Introduction

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INTRODUCTION

The economic crisis that afflicted Europe in 2008 has been considered a major hindrance to investments and development in many EU countries. While in 2016 the situation is not as dire as a few years back, the effects are still very much present in today's EU economy. In various European countries (such as France, Italy, or the Netherlands), lawmakers have adopted legislation in order to deal with the consequences of the crisis. These laws contain provisions that are aimed at speeding up administrative decision-making and judicial proceedings and which therefore have an impact on various provisions of general administrative law. Along with the aim of facing the economic crisis, measures to speed up decision-making and judicial proceedings have also been taken to make administrative law more up-to-date and enable it to meet the needs of current society.

However, the need for speedier decision-making and judicial proceedings and the consequent acceleration mechanisms may clash with the need to preserve the quality of these proceedings. On the one hand, swift procedures can be considered as one aspect of quality of decision-making. On the other hand, other aspects of quality, like public participation and thoroughly weighing all relevant aspects and interests, may come under pressure when speed of decision-making is the only focus of reforms. The question is thus where the balance between these two competing interests ought to be placed, and to what extent proceedings can be sped up without prejudice to their quality. Even better, perhaps there are ideas that both foster speed and a higher quality of decision-making at the same time. Furthermore, speeding up decision-making and judicial proceeding may run contrary to certain constitutional fundamental principles and values, such as the rule of law, the right of access to court and the right of defence. Last but not least, as legal systems do not operate in a legal vacuum, it important that acceleration reforms do not violate European and international standards.

This book presents six national perspectives on those issues, together with a comparative overview comparing and contrasting the national contributions on the need to find a balance between, on the one hand, the need to have faster administrative decisions and court rulings, and, on the other, the necessity to preserve and enhance the quality of administrative and judicial decisions.

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The six legal systems have been selected because of multiple factors. First of all, they represent a mix of different legal traditions: Romanic, Germanic, and common law, reflecting different views of the role of administrative law and administrative justice. The aim of this selection is to see whether different approaches to administrative law have induced differences in acceleration reforms. Secondly, the countries represented in this study have different economic strength and size, and have been impacted differently by the economic crisis. The selection thus allows a comparative examination of whether the magnitude and intensity of acceleration measures is linked to the economic conditions of a country.

The contributors have discussed, each in as far as it is considered relevant for his or her legal system, the acceleration measures which have been taken in the last years, both with regard to administrative decision-making and to court proceedings, and the impact these measures have had on the quality of administrative decisions. The measures discussed in the various contributions range from the creation of a one-stop shop, the curtailing of the participatory positions of stakeholders, the restriction of the standing rules applicable before administrative courts or the dispute settlement powers attributed to administrative courts. Where relevant, the contributions discuss the role played by European and international standards in the debate and whether European and international law have served as a limit to acceleration reforms. Furthermore, in some countries a more general discussion about enhancing the quality of decision-making can be identified. We hope, through this book, to have provided a useful source of inspiration for policy-makers with 'acceleration ambitions' and some thoughts about the necessity of a broader discussion about the means to improve quality of decision-making.

The research and its comparative analysis have shown that, while speeding up decision-making and court proceedings has been high on all national agendas, quality has not been treated with the same interest and it often cannot even be said with certainty whether acceleration reforms had any (positive or negative) impact on the quality of decisions. This might be the case because it is more difficult to measure quality of decision-making compared to measuring its duration. However, recently in some of the countries examined, the focus begins to change from speed to (some) aspects of quality. We therefore hope to stir the debate on a more comprehensive conceptualization of quality of decision-making.

The book reflects the law as it stands in June 2016.