

Public administration in the Czech Republic

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Constitutional rudiments

The state power is derived from the people and is carried out by three types of power – legislative, judicial and executive.

Public administration may only do what is expressly allowed by law.

Constitutional rudiments

Constitutional law represents the basis of administrative law regulations.

Most important sources:

Constitution

Constitutional laws

Charter of Fundamental Rights and Freedoms

Administrative law system

General part

Special part (legal regulation in individual „sections“ of public administration e.g. culture, environmental protection)

Organizational administrative law

Substantial administrative law

Procedural administrative law

Administrative offences are among all three branches.

Sources of administrative law

The term source of law is usually understood as normative legal act, a legal regulation that is formed by individual legal norms (code of conduct).

Sources of administrative law are nowhere fully or exhaustively listed.

Sources of administrative law

Sources are assorted in pyramidal-type structure.

Validity of legal regulation - > becomes effective (legally binding)

Sources can be classified by:

- *legal force,*
- *their primary/secondary sign,*
- *the body that issued them.*

Individual types of the sources of Administrative law

- Constitution, Constitutional laws, Charter of Fundamental Rights and Freedoms
- International treaties according to Article 10 of the Constitution
- EU law sources
- Laws and legislative provisions of the Senate
- Governmental orders, ministerial orders and orders of other central administrative offices

Individual types of the sources of Administrative law

- Bylaws of regions and bylaws of communities
- Generally binding bylaws of regions, generally binding bylaws of communities (self-government)

European administrative law

1. European administrative law can be seen as part of EU law
2. EAL can be seen as the Common European Administrative Area - administrative cooperation, cross-border cooperation.
3. EAL can be seen as common Principles and Values - ius commune - interaction, managed / regulated by Council of Europe

Europeanization

- Europeanization can be seen as perception and acceptance of common European requirements, values, trends, standards, case law and their transposition into national (s) legal systems
- Convergence, elimination of differences among the legal regulations of individual European states

Europeanization

- Passive - to be influenced by the surrounding European legislation, to meet the requirements of EU law
- Active - to influence the surrounding legislation

States in Europe (1) offer principles, (2) then they are taken over at European level and (3) distributed in Europe.

Europeanization

- Voluntary Europeanization – Council of Europe (non-legal aspects), similarity
- Forced Europeanization - EU (legal aspects - obligation), consistency to uniformity, "deepening Europeanization", EU influence on preparation and implementation by Member States

Impact mainly on the so-called special part of administrative law.