The Influence of European Good Governance Standards on the Development of Georgian Administrative Law under the EU Candidate Status

ევროპული კარგი მმართველობის სტანდარტების გავლენა ქართული ადმინისტრაციული სამართლის განვითარებაზე ევროკავშირის კანდიდატის სტატუსის პირობებში

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Levan Mosakhlishvili[1a]
ლევან მოსახლიშვილი[1]
[1] Caucasus University, Tbilisi, Georgia
[1] კავკასიის უნივერსიტეტი, თბილისი, საქართველო
* lemosakhlishvili@cu.edu.ge

Abstract

Introduction. The process of European integration represents one of the main directions of Georgia’s legal and institutional development. After Georgia received European Union candidate status, aligning national legal and administrative practice with European standards took on particular importance. European good governance principles provide a framework for lawful, transparent, accountable, and citizen-oriented administration. This article examines the relationship between those principles and Georgian administrative law within the broader process of Europeanisation. **Methods.** The study combines doctrinal legal analysis with functional comparative legal analysis. It focuses on legality and legal certainty, proportionality, impartiality, transparency, accountability, the right to good administration and effective judicial review. The doctrinal analysis examines the scope and legal force of standards drawn from EU law, Council of Europe recommendations and the SIGMA Principles of Public Administration. The functional comparison assesses how Georgian administrative procedure, public service legislation and judicial review give effect to these standards. The study draws on Georgia’s public administration reform framework and the European Commission’s enlargement assessments to examine implementation. **Results.** Georgia adopted its General Administrative Code in 1999, long before obtaining EU candidate status, and therefore entered the current stage of European integration with an established administrative-law framework containing principles broadly consistent with the European tradition of good administration. Subsequent European integration has reinforced these principles, expanded their institutional significance and made their effective implementation an important benchmark in the accession process. The main challenge is to ensure that public authorities apply these safeguards consistently in everyday administrative practice and that individuals can enforce them through effective remedies. **Conclusion.** The de facto halt in Georgia’s accession process underscores the importance of putting existing legal guarantees and formal commitments into practice. Sustainable Europeanisation therefore requires reasoned decision-making, meaningful participation, a merit-based public service, effective remedies and institutional accountability in everyday administrative practice.

Keywords: Europeanisation; administrative law; good governance; European administrative space; EU integration; Georgia.

აბსტრაქტი

შესავალი: ევროპული ინტეგრაციის პროცესი საქართველოს სამართლებრივი და ინსტიტუციური განვითარების ერთ-ერთ მთავარ მიმართულებას წარმოადგენს. მას შემდეგ, რაც საქართველომ ევროკავშირის კანდიდატის სტატუსი მიიღო, ეროვნული სამართლებრივი და

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ადმინისტრაციული პრაქტიკის ევროპულ სტანდარტებთან შესაბამისობაში მოყვანამ განსაკუთრებული მნიშვნელობა შეიძინა. კარგი მმართველობის ევროპული პრინციპები ქმნის ჩარჩოს კანონიერი, გამჭვირვალე, ანგარიშვალდებული და მოქალაქეზე ორიენტირებული ადმინისტრირებისთვის. სტატიაში შესწავლილია ამ პრინციპებსა და ქართულ ადმინისტრაციულ სამართალს შორის მიმართება ევროპეიზაციის უფრო ფართო პროცესის ფარგლებში. **მეთოდები.** კვლევა ეფუძნება დოქტრინულ და ფუნქციურ შედარებით-სამართლებრივ ანალიზს. კვლევის ფოკუსში მოქცეულია კარგი მმართველობის შემდეგი პრინციპები: კანონიერება და სამართლებრივი განსაზღვრულობა, პროპორციულობა, მიუკერძოებლობა, გამჭვირვალობა, ანგარიშვალდებულება, კარგი ადმინისტრირების უფლება და ეფექტიანი სასამართლო კონტროლი. ანალიზი ერთმანეთისგან მიჯნავს ევროკავშირის სამართალს, უფრო ფართო ევროპულ ადმინისტრაციულ სივრცეს და SIGMA/OECD-ისა და ევროპის საბჭოს მიერ შემუშავებულ სტანდარტებს. შემდეგ იგი აფასებს შესაბამისობას ამ სტანდარტებსა და იმ პრინციპებს შორის, რომლებიც ასახულია საქართველოს ზოგად ადმინისტრაციულ კოდექსში, საჯარო სამსახურის შესახებ კანონმდებლობაში, ადმინისტრაციულ მართლმსაჯულებასა და საჯარო ადმინისტრირების რეფორმაში. **შედეგები.** საქართველომ ზოგადი ადმინისტრაციული კოდექსი 1999 წელს, ევროკავშირის კანდიდატის სტატუსის მიღებამდე დიდი ხნით ადრე მიიღო, და შესაბამისად, ევროპული ინტეგრაციის ამჟამინდელ ეტაპზე ჩამოყალიბებული ადმინისტრაციულ-სამართლებრივი ჩარჩოთი შევიდა, რომელიც შეიცავს კარგი ადმინისტრირების ევროპულ ტრადიციასთან მეტწილად თავსებად პრინციპებს. შემდგომმა ევროპულმა ინტეგრაციამ ეს პრინციპები განამტკიცა, გააფართოვა მათი ინსტიტუციური მნიშვნელობა და მათი ეფექტიანი განხორციელება გაწევრიანების პროცესის მნიშვნელოვან ნიშნულად აქცია. შესაბამისად, გადამწყვეტი გამოწვევა არის არა მხოლოდ ფორმალური სამართლებრივი დაახლოება, არამედ არსებული გარანტიების თანმიმდევრული გამოყენება ადმინისტრაციული ქცევის აღსრულებად და ყოველდღიურ სტანდარტებად. **დასკვნა.** საქართველოს გაწევრიანების პროცესის შემდგომი დე ფაქტო შეჩერება ცხადყოფს, რომ ფორმალური ვალდებულებები და ჩამოყალიბებული სამართლებრივი ჩარჩო ვერ უზრუნველყოფს შესაბამისობას, თუ ადმინისტრაციული ინსტიტუტები ამ სტანდარტებს თანმიმდევრულად არ გამოიყენებენ. ამდენად, მდგრადი ევროპეიზაცია ყოველდღიურ ადმინისტრაციულ პრაქტიკაში მოითხოვს დასაბუთებული გადაწყვეტილებების მიღებას, არსებით მონაწილეობას, დამსახურებაზე დაფუძნებულ საჯარო სამსახურს, სამართლებრივი დაცვის ეფექტიან საშუალებებსა და ინსტიტუციურ ანგარიშვალდებულებას.

საკვანძო სიტყვები: ევროპეიზაცია, ადმინისტრაციული სამართალი, კარგი მმართველობა, ევროპული ადმინისტრაციული სივრცე, ევროინტერგრაცია, საქართველო.

1. Introduction

1.1. Research Problem and Relevance

Georgia's European integration has long influenced constitutional development, legislation and institutional reform. The process gained a new legal and political dimension when Georgia applied for membership of the European Union in March 2022, received a European perspective in June 2022 and was granted candidate status by the European Council on 14 December 2023. Candidate status did not itself make EU administrative law directly applicable to Georgian authorities. It did, however, strengthen the expectation that Georgia would align both its legislation and its administrative practice with the values and standards that govern public administration in Europe (European Council, 2023, para. 31).

Public administration is central to the credibility of enlargement. A candidate state must be able to adopt the acquis, implement it impartially, and provide effective remedies when public power is exercised unlawfully. For that reason, public administration reform, the rule of law and the functioning of democratic institutions form part of the 'fundamentals' of the accession process. These areas are assessed early, monitored throughout negotiations and expected to produce durable results. The quality of administrative law is therefore

not a secondary technical question. It determines whether rights and policy commitments are realised in practice (European Commission, 2025a, p. 2).

The expression 'European good governance standards' does not refer to a single codified body of law. It covers several connected sources: the general principles of EU law developed by the Court of Justice of the European Union; Article 41 of the Charter of Fundamental Rights of the European Union; standards of the Council of Europe; the Principles of Public Administration prepared by SIGMA, a joint initiative of the OECD and the European Union; and common features of the legal orders that make up the European administrative space. Their legal force differs, but together they identify the qualities expected of modern public administration: legality, predictability, proportionality, impartiality, transparency, participation, accountability, professional capacity and effective review.

Against this conceptual background, the article examines the relationship between European good governance standards and the principles already embodied in Georgian administrative law, as well as the significance of EU candidate status for their further development and implementation. Georgia adopted its General Administrative Code in 1999, long before obtaining EU candidate status, and the Code already incorporated principles broadly consistent with the European tradition of good administration, including legality, access to information, the duty to give reasons, administrative complaint mechanisms and judicial review. Accordingly, the article does not argue that the current process of European integration created Georgia's general administrative-law framework. Rather, it argues that subsequent European integration has reinforced these principles, expanded their institutional significance, contributed to further reforms, including in the field of merit-based public service, and made their effective implementation an important benchmark in the accession process. The central challenge is therefore to ensure that the existing legal guarantees operate as enforceable and routine standards of administrative conduct. The European Commission's 2025 assessment, which identified serious democratic backsliding and a de facto halt in Georgia's accession process, illustrates the gap that may arise between an established legal framework, formal commitments and administrative practice.

The subject requires a careful distinction between the legal status of a candidate country and the practical influence of accession standards. Article 49 of the Treaty on European Union makes respect for the values in Article 2 a condition of a membership application. Candidate status is therefore neither membership nor a guarantee of accession. It is a stage in a conditional process in which domestic institutions must demonstrate their capacity to implement common rules and values. The Copenhagen criteria add an institutional dimension: stable institutions must guarantee democracy, the rule of law, human rights and protection of minorities, while the state must also possess the administrative capacity necessary to assume the obligations of membership (Treaty on European Union, 2016, arts. 2, 49).

This distinction matters in administrative law because the field connects constitutional values with ordinary decisions. Citizens usually encounter the state through permits, licences, public services, social decisions, regulatory inspections, taxation, procurement and access to information. The quality of administration is therefore measured not only by the constitutional design of institutions, but by the legality, clarity and fairness of these daily interactions. A candidate state may adopt technically sophisticated legislation and still fall short if administrative bodies apply it selectively, delay decisions or fail to give intelligible reasons.

2. Methodology

The study combines doctrinal legal analysis with functional comparative legal analysis. The doctrinal analysis examines the content, scope and legal force of selected European good governance standards and interprets the corresponding provisions of Georgian administrative law. The European sources include Article 41 of the EU Charter, the EU–Georgia Association Agreement, the Council of Europe's Recommendation CM/Rec(2007)7 and the 2023 SIGMA Principles of Public Administration. The Georgian sources include the General Administrative Code, the Administrative Procedure Code and the Law on Public Service.

The functional comparison assesses whether Georgian rules and procedures serve the same purposes as the European standards examined. The criteria for comparison are legality and legal certainty, proportionality, impartiality, transparency, accountability, the right to good administration and effective judicial review. The analysis first identifies the safeguards provided by Georgian law and then draws on Georgia's public administration reform framework and the European Commission's enlargement assessments to examine how those safeguards are implemented. The General Administrative Code, adopted in 1999,

provides a reference point for distinguishing safeguards that predate EU candidate status from the expectations for their implementation under the accession process.

The article uses ‘Europeanisation’ to describe the process through which European rules, principles, procedures and evaluative standards influence domestic law and administration. The mechanism may be binding, as with treaty obligations; conditional, as in the accession process; persuasive, as with Council of Europe recommendations; or operational, as with SIGMA indicators and technical assistance. This broader definition makes it possible to explain why formally non-binding standards may still produce significant legal and institutional change in a candidate country.

3. European good governance standards

The European model of good administration combines a rights-based approach with an institutional-capacity approach. The rights-based approach protects the person affected by public power. The capacity approach asks whether public bodies can prepare policies, apply law consistently, manage resources and deliver services. Good governance requires both. A carefully drafted procedural code cannot compensate for politicised appointments, weak policy coordination or ineffective judicial remedies. Equally, administrative efficiency cannot justify decisions taken without legal authority, adequate reasons or procedural fairness.

Article 41 of the EU Charter recognises the right of every person to have his or her affairs handled impartially, fairly and within a reasonable time by EU institutions, bodies, offices and agencies. It expressly includes the right to be heard before an adverse individual measure is taken, access to one’s file subject to legitimate confidentiality interests, and an obligation on the administration to give reasons. The provision is addressed to the EU administration, but its elements reflect broader general principles that also influence national administrative systems when they act within the scope of EU law (Charter of Fundamental Rights of the European Union, 2016, art. 41(1)–(2)).

For a candidate country, Article 41 serves as a reference point rather than a provision directly binding on every domestic administrative authority merely because candidate status has been granted. Its importance lies in the model it supplies: the individual is not only the object of administrative action but a bearer of procedural rights. This orientation is also visible in the Council of Europe’s Recommendation CM/Rec(2007)7, which presents good administration as requiring lawfulness, equality, impartiality, proportionality, legal certainty, action within a reasonable time, participation, respect for privacy and transparency (Council of Europe, 2007, arts. 2–10).

The European administrative space describes convergence around common principles despite continuing diversity in national administrative systems. Its core elements are commonly associated with reliability and predictability, openness and transparency, accountability, efficiency and effectiveness. These principles connect administrative procedure with civil service professionalism, policy coordination, public financial management, and external oversight.

The 2023 SIGMA Principles translate these values into a framework that can be assessed in practice. They cover strategy and continuous improvement of public administration, policy development and coordination, public service and human-resource management, organisation and accountability, service delivery and digitalisation, and public financial management. This framework is especially relevant to enlargement because it tests whether an administration can perform the functions required for membership, rather than asking only whether a statute has adopted European terminology (OECD/SIGMA, 2023, p. 6).

The Principles also clarify that accountability is institutional as well as individual. Ministries and agencies need clear mandates; delegated authority must be matched by responsibility; oversight bodies must have access to information; administrative decisions must be reviewable; and the public should be able to understand how policy is made and resources are used. Accordingly, the Europeanisation of administrative law extends beyond courtroom doctrine. It includes the design of public institutions and the administrative culture in which legal rules operate.

The legal sources must also be placed in their proper hierarchy. Article 41 of the Charter binds the institutions, bodies, offices and agencies of the Union and identifies impartiality, fairness, reasonable time, the right to be heard, access to the file and the duty to give reasons as components of good administration. The Charter does not become directly applicable to every Georgian administrative proceeding because Georgia has candidate status. Its provisions nonetheless provide an authoritative formulation of procedural fairness and influence the standards against which enlargement reforms are assessed (Charter of Fundamental Rights of the European Union, 2016, art. 41(1)–(2)).

The Council of Europe supplies a broader pan-European formulation. Recommendation CM/Rec(2007)7 requires public authorities to act lawfully and in accordance with equality, impartiality, proportionality, legal certainty, reasonable time, participation, privacy and transparency. It also links those principles to the form and notification of administrative decisions, internal review and judicial control. Although the recommendation is not equivalent to a treaty obligation, it consolidates standards that derive from the rule of law and from the protection of individual rights within European public law (Council of Europe, 2007, arts. 2–10, 17–23).

Proportionality deserves separate attention because it converts a general commitment to fairness into a reviewable legal method. The authority must first identify the lawful public objective. It must then show that the selected measure is capable of contributing to that objective. If a less restrictive but equally effective measure is available, the more burdensome option requires justification. Finally, the benefit to the public must remain reasonably balanced against the effect on the individual. This sequence prevents discretion from becoming an unstructured appeal to administrative convenience.

Legal certainty similarly has both formal and practical dimensions. Rules must be published, sufficiently clear and reasonably foreseeable. Administrative practice should be consistent in comparable cases, and changes should respect legally protected reliance. The protection of legitimate expectations is not an absolute prohibition on policy change. It requires the authority to recognise the consequences of its previous conduct, provide reasons for departure and, when the law so requires, provide transitional protection or compensation.

The revised SIGMA framework is especially significant for candidate and neighbourhood countries because it connects rights with measurable administrative capacity. Its 2023 edition contains 32 principles organised in six areas and expressly presents itself as the primary framework guiding enlargement countries in building better public administration. Principle 5 concerns active consultation during policy development; Principles 8–12 address professional public service; Principles 15–17 cover openness, oversight and the right to good administration; and Principles 19–22 address user-centred service delivery and digitalisation. This arrangement shows that good administration cannot be reduced to the judicial validity of an individual act (OECD/SIGMA, 2023, Principles 5, 8–12, 15–17, 19–22).

The SIGMA model also changes the method of evaluation. It examines legal preconditions, actual implementation and results. This approach is important because a statute may require open competition while appointments are routinely made through exceptions, or may guarantee access to information while requests remain unanswered. Outcome-oriented assessment does not replace legality; it tests whether legal guarantees are operational. For Georgia, this means that future reform reports should present evidence on decision times, reversals, access to information, consultation outcomes, appointments and execution of judgments.

Legal certainty requires accessible and foreseeable rules, consistency in administrative practice and protection against arbitrary changes in the legal position of individuals. It does not prevent the administration from responding to new circumstances, but it requires changes to be based on law and applied in a manner that respects legitimate expectations. The duty to provide reasons supports legal certainty because it reveals the legal and factual basis of the decision and permits the affected person to determine whether an appeal is justified.

Proportionality disciplines the exercise of discretionary power. An administrative measure should pursue a legitimate objective, be capable of achieving it, avoid unnecessary interference where a less restrictive measure is available, and maintain a reasonable balance between the public objective and the burden imposed on the individual. In a candidate country, proportionality also matters when legislation implements EU-related policy. Approximation must not become a formula for unreasoned regulation; public bodies must still explain why a chosen measure is suitable and necessary in its domestic context.

Transparency enables affected persons, courts, oversight bodies and the public to understand administrative action. It includes access to public information, publication of rules and policies, openness of decision-making processes and disclosure of the reasons supporting individual decisions. Participation complements transparency. Consultation is meaningful only when information is provided early enough, comments can influence the decision, and the authority explains how significant objections were considered.

Accountability links legal duties to consequences. Internal hierarchy, administrative complaints, parliamentary oversight, ombudsman institutions, audit and judicial review each serve different purposes. No single mechanism is sufficient. Judicial review can invalidate an unlawful act, but it cannot by itself create a

professional civil service or ensure that agencies publish information proactively. A coherent system therefore combines preventive controls, transparent procedures and effective remedies.

4. European standards in Georgian administrative law

Georgia entered the current phase of European integration with an established framework of general administrative law. The General Administrative Code, adopted in 1999, regulates administrative acts, administrative proceedings, complaints and freedom of information. Its adoption was an important move from authority-centred administration toward rule-bound procedure. Later reforms in public service, policy planning, service delivery and digital administration expanded the institutional dimension of good governance.

The General Administrative Code contains a notably dense statement of European-style principles. Article 4 requires equality before law and administrative bodies and prohibits different decisions in similar circumstances without a lawful basis. Article 5 expresses legality and denies legal effect to action taken beyond statutory powers. Articles 6 and 7 confine discretion to its statutory purpose and require a balance between public benefit and harm to protected rights. Article 8 requires impartiality and excludes officials whose personal interest or other circumstances may affect the resolution of a case. These rules already provide domestic legal grounds for reviewing arbitrary, inconsistent or disproportionate action; reliance on European standards strengthens their interpretation but does not replace them (General Administrative Code of Georgia, 1999, arts. 4–8).

The procedural provisions reinforce those general principles. Where an act may worsen a person's legal position, Article 95 requires notice and participation. Article 96 obliges the authority to investigate all material circumstances and prohibits reliance on facts not examined through the legally prescribed procedure. Articles 98 and 99 protect the submission of evidence and access to case materials. Taken together, these provisions establish a model of active administrative inquiry combined with party participation. The administration is not a passive adjudicator, but neither may it decide on material hidden from the affected person (General Administrative Code of Georgia, 1999, arts. 95(1)–(2), 96(1)–(2), 98(1)–(2), 99(1)).

The duty to give reasons is the point at which legality, evidence and accountability converge. Article 53 requires a written individual administrative act to contain written substantiation, identify the applicable norm and, when discretion is used, specify all factual circumstances of essential importance. It also bars reliance on circumstances, facts, evidence or arguments that were not examined during the proceeding. A valid statement of reasons must therefore do more than reproduce statutory language. It should explain why the evidence satisfies the legal test and why the selected measure follows from that assessment (General Administrative Code of Georgia, 1999, art. 53(1), (3)–(5)).

The Code also protects reliance and review. Article 60¹ treats contradiction with law or a substantial procedural violation as grounds for declaring an act void and requires consideration of reliance in relation to an unlawful enabling act. Article 177 gives an interested party the right to appeal an administrative act and treats failure to decide within the statutory period as an appealable refusal. These mechanisms support self-correction inside the administration before or alongside judicial proceedings. Their value depends on whether the reviewing body conducts a genuine reassessment rather than defending the original authority's position (General Administrative Code of Georgia, 1999, arts. 60¹(1)–(5), 177(1)–(2)).

Transparency under the Code is both reactive and procedural. Access to public information permits external scrutiny, while access to the administrative file permits an affected person to defend his or her interests. The two functions should not be confused. General publication supports democratic accountability; file access supports procedural equality. Both require narrowly construed exceptions, adequate record management and a review mechanism capable of ordering disclosure within a useful period.

Public service legislation supplies the organisational conditions for lawful decision-making. The stated aim of the Law on Public Service is a stable and unified service based on career development, merit, integrity, political neutrality, impartiality and accountability. These principles are not merely employment values. Officials who fear politically motivated dismissal or depend on informal patronage may be less able to give independent legal advice, record dissenting evidence or resist unlawful instructions. Civil-service protection and accountability must therefore be designed together (Law of Georgia on Public Service, 2015, art. 1).

Judicial review completes the system but should not be understood as its only safeguard. The Administrative Procedure Code defines the jurisdiction of the common courts over administrative cases and operates together with the Civil Procedure Code unless special rules apply. Effective review requires timely access to court, appropriate interim measures, examination of the factual and legal basis of the act, and

execution of the final judgment. The European Commission's 2025 report recorded that disposition time for administrative cases increased to 695 days in 2024, compared with 633 days in 2023. Delay of this scale can weaken the practical value of a remedy even when the final legal analysis is correct (European Commission, 2025b, p. 30).

Digital administration introduces an additional layer of responsibility. The authority remains legally responsible when data are processed automatically or a decision-support system influences the outcome. The affected person should be able to identify the competent body, correct inaccurate data, understand the decisive criteria and request meaningful human reconsideration. These requirements follow from established duties of investigation, reasons and review; technological change alters their application but not their purpose.

The General Administrative Code contains several mechanisms that correspond to European standards. It binds administrative bodies to legality, regulates the exercise of discretionary authority, provides for participation of interested parties, establishes procedural forms for individual administrative acts and creates an administrative complaint procedure. Article 53 requires a written individual administrative act to include written substantiation, subject to defined exceptions. The reasons must connect the applicable law, facts and conclusion. This duty is essential to fairness and judicial control because an unexplained decision cannot be effectively challenged (General Administrative Code of Georgia, 1999, art. 53(1)–(8)).

The Code's freedom-of-information regime also gives practical effect to transparency. It establishes access to public information while recognising legally protected interests. In functional terms, the Code therefore covers central elements of good administration: notice, participation, reasons, access to information and review. Its significance should not be underestimated. Many of these guarantees were embedded in Georgian law before candidate status and show that Europeanisation is cumulative rather than a process beginning in 2023.

Nevertheless, formal procedural guarantees do not automatically ensure high-quality administration. Standardised or formulaic reasoning may satisfy the appearance of a reasoned act while failing to disclose the actual assessment. Participation may occur too late to influence the outcome. Delays can deprive a favourable decision of practical value. Effective Europeanisation therefore requires courts and administrative complaint bodies to examine the substance of procedural compliance, including whether relevant evidence was considered and whether discretionary choices were proportionate.

The Law on Public Service states that it aims to establish a stable and unified public service based on career development, merit, integrity, political neutrality, impartiality and accountability. These principles closely correspond to the SIGMA framework. Merit-based recruitment and promotion protect administrative competence and continuity; political neutrality limits the use of the civil service for partisan purposes; and accountability ensures that professional autonomy does not become immunity from scrutiny.

The practical test is whether personnel decisions follow transparent criteria and whether legal safeguards operate across institutions. Exceptions, acting appointments, reorganisations and dismissal mechanisms can weaken a merit system if they are used to bypass competitive procedures. Training is also necessary but insufficient. Officials need institutional incentives to document evidence, consult affected persons, disclose conflicts and explain decisions. Senior managers must treat these duties as conditions of lawful administration rather than optional elements of service quality.

Georgia's Administrative Procedure Code provides the procedural framework for courts to hear administrative cases. Judicial control protects individuals and improves administration by requiring public bodies to demonstrate the legality of their acts. Effective review must cover jurisdiction, procedure, factual findings, interpretation of law and the limits of discretion. Courts should not replace the administration's lawful policy choice, but they must verify that the authority considered relevant factors, excluded irrelevant considerations, respected procedural rights and reached a proportionate result.

The effectiveness of review depends on access, timeliness and execution. A remedy is weakened when proceedings are excessively long, interim protection is unavailable despite irreversible harm, or final judgments are not implemented promptly. European good-governance standards therefore connect judicial independence with administrative capacity. The administration must be able and willing to comply with judgments, correct recurring defects and adjust internal practice rather than treating each case as an isolated loss.

Georgia's public administration reform agenda has addressed policy planning and coordination, civil service, accountability, service delivery and public financial management. European Union assistance and SIGMA cooperation have supported this process. Digital public services have improved accessibility and can

reduce opportunities for arbitrary face-to-face decision-making. They can also create clearer records of applications, deadlines and decisions.

Digitalisation, however, does not remove the requirements of administrative law. Automated or data-assisted decisions must remain attributable to a legally competent authority. Individuals need understandable reasons, access to relevant information and a channel for human review. Data quality, privacy, cybersecurity and unequal digital access may affect legality and fairness. A service is not citizen-oriented merely because it is online; it must also be accessible, accurate, secure and contestable.

5. Candidate status implementation and reform priorities

Candidate status increases the influence of European standards through conditionality, monitoring and institutional learning. The Commission's annual country reports identify deficiencies and recommendations. The accession methodology gives particular weight to fundamentals, including public administration reform and the rule of law. Domestic authorities therefore receive a more detailed benchmark against which legislation, institutional arrangements and results are assessed.

This influence is not equivalent to direct application of the entire EU acquis. Before membership, Georgia remains responsible for determining the domestic legal basis of administrative action. The Association Agreement creates binding commitments in specified fields and supports approximation, while candidate status establishes a structured political and evaluative relationship. SIGMA Principles and Council of Europe recommendations generally operate as benchmarks and interpretative standards rather than as directly enforceable rules. Legal analysis should preserve these distinctions to avoid overstating the formal effect of European sources.

The distinction does not diminish their practical importance. A recommendation repeated in Commission reports may influence legislative priorities, assistance, political dialogue and the credibility of the accession path. Domestic courts and administrative bodies may use European principles to interpret open-textured concepts such as proportionality, reasonableness and fairness, provided they remain within the Georgian legal framework. Universities, professional training bodies and civil society also translate these principles into doctrine and practice.

The EU–Georgia Association Agreement created an earlier and binding framework for political association, approximation and institutional cooperation. Its general principles emphasise democratic values, the rule of law, good governance and respect for human rights, while its cooperation provisions address justice, freedom, security and public administration. Candidate status builds upon this framework by placing Georgia within the enlargement methodology and by increasing the frequency and specificity of assessment. The two legal relationships are connected but should not be conflated (EU–Georgia Association Agreement, 2014, arts. 2, 4, 13–20).

The European Council granted Georgia candidate status in December 2023 on the understanding that the relevant reform steps identified in the Commission recommendation would be taken. The conditional wording is important. Candidate status recognised a European perspective while leaving progress dependent on subsequent conduct. Public administration reform therefore became an implementation test: the Union would examine whether consultation was meaningful, whether public servants were protected against undue influence, whether oversight recommendations were implemented and whether individuals could obtain information and remedies (European Council, 2023, para. 31).

The 2025 Georgia Report offers a detailed assessment rather than a general political statement. It found backsliding in public administration reform and called for the reform agenda to be realigned with European principles and standards, for civil-service legal protection to be restored and for access to public information to be ensured. In its detailed analysis, the Commission reported that the strategic framework had been weakened, that no monitoring report had been prepared for the 2023–2026 strategy and that a 2025–2026 action plan had not yet been developed. These findings show why adoption of a strategy cannot itself serve as evidence of implementation (European Commission, 2025b, p. 6).

The same report connected amendments to the public-service framework with increased risks of politicisation and weakened legal recourse. It noted the abolition of the Civil Service Bureau in April 2025 and the transfer of part of its functions to the Administration of the Government. It also identified deficiencies in access to public information and low implementation of recommendations by oversight bodies. According to the report, only 19 per cent of 258 recommendations issued by the Public Defender to central authorities in 2024 were fully implemented, while 46 per cent of State Audit Office recommendations were fully implemented. These figures make accountability measurable (European Commission, 2025b, p. 25).

A balanced legal analysis should neither ignore these findings nor treat them as proof that every Georgian administrative institution operates unlawfully. Commission reports are evaluative instruments within the enlargement process. Their conclusions should be tested against legislation, institutional data, judicial practice and subsequent developments. Nevertheless, they carry particular weight because they identify the benchmarks used by the Union to assess readiness and because their detailed recommendations shape the conditions for renewed progress.

The experience also reveals the limits of external conditionality. European monitoring can identify problems, provide expertise and attach consequences to non-compliance. It cannot ensure that officials internalise impartiality, that managers welcome evidence contradicting a preferred policy or that courts provide timely and independent review. Sustainable Europeanisation requires domestic constituencies for legality: judges, public servants, lawyers, universities, civil society, businesses and citizens who expect reasons and challenge arbitrary action.

A realistic reform programme should therefore concentrate on a limited set of verifiable priorities. First, each significant administrative act should disclose its legal basis, decisive facts, treatment of the party’s arguments and proportionality assessment. Second, consultation files should publish evidence, comments received and a reasoned response. Third, appointments and dismissals should be traceable to transparent criteria and effective review. Fourth, recurring findings of courts and oversight bodies should trigger institutional corrective plans. Fifth, digital systems should preserve audit trails and accessible human review.

Progress indicators should measure both procedure and outcome. Examples include the percentage of information requests answered within the statutory time, the rate of administrative acts annulled for inadequate reasons, median duration of administrative complaints and court cases, execution of judgments, implementation of Public Defender and audit recommendations, proportion of competitive senior appointments and the extent to which consultation changed draft policy. Indicators cannot decide whether an individual act is lawful, but they can reveal systemic weaknesses requiring legal and managerial response.

The 2023 decision to grant candidate status was expressly linked to reform steps identified by the Commission. It therefore combined recognition of Georgia’s European perspective with conditionality. For administrative law, the central implication was that existing guarantees would be assessed by their operation. The quality of consultation, civil-service neutrality, regulatory predictability, access to information, independence of oversight and execution of judicial decisions became evidence of whether the state was moving toward membership.

Developments after candidate status also demonstrate that Europeanisation is not linear. The Council of the European Union states that Georgia’s accession process came to a de facto halt in 2024. The Commission’s 2025 Georgia Report described serious backsliding and called for the public administration reform agenda to be realigned with European public-administration standards. These assessments must be addressed in an academically balanced manner: they are institutional findings made within the enlargement process, not a conclusion that Georgia’s administrative-law framework has disappeared. They show instead that formal institutions may coexist with practices that undermine their purpose (Council of the European Union, 2026).

This experience supports a broader conclusion about enlargement. Conditionality is most effective when domestic institutions internalise the standards under review. If reform is pursued only to meet an external checkpoint, compliance may weaken when political incentives change. When legality, reasons, participation and impartiality become expectations shared by courts, officials and citizens, reversal becomes more difficult. Candidate status can accelerate this internalisation, but it cannot substitute for it.

The first priority is to improve the quality of administrative reasoning. Authorities should identify the legal basis of each decision, establish the relevant facts, respond to substantial submissions and explain the use of discretion. Template language should be used only for genuinely standard matters. Administrative complaint bodies should correct inadequate reasoning rather than merely repeat the original conclusion. Courts should continue to distinguish permissible discretion from arbitrary or unsupported choice.

The second priority is to strengthen participation in rule-making and policy development. Consultation should begin before the authority has effectively committed to one solution. Supporting evidence, impact assessments and draft texts should be accessible, and sufficient time should be allowed for informed comments. Publication of a reasoned consultation report would show which proposals were accepted or rejected and why. This would connect transparency with accountability rather than treating publication as an end in itself.

The third priority is to protect a professional and politically neutral public service. Recruitment, promotion, appraisal and dismissal should follow clear and reviewable criteria. Institutional reorganisations should have a genuine administrative rationale and should not be used to circumvent legal safeguards. Senior civil servants require enough stability to provide lawful and evidence-based advice, while remaining answerable for performance and integrity.

The fourth priority is to improve the coherence of accountability mechanisms. Internal control, administrative appeal, the Public Defender, audit institutions, parliamentary oversight and courts should be able to identify systemic problems and communicate them to responsible authorities. Repeated judgments or complaints concerning the same procedural defect should trigger changes in guidance, training or regulation. Accountability is strongest when it prevents recurrence, not only when it offers redress after harm.

The fifth priority is to align digital administration with procedural rights. Georgia should ensure that digital systems preserve an auditable record, identify the responsible authority, protect personal data and provide accessible explanations. Where automated processing materially affects a decision, the person concerned should have an effective opportunity to correct data and obtain meaningful human review. These safeguards would translate traditional administrative-law principles into the technological setting in which many public services now operate.

Finally, reform monitoring should focus on outcomes. Useful indicators include the share of administrative acts overturned for inadequate reasoning, average time for administrative and judicial review, compliance with court judgments, response rates for public-information requests, the representativeness and impact of consultations, and the proportion of competitive appointments. Quantitative indicators require qualitative interpretation, but they help distinguish adoption of rules from actual institutional performance.

6. Conclusion

European good-governance standards have had a substantial influence on Georgian administrative law. The General Administrative Code, administrative justice, freedom-of-information rules, public-service legislation and the public administration reform agenda reflect many principles associated with the European administrative space. Candidate status increased the visibility and evaluative force of those principles by placing public administration and the rule of law within a structured enlargement process.

The influence is legally differentiated. Some obligations arise from domestic law or the EU–Georgia Association Agreement; some European principles guide interpretation; and SIGMA and Council of Europe instruments provide authoritative benchmarks without automatically becoming directly enforceable domestic rules. Their combined effect is nevertheless clear: public power should be exercised lawfully, impartially, transparently, proportionately and subject to effective review.

Georgia’s central challenge is implementation. Europeanisation cannot be measured only by the number of strategies adopted or statutes amended. It must be visible in the reasons given to an individual, the fairness of a recruitment decision, the openness of consultation, the speed of a remedy and the administration’s response to a final judgment. The post-2023 experience confirms that formal approximation can coexist with institutional regression. Durable progress therefore depends on embedding good administration in everyday practice and protecting the institutions that enforce it. In this sense, administrative law is both an instrument of accession and a test of whether European values have become part of domestic governance.

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