

An Overview of Certain Tendencies in Extending the Concept of Administrative Litigation in the European Union and International Law

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Abstract: The article explores the dynamics of administrative litigation in the European Union, with a focus on the role of the Court of Justice of the European Union in settling disputes. It analyzes the limits of the discretionary power of the EU institutions and how the Court of Justice provides a judicial review of their decisions. It also discusses the potential for extending the concept of administrative litigation in international law and the existing mechanisms for settling disputes between states and international organizations. The subtle landscape of administrative disputes in international law is recalled, highlighting their importance in the context of various global disciplines often narrowly contextualized at the regional level. It outlines the aspects of this field, which encompasses the means by which disputes between individuals or entities (such as international organizations) and administrative authorities at the international level are resolved. Central themes include the protection of human rights and the promotion of good governance, highlighting the potential benefits of establishing a hierarchy of norms in the face of associated challenges. Remarkably, although the concept of administrative litigation differs in public international law from domestic law, recent developments suggest a possible extension of the concept, leading to some legal and administrative mutations. The solutions are the permeability of the systems and their adaptation and adequacy to the foreseen changes.

Keywords: administrative litigation, European Union, Court of Justice of the European Union, discretion, public international law.

Introduction

Developments in administrative litigation in the European Union (EU) and international law indicate a trend towards greater involvement and regulation of relations between states and other international entities with the aim of ensuring the protection of fundamental rights and good administration. The concept of administrative litigation is increasingly developing, a development that is grounded in the case law of the European Court of Human Rights and other international courts, which influences administrative policies and practices at the global level. The analysis of the hierarchy of norms is important for the coherence and efficiency of the international legal system, which determines how international regulations, decisions, and treaties are interpreted and applied in different legal contexts. In the context of cross-border interactions and globalization, administrative litigation is geared towards the need for hybrid rules that can resolve disputes that transcend national borders and individual jurisdictions. European Union law focused on the development of the internal market has given rise to

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