European Administration

Erzsébet CSATLÓS, PhD
Institute of Public Law
Csatlos.e@juris.u-szeged.hu

„Vitam impendere vero”

WHAT IS THIS COURSE ABOUT?

1. Introductory studies: State- international organisation – public administration
2. The European Union as an administrative system
3. Direct administration of the EU
4. Indirect administration and administrative cooperation in the EU
5. Supervision of European administration

With specific examples on Europeanisation!

5 chapters for 5 blocks

5x4 teaching hours

European Administration

Chapter I.
INTRODUCTORY STUDIES: STATE- INTERNATIONAL ORGANISATION – PUBLIC ADMINISTRATION

WHAT IS PUBLIC ADMINISTRATION?

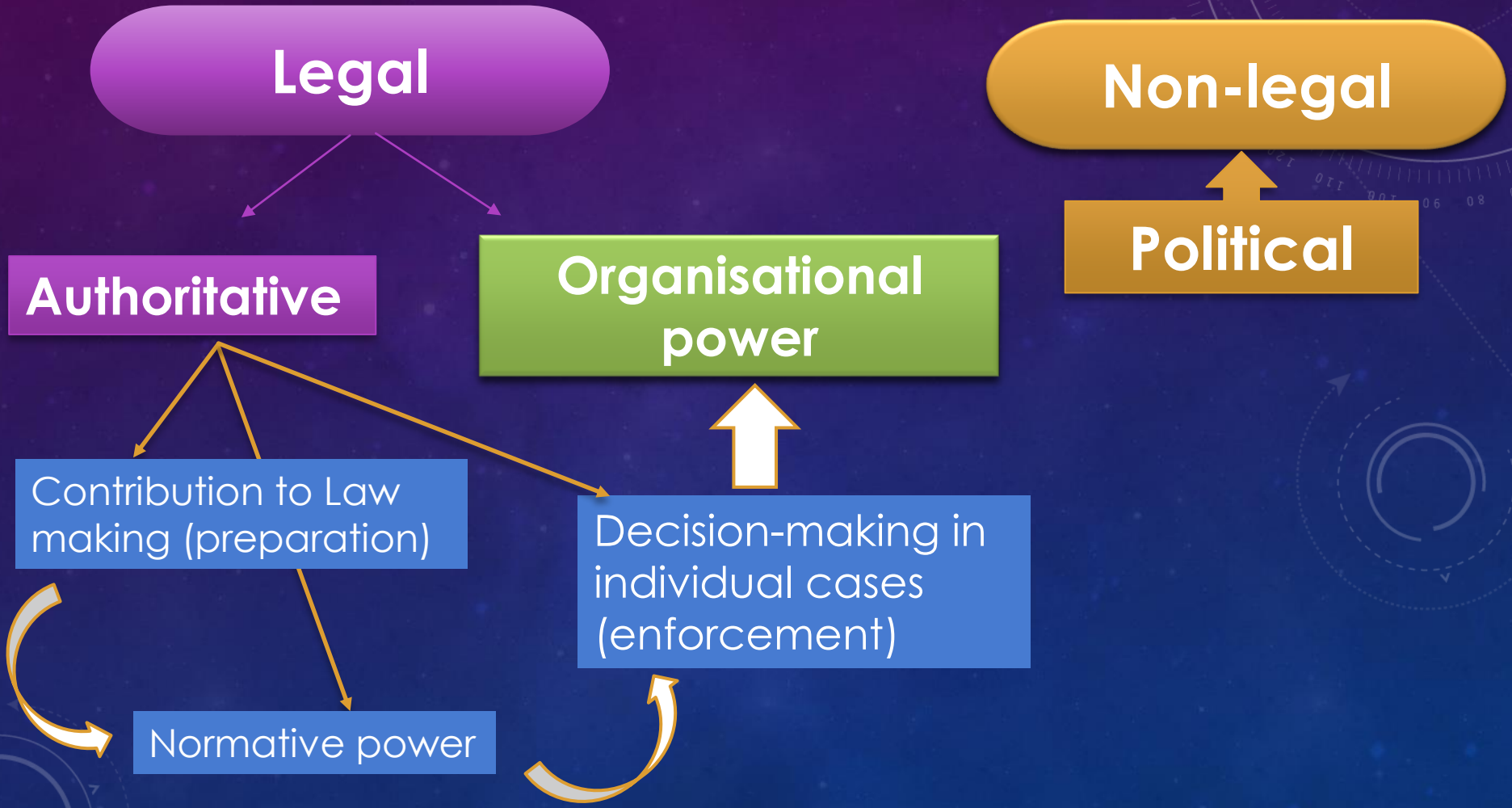
'AD' AND 'MINISTRARE (LAT.)

The object of public administration

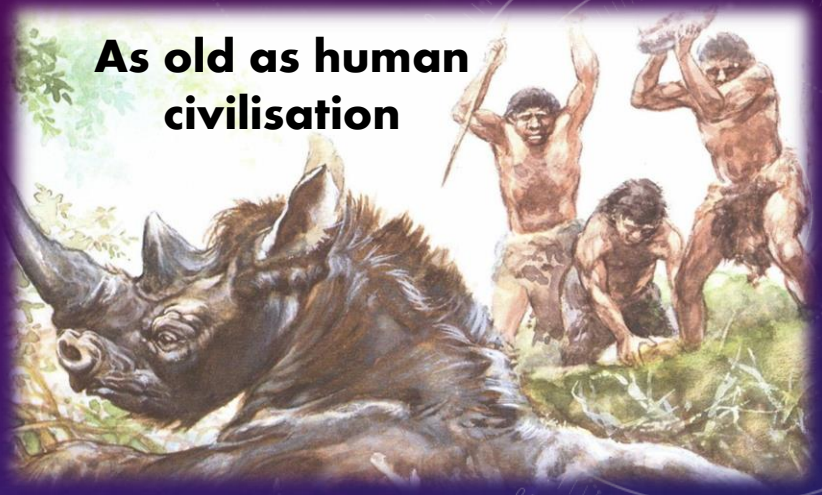
Realisation of *common tasks in a society* by a State directed organisation, staff and via special procedures governed by law

Tasks….

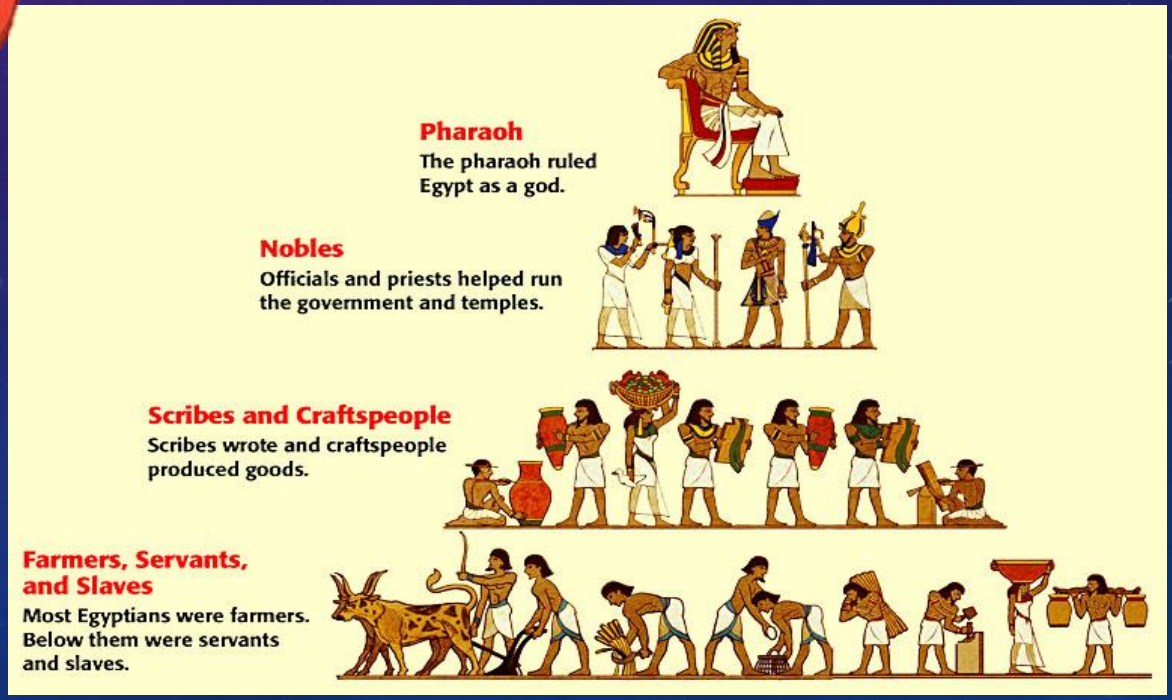
Activities of public administration



History of regulating public administration



Hierarchy in activity



- Common aims

THE BIRTH OF PUBLIC ADMINISTRATIVE LAW

Revolutions

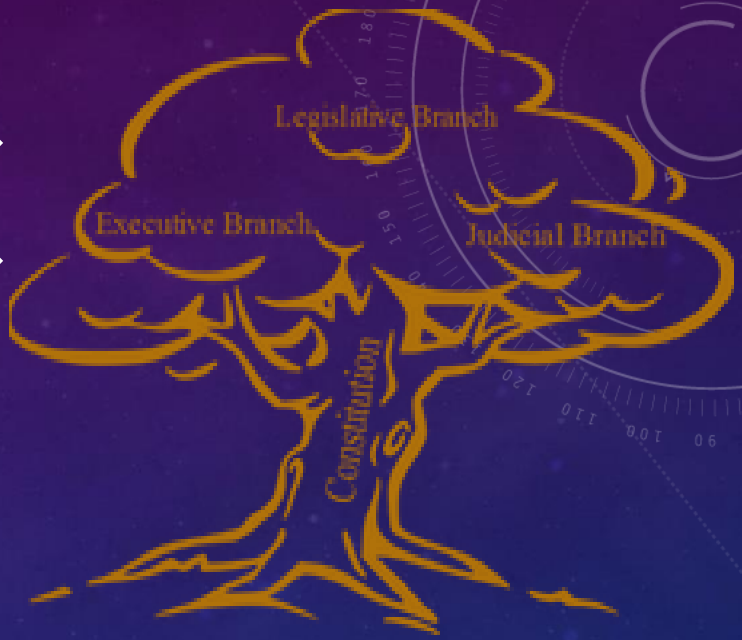
End of absolutism

Indirect democracy and rule of law

Main features of a democratic state

People = sovereign power

State organs



When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again, there is no liberty, if the judiciary power be not separated from the legislative and executive.

(Charles de Montesquieu)

prevents the arbitrary use of power

- equality of all citizens before the law
- secures a non-arbitrary form of government

Rule of law

- legal certainty
- access to justice and judicial review
- proportionality
- transparency
- equality and non-discrimination

Simplified structure of modern States' public administration

Administration for organising common, national issues according to common rules

Non-administrative organs performing administrative service

Local and/or regional/territorial **governments** for organising local/regional/territorial issues according to common rules – **with respect to local specificities**

Bottom up

Law of public administration = legal norms for ...

Rule of law

Organisation

= organs and authorities that perform administration

Staff

= people who work in the administrative authorities

Procedure

= rules governing the activities of public administration

Summing up…

Public administration

- Realisation of common tasks in a society by a State directed organisation, staff and via special procedures governed by law

Public administration law

- Public administration is the law in action; created and bound by an instrument of the law

2. PUBLIC ADMINISTRATION OF INTERNATIONAL ORGANISATION

Common aim

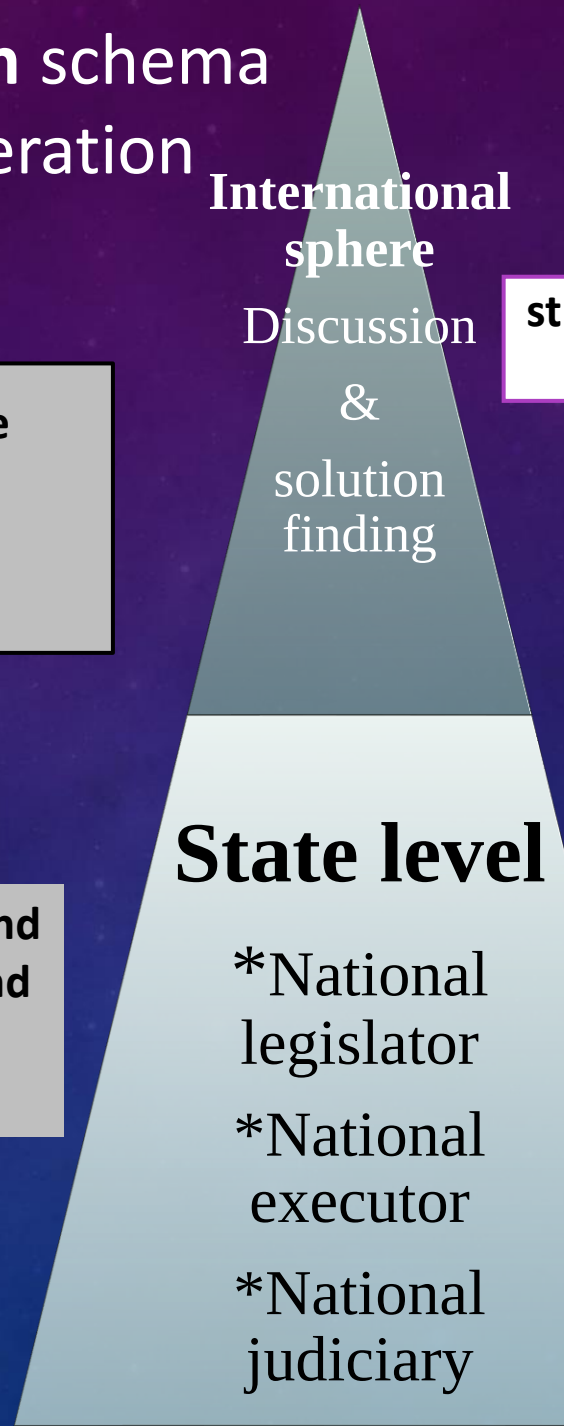
Beyond state borders

Transborder problems – transborder solutions

international intercourse

Pooling the common interest -> Creation of international organisations

Classical/Westphalian schema of international cooperation of States



structured form

International organisation

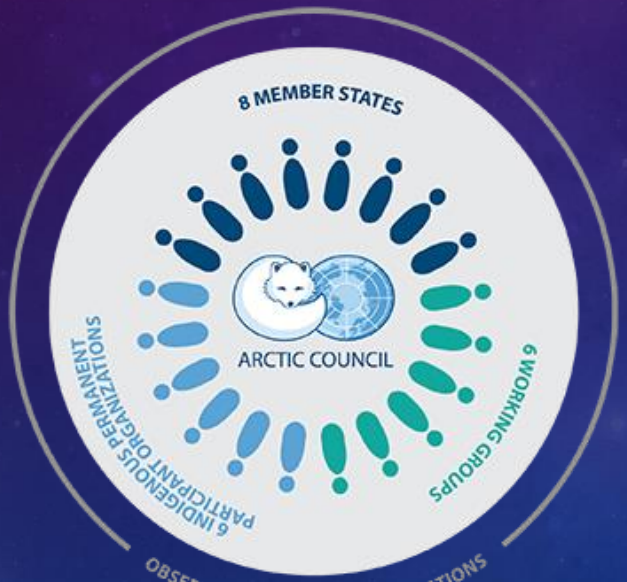
- ✓ **State representative come together & discuss issues**
- ✓ **Decide upon commonly acceptable solution**

Brings home the know- how and decides how to take part in and how to implement it to domestic policy

International organisations

inter-governmental organisations (IGO)

non-governmental organisations (NGO)



INTERNATIONAL ORGANISATION

Inter-governmental

- No power transfer
- Dependent organs (if any)
- Non-binding decisions and/or political declarations

Supranational

- **Power transfer (←States)**
- Independent organ
- Binding decisions

- **Decisions, resolutions**
- **Conventions**

- Defining the common aim is shifted upwards
- Legislation – rarely shifted upwards
- Execution – always stays in domestic sphere

Inter-governmental international organisations & public administration

a) Administration of the international organisation itself

b) Effect of the international organisation's work on public administration of its members

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b) Effect of the international organization's work on public administration of its members

Thank you very much for your kind attention!

Next chapter:
The EU as an administrative structure

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