

The Principle of Good Administration in European Administrative Law and Its Influence on Romania

Professor Cristian DUMITRESCU¹

Abstract

This paper analyses the principle of good administration as the foundation of European administrative law and its influence on the evolution of public administration in Romania. Based on the case law of the Court of Justice of the European Union, the article examines how this principle has been consolidated as a general standard of legality and fairness in the work of administrative authorities. The study highlights the convergence between European Union law and Romanian administrative law, in particular through the Administrative Code and the Administrative Litigation Law No. 554/2004, which enshrines the right of individuals to transparent, impartial and fair administration. At the same time, the implications of European standards on transparency, public ethics and administrative cooperation between Member States are analysed, with a focus on sensitive areas such as taxation and environmental protection. The article highlights the importance of effective legal protection against administrative abuse and of guaranteeing the right to a fair trial, in accordance with the combined case law of the CJEU and the ECHR. The conclusions point to the ongoing need to adapt Romanian administrative law to the requirements of good European administration, as a prerequisite for strengthening the rule of law and citizens' trust in public institutions.

Keywords: good administration; European administrative law; Court of Justice of the European Union; transparency; public ethics; administrative cooperation; administrative litigation; right to a fair trial.

JEL Classification: K23

DOI: 10.62768/PLPA/2025/14/4/06

Please cite this article as: Dumitrescu, Cristian, „The Principle of Good Administration in European Administrative Law and Its Influence on Romania”, <i>Perspectives of Law and Public Administration</i> 14, no. 4 (December 2025): 688-697.	Article History Received: 05 August 2025 Revised: 19 November 2025 Accepted: 07 December 2025
---	---

1. The Basis of the Principle of Good Administration in European Union Law

The principle of good administration is one of the most significant developments in European administrative law, transforming itself from a general doctrinal notion into a concrete legal standard with normative force and direct applicability in the work of public authorities.

In a Europe characterised by administrative integration and extensive

¹ Cristian Dumitrescu - Faculty of Legal Sciences, Hyperion University, Bucharest, Romania, cristiancdumitrescu@gmail.com.

interinstitutional cooperation, the principle of good administration has become the cornerstone of a new model of governance – one that is citizen-oriented, based on accountability and the protection of individual rights in relations with public authorities².

For Romania, the influence of this principle has been significant, leading not only to specific legislative adjustments, but also to a doctrinal reassessment of the function of public administration. The 2019 Administrative Code and the Administrative Litigation Law No. 554/2004 explicitly enshrine the dimensions of good administration, from the obligation to justify administrative acts to the guarantee of effective access to justice and respect for the principle of proportionality³.

This paper aims to provide a comprehensive analysis of the principle of good administration, both from a European perspective and in relation to its transposition into Romanian administrative law. The study starts from the case law of the Court of Justice of the European Union (CJEU), examines its influence on the national regulatory framework and identifies the challenges related to the practical implementation of European standards on transparency, public ethics and administrative cooperation.

The origins of the principle of good administration can be traced back to the early case law of the Court of Justice of the European Communities, which developed, through case law, requirements such as impartiality, diligence and respect for the right of defence in administrative proceedings⁴. Although this principle was not initially enshrined in a legislative act, it gradually emerged as a 'general principle of Union law', derived from the common constitutional traditions of the Member States⁵.

An important step in establishing the principle of good administration at European level was the White Paper on European Governance (2001), which introduced common standards of transparency, participation and institutional accountability.

Its formal enshrinement in Article 41 of the Charter of Fundamental Rights of the European Union in 2000 was a turning point. The text states that "every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union". This article has been interpreted broadly by the CJEU, extending the applicability of the principle not only to the institutions of the Union, but also to national authorities acting in the implementation of European law⁶.

Previous, at the Tampere European Council of October 1999, when the methods and institutions that drafted the Charter were put forward, the European Proposer that the Charter should mention the right of citizens to the quality of the benefits provided by the administration.

² Verginia Vedinaş, *Theoretical and Practical Treatise on Administrative Law*, Ed. Universul Juridic, Bucharest, 2018, p. 98.

³ Dana Apostol Tofan, *Administrative Law*. Vol. II, Ed. C.H. Beck, Bucharest, 2021, p. 212; Cătălin-Silviu Sărau, *Contenciosul administrativ român*, C.H. Beck, Bucharest, 2019, p. 70 et seq.

⁴ ECJ judgment of 21 September 1989, Hoechst AG v Commission, C-46/87 and C-227/88, ECLI: EU:C:1989:337.

⁵ Jürgen Schwarze, *European Administrative Law*, Sweet & Maxwell, London, 2022, p. 73.

⁶ Judgment of the CJEU of 17 December 2015, WebMindLicenses Kft., C-419/14, ECLI:EU:C:2015:832.

Jacob Söderman, reelected European mediator in 1999, considers that the adoption of this sentence will have very significant repercussions among Member States or the future, causing the 21st century to be the century of good administration. According to the provisions of art. 41 of the Charter of Fundamental Rights of the European Union, everyone has the right to a fair, equitable and reasonable treatment of the Union's institutions, bodies, offices and agencies in respect of his or her problems. This right mainly includes⁷:

(a) the right of any person to be heard before taking any individual measure likely to affect him / her. This provision is detailed in Art. 16 of the European Code of Good Administrative Behavior adopted on 6 September 2001 by the European Parliament, which states that in cases concerning the rights or interests of individuals, the official shall ensure that the rights of the defense are respected during each stage of the decision-making process. Each member of the public will have the right, in cases where a decision affecting his / her rights or interests is to be adopted, to submit written notes and, whenever necessary, to make a verbal comment before the decision is taken.

The European Court of Justice has held that the observance of the rights of the defense in all open proceedings against a person constitutes a fundamental principle of Community law and must be ensured, even in the absence of any rules on the procedure in question⁸.

This principle implies that, before an administrative sanction is imposed against a person, he may be able to use his point of view with regard to the facts in his charge.

(b) the right of any person to have access to his / her own file, respecting the legitimate interests of confidentiality and professional and commercial secrecy;

(c) the administration's obligation to motivate its decisions. This obligation was still provided by the Treaty of Rome through art. 190. The provision is developed by art. 18 of the European Code of Good Administrative Behavior. Thus, any decision taken by the institution, which may adversely affect the rights or interests of a particular person, will state the grounds upon which it is based, clearly indicating the relevant facts and the legal basis of the decision. The official will avoid making decisions based on brief or vague grounds or without individual reasoning. If, due to the high number of persons concerned by similar decisions, it is not possible to communicate in detail the grounds on which decisions are based, and in cases where standard responses are sent, the official will then provide the person who specifically requested it individual reasoning.

The European Court of Justice has repeatedly shown that decisions taken by officials in the European Institutions must be motivated in a sufficient way (*motiver la décision de façon suffisante*)⁹. The reasoning must provide the essential elements of the administrative procedure applied and be sufficiently justified to allow the interested

⁷ Cătălin-Silviu Săraru, *European Administrative Space - recent challenges and evolution prospects*, ADJURIS – International Academic Publisher, Bucharest, 2017, p. 51, 52.

⁸ Decision T-450/93 - Judgment 06/12/1994, *Lisrestal e.a./ Commission*, Rec. 1994, p. II-1177.

⁹ see Decision C-269/90, *Technische Universität München-Mitte*, Rec. p. I 5469 of 21 november 1991; Case T-167/94 [2002] ECR II-2589 of 18 September 1995 - *Nölle v Council and Commission*; Case C-221/998, ECR I-8255 of 10 December 1998 - *Schröder et Thaman v Commission*.

party to appeal against the final decision. Motivation must be in fact and in law. "Reasons" should be understood as both the legal provisions that entitle the institutions to take action and the reasons which motivate the institutions to issue the act in question¹⁰. The mention of the legal provision is necessary given that the Union's institutions can only exercise those powers explicitly provided for in the Treaty.

Thus, good administration is not only a procedural requirement, but also a substantive principle, which obliges authorities to act in the general interest, with respect for the fundamental rights of citizens and with a high level of transparency. As Prof. Paul Craig notes, "good administration is both a procedural and a substantive guarantee — it combines legality, fairness and efficiency in the administrative process"¹¹.

The doctrine has also emphasised the evolutionary nature of this principle, noting that it is constantly adapting to new institutional and technological challenges in the European Union¹². In the context of the digitisation of administration and the use of artificial intelligence in decision-making processes, good administration requires not only transparency, but also data protection, the explainability of automated decisions and the guarantee of effective human control¹³.

2. Case Law of the Court of Justice of the European Union on the Principle of Good Administration

The case law of the Court of Justice of the European Union (CJEU) has played an essential role in shaping the content and scope of the principle of good administration. Although formally enshrined in Article 41 of the Charter of Fundamental Rights of the European Union, this principle has its origins in the Court's successive interpretations of fundamental rights in administrative proceedings.

A landmark case is *Technische Universität München* (C-269/90), in which the Court ruled that respect for fundamental rights, including the principle of proportionality and the requirement of impartial administration, is part of the general principles of Community law¹⁴. This decision marked the beginning of a transformation in the relationship between the European administration and individuals, introducing the idea that authorities must act not only lawfully but also fairly.

A further step in consolidating the principle was taken in the *Torubarov* judgment (C-556/17), delivered on 29 July 2019, where the CJEU ruled that the principle of good administration requires authorities to comply with the obligation to issue decisions within a reasonable time and with effective respect for the rights of

¹⁰ Pierre Mathijsen, *Compendiu de drept european*, 7th edition, Bucharest, Club Europa Publishing House, 2002, p. 35.

¹¹ Paul Craig, *EU Administrative Law*, Oxford University Press, Oxford, 2021, p. 102.

¹² Jacques Ziller, *Principes généraux du droit administratif européen*, Bruxelles: Bruylant, 2020, p. 50 et seq.

¹³ Carol Harlow & Richard Rawlings, *Law and Administration*, Oxford University Press, Oxford, 2022, p. 287.

¹⁴ ECJ judgment of 21 June 1991, *Technische Universität München*, C-269/90, ECLI:EU:C:1991:438.

defence. This judgment had a significant impact in the Member States, as it confirmed that the principle of good administration has direct legal effects and can justify the annulment of abusive or delayed administrative acts¹⁵.

At the same time, in the *WebMindLicenses Kft.* (C-419/14) case, the Court extended the meaning of the principle of good administration, linking it to the protection of privacy and the right to a fair trial. The Court ruled that the use of data obtained by electronic surveillance by tax authorities must comply with clear standards of transparency and legality, as effective administration cannot be achieved by violating fundamental rights¹⁶.

Through these rulings, the CJEU has established a multidimensional content for the principle of good administration:

- a procedural dimension, which requires authorities to act impartially, to justify their decisions and to comply with reasonable time limits;
- a substantive dimension, which concerns fairness, proportionality and the protection of the legitimate interests of the persons concerned;
- a functional dimension, which links good administration with institutional efficiency and accountability in relation to the citizen.

As recent doctrine observes, the principle of good administration has become a "fundamental right of the administrative generation" – a bridge between formal legality and substantive administrative justice. It functions as a standard of judicial review, but also as an ethical benchmark for modern public governance¹⁷.

Along the same lines, Marta Simoncini shows that good administration, in the context of European governance, represents a balance between the administrative autonomy of institutions and the legal control necessary to guarantee the rule of law, reflecting an "institutional rationality built on responsibility and transparency"¹⁸.

3. Enshrining the Principle of Good Administration in Romanian Administrative Law

Although originating in European Union law, the principle of good administration has been gradually incorporated into the Romanian legal system through a process of legislative and doctrinal harmonisation that culminated in the adoption of the Administrative Code by Emergency Ordinance No. 57/2019¹⁹. Although the Code does not contain an express definition of this principle, its general and special provisions clearly reflect its requirements: transparency, impartiality, efficiency and accountability of public authorities.

Administrative Litigation Law No. 554/2004 remains the main legal instrument

¹⁵ Judgment of the CJEU of 29 July 2019, *Torubarov*, C-556/17, ECLI:EU:C:2019:626.

¹⁶ Judgment of the CJEU of 17 December 2015, *WebMindLicenses Kft.*, C-419/14, ECLI:EU:C:2015:832.

¹⁷ Jacques Ziller, *op. cit.*, p. 55.

¹⁸ Marta Simoncini, *Administrative Regulation Beyond the Non-Delegation Doctrine: A Study on EU Agencies*, Hart Publishing, Oxford, 2018, pp. 94–95.

¹⁹ Government Emergency Ordinance No. 57/2019 on the Administrative Code, published in the Official Gazette No. 555 of 5 July 2019.

through which the principle of good administration produces its practical effects. Article 8(1) of the law guarantees injured parties the right to apply to the administrative court for compensation for damage caused by illegal administrative acts or by the unjustified refusal of the authorities to settle claims within the legal time limit. This regulatory framework transposes the European standard of an efficient, accountable and judicially controllable administration. This regulatory transpose the European standard of an efficient, accountable and judicially controllable administration²⁰.

The case law of the Romanian courts confirms this trend towards alignment with European requirements²¹. The Constitutional Court, in Decision No. 392/2021, held that "good administration is a constitutional value derived from Article 1(3) on the rule of law and implies the obligation of public authorities to act with diligence, impartiality and transparency in the pursuit of the public interest"²². Furthermore, in the context of accelerated digitalisation, the Romanian public administration is facing a new dimension of good administration – the technological one.

Moreover, in the context of accelerated digitisation, the Romanian public administration is facing a new dimension of good administration – the technological one. The introduction of electronic platforms for managing administrative requests, electronic signatures and online communication between authorities and citizens require a reinterpretation of the principle of good administration in order to adapt to the new institutional realities. As Prof. Dana Apostol Tofan notes, "good administration is no longer just a legal requirement, but also a technological one, in which transparency and access to information become criteria for administrative efficiency"²³.

4. Transparency, Public Ethics and Administrative Cooperation in the European Context

Transparency and public ethics are essential elements of the principle of good administration, recognised both by European doctrine and by the case law of the Court of Justice of the European Union as instruments for preventing arbitrariness and administrative corruption²⁴. In the modern sense, transparency is not limited to access to public information, but involves a process of continuous communication between the administration and the citizen, through which decisions are explainable, verifiable and subject to democratic control²⁵.

At European Union level, Regulation (EC) No 1049/2001 on public access to European Parliament, Council and Commission documents enshrines the principle of

²⁰ Law on Administrative Litigation No. 554/2004, republished in the Official Gazette No. 1154 of 7 December 2004.

²¹ High Court of Cassation and Justice, Decision No. 2127 of 10 April 2022, Administrative and Fiscal Litigation Section, www.scj.ro.

²² Constitutional Court of Romania, Decision No. 392 of 8 June 2021, Official Gazette No. 798 of 20 August 2021.

²³ Dana Apostol Tofan, *Administrative Law*. Vol. II, Ed. C.H. Beck, Bucharest, 2021, p. 276.

²⁴ Carol Harlow, *Accountability in the European Union*, Oxford University Press, Oxford, 2020, p. 54.

²⁵ Ioan Alexandru, *European Administrative Law*, Ed. Universul Juridic, Bucharest, 2010, p. 121.

transparency as a fundamental norm of European governance. This was subsequently developed through initiatives such as the European Transparency Initiative and the European Commission's open data policies, which promote free access to administrative information²⁶.

In Romanian law, the principle of transparency is enshrined in Law No. 544/2001 on free access to information of public interest, but also in the Administrative Code, which establishes the obligation of authorities to consult citizens in the decision-making process and to publish relevant documents. However, the European Commission Rule of Law 2023 report highlights the persistence of shortcomings in the uniform application of these standards, particularly in local administrations and institutions with supervisory powers²⁷.

Public ethics, as the moral dimension of good governance, requires a regulatory and institutional framework capable of preventing conflicts of interest, abuse of power and lack of integrity. In this regard, the National Integrity Agency plays a central role, but its effectiveness depends on inter-institutional cooperation and the ability of the judiciary to punish identified offences. European doctrine considers that good administration cannot exist without a high standard of public ethics, since "transparency without accountability becomes formalism, and ethics without transparency becomes institutional hypocrisy"²⁸.

At the same time, administrative cooperation between European Union Member States has become a pillar of good governance. Through the mechanisms provided for in Regulation (EU) 2018/1724 on the single digital gateway, citizens and businesses benefit from integrated administrative services at European level.

Romania, as a Member State, began implementing this system in 2022, but challenges remain in terms of database interoperability and training for public staff²⁹.

Thus, transparency and public ethics become indispensable tools for strengthening the rule of law at European and national level.

5. The Right to a Fair Trial and Effective Legal Protection

The principle of good administration is intrinsically linked to the right to a fair trial, enshrined in Article 6 of the European Convention on Human Rights and Article 47 of the Charter of Fundamental Rights of the European Union. This correlation has been developed by the CJEU in numerous cases, in which the Court has emphasised that the exercise of administrative power must be accompanied by effective procedural guarantees for the persons concerned³⁰.

²⁶ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001, OJ L 145, 31.5.2001.

²⁷ European Commission, Rule of Law Report – Romania 2023, Brussels, 2023, p. 12.

²⁸ Peter Cane, *Administrative Law*, Oxford University Press, Oxford, 2023, p. 198.

²⁹ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018, OJ L 295, 21.11.2018.

³⁰ Judgment of the CJEU of 3 September 2008, Kadi and Al Barakaat International Foundation, C-402/05 P and C-415/05 P, ECLI:EU:C:2008:461.

In Romanian law, Law No. 554/2004 gives administrative courts the power to examine the legality and validity of administrative acts, providing citizens with effective legal protection against abuses of power. In recent judicial practice, the idea that the principle of good administration is not merely declarative but constitutes a criterion for assessing the conduct of public authorities, and that failure to comply with it may lead to the annulment of the administrative act, has become increasingly prominent³¹.

Similarly, the Constitutional Court of Romania, in Decision No. 196/2020, reaffirmed that good administration derives from the principle of the rule of law and is embodied in the obligation of public authorities to ensure a fair balance between the general interest and individual rights. This decision aligns national case law with European standards, confirming the convergence between domestic law and European Union law on effective legal protection³².

Thus, good administration and the right to a fair trial together form the ethical and legal core of modern governance. They define a transparent, accountable and citizen-oriented administration, in which the act of governing is subject not only to the law, but also to the principles of procedural and moral fairness.

6. Conclusions

Over the last two decades, the principle of good administration has evolved from a European doctrinal concept into a genuine legal standard directly applicable to the activities of national administrations. Its enshrinement in Article 41 of the Charter of Fundamental Rights of the European Union and its development through the case law of the Court of Justice of the European Union have brought about a paradigm shift in contemporary administrative law: the administration is no longer perceived exclusively as an instrument for enforcing the law, but as an entity responsible to the citizen, called upon to guarantee the fairness, transparency and efficiency of public acts³³.

For Romania, the influence of this principle has manifested itself through a process of legislative and institutional adaptation. The Administrative Code and the Administrative Litigation Law No. 554/2004 have integrated the fundamental concepts of good administration, enshrining the right of individuals to fair treatment, to the motivation of administrative acts and to effective access to justice. At the same time, the case law of the Constitutional Court and the High Court of Cassation and Justice has taken up the arguments of the CJEU and the ECHR, shaping an increasingly consistent application of this principle in the domestic legal order³⁴.

However, significant challenges remain. Discrepancies persist between the

³¹ High Court of Cassation and Justice, Decision No. 1648 of 9 April 2021, Administrative and Fiscal Division.

³² Constitutional Court of Romania, Decision No. 196 of 4 May 2020, Official Gazette No. 498 of 11 June 2020.

³³ Paul Craig, *op. cit.*, 2021, p. 287.

³⁴ Ioan Alexandru, *European Administrative Law*, Ed. Universul Juridic, Bucharest, 2010.

normative level of regulation and its practical application, particularly in local administrations and in areas involving a high degree of technicality, such as taxation, urban planning or environmental protection. Furthermore, the rapid digitisation of the administration raises new issues regarding algorithmic transparency, data protection and decision-making accountability³⁵.

Looking ahead, strengthening the principle of good governance in Romania depends on three major areas:

- continuous training of civil servants to internalise the ethical and legal values of European administration;
- improving interinstitutional cooperation and database interoperability;
- the development of an administrative culture of responsibility, in which public authorities act proactively in the interests of citizens.

As Prof. Jacques Ziller points out, good administration is not just a legal norm, but "a democratic ideal, designed to transform the administration from an instrument of power into a service to the citizen"³⁶. In this sense, the principle of good administration becomes the link between institutional efficiency and the protection of human dignity in relations between the state and the citizen.

The development of demand for public services, the scale of investments involved in the public services sector and the growth of their social role require improving the quality of services, starting from the desideratum of good administration.³⁷

I am convinced that Romania is therefore on the path to progressive convergence with European standards, and that consolidating this principle is an essential condition for the maturation of the rule of law and for increasing public confidence in administrative institutions.

Bibliography

1. Alexandru, Ioan, *European Administrative Law*, Ed. Universul Juridic, Bucharest, 2010.
2. Apostol Tofan, Dana, *Administrative Law*. Vol. II, Ed. C.H. Beck, Bucharest, 2021.
3. Cane, Peter, *Administrative Law*, Oxford University Press, Oxford, 2023.
4. Craig, Paul, *EU Administrative Law*, Oxford University Press, Oxford, 2021.
5. Harlow, Carol & Richard Rawlings, *Law and Administration*, Oxford University Press, Oxford, 2022.
6. Harlow, Carol, *Accountability in the European Union*, Oxford University Press, Oxford, 2020.
7. Hofmann, Herwig, Gerard Rowe & Alexander Türk, *Administrative Law and Policy of the European Union*, Oxford University Press, 2021.

³⁵ Herwig Hofmann, Gerard Rowe, Alexander Türk, *Administrative Law and Policy of the European Union*, Oxford University Press, 2021, p. 214.

³⁶ Jacques Ziller, *op. cit.*, p. 60.

³⁷ Cătălin-Silviu Sărau, „Considerations on the public services in the XXI century”, *Juridical Tribune*, Volume 6, Special Issue, October 2016, p. 165, 166.

8. Mathijssen, Pierre, *Compendiu de drept european*, 7th edition, Bucharest, Club Europa Publishing House, 2002.
9. Săraru, Cătălin-Silviu, „Considerations on the public services in the XXI century”, *Juridical Tribune*, Volume 6, Special Issue, October 2016: 160-166.
10. Săraru, Cătălin-Silviu, *Contenciosul administrativ român*, C.H. Beck, Bucharest, 2019.
11. Săraru, Cătălin-Silviu, *European Administrative Space - recent challenges and evolution prospects*, ADJURIS – International Academic Publisher, Bucharest, 2017.
12. Schwarze, Jürgen, *European Administrative Law*, Sweet & Maxwell, London, 2022.
13. Simoncini, Marta, *Administrative Regulation Beyond the Non-Delegation Doctrine: A Study on EU Agencies*, Hart Publishing, Oxford, 2018.
14. Vedinaș, Verginia, *Theoretical and Practical Treatise on Administrative Law*, Ed. Universul Juridic, Bucharest, 2018.
15. Ziller, Jacques, *Principes généraux du droit administratif européen*, Bruxelles: Bruylant, 2020.