

Report of the research symposium on 10 March 2017
organised by Kobe University Jean Monnet Centre of Excellence

The Future of German and European Administrative Procedure Law: Codification or Special Law?

“Das deutsche und europäische Verwaltungsverfahrensrecht:
Zwischen Kodifikationsidee und Spezialgesetz”

Professor Dr. Wolfgang Kahl of Heidelberg University gave a detailed Lecture on the History and discussions about the codification of German Administrative Procedure Legislation, analysing them in view of current similar discussions in the EU, and focusing on the Characteristics of a codification process including what is or can be expected from it, the types of legal codification (a comprehensive codification as opposed to a partial one), followed by the functions of codification (such as unification, deregulation, which, working in conjunction would result in a clearer, easier to use set of laws, making it more citizen-friendly by also increasing legal stability, another function being renewal of the law, and a better, more accurate reception of it abroad), and its dangers (as opposed to the functions and advantages of codification, dangers such as the segmentation of law can occur, a harmonisation to the lower standards, rigidification of the law, and its overpassing by reality might occur). As a conclusion Pr. Kahl analysed both the German and European discussions and projects of codification, and concluded that codification should not be considered in itself to be a static concept, in the contrary it is a dynamic process that follows its own evolution, and also inevitable in view of the constantly increasing amount of special laws that is observed not only in Germany and EU as presented today, but is also occurring in France and other countries. Pr. Kahl's presentation was followed by comments from Associate Professor Tatsumi of Seikei University, putting the discussions in context with the current situation of Administrative procedure Laws in Japan, and the solutions adopted in practice to avoid the difficulties of a disparate set of laws that seems inaccessible for the citizens, as well as the challenge of legal stability. Discussions went on following the responses by Pr. Kahl, comments from Pr. Yamamoto followed by a number of questions from administrative law academics gathered at the event coming from all over the Kansai area. The research symposium was attended by 28 participants.



