

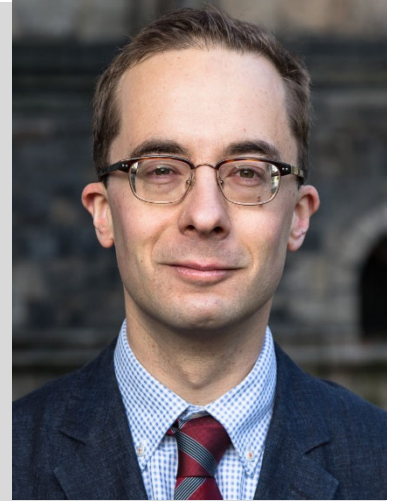
Discussion Group on Comparative Constitutional Law and Theory

Professor Dr. Henrik Wenander, Lund University (Sweden)

**Lecture: The Constitutional Role of Public Administration in the Nordic Countries:
Democracy, Rule of Law and Effectiveness under European Influence**

Date: Thursday, 7.11.2019, 6:00 p.m.

Venue: Room 5002, Sigmund Freud University
Freudplatz 1, 1020 Vienna



'The Constitutional Role of Public Administration in the Nordic Countries: Democracy, Rule of Law and Effectiveness under European Influence'

In a democracy based on the rule of law, administrative authorities such as tax authorities or municipal social boards should effectively carry out the political will of democratically elected politicians, but in a manner that safeguards individual rights, the rule of law and accountability. The seminar introduces an on-going comparative research project on the constitutional role of public administration in the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden). As stable democratic societies basing on the rule of law, the Nordic countries and their administrative structures have gained international interest. At the same time, they have rarely been in the focus of interest in international legal research.

Although the Nordic countries display similarities, there are also interesting differences along an East-West line. The West-Nordic countries (Denmark, Iceland and Norway) are more similar to traditional tri-partite models of separation of powers, with most administrative authorities organised under the Executive branch, that is within governmental ministries. Contrastingly, the Eastern countries (Sweden and Finland) feature a system where the administrative authorities are organised independently from the Government with a large scope for independent decision-making without political interference. These differences also relate to the structures for accountability, for example concerning judicial review of administrative decisions. Here, the West-Nordic systems provide a

model similar to the Anglo-Saxon form of review in ordinary courts, whereas the East-Nordic countries provide for appeal to administrative courts. The different Nordic approaches to the balancing between the interests of democracy, the rule of law and effective administrative decision making may provide interesting perspectives on the legal framework for administrative authorities. The requirements flowing from EU law and the ECHR on administrative procedure have meant special challenges in this respect. The presentation discusses how the administrative law systems of the Nordic countries may provide opportunities for fruitful comparison and theory building concerning the role of public administration in contemporary European democracies.

Biography

Henrik Wenander, born in Växjö, Sweden 1976

Bachelor of Arts (history and languages), Lund University 2000

Master of Laws, Lund University 1997–2002

Service as a court clerk, Malmö District Court 2002–2004

Doctor of Laws, Lund University 2010

Employment at the Nordic Council of Ministers, Copenhagen 2009–2010

Senior Lecturer, Lund University 2015–2018

Professor of Public Law, Lund University 2018

Professor Wenander researches and teaches constitutional and administrative law. His research deals with administrative law, especially its interplay with constitutional law and its international dimension, including EU law. He takes a special research interest in the legal aspects of Nordic cooperation. In 2014, he published a monograph (in Swedish) on Nordic legal cooperation to promote free movement between the Nordic countries. A further research interest is comparative constitutional and administrative law. He has also conducted research on the cross-border aspects of administrative agencies ("international administrative law" or "global administrative law"). Currently, he is conducting a research project funded by the Swedish Foundation for Humanities and Social Sciences (Riksbankens Jubileumsfond, <https://www.rj.se/en/anslag/2018/the-constitutional-role-of-public-administration-in-the-nordic-countries-democracy-rule-of-law-and-effectiveness-under-european-influence/>).

Together with Professor Jane Reichel, Stockholm University, he is the editor-in-chief of the Swedish administrative law journal *Förvaltningsrättslig tidskrift*.