

General Principles of Administrative Law

§ 1 Introduction

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Introduction

A) Course Objective

- Discussing fundamental problems of administrative law on the basis of comparative law
- Understanding different approaches to administrative law in European countries
- Understanding different legal methodology and its impacts on administrative law
- Understanding the impact of the work of the Council of Europe on national administrative law
- Finding a “framework” for Georgian administrative law?

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B) Problems of teaching administrative law in English

- Tight connexion between law and language
- Anglo-Saxon case law system and law traditions are not really conferrable to continental law systems
- English is only the language of communication, but not a language really able to describe continental law
- Necessity to “invent” vocabulary for legal translations

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C) Different Approaches to Administrative Law

- **‘Limiting-Approach’** (‘red-light-approach’) : administrative law as a law meant to protect the citizens against arbitrary administrative action
 - Emphasis on the rule of law and democracy (accountability)
 - Emphasis on individual liberties
 - ‘Classic’ approach of constitutional monarchies

- **‘Enabling-Approach’** (‘green-light-approach’): administrative law as a law which should enable the administration to fulfil its tasks
 - administration as extended arm of parliament and hence of the sovereign
 - individual liberties as limitation of the sovereign
 - accent on general interest
 - ‘Classic’ approach of the ‘administrative state’

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Overview of the course

- § 1 Introduction
- § 2 The Council of Europe and the Emergence of Pan-European-Principles of Administrative Law
- § 3 Administrative Bodies and Distribution of Competences
- § 4 Legality of Administration
- § 5 Discretion
- § 6 Legal Certainty and Protection of Legitimate Expectations
- § 7 Administrative Procedure and Individual Rights
- § 8 State Liability
- [§ 9 Public undertakings, local services, planning of infrastructures
- § 10 Administrative Sanctions
- § 11 Freedom of Information and Data Protection
- § 12 The Ombudsman]