

European Administrative Judiciary

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Vuk Cucic

- ▶ Assistant Professor at the Faculty of Law of the University of Belgrade (2008-)
 - ▶ Teaching Administrative Law, Procedural Administrative Law and Comparative Judicial Control of Administration
 - ▶ PhD thesis “Administrative Dispute of Full Jurisdiction (*Contentieux de pleine juridiction*) – Models and Types”
 - ▶ Special Adviser to the Minister of Justice and Public Administration (2013 - 2014)
 - ▶ World Bank Consultant on Administrative Courts System within the Ministry of Justice (2014)
 - ▶ Member of the working parties in charge of drafting the General Administrative Procedure Act, PAR Strategy, Administrative Disputes Act
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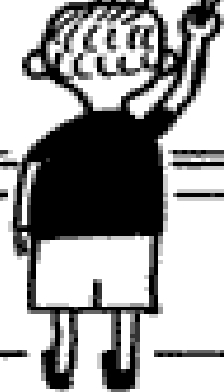
Everyone seems
normal
until you get to
know them.

O P Q R S T U V W X Y Z

$$1 + 1 = 2^*$$

*Disclaimer:

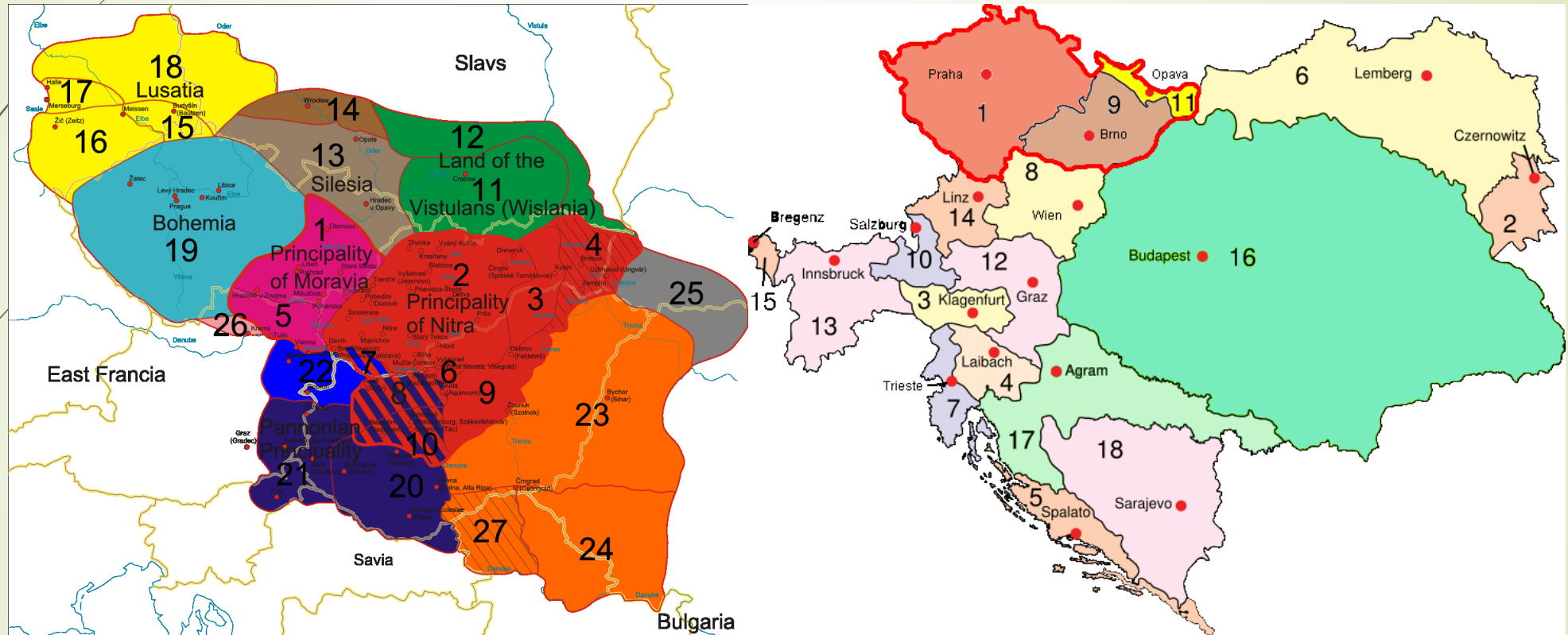
Timmy, dear,
it doesn't need
a disclaimer.



Czech Republic & Serbia



Great Moravia & Lands of the Bohemian Crown



Saints Cyril and Methodius



Tomáš Masaryk



Petite Entente cordiale



Czech Language in Serbia





Administrative Legal Tradition



Austrian Allgemeines Verwaltungsverfahrensgesetz 1925

Crown





European Administrative Judiciary

- The Basics -

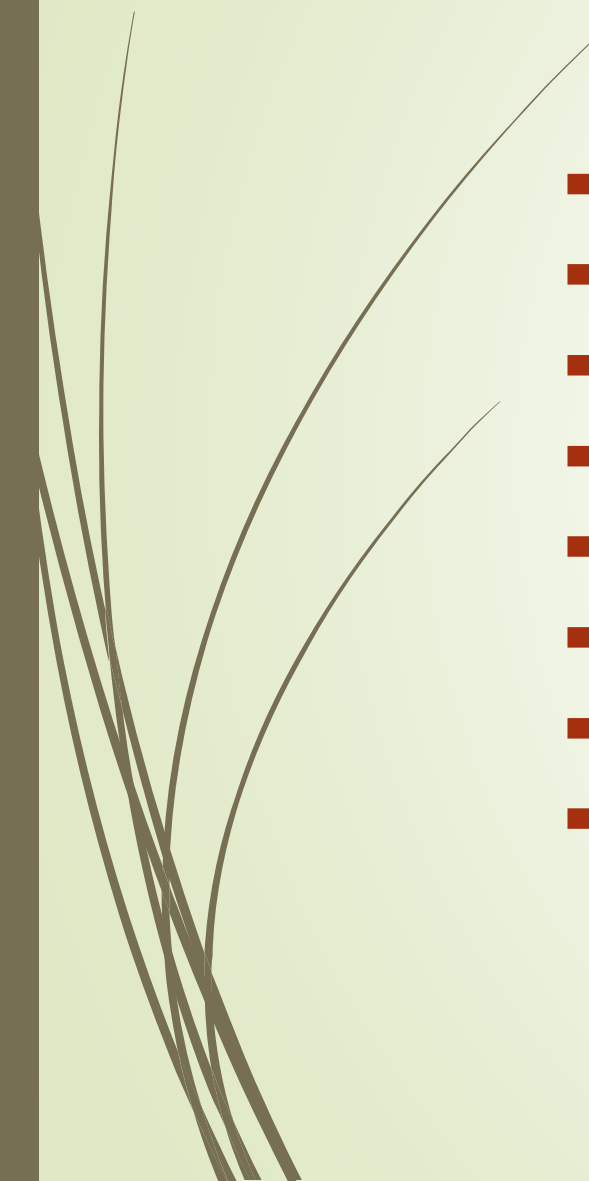


Administrative Judiciary

Building blocks



Key Issues

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- Organization and Jurisdiction of AJ
 - Type of Lawsuits (Acts, Claims)
 - Judicial Control of Discretionary Acts
 - Interim Measures
 - Oral Hearings
 - Decisions (Types, Scope, Execution)
 - Legal Recourse
 - Relation to Administrative Procedure



Administrative Judiciary

Models



Fromont

Criterion:

- Controlling Entities
- *Conseils d'Etat* (e.g. France, Italy, Greece)
- Administrative Courts (e.g. Germany, Austria)
- Ordinary Courts (Common Law Countries)



Conseil d'Etat Systems



Administrative Courts Systems



Ordinary Court Systems

Braibant

Criteria:

- Special judicial order for the administration
- Controlling entities

1. England, Austria (till 2014)
2. Hungary, China, Serbia (till 2010)
3. Poland, Indonesia, Mexico
4. Germany, Austria (since 2014)
5. France, Italy, Greece, the Netherlands, Belgium
Egypt, Liban

Monistic Systems

1. Quasi-judicial entities

2. Special panels of ordinary courts

3. Special administrative courts subjected to common supreme court

Dualistic Systems

4. Branch of Administrative courts

5. *Conseil d'Etat*



Lemasurier

Criterion:

- Types of administrative disputes judged
 1. Administrative courts resolve all administrative disputes
 2. Ordinary courts resolve all administrative disputes
 3. Administrative and ordinary courts resolve administrative disputes

French Model

Common Law Model

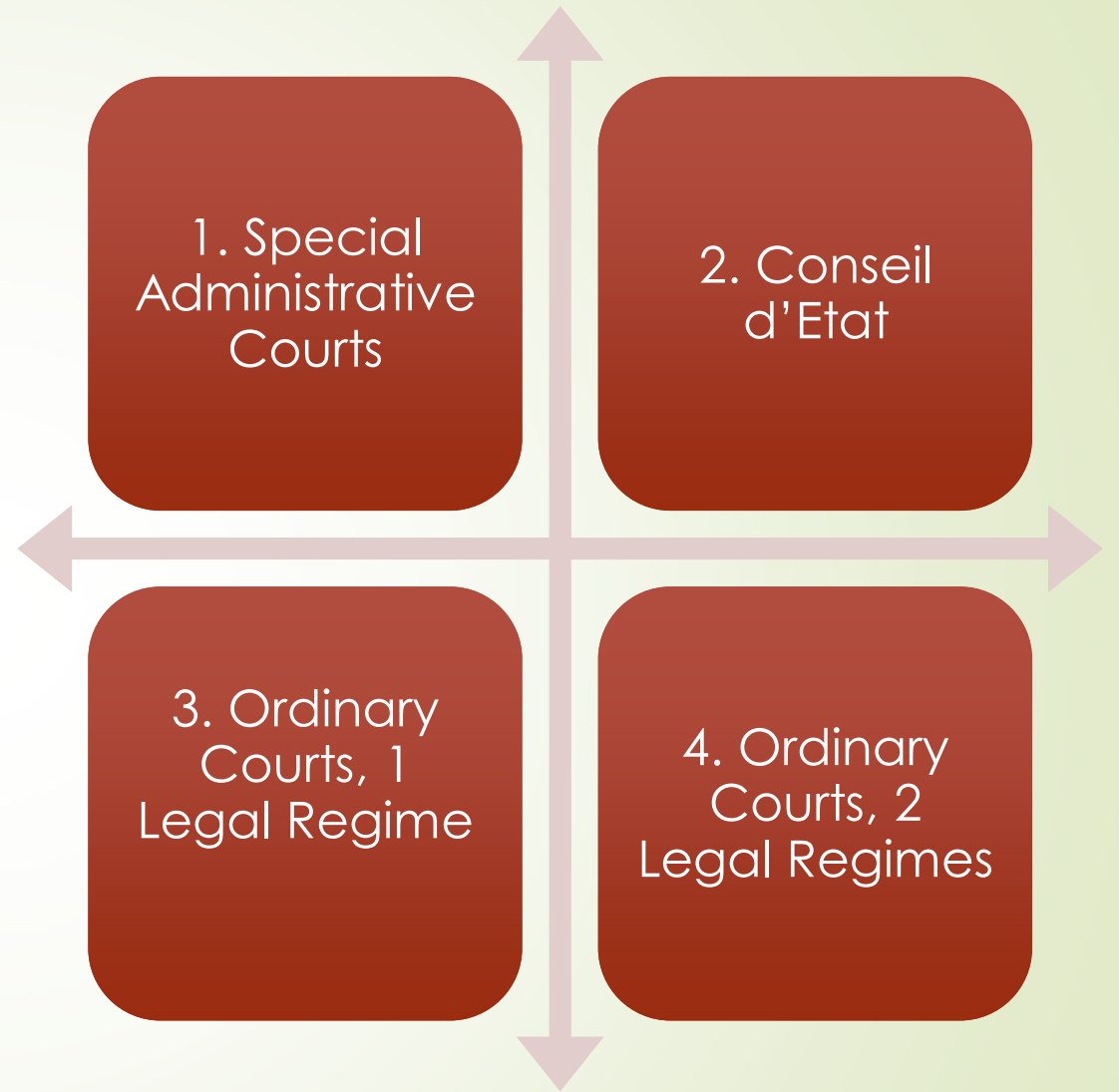
Mixed Model

Guyomar / Seiller

Criteria:

- Controlling entities
- Special rules for administrative disputes

1. Germany, Austria
2. France, Italy, Belgium, the Netherlands
3. Common Law countries
4. Spain, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, Slovenia



**& DĚKUJI VÁM
ZA
POZORNOST**

