# Public Interest and Public Benefit as Guidelines on Administrative Action

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## Abstract

Public interest and public benefit are abstract legal concepts that fall into the category of indefinite legal concepts, which means that their content is yet to be given substance in each particular case with due consideration of the established facts and by means of the administrative-political process. The paper analyses both concepts through various systemic regulations and constitutional case law and aims to discern in which situations the two concepts diverge and in which they are even considered synonyms.

**Keywords:** public interest, public benefit, administrative matter, Slovenia

## 1. Introduction

In a modern society, several interests are pursued and are possibly colliding in everyday life. Firstly, there is individual interest that deals with certain personal position of individual (e.g. acquiring certain spiritual or material goods). Secondly, common interest is shaped when several people come together to achieve the same goal. Thirdly, from several individual interests general interest is shaped through the process of adapting and changing through interpersonal relationships. Finally, general interest can become social interest if upgraded with institutional note. Its content depends on members of particular society and which interests are pursued in this society (Trpin, 2005).

In the state, governed by the rule of law, public interest as institutional and normative phenomenon is important. To fulfil rule of law criteria, it should be shaped through a democratic process of policymaking. The paper deals with the process of shaping public interest through the process of public governance. The base is Parsons' theory of three levels of governance.

One of the main tools to define public interest is through law. However, law defines besides public interest also public benefit, sometimes even as a synonym. Both terms are indefinite legal concepts, the content of which still needs to be filled in each individual case in accordance with the purpose as derives from the law. The paper identifies both concepts, their definition and distinguishes the difference. Relevant regulation in the field of administrative law is identified (selecting procedural as well as substantive law) and analysed to determine the content of both terms. Moreover, relevant case law is studied. Finally, we try to answer, whether public interest and public benefit are quite the same in the last two decades, or did they change in time and space – why and when did they change? For this, we analyse the case law of the last twenty years and compare the differences for each decade.

## 2. Shaping Public Interest through the Process of Public Governance

Each organisation decides on its goals and the ways (means) of achieving such, which is known as governance or administrative process (Virant in Vlaj, 2006, p. 50). According to Parsons, governance within an organisation starts at the highest, i.e., institutional level where the organisation's goals are decided, namely what the organisation and its members seek to achieve over a particular period (Šmidovnik, 1980, pp. 26–27). It is a decision about the interests of the organisation's members based on the value judgments that are formed within the organisation.

The institutional level comprises the highest bodies structured according to political principles and authorised to make decisions on behalf of all members of an organisation (Šmidovnik in Vlaj, 2006, p. 37). Decision-making at this level is largely based on value guidelines. Thus, members are not required to have any special expertise but need to possess general knowledge and political commitment to the development of the society and of the organisation and its interests.

Next to achieve the goals set at the institutional level is – according to Parsons – the instrumental level. A specific instrument or means to achieve the goals is required. This level involves decisions on specific technical issues, i.e., fact-based decision-making on the basis of expert premises (Šmidovnik, 1980, p. 27). Tasks are carried out and decisions are made by organisations consisting of professionals who must meet certain professional requirements and have the relevant expertise and work experience. The necessary qualities are consistency, proficiency, and professionalism. An important component of the instrumental level of governance is the implementation, i.e.,

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executive level, where decisions for achieving the set goals are usually made by executive bodies representing the top of the organisational structure of administrative or professional bodies. These are decisions of a political and professional nature. This stage of governance involves the maximum concentration of social power in the organisation and the maximum concentration of responsibility (Šmidovnik, 1980, p. 28).

The last, technical level of organisation is not considered a part of governance. This level generates direct products and, as such, acts as an effector (Šmidovnik in Vlaj, 2006, pp. 38–39; Brezovšek, Haček, Kukovič, 2014, p. 24).

Parsons' theory of governance levels can be transplanted to the administrative-political process or decision-making in public matters (the process of public governance), which similarly entails several stages. In the context of public matters, we speak of meeting different social needs. In such regard, it is important to identify which social needs exist in time and space, decide which ones will be prioritised, and determine who will meet/satisfy them and in what way. An important role therein is played by the political leaders, who determine the country's policy through political goals, national programmes, and strategies.

The most important and the first decision to make in the process of public governance is to decide which needs are to be satisfied through public communities. It is necessary to define the public interest, which represents the need or interest of the social community organised at the state or local level. Any matter that is not decided by public communities is at the discretion of private entities (more on process of public governance see Sever in Stare, Pečarič, 2021, pp. 267–288).

The state, as the largest public community, is the one that specifies which matters need to be regulated to establish legal order and prevent conflicts, and which are at the discretion of private entities. If there is no need to protect the public interest, there is also no need for regulation and supervision by the state; therefore, such relationship is to be left to the free will of the parties.

The administrative-political process or decision-making in public matters takes place in several stages, the main ones being the institutional and the instrumental stage. At the institutional stage, the (political) goals of the community are set, whereas in the instrumental stage, the decisions to implement the set goals are made (Virant, 2009, pp. 14–15). The institutional level of governance comprises the state and the self-governing local communities to which the state has delegated a part of its political authority. The goals of a public community are determined at the highest institutional level by way of political decision-making. They are conveyed in political decisions as public interest. At the state level, political decisions are largely adopted by representative bodies (except in the case of a referendum), namely the National Assembly and the National Council. At the level of the self-governing local communities, general legal acts (statutes, municipal ordinances) are adopted by municipal councils.

The content regulated by these acts implies the pursuit of the goals and needs of a public community in time and space, thus determining the public interest of a particular public community. The decision which goals and needs are to be pursued and which needs to be prioritised is the most important decision in the administrative-political process involving value-based, political decision-making (Virant in Vlaj, 2006, p. 53).

Next is the instrumental stage at which new decisions to meet the goals set at the institutional level are taken. At this stage, the government, as part of the executive branch, operates in the executive stage of the public governance process at the state level. The political part here moves towards the executive branch as a result of the society’s development, which contributes to greater need to regulate various areas of life that are complex and contingent on expertise and rapidly evolving (Rakar, Tičar, 2017, p. 129). If the institutional stage implies the strategic political level, the instrumental stage implies the executive political level. Thus, the Government adopts general legal acts such as decrees and ordinances to enforce laws, while ministers, being members of the Government, adopt rules. At the level of self-governing local communities, general legal acts are adopted by mayors. Such decisions are both political and professional.

The third stage is the operational stage at which state administration bodies and bearers of public authority at the state level as well as municipal administrations and bearers of public authority empowered by municipalities enforce decisions taken at higher instances (e.g., issue administrative decisions). The executive stage thus represents the link between political decision-making and professional decision-making at the operational stage.

## 3. Public Interest and Public Benefit Analysis with Conclusions

Public interest is the central concept of public administration science, albeit without a clear definition (Bučar, 1969, p. 92). It is an abstract legal concept that falls into the category of indefinite legal concepts. Its content is yet to be given substance in each particular case, with due consideration of the established facts

As follows from the previous section, the political authorities currently in power establish what is in the public interest in a particular society in the current time and space, i.e., which are the dominant or predominant social values in a particular period. This is reflected in positive law. However, in terms of the public interest, there may be exceptions to the principle of legality, as the authority is not strictly bound by law but must assess the substance of the public interest in each case separately. In doing so, it must apply the same criteria or use the same content in all equivalent cases (Pečarič, 2018, p. 158). In accordance with the principle of legality, when applying an indefinite legal term in a particular case, the competent authority must define the substance depending on the circumstances of the case so that the objective of the legal standard is attained (Constitutional Court Decision No. U-I-20/03-8 and Up-724/02-12, 23 September 2004).

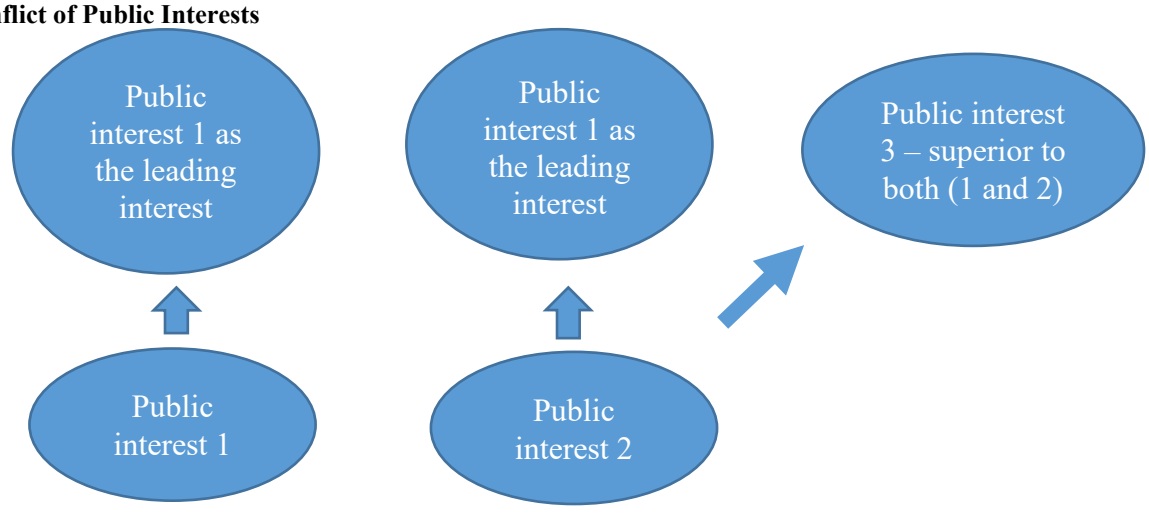
The concept must therefore be given substance considering a particular case in time and space. From the viewpoint of the administrative process, the key element to do so is the administrative procedure as an instrument of the state when deciding on the rights, obligations, or legal benefits of an individual. The public interest is one of the constituent parts in defining and shaping the administrative relations decided in an administrative procedure. It represents the core value of the public sector, ensuring that the latter's operations are legitimate (Bevir, 2011, p. 371).

The primary task of public governance is to outline the public interest. The latter is shaped through public policies in various areas of life (healthcare, environment, welfare, economy, etc.). In addition to participating in the shaping of the public interest, the public administration also acts as its guardian, representative, and executor. The legitimacy of its operation is conditioned by the content of the public interest (Pečarič, 2018, p. 49).

A possible risk, regardless of the level of democracy in a given system, is that the particular interests of individual interest groups are promoted as the public interest and make inroads into the regulation in force.

Furthermore, it is important to understand that individual public interests may collide. If that is the case, it is necessary to weigh which public interest takes precedence in the given circumstances (see Figure 1). That is, what "best serves the public interest" in that specific situation. In doing so, it is helpful to apply the principle of proportionality (cf. Letnar Černič, 2013).

**Figure 1: Conflict of Public Interests**




Source: own

Below we examine selected regulations in the fields of public administration and administrative law that lay down the public interest. It needs to be mentioned that in certain cases, public benefit is used as a synonym for public interest.

A first example is the General Administrative Procedure Act (Official Gazette of the Republic of Slovenia, No. 24/06 – official consolidated text, 105/06 – ZUS-1, 126/07, 65/08, 8/10, 82/13 and 175/20 – ZIUOPDVE, hereinafter GAPA) which is the basic systemic law regulating the administrative procedure as a primary instrument of the authorities in deciding on administrative matters, i.e. on the rights, obligations, and legal benefits of the parties in administrative relations. The need to protect the public interest is basically the essential criterion for identifying a matter as administrative (Article 2 of GAPA). Relevant from the point of view of outlining the purpose of the administrative procedure is the basic principle of protection of the rights of the parties and public benefits (Article 7 of GAPA). Equal or different needs or interests of other entities require the state to restrict a particular right. Hence, public and private interests collide and intervention by the state with appropriate regulation is necessary to protect the public benefit.

A public benefit can be defined as a general benefit of an organised wider community that is superior to the benefits of an individual (Jerovšek in Jerovšek, Trpin, 2004, p. 73); that indicates the objective effects as a result of activities or behaviour; that is more tangible than interest and as such enforceable, and generally considered equivalent to substantive legality (Kovač, Sever, 2016, 2017). The legislative and executive branches each determine, within the purview of their respective powers, what constitutes a public benefit in a given situation. The content of the concept evolves over different periods of social development (cf. Androjna, Kerševan, 2006, p. 51).

The analysis of individual provisions of the GAPA reveals that the notions of public interest and public benefit are used synonymously. The GAPA does not specifically define them, except in certain selected procedural situations. Consequently, it follows from paragraph three of Article 18 of the GAPA that the second instance authority may assume authority in the event of delay by the first instance authority, if consequences detrimental to the life and health of people, to the natural and living environment or to property might arise. Another such example is the application of a summary fact-finding procedure if the case concerns emergency measures that need to be taken in the public interest and cannot be postponed, whereby the Act deems the need for emergency measures to be demonstrated if there is a danger to the life and health of people, to public order and peace, to public safety, or to property of major value (Article 144). The same must be protected in the event of an extraordinary annulment of a decision (Article 278). In order to protect such, the Act also provides for the issuance of an oral decision (Article 211) and the enforcement of a decision against which the time limit for appeal has not yet expired or a decision against which an appeal has been filed (Article 236). Furthermore, the GAPA requires the continuation of the procedure if this is necessary due to the public interest (Article 135 of the GAPA). In the event of an evident curtailment of the public interest in an administrative procedure, the GAPA also provides for an official person to again undergo training on conducting and deciding in an administrative procedure (Article 307b).

The GAPA further mentions the public benefit when it speaks of representing the public benefit in procedures through the State Prosecutor, State Attorney (Articles 45, 229, 261); of initiating procedures *ex officio* when so required by the public benefit (Article 126); of settlement that may not be concluded to the detriment of the public benefit (Article 137); of cases of lesser importance where a decision may have the operative part only in the form of an official note, provided that the public benefit is not infringed thereby (Article 218); or of enforcement carried out *ex officio* when so required by public benefit (Article 286).

A different distinction is made in the commentary to Article 69 of the Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121,140,143, 47/13 – UZ148, 47/13 – UZ90,97,99 and 75/16 – UZ70a) allowing expropriation for the sake of the public benefit, which implies that public interest and public benefit are not synonyms since the public interest comprises only the element of interest, while the public benefit requires to weigh between the public interest and private interest and is, as such, inextricably linked to the principle of proportionality (Virant in Šturm, 2002, p. 668).

An upgrade to the GAPA's basic principle of protection of the rights of the parties and public benefits is the Inspection Act (Official Gazette of the Republic of Slovenia, No. 43/07 – officially consolidated text and 40/14). Inspection reflects the implementation of the constitutional principle of the rule of law (Article 2 of the Constitution), which requires compliance with applicable regulations. The latter is in the public interest and the state organises inspection

for such purpose (Jerovšek, Kovač, 2008, p. 170). Article 5 of the Inspection Act supplements the mentioned GAPA principle with the principle of protection of the public interest and private interests. During an inspection, interference with the status of the persons liable is only allowed to the extent necessary to protect the public interest. In accordance with the principle of proportionality, inspection duties must be performed so as to protect both interests, possibly by satisfying both or maintaining the best possible balance (Pečarič in Kovač, 2016, p. 98). According to the Inspection Act, the following categories are protected by specific measures taken by inspectors: an immediate danger to human life or health or animal health or an immediate danger of damage being caused to the natural and living environment or to property. It follows from the case law that the public interest does not necessarily mean direct damage but can also involve a demonstrated impending damage (Supreme Court Decision, No. I Up 405/2004, of 17 April 2008; Pečarič in Kovač, 2016, p. 100).

Other relevant systemic laws include the Government of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia, No. 24/05 – official consolidated text, 109/08, 38/10 – ZUKN, 8/12, 21/13, 47/13 – ZDU-1G, 65/14 and 55/17), the State Administration Act (Official Gazette of the Republic of Slovenia, No. 113/05 – officially consolidated text, 89/07 – CC decision, 126/07 – ZUP-E, 48/09, 8/10 – ZUP-G, 8/12 – ZVRS-F, 21/12, 47/13, 12/14, 90/14 and 51/16), and the Local Self-Government Act (Official Gazette of the Republic of Slovenia, No. 94/07 – official consolidated text, 76/08, 79/09, 51/10, 40/12 – ZUJF, 14/15 – ZUUJFO, 11/18 – ZSPDSLS-1, 30/18, 61/20 – ZIUZEOP-A and 80/20 – ZIUOOPE) which, however, do not specifically define public interest and public benefit. These two concepts are also not mentioned in the Decree on Administrative Operations (Official Gazette of the Republic of Slovenia, Nos. 9/18 and 14/20), which is one of the most important regulations for the functioning of the public administration.

Another law relevant for the organisation of the public administration is the Institutes Act (Official Gazette of the Republic of Slovenia, Nos. 12/91, 8/96, 36/00 – ZPDZC and 127/06 – ZJZP) that refers to continuous and uninterrupted provision of public services in the public interest by the state, municipality, or town (Article 22).

The Public Employees Act (Official Gazette of the Republic of Slovenia, No. 63/07 – official consolidated text, 65/08, 69/08 – ZTFI-A, 69/08 – ZZavar-E, 40/12 – ZUJF and 158/20 – ZIntPK-C) defines the status of officials as public employees that perform public tasks within individual authorities. These are tasks that are directly linked to the exercise of power or to the safeguarding of the public interest (paragraph one of Article 23). Officials must perform public tasks for the public benefit in a politically neutral and impartial manner (the principle of political neutrality and impartiality; Article 28). What the public benefit is in a particular administrative area must be deduced from laws, implementing regulations, the budget and other legal acts issued by the National Assembly and the Government. The same applies in cases of discretionary decisions, where among the various possible legal decisions one must opt for the one which is believed to best protect the public benefit (Virant in Pirnat, 2004, p. 114).

An important systemic regulation is also the Public Information Access Act (Official Gazette of the Republic of Slovenia, No. 51/06 – official consolidated text, 117/06 – ZDavP-2, 23/14, 50/14, 19/15 – CC dec., 102/15 and 7/18), which stipulates that multiple public interests may exist simultaneously. Thus, despite there being exceptions from the free access to particular information (certain classified information, professional secrets, personal data, etc. – for more details see paragraph two of Article 6 of the Public Information Access Act), the Act allows access to such information if public interest in disclosure prevails over the public interest or interest of other persons not to disclose the requested information (paragraph two of Article 6).

According to the Public Procurement Act (Official Gazette of the Republic of Slovenia, Nos. 91/15 and 14/18), public interest relates to public health, people's lives, and the protection of the environment (Article 75). Furthermore, the Legal Protection in Public Procurement Procedures Act (Official Gazette of the Republic of Slovenia, Nos. 43/11, 60/11 – ZTP-D, 63/13, 90/14 – ZDU-1I, 60/17 and 72/19) stipulates that for the purposes of the Legal Protection in Public Procurement Procedures Act, public interest is deemed to exist where there is danger for human life and health, public safety, or damage to property of great value (paragraph one of Article 6).

Then, there is also the Public-Private Partnership Act (Official Gazette of the Republic of Slovenia, No. 127/06), which under point 19 of Article 5 stipulates that the public interest is a general benefit defined by law or a regulation issued on the basis thereof, which is defined by a decision determining the public interest in establishing a public-private partnership and implementing projects in one of the forms of public-private partnership under such Act. This decision

is taken by the Government or by the representative body of a self-governing local community (Article 11). The purpose of the Public-Private Partnership Act is "to enable and promote private investment in the construction, maintenance and/or operation of structures and facilities of public-private partnership and other projects that are in the public interest (hereinafter: promoting public-private partnership), to ensure the economically sound and efficient performance of commercial and other public services or other activities which are provided in a method and under conditions that apply to commercial public services (hereinafter: commercial public services), or other activities whose performance is in the public interest, to facilitate the rational use, operation or exploitation of natural assets, constructed public good or other things in public ownership, and other investment of private or private and public funds in the construction of structures and facilities that are partly or entirely in the public interest, or in an activity provided in the public interest" (paragraph one of Article 6). Among its principles, the Act lays down the principle of balance (Article 15) which requires that in a public-private partnership a balance of rights, obligations and legal benefits between public and private partners are ensured. According to the Public-Private Partnership Act, ensuring the public interest is deemed ensuring public goods or services, which is within the competence of the public partner.

It appears from the above that the concept of public interest is a typical example of an indefinite legal concept which will need to be given substance in each particular case separately, in accordance with the purpose laid down by law or other regulations and the conditions established by law for acquiring rights, obligations or legal benefits (Jerovšek, Kovač, 2016, p. 48). The competent state authorities will thus need to give it substance in each case separately, respecting thereby the basic constitutional principles and provisions. However, the interpretation of the content must not interfere with absolute human rights (Letnar Černič, 2013). Only in such way will we be able to prevent arbitrary decisions, abuse of public authority, and representation of particular private interests (Letnar Černič, 2013).

It can be concluded from this cross-case analysis that typical public goods, defined as public interest or tasks performed for the public benefit by various systemic regulations analysed herein and other sectoral regulations that are not specifically mentioned,[2] are the following: protection of human life and health, protection of animal life and health; protection of the natural environment; protection of property of major value; public safety, etc. Although we may assume that such concepts are already defined in more detail, they still fall into the category of indefinite legal concepts which will need to be given substance on a case-by-case basis through decisions taken by the competent administrative body.

In sum, we can argue that the definition of public interest and public benefit primarily falls within the circle of value-based, political decision-making. The public interest is the interest of a particular social community that implies a general, broader social interest. It is a normative phenomenon, i.e., the general interest becomes public on the basis of a legal norm. It is shaped under the influence of public bodies, informal groups, ideological and subconscious influences, etc. It is a core value of the public sector. Public benefit denotes objective effects as a result of an activity/behaviour and is equalised with substantive legality (Kovač, Sever, 2016).

## 4. Case Law Analysis with Conclusions

In order to answer, whether public interest and public benefit are quite the same in the last two decades, or did they change in time and space, we analyzed the case law of the Constitutional court for the last twenty years and compared the differences for each decade.

To research interpretation of public interest we analyzed constitutional decisions, using search engine on the https://www.us-rs.si/odlocitve/, based on the following criteria:

- Using the term: javn* int* (abbreviation in Slovene for public interest);
- Time period: 1 January 2001 – 1 January 2021;
- Type of act: decision;
- Type of matter: constitutional complaint;
- Legal areas: state regulation; local self-government; administrative law; denationalization; social security; public finance (taxes).

[2] For example: Medicinal Products Act (Official Gazette of the Republic of Slovenia, Nos. 17/14 and 66/19); Decree on Protected Wild Animal Species (Official Gazette of the Republic of Slovenia, Nos. 46/04, 109/04, 84/05, 115/07, 32/08 – CC dec., 96/08, 36/09, 102/11, 15/14, 64/16 and 62/19) etc.

The search engine gave 50 results. Out of this, only seven decisions mention public interest.

We used the same criteria to analyze public benefit using the term javn* kor* (abbreviation in Slovene for public benefit). In this case, the search engine gave 83 results for the period 1 January 2001 – 1 January 2021. Out of these, 40 decisions mention public benefit. However, 29 of these decisions are dealing with the same matter in the field of pension giving the same interpretation of the Court (see e.g. decisions: Up-27014, point 5; Up, 273/14, point 5; Up-283/14, point five etc.).

Comparing the two decades, we did not detect many differences. Therefore, overall analysis is given.

Overall, based on the analysis of the decisions we can conclude that Constitutional court (hereinafter the Court) does not interpret the content of public interest or public benefit. Most of the times the Court cites public interest or public benefit solely as a term in a much generalized way, but of course in context of certain administrative area (e.g. Decision Up-679/06, U-I-20/07; Up-2411/06). Below are presented decisions, which we detected as most interesting.

Decision Up-395/06, U-I-64/07 discusses public interest in the field of denationalization in relation to property. It explains that the public interest is differently intensely expressed by different types of things. Therefore, the legal property regimes of individual types of things differ. Larger is the meaning of certain type of things for the community, bigger is maneuver space of the legislator when defining the content of property right (Decision Up-395/06, U-I-64/07, point 53).

Very interesting in terms of public interest is Decision Up-1850/08, which explains specifics of public law relations v. civil law. Namely, public interest is followed by the state and as such defines certain duty of the state. However, such duty of the state does not necessarily establish also the right of the individual to demand from the state to fulfill its duty. This means that the individual does not have a right or legally protected interest against the state. We can call this solely as a legal reflex (Decision Up-1850/08, point 9).

However, there are situations when protection of individual's interest is in the framework of public interest. Such example is Article 70 of the Constitution regulating national assets, which envisages acquiring of special rights to use national assets subject to conditions established by law (see Decision Up-267/11, U-I-45/11). Similar conclusions derive from Decision Up-741/12, which establishes that certain legal norm can at the same time protect several interests (public interest and several different private interests). This means that legal interest of an individual can be protected in the framework of certain general legal norm, which defines certain authoritative action by authoritative body (e.g. protection of health, environment etc.) if such norm is meant also for the protection of individual interest and entitlement of the individual can be established (Up-741/12, point 8; Kerševan, 2004, p. 82). Finally, this decision indirectly gives certain content of the public interest, giving examples such as qualitative leaving conditions, environment protection, health protection, and coexistence in the immediate neighborhood (Decision Up-741/12, point 14).

Moreover, also Decision U-I-309/13, Up-981/13 gives input on content of the public interest in the context of enabling immigrants the right to family life in accordance with Article 8 of the European Convention on Human Rights. As it states in point 23, the public interest in this administrative field is state and public safety and economic prosperity.

However, decisions mentioning public benefit are far more general. Mostly, the Court refers to public benefit as a general term, without giving more concrete content to it (e.g. Decision Up-2501/08). E.g. the state is allowed to intervene with human rights only when this is requested by the rights of others or by public benefit (Decision Up-1116/09, point 12). According to Article 69 of the Constitution property rights to real estate can be revoked or limited in the public benefit upon compensation (Decision Up-89/05, point 6).

Less general is decision U-I-6/13, Up-24/13, which defines public benefit in terms of taxes. Namely, the state enables effective collection of taxes in a way that the tax debt is paid as soon as possible (U-I-6/13, Up-24/13, point 15).

Public benefit can be protected on the goods which are under special constitutional protection (e.g. land and forests as part of natural resources), with the state being their owner (Decision Up-395/06, U-I-64/07).

The regulation that limits extraordinary legal remedies to the minimum, strives to strengthen the principle of finality of legal decisions. As such it does not oppose public benefit (Decision Up-195/13, U-I-67/16).

As already mentioned above, we came to two conclusions. Firstly, the Court does not really interpret the content of the terms public benefit and public interest. Both terms are mentioned in Court's decisions mostly in very general way. Secondly, there are no major differences among the two decades. The Court usually refers to either public benefit or public interest, not referring to them as synonyms.

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