

## BOOK REVIEWS

### RENÉ SEERDEN (ED.), *COMPARATIVE ADMINISTRATIVE LAW, 4TH EDITION\**

Irina ALEXE, PhD\*  
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Intersentia<sup>1</sup> Publishing released, in January 2018, the 4th edition of the *Comparative Administrative Law*. Bearing the subtitle *Administrative Law of the European Union, Its Member States and the United States*, the volume makes a comparative analysis of the most important aspects of the administrative law at the level of the European Union, with a case study based on several member states of the European Union such as France, Germany, Netherlands or the United Kingdom, as well as at the level of the United States of America. We should underline that the first edition of this work was published in 2002, the second one in 2007, and the third one in 2012.

The editor of this fourth edition of this volume, René Seerden, is associated professor at the Law Faculty of Maastricht University, where he teaches, within the Public Law Department, Comparative Administrative Law and Environment Law. Also, he is Administrative Judge in the Districtual Court in Limburg, Netherlands.

This volume, a veritable instrument in Comparative Law, necessary and useful both in the field of education and in the field of research, but especially in practice, succeeds in following the rapid development in the Administrative Law, both in the aforementioned states and at the level of the European Union, emphasizing both common and differentiating elements. The editor himself makes a point, in the introductory section, that, in his opinion, these very differences contribute to a more active and vivid lecture of the volume (p.2).

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<sup>1</sup> Further details containing this volume can be found at

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We consider that this work has a high added-value, relevant through the importance granted to this field, as well as due to the fact that, under the coordination of the editor, the contributions within the volume were made by vernacular specialists, acclaimed not only in the states where they come from, but also at the international level. This a detail to be appreciated, emphasized both in the rich bibliography mentioned in every chapter of the volume, both in the footnotes and at the end of every chapter.

Starting with a preface, like in the case of every edition of the volume, the work is structure<sup>2</sup> in eight parts: a first part consists of the presentation of the intridutory remarks of the editor, followed by six chapters, one dedicated to the European Union, respectively each of the aforementioned states, while a last part is dedicated to the comparative remarks made by the author, following the structure of the chapters, hence realising a unitary structure of the volume.

As stated by the editor in the introductory remarks, the volume aspires to contribute to a crossborder understanding of the diverse adminisitrative regimes, aiming at emphasizing, in every chapter, while each chapter aims at emphasizing the particularities at the level of the European Union, respectively of the states whose legislation is analyzed, aiming in 8 items, identified (p. 2-3) as follows:

1. What is Administrative Law?
2. Who is administrating?
3. Which instruments are available for the administration?
4. Which (formal) rules/principles (written or unwritten) govern administrative actions?
5. Access to (administrative) courts against administrative actions/decisions.
6. Enforcement by the administration.
7. Financial liability of the administration for (un)lawful actions.
8. Recent and future developments and conclusions.

The first chapter, analyzing the Administrative Law in France, was realized by Jean-Bernard Auby, Lucie Cluzel-Metayer and Lamprini Xenou and is treating, in six distinct sections (Definition and Scope of Administrative Law; Legal Design of the Administration, Substance of the Administrative Powers and Administrative Acts; Administrative Norms and Administrative Legality; Administrative Litigations and Protection of the Citizens against the Administration; Conclusions), accompanied, as previously mentioned, by a vast relevant bibliography.

The second chapter, realized by Hermann Punder and Anika Klafki, treating the particularities of the German Administrative Law, is structured in eight sections, as follows: the Concept of Administrative Law; Administrative Organization; Administrative Acts and Other Instruments of the Administration; Rules and Principles governing Administrative Action; Review of Administrative

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<sup>2</sup> The contents of this volume can be found at [http://intersentia.com/en/pdf/viewer/download/id/9781780686301\\_0/](http://intersentia.com/en/pdf/viewer/download/id/9781780686301_0/)

Acts, Enforcement of Administrative Acts by the Administration, Non-contractual Liability for Administrative Acts, Recent and Future Developments. This chapter as well is accompanied by a vast and relevant bibliography.

The Administrative Law in Netherlands is analyzed in the third chapter of the volume, by the editor, René Seerden, together with Danielle Wenders, and contains, apart from the seven sections, an impressive bibliography, as well as an annex containing Key Provisions of General Administrative Law. The sections are analyzing: introductory aspects, who has administrative powers; What Instruments are Available to the Administration; What are the Norms with Which the Administration has to Comply; Legal Protection against Administrative Action; Enforcement of Administrative law; Conclusions.

The following chapter, which analyzes the particularities of the Administrative Law in the United Kingdom, realized by Katharine Thompson, contains seven sections (introductory notions, the Distribution of Administrative Powers, How are Administrative Decisions made, Non Judicial Redress of Grievances, Judicial Review, Liability of Public Administration, Conclusions), as well as the afferent bibliography, and an annex containing section 31 of the Senior Courts Act 1981.

The chapter which analyzes the European Administrative Law (or, more precisely, of the European Union), realized by Rolf Ortlep and Rob Winddershoven, contains eight sections accompanied by an eloquent bibliography, in which are detailed the particularities aiming at: introductory remarks; on Who has Administrative Powers, What Instruments are Available in the Administration, at the level of the European Union, at the national level, respectively the Direct and Indirect Effect of Union Law; How is European Law enforced, What are the Norms with Which the Administration has to Comply; What Legal Protection is There against Administrative Action, What Legal Protection is There against Administrative Action; Remedies at the National Level, Non-Contractual Liability, and conclusions.

The particularities of the Administrative Law in the United States are analyzed by Jeffrey S. Lubbers in a distinct chapter, structured in six sections in which are detailed aspects concerning general issues such as: What is Administrative Law in the United States; the Constitutional Structure; the American Administrative Process; Judicial Review of Administrative Action; Means of Enforcement; Review and Prognosis. This chapter as well contains a vast and relevant bibliography of the field of study.

Considering the analyses made by the authors of the six aforementioned chapters, and with a permanent attention for structuring the content by the eight items already mentioned, René Seerden makes, in the last chapter of the volume, a short introduction, subsequently subtracting its comparative remarks in eight different sections concerning Administrative Law, the Administration, Legal Instruments, Rules and Principles, Access to Court and (Prior) Out-of-Court

Proceedings, Enforcement by the Administration, and Developments and Conclusions. The synthesizing power of the author of this last chapter, editor of the volume, needs to be emphasized, as he underlines, in a brief yet comprehensive manner, the evolutionary processes of the Administrative Law.

In order to understand not only the very complex and vast field of the Administrative Law, but also the European evolutions in this field, and of the other states analyzed within the volume, we consider that this volume is relevant for the professionals, theorists or practitioners of the Romanian administrative law, but also for students or even for the subjects of the administration, the citizens. We recommend this work wholeheartedly, being convinced by the fact that reading this volume helps clarifying the used concepts and leads to a better understanding not only of the national Administrative Law systems, but also of the existing reports between the National Law of the Member States and the Law of the European Union.

We think that knowing the essence of this volume, both by the decision-makers and the citizens is extremely important, especially in relation with the eight aforementioned items and to the cross-border comprehension of the notions. This should prove particularly useful in the context in which the Romanian Administrative Code is currently in the parliamentary procedure, with a debate to follow, with a text intending to introduce new concepts, new relationships, or to redefine the existing one within the Romanian administrative system.