

COMPARATIVE ADMINISTRATIVE LAW

COMPARATIVE
ADMINISTRATIVE LAW

Administrative Law of the
European Union, Its Member States
and the United States

René SEERDEN
(ed.)

Fourth edition



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PREFACE TO THE FOURTH EDITION

At the end of 2016 the list of (new) authors was completed by me and I could start with the fourth edition of this book. It was decided with the publisher not to enlarge the number of States addressed in the third edition. A special welcome to the new authors: Lamprini Xenou (France), Hermann Pünder and Anika Klafki (Germany) and Jeff Lubbers (United States of America).

Some authors really well followed my instructions to update or (re)write the contribution of the previous edition. For various reasons I did not succeed to get this fourth edition ready before September 2017, so around the beginning (at some universities at least) of the new academic year. Around that time (most of) the draft-contributions were handed in. After that also the editing proceedings took some extra time. I expect that the book will be for sale in the bookstores in the beginning of 2018.

I want to thank the authors who are not participating anymore in this fourth edition: Meinhard Schröder (Germany), Brian Jones (United Kingdom) and Philip Harter (United States of America).

As you can see, the fourth edition is not published anymore in the previous Intersentia/Metro Series. This also means that Marjo Mullers, who was involved in the production (camera-ready copy) of the previous editions, did not participate. A special thank for her as well. Of course I thank the other authors for their (renewed) participation. Without them this book could not have been realized. Again in this fourth edition some did better than others.

The aim of the fourth edition is the same as for the first three editions: the book is to give introductory insight into administrative law in various States and will provide the reader with a concise synopsis of the state of administrative law at the level of the European Union, in the various EU Member States and the United States of America. Hopefully it helps students at especially universities to get this introductory insight into (the developments of) administrative law.

René Seerden
Maastricht, November 2017

PREFACE TO THE THIRD EDITION

In the beginning of the summer of 2011 the publisher and I talked about a third edition of this book. We agreed not to enlarge the number of States since the number of pages is more or less restricted and adding a 'new' state would mean skipping an 'old' one.

In January 2012 the co-authors of the second edition let me know that they were willing to participate again and would send in their updates/changes around the beginning of May 2012, so that there was time for possible editorial comments. The intention was to get this third edition ready before September, so around the beginning (at some universities at least) of the new academic year.

The proceedings for the third edition lasted somewhat longer than expected because a few co-authors needed some extra time for the updates/changes of their contribution. I expect that the book will be for sale in the bookstores around October 2012.

More problematic is that the author for Belgium after she agreed to come with an update around half July 2012 broke this promise. A last e-mail from my side to give her time until 1 August remained unanswered. Unfortunately this means that Belgium is not in the third edition anymore and no time was left to deal with a new country. That is something for a next edition.

Now I am very happy that Marjo Mullers started the production of the camera-ready copy. A special thank for her again. I also want to express my gratitude to Daniëlle Wenders, who succeeded Frits Stroink as co-author for the Dutch contribution. Last but not least I thank the other authors for their (renewed) participation. Without them this book could not have been realized. Of course some did better than others in the sense that the first did not confine themselves to a simple update (in time) of the previous contribution but came with a more substantial change regarding proposed items by me, such as the exact contents of the court proceedings (remedies, test), the fees for and costs of these proceedings, the possibility of claiming financial compensation and the (growing) European dimension.

The aim of the third edition is the same as for the first and second one: the book is to give introductory insight into administrative law in various States and will provide the reader with a concise synopsis of the state of administrative law at the level of the European Union, in the various EU Member States and the United States of America. Hopefully the third edition will like the first two editions help

especially students at Maastricht University but also at other universities to get this introductory insight into administrative law.

René Seerden
Maastricht, August 2012

PREFACE TO THE SECOND EDITION

In the spring of 2006 I started with the proceedings of the second edition of this introductory book about comparative administrative law, because the first edition proved to be very worthwhile for especially students in the European Law School at Maastricht University (but also at other universities).

The intention was to get this second edition in the bookstores in the beginning of 2007. Due to email delivery problems my message to the authors to get started did not receive many of them. In the late fall of 2006 this became clear and I had to wait somewhat longer before all the draft contributions – here and there a new co-author joined – received me.

Now in the fall of 2007 – the text for this book was concluded in the spring of 2007 – I am very happy to introduce the second edition. Although it was the second edition various emails were necessary to get all the contributions timely and (as much as possible) within the set format. Apart from an update a few important new elements are addressed by the authors, especially enforcement by and liability of the administration. I decided for the second edition not to enlarge the number of States. One of the reasons is that the book is of an introductory nature and the number of pages is more or less restricted. An enlargement of the number of states is maybe something for a next edition.

In closing the short foreword to this book, I thank all the authors for their (renewed) participation. Of course, without them this book could not have been realized. I also want to express my gratitude to Frits Stroink, who acted as my co-editor in the first edition and during the completion of this second edition got other responsibilities. A special thank you goes to Marjo Mullers, for the production of the camera-ready copy. Although it was the second edition it was not an easy job to ‘synchronize’ the various contributions. Naturally, the final responsibility for its completion lies with me. I hope that the second edition like the first edition of this book will provide the reader with a concise synopsis of the state of administrative law at the level of the European Union, in the various EU Member States and the United States of America.

René Seerden
Maastricht, October 2007

PREFACE TO THE FIRST EDITION

About two years ago René Seerden and Frits Stroink started working out the idea of writing an introductory book about comparative administrative law in Europe. One reason for this idea was the necessity of providing the students in the European Law School at Maastricht University with some materials about administrative law, particularly in (several of) the Member States of the European Union. We believed that a suitable and up-to-date comparative introductory description of administrative law of at least five EU countries was missing and would be very worthwhile to realise.

Now in the fall of 2002 – the text for this book was concluded on 1 July 2002 – we are happy to introduce this book. After several e-mails we managed to find native authors who wanted, within a certain framework and within a set period of time, to write about the administrative law in Belgium, Germany, France, the Netherlands, Sweden and the United Kingdom. Unfortunately the author for Sweden withdrew, but we managed to find authors who wanted to write about administrative law at the level of the European Union and in the United States of America. This means that this book deals with seven systems of administrative law. We hope that it is possible in the future (in subsequent editions) to extent this book with at least three other European countries.

In closing the short foreword to this book, we thank all the authors for their participation. Of course, without them this book could not have been realised. We also want to express our gratitude to Chris Fretwell for the English editing of most of the chapters and especially to Marjo Mullers, for the production of the camera-ready copy for this book. Naturally, the final responsibility for its completion lies with the editors. We hope that this book will provide the reader with a concise synopsis of the state of administrative law at the level of the European Union, in the various EU Member States and the United States of America.

René Seerden and Frits Stroink
Maastricht, August 2002

