SUMMARY OF THE THESIS

EUROPEANIZATION OF NATIONAL ADMINISTRATIVE LAW: THE PRINCIPLE OF TIMELINESS AND THE AWARD OF DAMAGES. LEGAL REVIEW STANDARDS STEMMING FROM THE EU LAW, COUNCIL OF EUROPE LAW AND ROMANIAN LAW

Keywords: **principle of good governance, timeliness, award of damages, European model reasoning.**

This main purpose of the thesis is to analyse the influence of the European Law and the Council of Europe's law on two selected aspects of Romanian administrative law. It presents the case study of (1) the principle of timeliness and that of (2) the award of damages, at the confluence of two great sources of influence, that of EU law on the one hand and that provided by the ECHR on the other hand.

Essentially, it tries to determine whether there is an European model standard (developed by the CJEU and the ECtHR, respectively) in relation to the principle of timeliness and regarding the award of damages. Then, it looks into the Romanian national practice to see whether it reflects this model of reasoning and, if and when it does not, if it tries to identify the reason and propose a remedy. Broadly speaking, the aim of the thesis is to assess the effects of EU and CoE law on the national Romanian administrative law.

The confluence of these two sources of influence on national administrative law generated a practical need of "consistent standards" of protection of individual rights concerning the administration (including the right to good governance and all its sub-components). For this reason, the thesis will argue for a pluralistic approach in terms of layers of protection, which implies reliance on both the CJEU and the ECHR developments, thus trying to promote a higher level of protection and a deeper commitment to modern fundamental rights in relation to the administration.

The main purpose of the thesis is to look into EU and CoE law and case-law in order to determine a consistent algorithm that national courts may use when dealing with aspects concerning the principle of timeliness and the award of damages. From a general perspective, it tries to assess the level of Europeanization of Romanian national law and practice. In particular, the thesis assesses the principle of timeliness

and the award of damages, as two sub-principles standing under the umbrella of the "good governance" standard. Further, it presents how the CJEU and the ECtHR approached the same concept, in the light of each one's legislative framework and competences. Such a research aims to identify a well-defined standard of protection and deduce out of the respective case-law (if possible) a generally applicable algorithm. Then, it assesses this algorithm against the standards of protection developed into the Romanian national law and practice, in order to determine the level of Europeanization of national Romanian law.

Further, observing how the CJEU and the ECtHR have dealt with the same concept has the potential to create the premises for a shared standard of protection, which can, from a point on, become a benchmark for all member states even in purely internal matters, which would raise the level of Europeanization to a whole new level. By identifying this universal and autonomous standard, member states' tradition in matters related to administrative law is both lost and found: it is lost, in the sense that tradition might lose specificity and its deep constitutional roots. However, in my opinion, it is found, because all autonomous notions developed by the European Courts are 'constitutional traditions common to the Member States' – in this view, Europeanization represents an insightful perspective into the fundaments of each national legal system.

A parallel analysis of the same principle, regarded from the CJEU, the ECtHR and the national perspective has the potential to ensure a uniform application of standards between the *acquis* and the relevant Council of Europe imposed requirements. In other words, the concept of this thesis is based on the idea that the *acquis* must be consistent with fundamentally important documents in the constitutional architecture of each member state such as the ECHR. To this end, Article 6 TEU requires the EU to accede to the ECHR.

Such consistency brings more predictability for lawmakers and law enforcers in member states and, by creating a common standard of protection, it becomes accessible and familiar to all recipients. In the long term, such a standard has the potential to reach universality: all national administrative action is bound to respect the standard, *the same standard*, no matter the purely internal nature of the aspect or its submission to EU law.

By assessing the "level of Europeanization" of the national Romanian administrative law and practice in areas regarding the timeliness and the award of

damages, the study also identifies what barriers practitioners and individuals encounter in terms of full efficiency of the EU and ECHR law and the rights deriving from it.

Last but not least, the study intends to provide a useful tool for practitioners – a concise guide to the evolution of the European and Pan-European case-law in the matters under observance. I tried to analyze in a parallel view the way the CJEU, the ECtHR and the national Romanian courts have dealt with the same concepts (timeliness and damages). Further, while studying many cases dealing with the same problems, I tried to deduce an algorithm, with well-established steps, so that the practitioners could determine the way they should reason when faced with cases where the studied principles are relevant. However, while being focused to determine the general concept, I tried not to lose out of sight the details that could change the whole scenario.

From a structural point of view, the thesis is divided into three main sections: the first section is rather theoretical and it is meant to set the scene for the Europeanization process – it mainly tackles aspects concerning the relationship between EU and CoE law, between EU and national law and between CoE and national law. The second section is the main focus of the thesis and it analyses the principle of timeliness and the award of damages. It looks into the CJEU's, the ECtHR's and Romanian courts' case-law to determine whether there is a model reasoning that can be deducted out of EU and CoE law, applicable for national courts. Then, it assesses the standards developed by the CJEU and the ECtHR against the Romanian practice, in order to deduce the level of Europeanization in the fields under research. The last section of the thesis draws both the particular and the general conclusions of the research.

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