

THE FRENCH MODEL OF ADMINISTRATIVE PROCEDURE: FROM FRAGMENTATION TO EUROPEANISED CONSISTENCY

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INTRODUCTION

The adoption of the Law of Ukraine "On Administrative Procedure" was a landmark event in the history of national administrative law, marking the completion of a long and complex stage of development, expert discussion and improvement of the draft law aimed at unifying the procedural activities of public administration bodies. This regulatory act, which entered into force in 2023, laid down fundamental principles designed to ensure transparency, legal certainty, equality of all subjects before the law, and the establishment of good governance in relations between individuals and public authorities.

The existence of a single legislative act regulating administrative procedure has made it possible to systematise the disparate procedural provisions that had previously existed in numerous sectoral acts and to ensure uniformity in approaches to the resolution of public law disputes. The practice of applying the Law has confirmed its significant potential to form a generally binding standard of administrative proceedings, which is an integral part of the rule of law. In addition, the introduction of this Law helped to strengthen public confidence in state institutions by establishing clear, predictable and fair administrative decision-making procedures.

However, despite the importance of this step, the current conditions of public administration, European integration processes, digitalisation of administrative services and the dynamics of European administrative law require further scientific reflection and improvement of the Ukrainian model of administrative procedure. Such a discussion is a natural part of the process of legal evolution, which involves analysing the best international practices, assessing the effectiveness of existing rules and adapting them to new challenges.

In this context, it is of particular value to study foreign experience, in particular the French model embodied in the Code of Public Administration Relations (CRPA), which combines long-standing legal traditions with innovative approaches to ensuring efficient and open administrative proceedings. In our opinion, the French model demonstrates a high level of complexity, technological sophistication and balance between tradition and modernisation. Its regulatory embodiment, the Code des relations entre le

public et l'administration (CRPA), is the result of a long-term process of convergence of national law with European standards. The French experience is particularly valuable for Ukraine in view of its combination of the historically established model of administrative law with modern approaches, including the active introduction of information and telecommunication technologies in administrative proceedings, procedural equality of the parties, and transparency of public administration. The Europeanisation of administrative law observed in the French context reflects the complex dynamics of the interaction between the EU rules and national legal systems. Despite the traditional legal isolationism of France in the field of administrative procedure regulation, it has gradually integrated key European principles into its model, while preserving its own legal identity. This allowed for the creation of a balanced system that effectively combines the imperative nature of administrative action with procedural fairness and openness of the administration to dialogue with citizens.

In view of this, the study of the French model of administrative procedure as a source for institutional and regulatory improvement of Ukrainian legislation seems appropriate and promising. Such a comparative approach allows not only to better understand our own model of administrative procedure, but also to identify the directions of its further development in the context of European integration and digital transformation of public administration. Based on the comparative analysis, the author assesses the possibilities of adapting the positive experience of France to Ukrainian realities, taking into account the provisions of the Law of Ukraine "On Administrative Procedure", and identifies the areas for improving the national model of administrative proceedings in the context of democratic governance, digital transformation of public administration and European integration.

The purpose of the article is to provide a comprehensive analysis of the French model of administrative procedure enshrined in the Code of Public-Administrative Relations (CRPA) with a view to identifying its conceptual and institutional features, procedural peculiarities, and elements of digitalisation of administrative proceedings. Special attention is paid to the study of the process of Europeanisation of French administrative law, which has led to the evolution of the national approach to public administration. *The scientific novelty* of the study lies in an attempt to make a systematic comparative analysis of the French model of administrative procedure in the context of its evolution under the influence of European law and to identify the prospects for adapting its elements to the Ukrainian model of administrative procedure. For the first time in Ukrainian legal science, an in-depth legal analysis of the CRPA as a model of a balanced, modern and

technological administrative procedure is offered, which can serve as a guide for improving Ukrainian legislation.

In the course of the study, the author uses general scientific and special legal methods, in particular: the dialectical method – to identify the patterns of development of administrative procedure law in France; formal legal method – to analyse the CRPA texts; historical and legal method – to understand the stages of formation of the French model of administrative proceedings; systemic and structural approach – for a comprehensive analysis of the institutional structure and principles of functioning of administrative procedure in France.

1. From fragmentation to consistency: CRPA and the transformation of the administrative process in France

Until 2016, French administrative procedure law was quite comprehensive in nature and content, and was a complex mosaic of sources that fragmented the principles and rules of administrative procedure. France, being a member of the EU for a long time, maintained an isolationist position on the issue of codification of administrative law in general and administrative procedure in particular, which was negatively perceived by the EU. The nature of classical French administrative law was gradually changing as a result of the influence of Europeanisation and globalisation, as well as the key trend of proceduralisation that permeated the administrative law of most EU member states. In view of this, the High Commission for Codification (1996-2000) for the first time included in its Work Programme a provision for the drafting of a Code of Administrative Procedure in order to consolidate the general rules and principles of administrative procedures regulated by various laws in one act. The High Commission was established in 1989 to codify existing administrative legislation. It was chaired by a member of the State Council. Over the twenty-five years of its work, more than seventy-five codified acts were developed and enacted. The codification work was carried out without changing the content of existing laws. Such *codification* was called *the codification a droit constant*¹, the purpose of which was to codify existing laws without burdening the legislator with additional lawmaking work. Proposals were drafted by civil servants, and then the Cabinet of Ministers submitted them to the parliament for ratification without discussion. Ratification without debate was possible only if the existing content of written laws and cabinet decrees was not changed. These codes usually consisted of two parts: the first part enshrined provisions that were already enshrined in laws, and the second part enshrined provisions that

¹ Cassese S. Codici e codificazioni: Italia e Francia a confronto. *Giornale di diritto amministrativo*. 2005. №. 1. P. 95-97.

were being developed. Prior to the adoption of the Code of Public Administration Relations (CRPA), the previous codes had this structure and dealt with administrative procedures, but in different areas. These were sectoral codes: defence, environment, expropriation, family and social benefits, immigration and asylum, urban planning, postal and electronic communications, etc. However, there was no general code of administrative procedures. For quite a long time, most members of the Conseil d'Etat opposed such a general codification. They feared that codification would "freeze" existing legislation and prevent its further development in line with changes in society and technology. In addition to the resistance of the Conseil d'Etat and the ministries (a subjective reason) to the development of a general code of administrative procedure, there was an objective reason why the High Commission for Codification had to back down: a large part of the most important rules and principles were not set out in written legislation or regulations, but in case law, so the usual method of codification could not be applied. However, Bernard Stirn, an influential member of the Conseil d'Etat and chairman of the judicial section, who had been the editor of the CRPA for more than a decade, convinced his colleagues that codification had more advantages than disadvantages. One of the arguments was that France could not afford to be seen as lagging behind other EU member states in terms of procedure. It is well known that France, along with the UK, Ireland, Belgium and Romania, had long been among the EU states that did not have a code of administrative procedures². In France, this legislative gap has always been explained by a certain resistance on the part of both the French parliament, which did not want to interfere with the activities of the executive branch, and the government itself, first of all, the Council of State, which believed that if a general act was adopted, its historical role in the creation and development of French administrative law would be significantly reduced and lose its significance³.

Thus, after a decade of attempts, the project to codify administrative procedure was successfully resumed. This time, it was supported not only by the Secretary General of the French government, the Deputy Chairman of the High Commission for Codification and the Interdepartmental Committee for the Modernisation of Public Administration, but also by the Vice-President of the Council of State. Indeed, it can be said that the success of the new French code depended to a large extent on the Council of State, which not only played a major role in drafting the text, but had already laid the groundwork for its preparation in previous years. In addition, in the mid-

² *Droit comparé de la procédure administrative. Comparative Law of Administrative Procedure* / eds. Auby, T. Perroud. Bruxelles: Bruylant, 2016. p. 612.

³ *Codification of administrative procedure* / ed. J.-B. Auby. Bruxelles: Bruylant, 2014. p. 123.

1970s, R. Audent, head of the Contentieux section of the Conseil d'Etat, believed that the rigidity of written law compared to the flexibility of case law was in itself sufficient to make the idea of codification "contestable". However, the concern related to the need to ensure the implementation of the principles of *securité juridique* and *confiance légitime* – legal security and legitimate trust – forced him to reconsider the position on codification of administrative procedure, which could guarantee its accessibility and comprehensibility for citizens⁴.

It is worth noting that the most important reforms of administrative law in France largely depended on the support of the Conseil d'Etat: the adoption of the Law of 3 January 1973 on the establishment of the Ombudsman; the Law of 6 January 1978 on data protection; the Law of 17 July 1978 on access to administrative documents⁵; the Law of 11 July 1979 on the justification of administrative decisions⁶; the Law of 12 April 2000 on the rights of citizens in relations with administrative authorities; the Law of 2 July 2003 on the simplification of law⁷. The main role of the Conseil d'Etat is explained by the fact that many of its members have held important positions in the public administration and, in addition, some French politicians have also been members of the Conseil d'Etat.

Following an internal debate in the Council of State, its members endorsed a proposal by the cabinet, which received parliamentary approval to enact a code "focusing on procedures and relations between citizens and the administration" through delegated legislation. The Interministerial Committee for the Modernisation of Public Action (CIMAP) on 18 December 2012 created a special working group of members of the Council of State and administrative courts; professors of public law, including Jean-Bernard Auby and Herwig Hofmann⁸, which worked with the codification committee on the structure and provisions of the future code. The result of their joint work was the Code of Public Relations between the Public and the Administration, which entered into force on 1 January 2016. The main work on

⁴ Odent R. The foreword. Vers une codification de la procédure administrative / C. Wiener. Paris: Presses Universitaires de France. 1975. p. 345-365.

⁵ Loi n° 78-753 du 17 juillet 1978 portant diverses mesures d'amélioration des relations entre l'administration et le public et diverses dispositions d'ordre administratif, social et fiscal. <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000339241>

⁶ Loi n° 79-587 du 11 juillet 1979 relative à la motivation des actes administratifs et à l'amélioration des relations entre l'administration et le public. LEXPOL. URL: <http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=198648>

⁷ Loi n° 2000-321 du 12 avril 2000 relative aux droits des citoyens dans leurs relations avec les administrations. LEXPOL. URL: <http://lexpol.cloud.pf/LexpolAfficheTexte.php?texte=183812&idr=4&np=4>

⁸ Loi n° 2003-591 du 2 juillet 2003 habilitant le Gouvernement à simplifier le droit. Legifrance. URL: <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000422094/>

"administrative codification" – "à droit constant", performed by the experts of the Mission de préparation du Code, is a consolidation of only a part of French case law and at the same time an attempt to harmonise the provisions of a number of existing laws. The CRPA is neither exhaustive nor completely innovative, as it only sets out the main provisions on administrative procedure. It is not innovative because it incorporated both the main provisions of existing laws (such as Law No. 78-753 of 17 July 1978 on access and reuse of administrative documents; Law No. 79-587 of 11 July 1979 on the obligation to justify administrative decisions; Law No. 2000-321 of 12 April 2000) and case law. It is clear that this was the result of a strategic choice and compromise that did not diminish the role of the State Council. As before, this body interprets the general principles of the procedure, which the legislator decided not to codify.

The new French Code of Public Administration consists of five books, preceded by three introductory articles defining the scope of its application, which enshrines the provision that public administration acts in the public interest, guaranteeing everyone the right to fair treatment, and respects the principle of legality, as well as being bound by the obligation of neutrality and respect for the principle of secularism⁹.

2. Europeanisation of the French model of administrative procedure: a symbiosis of traditions and modern reforms

The French model of administrative procedure is enshrined in the Code of Public Relations (CRPA), which is the result of a long process of convergence of French administrative law with European administrative law, resulting in the Europeanisation of the French model. The Europeanisation of administrative law is a complex process of influence and exchange between European legislation and national laws, which results in the gradual convergence of different legal systems. Despite the fact that France has long remained a country with strong legal traditions and maintained a strong negative attitude to the "influence of EU policy" in the field of administrative procedure law, this country has nevertheless formed a balanced model of administrative procedure, which combines both the traditions of French administrative law and modern trends.

The impact of the process of Europeanisation and convergence within the framework of the theory of administrative procedure on the EU member states has been different. This is emphasised in all comparative studies (e.g. Nehl, Ladeur, Schwarze, Woehrling, Sandulli, Auby). It should be noted, however, that there have been no significant adjustments in the recognition of the basic procedural guarantees synthesised in the principle of good

⁹ Stim B., Formery S. Le code de l'administration. 3rd edn. Litec, 2008. p. 145-161.

governance. Indeed, the European system is based on the principle of institutional and procedural autonomy of the member states, and the legal community is aware that European administrative law currently has a significant impact on the national administrative law of European countries, in particular France.

The French model of administrative procedure is a symbiotic combination of provisions of legal traditions, peculiarities of national administrative law, values and the latest European experience, and progressive ideas in the field of administrative procedure regulation. The model is based on two main principles of European Union law – legal certainty and protection of legitimate expectations of individuals in their relations with the authorities. Among the progressive provisions of the administrative procedure that are unique to the French model of administrative procedure are the following: provisions relating to transparency and accessibility of the administrative procedure for citizens, new rules aimed at expanding public participation in the rulemaking activities of the authorities, including through online consultations, the *enquête publique* provision; digital administration; introduction of tacit consent rules for anticipated decisions, new rules for cancellation of administrative acts, open consultations, and open consultations. These provisions are enshrined in the CRPA.

France, while taking into account common European values and principles, continues to preserve its own original character of administrative procedure. As already mentioned, the concept of simplification underlying the French codification of administrative procedure differs from the way it is perceived and understood in other countries. Legislative simplification (*la française*) is not aimed at deregulation of relations, but rather at improving the quality, efficiency and legal certainty of decisions, the open nature of the procedure (*esprit des lois*), aimed at finding a balance between public and private interests, between written law and case law, consistency, accessibility and comprehensibility of procedural rules and regulations for users, who are private individuals.

The provisions of the French model of administrative procedure apply to the preparation and adoption of not only individual administrative acts, but also regulatory acts. This model harmoniously combines substantive and procedural legal norms without opposing each other. The French model differs from the German model in its comprehensive nature, giving the principles of administrative law established by case law the status of legislative provisions. The model consolidates a significant part of French case law and harmonises the provisions of existing laws.

This Code enshrines not only the existing legislative provisions, but also a number of formulations of classical case law, as well as innovations related to administrative procedure. Analysing the provisions of the five books of the

Code, we have come to the conclusion that the French administrative procedure harmoniously combines elements of three models – judicial, legislative and collaborative – but at the same time retains its originality and comprehensive nature, which distinguishes it from other models.

The above model of the French administrative procedure is based on the principle of active interaction with society, as it is focused primarily on its needs and interests, as well as on building trust in relations between them. Interaction between the administration and the public takes place through cooperation, inquiries, consultations, appeals and peaceful settlement of conflicts (reconciliation) in case of their occurrence. *The main purpose of the administrative procedure* is to ensure transparency and accessibility of the rules governing relations between citizens and the administration" ¹⁰.

The provisions of the Code are designed to democratise public administration and strengthen the protection of citizens' rights. Among the main innovations of the Code, it is undoubtedly worth noting the codification of rules relating to the adversarial nature of administrative procedure; new rules aimed at expanding public participation in the rule-making activities of public administration; the principle of tacit consent; new rules on the suspension of administrative acts and their cancellation. The administrative procedure model covers all important areas in which the administration and citizens interact. It is reflected in the structure of the Code. Let us consider in more detail the provisions that demonstrate the comprehensive and "mixed-nature" nature of the French model of administrative procedure.

Let us begin with an analysis of the provisions on public participation in rulemaking enshrined in Book I, Section III of the Code ("L'Association du public aux décisions prises par l'administration")¹¹. The specifics of these provisions require some explanation. Firstly, the concept of administrative act in France (as well as in Belgium, the Netherlands and Greece) is considered in a broad sense and covers not only individual administrative acts regulating the application of the law to a particular situation, but also normative acts. Thus, in this country, an *acte administratif* is defined not on the basis of the type of legal relationship, but rather on the basis of the powers vested in the body as the "author" of the act¹².

¹⁰ Code des relations entre le public et l'administration. Légifrance. URL: <https://www.legifrance.gouv.fr/codes/id/LEGITEXT000031366350/>

¹¹ Simplifier l'action publique. Comité interministériel pour la modernisation de l'action publique, 18 décembre 2012. URL: https://www.entreprises.gouv.fr/files/files/directions_services/politique-et-enjeux/simplifications/dp-cimap-18-12-2012.pdf

¹² L'association du public aux décisions prises par l'administration (Articles L131-1 à L135-2). Code des relations entre le public et l'administration. URL: https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000031366350/LEGISCTA000031367435/#LEGISCTA000031367435

Accordingly, while participation in individual acts takes on the "connotation" of a right to protection, in normative acts, public participation in decision-making can take place at different levels, from the simple provision of information to more structured forms of consultation and *enquête publique*. The second clarification concerns the concept of "association", which is used in the Code and appeared in French administrative law in the 1960s in early works on administrative democracy. It was intended to be used precisely in cases where citizens participate as a "socius" (ally) in the decision-making process. The provisions on public participation in rulemaking enshrined in the Code in a separate Book indicate that the administrative procedure contains elements of the third generation model.

The Code contains provisions regulating the rules for open consultations of the administration through online and advisory committee consultations. This innovation is enshrined in Art. L. 131-1: "if the administration decides, except in cases regulated by law or regulation, to involve the public in the development of a reform or in the preparation of a draft or act, it shall publish the terms of this procedure, providing access to the relevant information to all interested parties, guaranteeing them that the results of their joint work will be published in due course"¹³. This provision applies to all public administrations, including independent administrative bodies, local authorities, as well as to public organisations authorised to provide public services (Art. L. 100-3).

Of scientific interest is the institution of *enquête publique* – public consultation (book I, section IV, article L. 134-1). The purpose of this institution is to inform the public and provide it with the opportunity to participate in the discussion of development plans, programmes, projects that are of public importance and may harm the environment or collective interests, as well as to take into account the interests of the public and comments before the adoption of administrative decisions by the authorities. Comments and suggestions received during the survey are taken into account by the competent administration. Pursuant to Article L. 134-3, the *enquête publique* is conducted as follows: initiation of the survey (*l'enquête publique*) by the responsible authority; appointment of the responsible commissioner. He/she forms the commission, ensures that the procedure is properly organised, and informs the public. Prepares materials on the case based on citizens' comments; hears citizens, consults with them if their comments or recommendations are useful for the project or programme. The commissioner

¹³ Marcou G., Khabrieva T. I. Les procédures administratives et le contrôle à la lumière de l'expérience européenne en France et en Russie. Paris: Society for Comparative Law, 2012. p. 235-243.

prepares a report in which he/she presents reasoned conclusions indicating the beneficial effects of the planned project or programme for society or vice versa. The commissioner sends a copy of the report to the municipality's mayor's office, where the relevant decision is made (Titre Ier, Chapitre IV).

The above provisions indicate that the French model of administrative procedure incorporates elements of the third generation – public involvement in addressing public issues implemented in the form of programmes, projects and plans, and openness of the administration in relations with the public by giving them the right to fully exercise their rights and influence the administration's decision-making in the public interest.

It is also necessary to pay attention to a peculiar feature of the French model of administrative procedure (compared to other models): it is manifested in the absence of an explicit list of principles on which the procedure is based. These principles can only be found by analysing the provisions of each book of the Code. We believe it is necessary to draw attention to some principles borrowed from the court procedure – *the principle of adversarial proceedings* and *the right to defence of the interested party*, which are enshrined in Section II of Book I ("Le sé changesavec l'administration"). Prior to the introduction of the Code, the adversarial nature of the procedure between the administration and private individuals was based on the general principle defined by Arrett Dam Trompierre-Gravier (1944), according to which a person affected by a negative decision has the right to be informed by the administration of the negative consequences of the decision, to review the materials of his case and to provide appropriate comments. This is in line with Article L. 121-1, which combines the two rules: "...individual decisions must be motivated in accordance with Article L. 211-2 and must be made in accordance with an adversarial procedure". According to the provisions of the Code, other interested parties do not have the right to be heard in an adversarial procedure, only the parties to the procedure have this right¹⁴.

We would also like to draw attention to the new inversion principle that is in place in the French model of administrative procedure in relation to anticipated decisions. The introduction of the principle of "tacit consent" is one of the most important innovations enshrined in Book II ("Les actes unilatér aux prispar l'administration") of Title III ("Les décision simplites") of the Code. This principle is not only a radical change in the nature of French administrative law. Its introduction demonstrates, first and foremost, the influence of European administrative law on the formation of the Code's

¹⁴ Richard J., Kapsali V. La participation à l'élaboration des règlements administratifs en France. Droit comparé de la procédure administrative / eds: J.-B. Auby, T. Perroud. Bruxelles: Bruylant, 2016. P. 317-329.

provisions. The principle of tacit consent and the mechanism of presumptive decision are a logical inversion of the general rule "silence means refusal (vaut rejet)" enshrined in the 2000 Law on the Rights of Citizens in Relations with the Administration. This principle was developed by the Council of State in order to exercise judicial supervision over the inaction of the administration in case of violation of Article L. 231-1, according to which the silence of an administrative body on an application within two months must be considered as acceptance of the application. However, the two-month period, which starts from the moment the administration receives the application, may be cancelled due to the urgency or complexity of the procedure (Art. L. 231-6). The list of procedures to which the "principle of tacit consent" applies is published on the government's website¹⁵.

An important and innovative provision that characterises the French model of administrative procedure as a third-generation model is the provision on an alternative dispute resolution mechanism with the administration, which gives the applicant the right to choose.

Book 4, "Settlement of Disputes with the Administration," sets out the following methods and remedies:

1) administrative remedy by filing one of the appeals:

- *administrative appeal*: a complaint addressed to the administration to resolve a dispute arising from an administrative decision;

- *favourable appeal*: an administrative appeal addressed to the administration that issued the decision under appeal;

- *hierarchical appeal*: an administrative appeal addressed to the body to which the person who made the decision under appeal is subordinate;

- *mandatory preliminary administrative appeal* (Articles L. 410-1 to L412-8);

2) non-jurisdictional method, namely, conciliation and mediation, enshrined in Article L. 421-1, which states that a conciliation or mediation procedure may be used to peacefully resolve a dispute with the administration. A decree of the Council of State may determine the conditions under which disputes arising from contracts with the state, local authorities and public institutions, as well as actions related to their extra-contractual liability, are resolved through the conciliation procedure.

3) jurisdictional remedies (Articles L. 431-1 to L432-1). In accordance with the competence, disputed appeals against administrative decisions are filed with the administrative courts in accordance with the provisions and requirements set out in the Code of Administrative Justice (Code de justice administrative).

¹⁵ Fromont M. Droit administratif des Etats européens. Paris: PUF, 2006. p. 213-131.

The French administrative procedure model provides not only for administrative and judicial remedies, but also for a conciliation procedure. In our opinion, the French legislator, having enshrined the provisions on the settlement of disputes with the administration at the level of the Code, provided a wide range of remedies for citizens. In doing so, the interests of society and citizens were taken into account to the maximum extent possible, and all European countries were shown a high level of democracy and the rule of law in the country.

The provisions on different types of administrative acts in Book 2 of the Code of Public-Administrative Relations indicate that the French model of administrative procedure has elements of the second generation. Separate sections of Book 2 are devoted not only to the variety of forms of administrative acts adopted by public administration entities, but also to issues related to the entry into force of administrative acts: non-normative and normative, rules for the withdrawal and cancellation of acts on the initiative of the administration or at the request of a party, rules on anticipated decisions, unilateral acts adopted by the administration. The rules relating to cancellation and revocation are based on a generalisation of the rules defined by Arrett Ternon: revocation and cancellation of a unilateral act is possible if the act is unlawful and the measures are taken within four months of its adoption. The Code applies such criteria primarily to allegedly unlawful decisions, regardless of whether the revocation or cancellation was initiated by the authority or at the request of a party. The same rule applies to the revocation of unlawful acts of a regulatory and nonregulatory nature¹⁶.

CONCLUSIONS

Having reviewed and analysed the provisions of the Code governing the rules of administrative procedure, we have come to the following conclusions:

– first, the nature of the administrative procedure model in France and the scope of its application differ from the administrative procedure models of other countries (Poland, Germany, the USA); this is due to the peculiarity of French administrative law, as discussed above, the historical role of the Council of State, which played a major role in both the establishment and further development of the administrative procedure, turning it into an original and comprehensive model, as well as the influence of EU policy and the processes of globalisation and Europeanisation that have swept all countries

¹⁶. Code des relations entre le public et l'administration. Art. L. 242-1, Art. L. 242-3, Art. L. 243-3. Légifrance. URL: <https://www.legifrance.gouv.fr/codes/id/LEGITEXT000031366350/>

– secondly, the French model of administrative procedure combines elements of three generations of administrative procedure, and it can truly be called a multimodel. This is confirmed by various provisions included in the Code: the principles underlying the administrative procedure are borrowed from case law and are an example of the judicial model of the first generation of administrative procedure; the nature of the procedure is adversarial, similar to that in court; the consolidation of rules on administrative acts (normative and non-normative) indicates the presence of elements inherent in the second generation model of administrative procedure – legislative; the largest number of provisions enshrined in the Code belong to the model.

Thus, the French model of administrative procedure is the result of the process of Europeanisation of national administrative law, which consists in the general adaptation of the domestic legal order to common European legal values: a process of harmonisation that now goes beyond strict compliance with Community law. The recommendations adopted by the Council and the Commission to coordinate economic policy and structural reforms of the administrative law of the Member States have become an unprecedented factor in the gradual convergence of national administrative law of different countries, although the specificities and problems of each will always exist. The French model has maintained a balance between written and case law, between new legislative provisions and general principles, ensuring maximum protection of citizens in their relations with the administration. The fact that France has established the necessary logical and legal prerequisites for the codification of administrative procedure demonstrates the acceptance of the values, rules and principles of good governance of European administrative law and is an incentive for improving relations with citizens by administrative authorities.

The model of French administrative procedure is based on the relationship between the public and the administration, built not on the principle of subordination and confrontation, but on the principle of exchange and dialogue. In France, thanks to European influence, the concept of administrative procedures is understood not only as a tool of guarantee, but also as a means of ensuring the legality and responsibility of public authorities for their actions and decisions to society and the citizen.

SUMMARY

The article examines the transformation of the French model of administrative procedure from fragmentary regulatory framework to a systemic Europeanised approach embodied in the Code of Public Relations with the Administration (CRPA). The article focuses on the need to improve the Ukrainian model of administrative proceedings with due regard for European trends, in particular, the experience of France. The author conducts

a comparative analysis of the key institutional, procedural and digital elements of the French model, which combines legal tradition and modern technological solutions. Particular attention is paid to the process of Europeanisation of French administrative law, which took place despite the historical isolation of this legal system. As a result of the study, the author identifies promising areas for adaptation of certain provisions of the CRPA to Ukrainian legislation in the context of digital transformation and European integration. The scientific novelty of the article lies in the first systematic analysis of the CRPA as a model of a modern, balanced and efficient administrative procedure in the Ukrainian doctrine. The proposed approaches can be used to further improve the Law of Ukraine "On Administrative Procedure".

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