

ADMINISTRATIVE APPEALS IN ROMANIA AND POLAND – A TOPICAL COMPARATIVE PERSPECTIVE¹ -

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ABSTRACT: *There are two major systems of administrative appeals – mandatory and optional. The first one, adopted by the large majority of legal systems (among which the German, Austrian and Dutch ones) precludes an action to a court in the absence of a prior administrative appeal. The second one (recours administratif), promoted by the French legal system and those inspired by it, attaches certain effects to the exercise of the administrative appeal (prorogation of the statute of limitations for filing an action with the courts), without making it mandatory.*

Administrative appeals always have been considered an affordable tool for alternative dispute resolution in administrative matters, and a way of reducing the burden of litigation on the courts. Nevertheless, the two systems of administrative appeals have fueled debates concerning their effectiveness, access to justice, promotion of good governance principles and accountability, their relationship with mediation.

The relation with the judicial review is of critical significance, both in terms of justice administration (the number of cases that reach the courts in different systems of administrative appeals) and judicial proceedings. The conditionality between mandatory administrative appeals and judicial review also raises questions about access to justice.

The present article endeavors to make an embryonic analysis of the issues related to this topic, in a comparative perspective. The research conducted is a first step for more in-depth considerations about the Romanian and Polish legal systems.

KEYWORDS: *administrative appeals; mandatory administrative appeal; optional administrative appeal; Romanian administrative appeal; Poland administrative appeal.*

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