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Algemeen Bestuursrecht 2001

SJ Ball



Algemeen Bestuursrecht 2001:

Administrative Law of the European Union, Its Member States and the United States René Seerden, F. A. M. Stroink, 2002

This book offers a comparative introduction by editors and native authors to the most important aspects of administrative law in various EU Member States Belgium France Germany the Netherlands the United Kingdom at the level of the EU and in the United States of America It aspires to contribute to the transboundary understanding of different regimes related to actions and decisions of the administration For the purpose of the use of this book in education research and legal practice the contributions to the book are all based on one and the same format thus making it more accessible for its readers The main items of the format are 1 What is administrative law Definitions general administrative law versus specific areas of administrative law general administrative law in the context of constitutional law trias politica federal unitary state aspects basic principles and the practice evolution of administrative law etc 2 Who is administering An outline of the administration organs agencies individual persons etc in specific administrative law areas in the framework of the territorial and functional organisation of the State 3 Which instruments are available to the administration An overview of the available public law instruments and the possibility to use private law instruments 4 Which formal rules principles written or unwritten govern administrative actions An elaboration on decision making procedures public participation etc under general administrative law and specific areas of administrative law as well as more substantive rules principles for administrative actions decisions due process in administrative matters 5 Access to administrative courts against administrative actions decisions Who can go to which courts constitutional administrative or ordinary and are prior out of court proceedings necessary How intensive or marginal is the test of discretionary administrative powers by the courts and what are the possible rulings of the court based on a remedy system for the plaintiff or on more general powers for the courts 6 Recent and future developments and conclusions The final chapter offers comparative remarks by the editors

Deference to the Administration in Judicial Review Guobin Zhu, 2019-11-23 This book investigates judicial deference to the administration in judicial review a concept and legal practice that can be found to a greater or lesser degree in every constitutional system In each system deference functions differently because the positioning of the judiciary with regard to the separation of powers the role of the courts as a mechanism of checks and balances and the scope of judicial review differ In addition the way deference works within the constitutional system itself is complex multi faceted and often covert Although judicial deference to the administration is a topical theme in comparative administrative law a general examination of national systems is still lacking As such a theoretical and empirical review is called for Accordingly this book presents national reports from 15 jurisdictions ranging from Argentina Canada and the US to the EU Constituting the outcome of the 20th General Congress of the International

Academy of Comparative Law held in Fukuoka Japan in July 2018 it offers a valuable and unique resource for the study of comparative administrative law

Cases, Materials and Text on Judicial Review of Administrative Action Chris Backes, Mariolina Eliantonio, 2019-08-08 This casebook studies the law governing judicial review of administrative action It examines the foundations and the organisation of judicial review the types of administrative action and corresponding kinds of review and access to court Significant attention is also devoted to the conduct of the court proceedings the grounds for review and the standard of review and the remedies available in judicial review cases The relevant rules and case law of Germany England and Wales France and the Netherlands are analysed and compared The similarities and differences between the legal systems are highlighted The impact of the jurisprudence of the European Court of Human Rights is considered as well as the influence of EU legislative initiatives and the case law of the Court of Justice of the European Union in the legal systems examined Furthermore the system of judicial review of administrative action before the European courts is studied and compared to that of the national legal systems During the last decade the growing influence of EU law on national procedural law has been increasingly recognised However the way in which national systems of judicial review address the requirements imposed by EU law differs substantially The casebook compares the primary sources legislation case law etc of the legal systems covered and explores their differences and similarities this examination reveals to what extent a *ius commune* of judicial review of administrative action is developing

Judicial Review of Administrative Discretion in the Administrative State Jurgen de Poorter, Ernst Hirsch Ballin, Saskia Lavrijssen, 2019-06-07 This book deals with one of the greatest challenges for the judiciary in the 21st century It reflects on the judiciary's role in reviewing administrative discretion in the administrative state a role that can no longer solely be understood from the traditional doctrine of the *Trias Politica* Traditionally courts review acts of administrative bodies implying a degree of discretion with quite some restraint Typically it is reviewed whether the decision is non arbitrary or whether there is no manifest error of assessment The question arises though as to whether the concern regarding ensuring the non arbitrary character of the exercise of administrative power which is frequently performed at a distance from political bodies goes far enough to guarantee that the administration exercises its powers in a legitimate way This publication searches for new modes of judicial review of administrative discretion exercised in the administrative state It links state of the art academic research on the role of courts in the administrative state with the daily practice of the higher and lower administrative courts struggling with their position in the evolving administrative state The book concludes that with the changing role and forms of the administrative state administrative courts across the world and across sectors are in the process of reconsidering their roles and the appropriate models of judicial review Learning from the experiences in different sectors and jurisdictions it provides theoretical and empirical foundations for reflecting on the advantages and disadvantages of different models of review the constitutional consequences and the main questions that deserve further research and debate Jurgen de Poorter is professor

of administrative law at Tilburg University and deputy judge in the District Court of The Hague Ernst Hirsch Ballin is distinguished university professor at Tilburg University professor in human rights law at the University of Amsterdam and president of the T M C Asser Institute for International and European Law He is also a member of the Scientific Council for Government policy WRR Saskia Lavrijssen is professor of Economic Regulation and Market Governance of Network Industries at Tilburg University Subsidierecht: Handleiding voor de praktijk H.F.Th. Pennarts,2006 **Algemeen bestuursrecht 2001** ,2001 **Is Government Setting a Good Example?** L. W. Huberts,André van Montfort,Alan Doig,2006 To what extent and in which manner do government bodies break laws and rules What are the reasons for doing so and what are the consequences Are public bodies less law and rule abiding than private organizations and corporations This book discusses these issues based on research in the Netherlands and the United Kingdom It pays attentions to rule and law breaking in areas such as environmental protection fire safety and working conditions It is concluded that government bodies break rules across the board and in all policy sectors Government organisations regularly violate administrative law regulations and to a lesser extent commit criminal law violations This is true for all levels of government and all policy areas The reasons not only relate to deliberate intent but are also increasingly linked to the complexity of managing and delivering public functions Thus rule and law breaking warrants more attention in policy and regulation as well as in research in public administration criminology public ethics law and political science A state that ignores its own rules and laws cannot expect citizens to be willing to obey the laws rules and policies of its political and administrative system Governments that do not set a good example could seriously jeopardize their own credibility and integrity Administrative Rulemaking and Planning in European Laws Giacinto della Cananea,Angela Ferrari Zumbini,2025-03-15 Administrative rulemaking and planning is an under studied and under theorized area of public law To better understand how administrative functions and powers are discharged by public authorities and private bodies this seventh volume in the Common Core of European Administrative Law series argues that we must consider all forms of administrative action not just formal procedures and judicial review As such greater attention needs to be paid to administrative rulemaking and planning which have a significant impact on economics and society Through extensive comparative research this book examines this increasingly important field of administrative law It focuses mainly on Europe analysing ten national systems including eight European Union member states Norway and the UK but it also explores the legal systems of the United States and China as well as that of a non state entity the European Union itself The questions investigated across these systems include whether administrative agencies may fetter their discretion through policy and rules whether their rules must be published and what remedies are available when plans adversely impact individual rights These questions are examined through a factual analysis based on a set of ten hypothetical cases which are discussed by national experts This comparative approach identifies commonalities and differences between legal systems such as in consultation and transparency in the rights of public service users and in legal

remedies to address rules and plans As in other volumes in the series both similarity and difference are essential to understanding how a common core is shaped and evolves Annuaire européen d'administration publique ,2002 **Das Verwaltungsverfahrensrecht in den Niederlanden** Alexander Koch,2006-11-13 Studienarbeit aus dem Jahr 2005 im Fachbereich Jura Andere Rechtssysteme Rechtsvergleichung Note sehr gut 16 Punkte Universit t Osnabr ck Veranstaltung Der Verfahrensgedanke im deutschen und europ ischen Wirtschafts Verwaltungsrecht Sprache Deutsch Abstract Nach einer kurzen Darstellung der rechtlichen Grundlagen der einen Vergleich der Rechtslage vor und nach Einf hrung des Awb Algemene wet bestuursrecht Allg Verwaltungsgesetz im Jahr 1994 beinhaltet werden die Grundbegriffe des Verwaltungsverfahrens und die allgemeinen Vorschriften erl utert Die Vorstellung des Verwaltungsverfahrens gliedert sich in die Verfahrenseinleitung die Beschlussfassung und den Verfahrensabschluss Nach diesen formellen Kriterien hinsichtlich der Rechtm igkeit von Verwaltungsentscheidungen werden die materiellen Anforderungen an Beschl sse besluiten dargestellt Im Rahmen der Bestandskraft von Verwaltungsbeschl ssen werden die M glichkeiten der Aufhebung sowie die Fehlerquellen und die Fehlerfolgen im Rahmen von Einzelfallentscheidungen dargestellt Abschlie end wird auf der Grundlage der vorangegangenen Darstellung der niederl ndischen Verwaltungsverfahrens in der auch Vergleiche zum deutschen Verwaltungsrecht gezogen werden eine Rechtsvergleichende Beurteilung des Verfahrensgedankens unternommen Anhand der Funktionen der Verfahrens Informations und Artikulationsfunktion dargestellt am Beispiel der Anh rungspflicht und des Art 6 22 Awb im Rahmen von Verfahrensfehlerfolgen aber auch unter Ber cksichtigung der richterlichen Pr fungskompetenz wird der vornehmlich dienende Charakter des niederl ndischen Verwaltungsverfahrensrecht herausgearbeitet

Références des notes de doctrine aux arrêts de la Cour de justice des Communautés européennes Court of Justice of the European Communities. Research, Documentation, and Library Directorate,2005 **Brinkman's cumulatieve catalogus van boeken** ,2002 Voorts een alphabetische lijst van Nederlandsche boeken in Belgi uitgegeven *Boekblad* ,2000 *Subsidies* K. M. Westra,2001 **The Journal of International Maritime Law** ,2005 Staatsalmanak voor het Koninkrijk der Nederlanden ,2007 **Legislative drafting** W. Riawan Tjandra,2009 Legislative drafting of Indonesian regional governance law **Mr. C. Asser's handleiding tot de beoefening van het Nederlands burgerlijk recht** ,2001 *Militair rechtelijk tijdschrift* ,1905 **SMA** ,2006

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