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## **Models of liability for the administrative tort sanctioned with financial penalties on the example of selected European countries**

### **Summary**

The subject of this essay is models of administrative liability for violations of public law administered in selected EU Member States (France, the UK, Austria, Germany and the Czech Republic). In France and the UK these models are influenced by decisions adjudicated by courts, whereas in the other EU Member States they are regulated by provisions of the statutory law, albeit only fragmentarily. Too often statutory law lacks general regulations concerning pecuniary penalties. This is a negative phenomenon because administrative sanctions are vital instruments that ensure compliance with and execution of administrative and normative acts.

Issues related to administrative sanctions arise from the tendency clearly visible among legislators in many EU Member States that aims at distinguishing and describing new administrative delicts and providing for relevant sanctions. This is frequently done without a deeper thought or a true concern that the regulations be indeed so designed as to first and foremost regulate the principles governing administrative pecuniary sanctions in a manner conducive to the realisation of the public interest and in compliance with the international principles governing the protection of human rights.

Taking into account the gravity of administrative sanctions and pecuniary penalties in particular, their negative aspect should also be mentioned, i.e. the insufficient legal regulation in this area. Administration of administrative penalties is not free from serious dilemmas regarding the possibility of their administration and execution without regard to the separation of powers as well as guarantees that are particular for criminal matters. The complexity of their construction can only be seen in its full dimension when different models of their application are being analysed. However, none of these does approach this issue in a truly comprehensive manner as seen from the administrative point of view, i.e. in a way that could serve as an example for other legal orders. The author postulates that at least very general procedural regulations and principles governing the application of administrative sanctions be prepared in individual Member States in order to fully implement the principles set to protect human and civil rights in repressive matters.

**Keywords:** administrative sanctions – administrative pecuniary penalties – administrative delict – model of administrative liability