. Systematic internal procedures for following up such reminders also help ensure their effectiveness. Should operators fail to heed these warnings, criminal or administrative sanctions may be imposed.

The scope of the OECD review is insufficient for a detailed enough assessment of the application of these policies. Some regional or *départemental* directorates publish statistics on their inspection activities (data on inspections completed, outlook). There are reports in some fields which give an overall view of the work and performance of inspection services throughout France. Discussions with the authorities have nevertheless made it clear that the taking into account of risk varies depending on the field of activity and that co-operation protocols have been signed to ensure the co-ordination of controls and inspections (including between services from different Ministries) and thus help make these procedures less cumbersome for enterprises, in particular SMEs.[10] More generally, the administrative re-organisation carried out under the RGPP has resulted in officials from veterinary services being brought together within the same local structure as those from the DGCCRF or indeed, youth and sport. The purpose of this structural reform in to increase synergies and co-operation in order to ensure that interventions, inspections and other market monitoring measures are more effective, wider in application and better targeted.

Types of recourse against administrative decisions

Background: Development of judicial review

In France, there are two types of jurisdiction: the judicial one (civil and criminal cases), and the administrative one. Within these categories, tribunals and courts are organised in accordance with a pyramid structure (first instance, appeal, supreme appellate court). Studies are being carried out on the balance to be found between criminal sanctions, civil sanctions and administrative sanctions, on regulatory non-compliance and on how to co-ordinate these different types of judicial regulation.[11] One of the subjects being examined is commercial law[12] but much more is being studied in the context of the reformulation of the Criminal Code and the Code of Criminal Procedure. Thus, the Ordinances of 25 March 2004 on the Simplification of the Law and Formalities for Business, and of 25 June 2004 on Securities, decriminalised certain activities, making them subject instead to civil sanctions.

Types of appeal against administrative decisions

In order to challenge an administrative decision, a citizen may submit a claim to the administration asking it to reconsider its position (administrative, non-judicial, appeal) or bring a case before the administrative courts (a judicial process). Proceedings in administrative courts can be brought in order to obtain the annulment of an administrative decision or to ask for compensation for any prejudice suffered. The option to bring such proceedings is open for a limited time only – normally two months from the publication or notification of the administrative decision being challenged – for reasons of legal certainty. An administrative appeal will extend the time limit for bringing proceedings which does not start to run until the administration has, either expressly or implicitly, rejected the appeal. Administrative proceedings begin with an application which does not suspend execution of the administrative decisions in question, unlike the summary injunction procedure. Whereas in the case of an administrative appeal, the administration may withdraw its decision for legal or policy reasons, administrative courts can only annul the decision contested and/or compensate the claimant for any prejudice caused, on legal grounds (Box 6.2). Administrative proceedings are fairly informal in nature which makes them reasonably user-friendly. Applicants do not need to engage a lawyer, and indeed do not do so in three-quarters of first instance cases and one-third of appeals, while the rules for formulating applications are straightforward.

Box 6.2. Appeals against administrative decisions

There are two types of appeal against administrative decisions: appeals to the administration which took the decision (administrative appeal), and appeals to administrative tribunals (judicial appeals). Submitting an administrative appeal extends the time limit for lodging a judicial appeal.

Non-judicial appeals (administrative appeals)

An administrative appeal consists of a claim addressed to the administration requesting it to reconsider its decision. It may take one of two forms:

- An appeal to a higher administrative authority: administrative control is normally carried out by an authority that is higher than the one which took the decision being challenged. The higher authority may repeal the decision of the lower one.

- An informal appeal: claimants may also directly contact the administration which took the decision, asking it to reconsider its position. The administration that took the decision may then revoke or withdraw it.

Judicial appeals

The purpose of a judicial appeal is to ensure that the decision of the administration was taken lawfully, complying with the law and the public interest. The right of interested parties to bring a judicial appeal is a constitutional principle consecrated as a civil liberty. Administrative courts are competent both to defend the rights of citizens against the administration and to ensure that the administration complies with the law.

The structure of administrative courts

There are three levels of administrative jurisdiction: administrative tribunals acting as courts of first instance in the ordinary law (40 administrative tribunals, of which 31 are in metropolitan France), administrative appeal courts (8 in number), and the *Council of State* (*Conseil d'État)* as the supreme appellate court.

Should the court of first instance reject his claim, an applicant has two months in which to appeal, the administrative appeal court re-examining the case in its entirety within the limits of the submissions and legal grounds invoked. Should this decision go against him, the claimant may refer his case to the *Council of State*, but only on the ground of irregularities in the procedure followed before the lower courts or of an alleged error of law on their part. This final appeal marks the end of the proceedings.

The *Council of State* acts as a court of first instance with regard to disputes of particular importance (Decrees, Ministerial regulations, decisions of collegiate bodies with national jurisdiction, individual measures affecting civil servants appointed by Decree of the President of the Republic) or the geographical scope of which exceeds the jurisdiction of an administrative tribunal. It also hears directly any dispute about elections to regional councils or the European Parliament. First instance cases represent 23% of the total number of cases heard by the *Council of State*. Its appellate jurisdiction has gradually been transferred to the administrative courts of appeal (set up by an Act of 31 December 1987) and is now limited to disputes concerning municipal or cantonal elections and referrals for a ruling on legality.

Types of administrative proceedings

- The most common are appeals on grounds of *ultra vires*, whereby the applicant requests the court to review the legality of an administrative decision and, if appropriate, annul it. Such illegality may involve the powers of the signatory authority, the regularity of the procedure followed or non-compliance with higher rules or general principles applying to that authority.

- Appeals on grounds of *ultra vires* enable any natural or legal person with an interest to contest the validity of all unilateral administrative decisions, whether individual or regulatory in nature (Decrees of the prime minister or of the President of the Republic, Ministerial Orders, or regulations of other administrative authorities, as appropriate). The only exceptions relate to certain so-called "government" decisions affecting relations between constitutional authorities (Decree of dissolution of the National Assembly, for example) or the conducting of France's diplomatic relations, as well as certain decisions internal to the functioning of an establishment (internal rules of an educational establishment, for example). These two exceptions have been interpreted in an increasingly restrictive manner recently by the courts.

- Annulment of a decision produces retroactive *erga omnes* effects (the decision disappears retroactively from the legal system). According to recent case law, however, the courts may apply a time schedule with regard to the effects of an annulment when an ab initio annulment is likely to give rise to manifestly disproportionate consequences for the persons concerned or when the public interest requires such a solution (*Council of State*, Assembly, 11 May 2004 AC Association and others, Rec. p.197).

- Appeals on grounds of *ultra vires* are not complicated to bring. They are free, no lawyer is required and the rules for formulating such appeals have been simplified (name and address of the applicant, decision the annulment of which is being sought, reasons justifying the appeal, minimal stamp duty).

- Full jurisdiction proceedings (or full proceedings) differ from appeals on grounds of *ultra vires* in that the court is not limited to simply annulling or validating an administrative decision, but may also modify it. This category covers a wide range of appeals: contractual, involving liability, fiscal or electoral. Usually, lawyers are involved.

- Proceedings involving interpretation and a ruling on legality, in which administrative courts rule on the scope or legality of the administrative decision contested. These appeals normally arise when the ordinary courts, confronted with a question of the jurisdiction of administrative courts, invite the parties to apply to the latter for an interpretation or a ruling on the legality of a decision.

- Criminal-type proceedings under which administrative courts impose sanctions or fines. One example here are so-called contraventions de *grande voirie* (harm caused to the public interest, other than highways which fall under the jurisdiction of the ordinary courts).

Interim injunction proceedings

An appeal against an administrative decision does not suspend its legal effects. This fundamental rule of public law is intended, above all, to protect the actions of the government, which was originally one of the justifications for administrative action. Summary, or interim injunction proceedings exist, however, including several which are suspensive in nature, under which courts may order provisional measures aimed at preserving the rights of claimants. The Act of 30 June 2000 has changed the way urgent matters are dealt with by the administrative courts and strengthened their interim injunction powers.

There are three types of interim injunctions for which urgency is a necessary condition:

- An interim ruling of adjournment enables an adjournment to be obtained of execution of an administrative decision at the same time as a request for revocation. The need for urgency and serious doubts as to the legality of the decision in question must be established. The conditions for bringing such proceedings were made less strict by the reform of June 2000.

- A protective interim ruling enables the court to "order any useful measures" to protect the rights of the parties even before the administration has taken a decision.

- A freedom interim ruling enables the court to order any measures necessary to protect a basic liberty which is being seriously infringed. The time period for this judgment is two days.

"Ordinary" injunction proceedings (without the need for urgency) also exist, as do special injunction proceedings (such as fiscal injunctions, the suspension of administrative decisions in the

field of urban planning and the protection of nature and the environment).

Fines

Legislation in 1980 and 1995 introduced a system for imposing fines on legal persons governed by public law who do not, within a time limit of four months, execute a court ruling. Such fines are over and above any damages and interest. Any public official whose behaviour gives rise to a public body being fined in this way may himself be fined.

Extension of administrative appeals procedures

A report of the *Council of State* of 2008[13] recommended that mandatory prior administrative appeals procedures be extended without, however, proposing their systematic use, so as to reduce the number of first instance proceedings before administrative tribunals. An administrative appeal may indeed be a mandatory prerequisite for referring a case to the courts. These procedures have been extended in recent years. The *Council of State* has recorded 140 of them covering a wide range of subjects (public taxes and claims, administrative elections, teaching, decisions of sporting federations, refusal of an entry visa into France). Mandatory prior administrative appeals usually have a number of specific legal characteristics. The decision taken at the end of a mandatory prior administrative appeal in principle replaces the first decision, and the administrative authority hearing the appeal gives a ruling on the situation in fact and in law at the date of its ruling, not that of the decision being contested.

The procedures applicable nevertheless vary, whether with regard to time limits for referral and investigation or with regard to the authorities competent to give a ruling (same authority as that which took the initial decision, higher authority, specific collegiate body). The *Council of State* has emphasised the need to clarify and improve procedures. The persons interviewed by the OECD also stressed the need to enhance the transparency of existing procedures and improve the information given to applicants about the types of recourse available.

Intervention of the ordinary courts in administrative decisions

According to the *Constitutional Council*, apart from matters reserved by their nature for the ordinary courts, only administrative courts are competent, in principle, to hear appeals for the annulment or amendment of a decision taken, in the exercise of public prerogatives, by authorities exercising their executive power, or by their agents, territorial authorities of the Republic or public bodies under their authority or control. The ordinary courts are competent in relation to private management activities of the administration (for example, industrial or commercial activities of public services), matters of individual liberty and private ownership, and in a number of specific cases (for example the status of persons, or fiscal disputes relating to indirect taxes apart from VAT).

The competent jurisdiction for matters relating to administrative authorities is normally administrative courts. The *Constitutional Council* has ruled that the right of appeal against acts of independent administrative authorities is, as with any administrative decision, constitutional.[14] Often, the law provides for unlimited jurisdiction on appeal which enables the court not only to annul but also to amend a decision referred to it.

With respect to the authorities competent to regulate the economy, on the other hand, parliament has extended the jurisdiction of the ordinary courts by making decisions of such authorities subject to review by the Paris Court of Appeal. The *Constitutional*

Council has authorised such transfers of jurisdiction when they have a specific limited purpose and are aimed at standardising proceedings, of a commercial nature, allocating them to the jurisdiction principally concerned. The decisions concerned by such transfers of jurisdiction are the following:

- decisions of the Competition Council, which became the Competition Authority on 2 March 2009;
- individual sanctions or measures – but not regulatory measures – taken by the Financial Markets Authority; and
- decisions taken by the Authority for regulating electronic communications and postal activities and by the Commission for regulating energy in the event of disputes between operators.

Length of proceedings

The main problem with judicial appeals remains the time they take. The administrative courts are faced with an ever-increasing number of cases (there was a 50% increase in new first-instance cases between 2002 and 2007). In 2007, all levels taken together (*Council of State*, administrative appeals courts and administrative tribunals), 206 000 cases were referred to administrative courts which handed down 210 000 judgments. In 1997, there were 120 000 cases and 115 000 judgments. The average length of time for a judgment from an administrative tribunal, which for long had been over three years, was brought down to one year and three months in 2007, but to two years if cases with specific time limits for judgments and those settled by Ordinance are excluded.[15]

Right of appeal to the Constitutional Council

Note should be taken of an innovation introduced by the Constitutional Act of 23 July 2008 which extended review of constitutionality by creating a "priority issue of constitutionality". Before the Act, cases could be referred to the *Constitutional Council* only *ex ante* (before the legislation was promulgated). Now, when in a case being heard by a court it is alleged that a legislative provision adversely affects rights or liberties guaranteed under the Constitution, the *Constitutional Council* may, within a certain time limit, give a ruling on the question if it is referred by the *Council of State* or the Supreme Appeals Court.[16]

Mediator of the Republic

The Mediator of the Republic provides citizens with another channel of appeal, notably for cases in which the excessive complexity of the law obliges the administration or the courts to take decisions which are clearly inappropriate, even if legally justified. The Mediator's role as an observer means that he may suggest changes to laws or regulations when the investigation of claims shows the existence of iniquities or incoherence in the legislation. Thus, in 2008, the Mediator of the Republic formulated 28 new proposals for reform concerning various subjects.

Box 6.3. Mediator of the Republic

The Mediator of the Republic is an independent authority created by an Act of 3 January 1973. He is appointed by Decree of the President of the Republic adopted in the Council of Ministers, for a period of six years which is not renewable. His general task is to improve relations between the French administration and citizens. He assists natural or legal persons who are challenging a decision or attitude of the French administration or public service delegation, and endeavours to find an amicable settlement between the parties. Referral to the Mediator of the Republic is not direct: in order to use his services, a case file has to be communicated through the intermediary of a Member of Parliament or Senator or of an agent of the Mediator of the Republic. The Mediator has a network of 275 agents throughout the country.

The Mediator of the Republic has no decision-making power, but does have investigative powers which enable him to obtain explanations from the administration. He also has a power of recommendation in order to end the dispute between the parties.

In December 2008, an *e-mediator* was set up in order to deal with appeals on line. Since its inception, the most common subjects dealt with have been: over-indebtedness; health; taxes; traffic offences and fines; problems with tenants/owners.

Every year, the Mediator of the Republic submits a report to the President of the Republic and to parliament. In 2008, 65 000 cases were referred to the Mediator, of which 7 000 were dealt with by the central services (the others being dealt with by agents).

The Constitutional Act of 23 July 2008 created the office of "Defender of Rights" who has taken over the powers of the Mediator of the Republic, the Defender of Children and the National Security Ethics Commission. The drafts of the Framework Act and the Defender of Rights Act were presented to the Council of Ministers in September 2009 for implementation of this reform.

Notes

1. Administrative review by the regulatory enforcement body, administrative review by an independent body, judicial review, ombudsman.
2. Some of these aspects are covered elsewhere in the report.
3. Administrative appeal to inspection authorities or an independent body, judicial appeal, mediator.
4. Some of these aspects are addressed in other parts of the report.
5. For example, the DGCCRF has a computer application (*infocentre*) which makes it possible to monitor inspection activities and to see the number of anomalies detected out of a given number of inspections; this application helps assess the level of compliance with the regulations in a given professional sector and to take appropriate measures if this level is unsatisfactory.
6. The single labour inspectorate results from the merger, on 1 January 2009, of the Agricultural Workers' Inspectorate (ITEPSA), the Transport Workers' Inspectorate (ITT) and the Maritime Workers' Inspectorate and Labour Inspectorate (IT).
7. Such as the Food Law of 2002, new food safety legislation setting up, for example, the European Food Safety Authority, the "Hygiene Package" on 1 January 2006.
8. AFSSA also has inspection duties in relation to certain products, such as medicines for example.
9. AFSSA and AFSSET are to merge at the latest by 1 July 2010 into a new national agency responsible for food safety, the environment and labour.
10. *www.afssa.fr/Documents/SANT-Ra-MethodeRisque.pdf.*
11. OECD, 2009.
12. Thus, a tripartite protocol and structures (MISSA) have been set up to co-ordinate inspections and fields of intervention between the administrations concerned with food and animal feedstuffs. In the industrial products sector, the DGCCRF and the DGDDI signed a co-operation protocol in 2006 organising co-ordinated inspections. In the field of chemicals, several directorates-general (including the DGCCRF) have co-ordinated their actions since 2009 within the framework of an inter-ministerial circular on the control of chemical products. A protocol has also been signed by the DGCCRF and the Directorate-General for the Prevention of Risks concerning risks relating to chemicals (in implementation of the REACH regulations) and more generally environmental risks.

13. To avoid cases of double criminal/administrative sanctions in competition cases. *Les recours administratifs préalables obligatoires*, Study by the Council of State, 2008.

14. See the report *La dépénalisation de la vie des affaires* presented to the Keeper of the Seals in January 2008 (*www.ladocumentationfrancaise.fr/rapports-publics/084000090/index.shtml).*

15. *Les recours administratifs préalables obligatoires*, Study by the Council of State, 2008.

16. Decisions of 18 September 1986 and 17 January 1989.