

Eckhard Pache

Tatbestandliche Abwägung und Beurteilungsspielraum

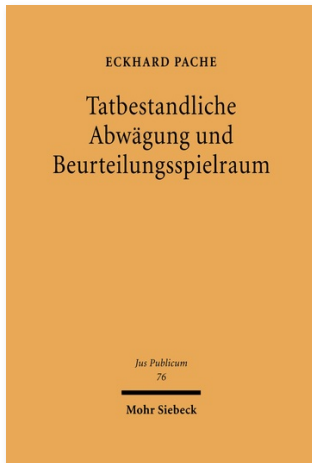
Zur Einheitlichkeit administrativer Entscheidungsfreiräume und zu deren Konsequenzen im verwaltungsgerichtlichen Verfahren – Versuch einer Modernisierung

[Weighing the Facts and Scope for Judgment Evaluation. The Uniformity of Administrative Freedom to Make Decisions and its Consequences for Legal Proceedings in an Administrative Court – An Attempt at Modernization. By Eckhard Pache.]

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How much scope for decision-making does the German administrative authority have, and how does it substantiate its decisions? Eckhard Pache examines the German system by comparing constitutional, European and international law and develops his own model for dealing with this. He analyzes the German system of separating discretion and scope for judgment evaluation by looking at it in an international context and by comparing it with the standards set by international and European law. He reaches the conclusion that fundamental changes will have to be made in this system so that the proceedings in court can be speeded up.

Eckhard Pache Geboren 1961; 1982–89 Studium der Rechtswissenschaft; 1989–92 Wiss. Mitarbeiter am Lehrstuhl für deutsches, europäisches und internationales Wirtschaftsrecht; 1993 Promotion; 1992–98 Wiss. Assistent an der Universität Hamburg; 2000 Habilitation; zur Zeit Lehrstuhlvertretung in Hamburg.



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