

## Independent administrative authorities and the standard of judicial review

*mr* Saskia Lavrijssen, Lecturer and Researcher, department of European and International Public Law, Tilburg University, the Netherlands, and affiliated to the Tilburg Law and Economics Center (TILEC)  
*mr* Maartje de Visser, Lecturer and Researcher, department of European and International Public Law, Tilburg University, the Netherlands, and affiliated to the Tilburg Law and Economics Center (TILEC)

### Abstract

Recent developments in European competition and electronic communications law have led to an increased focus on, and importance of, independent administrative authorities. The competences available to these authorities are often wide-ranging, at times encompassing elements of all three of Montesquieu's powers. These competences typically embody a considerable degree of discretion to allow the balancing of the – opposing – interests of various groups of stakeholders, such as consumers, competitors and manufacturers. This raises the question how the independence of administrative authorities can be counterbalanced by a certain degree of accountability for their actions. The aim of the present article is to review how three Member States – the Netherlands, the United Kingdom and France – have shaped the judicial accountability of the independent administrative authorities. On the basis of an analysis of some important cases the article attempts to assess whether there are commonalities between the ways the national courts in these Member States review the exercise of discretionary powers by independent administrative authorities. The article will also ascertain the influence of EC law and the European Convention on Human Rights, notably Articles 6 and 13 thereof, on the standard of review applied in the Member States.

### Keywords

national independent authorities; competition law and economic regulation; standard of review; Tetra Laval

[full text](#)   [back](#)

ISSN 1871-515X