

THE ADMINISTRATIVE ACT ISSUED BY A PERSON WITHOUT COMPETENCE

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ABSTRACT: *In order to be issued, administrative acts must come from persons with competence, which gives them the right to adopt or sign such documents.*

The issue under consideration in this article concerns both unilateral administrative acts and collective administrative acts.

The legal force of an administrative act is given by the competence conferred by law to the collective body entitled to adopt that document or to the civil servant to whom such competence is conferred by law.

In the case where either the collective body that will adopt the administrative act or the civil servant having such competence acts on the basis of a mandate that is limited in time, their competence shall be attributed only for the duration of that mandate. Any administrative act adopted, issued, signed by a collective body or by a public official outside the time covered by the aforementioned mandate, respectively after its expiry, is unlawful and therefore struck by absolute nullity.

Although resolving these issues does not pose any particular problems, in practice the courts have proposed contradictory solutions, which generated this study.

KEY WORDS: *administrative act, Competition Council, the decision of the constitutional court, the mandate of the president of the Competition Council*

JEL Code : *K00*

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