

PART I
*Sustainable development and administrative
procedure*

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Redefining administrative procedure codification in the context of sustainable development

SUMMARY: 1. Introduction. – 2. The concept of sustainable development with an emphasis on social elements. – 3. The role of public administrations and administrative procedures within social development. - 3.1. Public administration as a pillar in SD. - 3.2. Administrative procedures and SD. – 4. The principles and rules within social development and administrative procedural law. - 4.1. From sustainable development guidelines to EU and national APAs principles. - 4.2. Selected institutes and rules aimed to enhance sustainable development in (Slovenian) APA. – 5. Conclusions.

1. *Introduction*

Sustainability represents a fundamental development principle that envisions equitable progress for society as a whole. It is demonstrated by the ability to achieve continuous advancement over time, ensuring that the growth of one segment of society does not come to the detriment of another. While not a new concept¹, its significance has surged in response to the poly-crises of recent decades, such as the banking collapses of 2007 and onwards, conflicts (e.g., Ukrainian or Palestinian), the Covid-19 pandemic, the energy crisis, etc. Sustainable development (SD) encompasses several dimensions, with particular emphasis in the social, economic, and environmental aspects². Political agendas mainly prioritise the latter, perceived as a balance between the second and third components³,

¹ See, for instance, L.R. BROWN, *Building a sustainable society*, WW Norton & Company, New York 1981, J.S. DRYZEK, *Paradigms and Discourses*, *The Oxford Handbook of International Environmental Law*, Oxford University Press, New York 2012.

² A.M. LY, M.R. COPE, *New Conceptual Model of Social Sustainability: Review from Past Concepts and Ideas*, in *International Journal of Environmental Research and Public Health*, no. 7/2023, p. 1 ff.

³ E. ECKERT, O. KOVALEVSKA, *Sustainability in the European Union: Analyzing the Discourse of the European Green Deal*, in *Journal of Risk and Financial*

while the social dimension including public administration (PA) as a social subsystem responsible for developing and implementing public policies remains underexplored.

As regards the operation of PA, a particular role is played by administrative procedures whose codification regulates the interactions between authorities and various stakeholders in society. This is crucial in the context of SD, as the latter inherently calls for collaborative networking among diverse societal actors. This is an important departure from traditional, unilateral administrative decision-making where PA acts as superior to the addressees of the rules. Sustainability in administrative relations and procedures involves strategies and practices employed by PA to balance procedures and decisions in terms of current needs, without precluding the ability of future generations to meet their own. This means that economic, social, and environmental perspectives are equally considered in administrative processes and that decisions are not made solely based on immediate needs or political pressures.

Administrative procedure is *materia legis* also at the level of the European Union (EU), albeit primarily through procedural provisions embedded in substantive regulations and joint principles⁴. Administrative procedural law (APL) is based on fundamental EU principles, prompting the European Parliament to release two resolutions in 2013 and 2016 regarding the Regulation on an open, efficient and independent EU administration (based on the expert Model Rules)⁵, but the latter has not yet been adopted. Nevertheless, the EU pursues procedural autonomy on a national scale, as long as national acts adhere to the principles of equivalence and effectiveness⁶. In this context, the national codification of administrative procedure is crucial for the functioning of social communities, both at the national and global levels, and should consider European guidelines, including the orientation of PA towards SD. Many countries have adopted a national (General) Administrative Procedure Act ((G)

Management, no. 2/2021, p. 80, ff.; J.-P. THERIEN, V. POULIOT, *Global governance as patchwork: the making of the Sustainable Development Goals*, in *Review of International Political Economy*, no. 3/2019, p. 612 ff.

⁴ D.U. GALETTA, H.C.H. HOFMANN, O.M. PUIGPELAT and J. ZILLER, *The General Principles of EU Administrative Procedural Law*, European Parliament, Luxembourg 2015.

⁵ See H.C.H. HOFMANN, J.P. SCHNEIDER and J. ZILLER, *The ReNEUAL Model Rules*, 2014, in <www.reneual.eu>.

⁶ Cf. C. HARLOW, R. RAWLINGS, *Process and Procedure in EU Administration*, Oxford-Portland, Oregon 2014.

APA)⁷, establishing a formal framework governing the relations between authorities and individuals in the exercise of their rights and obligations in the administrative and legal spheres. While these laws vary in scope and origin, they continually evolve to address changing societal needs.

The paper aims to delineate the essential principles and institutions or rules that contemporary national APAs should embody to actively support or propel societal development in the context of SD. Namely, the importance and role of administrative procedures continue to grow over time because of the many multiplicative effects brought about by various processes, such as an increasing intensity of the Executive in terms of speed of response to societal changes, globalisation, digitalisation, development of competitiveness, and removal of administrative barriers for economic operators⁸. Therefore, the development of administrative procedures and their legal regulation are crucial for modern societies, whether at the national, regional, or global levels. To illustrate these concepts, the paper provides a detailed analysis of the Slovenian GAPA and its evolution⁹, exploring potential avenues for enhancement.

The paper is structured as follows: the subsequent section provides a comprehensive definition of the principles of sustainability and SD, with a specific emphasis on the social aspects thereof. It then delves into the significance of PA within the context of SD, highlighting its role in administrative procedures and relations vis-à-vis individual parties, where administrative authorities are expected to adopt a proactive and cooperative stance. The fourth and central section of the paper is dedicated to delineating the intersection between SD and APL. This is accomplished by first illustrating the guiding principles of SD, defining them, and finally identifying the institutions or rules that operationalise these guiding principles. This is followed by final recommendations for future legal regulation in this significant field.

⁷ J.B. AUBY, *Codification of Administrative Procedure*, Brussels 2014; H.C.H. HOFMANN, J.P. SCHNEIDER and J. ZILLER, *The ReNEUAL Model Rules*, 2014; ROSE-ACKERMAN, P.L. LINDSETH, *Comparative Administrative Law*, Northampton-Cheltenham 2010.

⁸ S. ROSE-ACKERMAN, P.L. LINDSETH, *Comparative*, cit., *passim*.

⁹ See generally on the subject, P. KOVAČ, *Changing the general administrative procedure codification in Slovenia: between Austrian tradition, EU convergence and future social challenges*, in P. DURET, G. LIGUGNANA (eds.), *New challenges for administrative procedure in Europe: a comparative perspective*, Napoli 2021, p. 175 ff.; P. KOVAČ, *Codification of the Administrative Procedure in Slovenia and the EU*, in *Teorija in praksa*, no. 3/2020, p. 859 ff.

2. *The concept of sustainable development with an emphasis on social elements*

Sustainability is a fundamental principle of development, asserting that only those interventions in the environment that maintain the delicate balance of nature are permissible. Even more so, it guides social development by balancing the social, economic, and environmental dimensions¹⁰. Sustainability implies the ability of a community to support a developmental process continuously over time. It involves policies and practices that transcend the immediate objectives of decision-makers, serving as guidelines and practices for development that decision-makers follow in the long term, regardless of their political leanings (e.g., right or left wing) or partial interests (e.g., of profit or a particular political option that advocates a more liberal or more welfare-oriented economic progress). SD implies that economic growth and environmental protection can progress concurrently.

This gives rise to the concept of SD as a societal discourse or mechanism for achieving sustainability. The concept is occasionally criticised as being too vague, abstract, broad or theoretical and distant from reality; however, no concept can prescribe choices, there is no one theory or path to SD¹¹. Nevertheless, the SD concept has been refined with specific elements and indicators to enhance its practical application, particularly in delineating the roles of stakeholders in public governance. Its significance has been notably amplified through public finance measures aimed at overcoming crises, especially by the OECD, the IMF, and the World Bank in the 1980s and 1990s. This emphasis has been further underscored by the European Union (EU), particularly within the framework of the recent Recovery and Resilience Plan. Indeed, the EU has taken a systematic approach to what is referred to as green transition and to the digitalisation of public policies as well to enable society to respond to poly-crises in a resilient and agile way.

The *UN 2030 Agenda for Sustainable Development* (adopted in 2015)¹² envisages 17 sustainable development goals (SDGs) with 169

¹⁰ W.L. FILHO, *Dealing with misconceptions on the concept of sustainability*, in *International journal of sustainability in higher education*, no. 1/2000, p. 9 ff.; Cf. A.M. LY, M.R. COPE, *New Conceptual*, cit., *passim*.

¹¹ See W.L. FILHO, *Dealing*, cit., and D.J. FIORINO, *Sustainability as a Conceptual Focus for Public Administration*, in *PAR*, no. 1/2010, p. 78 ff.

¹² See <<https://sdgs.un.org/2030agenda>>.

associated and integrated targets, for instance, focusing on reducing poverty, qualitative education, reducing inequalities, peace, justice and powerful institutions, partnerships, etc. The UN 2030 Agenda and its SDGs, based on the prior Millennium Development Goals 2000–2015, have become the dominant and most important method for international SD, legislature, and policymaking. At the same time, it is expected that SDGs should be easy to communicate, limited in number, global and universally applicable to all countries¹³. This concept thus furnishes a framework for scrutinising, formulating, and implementing public policy decisions, as well as for adopting regulations that aim to ensure social, economic, and environmental elements. While SD may be defined variably across different sources, areas, or policies, certain commonalities persist, emphasising a balanced long-term impact on the society, the economy, and the environment.

SD is defined slightly differently by the OECD (although the difference lies more in wording than in content), which emphasises the triad of balanced economic growth, social cohesion, and good governance¹⁴. Within this framework, both the OECD and the EU place particular emphasis on the importance of good public governance with multi-level, i.e. supra-, sub- and national policies and a collaborative networking of various societal stakeholders, particularly public authorities and businesses, NGOs or civil society, and citizens¹⁵. The fundamental attributes of SD thus encompass: (i) balancing social, economic, and environmental dimensions of development; (ii) long-term orientation of actions in the common social interest across various levels of governance; and (iii) participation or social inclusion or cohesion of relevant stakeholders in decision-making in different areas such as social, fiscal, environmental, and construction policies, alongside upholding the rule of law within the public law process.

The concept of SD inherently demands a multi- or even interdisciplinary approach, drawing from fields such as political science, sociology, cultural studies, law, economics, etc. This is

¹³ J.-P. THERIE, V. POULIOT, *Global*, cit., *passim*.

¹⁴ OECD, *Principles of Corporate Governance*, Paris 2004.

¹⁵ P. KOVAČ, N. TOMAŽEVIČ, A. LEBEN and A. ARISTOVNIK, *Reforming public administration in Slovenia: between theory and practice of good governance and good administration*, in *International journal of public policy*, no. 3-6/2016, p. 130 ff. See also VENICE COMMISSION, *Stocktaking on the Notion of “Good Governance” and “Good Administration”*, Study 470/2008, CDL-AD(2001)009, Strasbourg 2011.

because a monodisciplinary study alone cannot go beyond the classical considerations of the relationship between growth and sustainability¹⁶. Moreover, the increasing significance of technology in recent decades prompts the question of whether technology itself can serve as a guarantor of SD, whether in terms of a green transition or increased transparency and participation. Either way, SD as a social discourse can be classified as (a) reformist or radical, or (b) prosaic or imaginative. However, sustainability can only be achieved by a combination of *reformist* (evolution and gradual changes in political institutions rather than revolution in the social context) and *imaginative* approaches (e.g., ecological modernisation).

In such regard, social sustainability is as important as the other two dimensions of SD, albeit less studied in theory and practice than, say, environmental sustainability¹⁷. Within social sustainability, it is possible to identify various elements of a single model, such as safety and security, equity or justice, adaptability or resilience, social inclusion and cohesion, and quality of life, with social capital as a driver and various societal risks as a barrier. More recent definitions thus extend the previously narrowly defined social imperative as a matter of social equity and fairness by upgrading it as one of just and effective, i.e., democratic governance. In relation to (poly)crises, it needs to be stressed that social SD brings forward the congruency between a socially sustainable and resilient society, elaborating on adaption to climate-related natural disasters (even emerging several centuries ago) as one of the core elements in constituting a sustainable society.

This segment highlights the role of PA as a crucial social subsystem¹⁸, primarily responsible for shaping public policies, particularly in the administrative relations between authorities and individual parties. Stemming from the belief that business representatives are the only ones to possess the means for and, above all, the vision of a successful green transition, while the state often presents a barrier to development given its inactivity and incompetence, the economy and civil society

¹⁶ J.S. DRYZEK, *Paradigms*, cit., see also other studies like M. PICHLER, *Political dimensions of social-ecological transformations: polity, politics, policy*, in *Sustainability: Science, Practice and Policy*, no. 1/2023, p. 1 ff., in <www.tandfonline.com>.

¹⁷ A.M. LY, M.R. COPE, *New Conceptual*, cit., *passim*; D.J. FIORINO, *Sustainability*, cit., *passim*.

¹⁸ G. BOUCKAERT, R. LORETAN and S. TROUPIN, *Public Administration and the Sustainable Development Goals*, Session of the United Nations Committee of Experts on Public Administration, 2016/04/18 - 2016/04/22, New York 2016.

have initially been identified as the key players of SD¹⁹. However, PA also has (to have) a crucial role in developing social sustainability since it is the principal decision-maker in social as well as also other SD dimensions. Therefore, PA can be a supporter or even a driver of SD.

3. *The role of public administrations and administrative procedures within social development*

3.1. *Public administration as a pillar in SD*

Today, public authorities at the national level, as well as at higher or lower levels of governance, continue to hold a dominant role. Public policies and regulations are primarily formulated and implemented by these public agencies. However, there is an increasing involvement of other societal stakeholders in administrative processes across different areas over time²⁰. Furthermore, it is recognised within the UN 2030 Agenda that having a robust PA system is a standalone development objective. This includes aspects such as public participation, access to justice, the rule of law, protection of fundamental freedoms, effectiveness, accountability, and transparency of PA. Public governance systems are explicitly mandated to contribute to the realisation of SDGs through policy instruments, such as in social protection, climate change, waste management, transport, etc. Moreover, the role of PA is being upgraded in various subareas, emphasising collaboration among the public, private, and non-profit sectors.

In short: PA is deeply intertwined with SDGs. However, as PA primarily operates at the national level, also within the EU, Member States will inevitably pursue different priorities and exhibit varying levels of ambition. This specialisation may come at the cost of coordination²¹. Nevertheless, it is anticipated that PAs will enhance

¹⁹ J.S. DRYZEK, *The Politics of the Earth: Environmental Discourses - Contemporary Human Ecology*, Social and Environmental Research Institute, Leverett, and Center for Technology, Environment, and Development, Clark University, Worcester 1997.

²⁰ P. KOVAČ ET AL., *Reforming*, cit., *passim*. Here, one can readily recognise the overriding importance of the environmental imperative, thus emphasising sustainability as a central conceptual focus for both the PA and beyond, as also argued by D.J. FIORINO, *Sustainability*, cit., *passim*.

²¹ G. BOUCKAERT ET AL., *Public*, cit., on academia studies in PA et simile see A. M. LY, M.R. COPE, *New Conceptual*, cit., *passim*, and D.J. FIORINO, *Sustainability*, cit., *passim*.

their role to implement SDGs, above all to pursue harmonised or at least convergent rules and regulations at both EU and Member State levels, generally where administrative procedural rules would fit, as well as in selected administrative areas such as environmental protection, public health, agriculture, or transport policies, which require further elaboration through substantive and procedural law²². These policies need to express certain characteristics to be able to challenge institutional structures and create opportunities for transformative change in line with SD. State policies, in particular, can either accelerate or hinder the transformative potential of a given change²³. Namely, critical state theory captures this dialectic role by reframing the state – and therefore also PA – not as a natural driver of unsustainability or a neutral regulator inherently inclined towards steering sustainability transformations. Instead, it conceptualises the state as a social relation and strategically selective terrain where various social actors struggle to gain influence and legitimacy by pursuing strategies that serve their interests and agenda.

However, it is crucial to differentiate between the various levels of public governance, as institutional target-setting at the political level – through polity – constitutes one aspect of public action, even though it is the administrative system that directly proposes these decisions. PA, as the holder of instrumental public governance and public interest protector, and thus primarily responsible for operationalising politically defined objectives, holds a professional responsibility and role within society to formulate and implement public policies through the adoption of regulations and single-case administrative decisions. This role is generally separate from the political sphere. Generally, sustainability in administrative relations is to be understood as a principle guiding the strategies and practices implemented by PA to ensure that its procedures and decisions are balanced in terms of current needs, without compromising the ability of future generations to meet their own. It is about taking into account the economic, social, and environmental dimensions in administrative processes and ensuring that decisions are not made solely based on current needs or political pressures, but rather inclusively. In this regard, both polity and PA should be responsive to current needs and resources but not on the account of future

²² J.-P. THERIEN, V. POULIOT, *Global*, cit., *passim*.

²³ More in M. PICHLER, *Political*, cit., *passim*; P. KOVAČ, *Between theoretical principles and practice in Slovene regulatory impact assessment procedures*, in *Review of Central and East European Law*, no. 3-4/2017, p. 243 ff.

ones, and simultaneously strengthen social justice, environmental preservation, and economic efficiency.

Hereby, the doctrine of good or sound governance emerges as a theoretical framework for understanding PA within the context of SD. Good governance, as conceptualised within this framework, involves eight principles: the rule of law (lawfulness), participation, consensus-oriented, equity and inclusiveness, transparency, responsiveness, accountability, efficiency and effectiveness. These principles are interrelated and collectively contribute to a comprehensive whole. However, there is an evident predominance of the rule of law as the very basis of any further elements emphasising participation and the ultimate effectiveness of authorities. The rule of law implies, in particular, the establishment of an equal and impartial legal system, the protection of human rights and minorities, an independent Judiciary and – within the latter – supervision over the lawfulness of work of the administration (i.e. the Executive)²⁴.

Participation and inclusiveness, based on equality, imply the development of social dialogue with citizens, businesses, civil society, and other societal subgroups. In terms of development, this entails a shift from an authoritarian and centralised approach to a service-minded, decentralised, and participatory functioning of the State. The latter is to ensure the protection of the general social interest while not being the exclusive primary bearer of authority. The State should aim at promoting amicable solutions that are proportionate to the public interest, as demonstrated by positive experience in practice (i.e., a bottom-up approach). These elements are reflected, for instance, in the EU's policies on smart or better regulation²⁵ and in single-case administrative decision-making.

Finally, this underscores the importance of scientific grounds for any policy related to SD, enabling what is commonly referred to as evidence/data-based decision-making. By integrating knowledge and study of societal systems with the traditional competence in political/social systems expected in the field, public administrators may achieve a more theoretically comprehensive and empirically valid foundation for education, research, and practice²⁶. To stimulate debate on the better use of scientific evidence and expertise in

²⁴ OECD, *Principles*, cit., *passim*, S. ROSE-ACKERMAN, P.L. LINDSETH, *Comparative*, cit., *passim*.

²⁵ See for instance U. KARPEN, H. XANTHAKI (eds.), *Legislation in Europe*, Oxford 2020.

²⁶ D.J. FIORINO, *Sustainability*, cit., *passim*.

policymaking within the Member States, researchers at the EC Joint Research Centre prepared in 2022 a working paper entitled *Supporting and connecting policymaking in the Member States with scientific research*. This paper outlines the rationale for strengthening the capacity of science-for-policy ecosystems and the challenges in establishing science-policy linkages while highlighting good practices and EU instruments to support science-for-policy capacity building. This is crucial to tackling complexity and strengthening democracy²⁷. The engagement of the scientific sphere is important both substantively, as it provides an expert basis for public policy decisions, and in terms of involving different stakeholders in society. Policymaking is, after all, a formidable task to address the wicked societal problems like pandemics, wars, energy crises, AI use, etc.

The above was also a significant factor in the establishment of the Expert Council for Sustainable Development of Public Administration in Slovenia in December 2022, operating at the level of the Ministry of Public Administration and serving as a central coordinating body of the Government. Within this framework, three working groups were established to lay the groundwork for the overhaul of the regulation adoption system, the reorganisation of local administrative units, and the revision of the national GAPA to align with sustainable guidelines, principles, and practices. It is important to ensure cohesion among all three groups, linking the processes of adoption of administrative regulations and single-case administrative decisions with the shared principles of SD. The relevance of science-for-policy and SD is reflected in the involvement of academic experts in the governance of the Council and its working groups. This involvement is characterised by a dual approach, engaging both academia and government representatives. Particularly noteworthy is their active participation within individual groups, where their research in selected areas serves as expert input for policy decisions in the governance process.

3.2. *Administrative procedures and SD*

In most countries, administrative procedures are regulated under the umbrella of the (General) Administrative Procedure Act, with their regulation and implementation primarily based on common standards of administrative action in relation with applicants for rights

²⁷ EC, *Staff Working Document*, 2022, in <www.knowledge4policy.ec.europa.eu>.

(such as building permits, social transfers, etc.) or taxable persons (e.g. for tax or inspection purposes), and guided by international and constitutional principles²⁸. All EU countries have APAs, as do other countries worldwide, such as the USA or Japan. However, the scope of these laws varies considerably, even within Europe, with some covering the entirety of administrative activity while most focus solely on single-case administrative decision-making²⁹. Moreover, it is noteworthy that national APAs evolve over time, increasingly embracing collaborative governance approaches and introducing new institutions such as alternative dispute resolution³⁰ or digitalisation.

A key contribution to the development of the above doctrines was made by the *EU Charter of Fundamental Rights*³¹. Particularly relevant is Article 41 of the EU Charter, providing the right to impartiality, fairness and decisions within a reasonable time, the right to be heard, to information, to be given reasons for decisions, to compensation, and use of language. Also important are Articles 42 and 47 of the EU Charter providing for the right of access to documents and the right to an effective remedy and a fair trial. At the national level, good practices and the incorporation of good governance and good administration are mainly expressed through national constitutions or administrative procedural acts. However, certain fundamental principles are recognised through case-law and theory³², some of which are directly connected to or reflect or enable SD.

²⁸ VENICE COMMISSION, *Stocktaking*, cit., *passim*; cf. P. KOVAČ, *Between*, cit., *passim*.

²⁹ H.C.H. HOFMANN ET AL., *The ReNEUAL*, cit., *passim*.

³⁰ D.C. DRAGOS, B. NEAMTU (eds.), *ADR in European Administrative Law*, Berlin-Heidelberg-Dordrecht-London 2014.

³¹ Official journal of the EU, J C 83/399. 30 March 2010. Right to good administration, Article 41: (1.) *Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union* (2.) *This right includes: (a) the right of every person to be heard, before any individual measure which would affect him or her adversely is taken; (b) the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy; (c) the obligation of the administration to give reasons for its decisions.* (3.) *Every person has the right to have the Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.* (4.) *Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.*

³² D.U. GALETTA ET AL., *The General*, cit., *passim*.

In light of all the aforementioned SD guidelines, it is worth mentioning the theory of three generations of administrative procedures, as developed by J. Barnes in 2008³³. According to this theory, the first generation encompasses individual authoritative decision-making with a division of powers, a concept dating back to the 19th century and primarily relying on judicial, i.e. legal knowledge when deciding on administrative matters. The second generation involves executive-administrative implementational decision-making, developed as co-decision-making at national and EU levels after WW2. This generation employs a normative method, using legal, organisational, and managerial knowledge. The third generation of procedures, which is only sufficient nowadays due to social complexity, is known as public policy cycle. This approach emphasises societal dialogue to coordinate interests during public policies' design and implementation. It employs administrative methods based on altruism, public benefit, (human) dialogue, multitasking, alternative dispute resolution skills, e-communication, etc. Since SD requires a holistic resolution of administrative problems, third-generation administrative procedures prioritise dialogue between (administrative) authorities and individual parties. However, in most administrative systems around the world, administrative rule-making and single-case decision-making are still perceived as separate procedures, both theoretically and in terms of legal protection, despite sharing the same principles of democratic authority. Participatory governance in this sense bridges the democratic deficit typical of bureaucracy, which is not a democratically elected structure of authority. Modern society thus strives to include legitimacy within (administrative) lawfulness through the connection of administrative authorities and citizens or companies as addressees of administrative decisions.

The codification of administrative procedures is therefore of paramount importance in the context of SD, as the relations between public administrations and individuals or businesses reflect the fundamental elements of SD, including transparency and accountability, participation, digitisation, long-term impacts, the rule of law, and fairness. This applies at least at two levels: first, in a general sense encompassing individual principles, rules, or institutions outlined in APAs, and second, in specific administrative domains such as social or environmental administrative procedures.

³³ See in S. ROSE-ACKERMAN, P.L. LINDSETH, *Comparative*, cit., *passim*.

The following analysis focuses on the first level, which – within the realm of social sustainability – has so far received less attention and recognition compared to the environmental discourse.

4. *The principles and rules within social development and administrative procedural law*

4.1. *From sustainable development guidelines to EU and national APAs principles*

SD is a concept that integrates long-term solutions transcending the influence of the “government of the day”. This means that public policies and administrative law, regulated through democratic legal channels, must be tailored to the specific principles of the community and the area in question. This calls for strategic regulatory impact assessment (RIA) and cross-sectoral & inter-institutional collaboration to reach a trade-off among various stakeholders’ interests, with public benefit prevailing³⁴. The goals of SD can only be achieved through a coordinated approach, where the prerequisites outlined in the 2023 *OECD Principles of Public Administration* serve as a framework for a proposed concept of global governance. This framework emphasises the following elements: adequate legislative framework (both primary and secondary legislation), established institutional and organisational set-up with clearly defined responsibilities, adequate capacities of responsible institutions, the right people with the right skills, supported by good management practices, an orientation towards outcomes for citizens and businesses, government decisions informed by reliable evidence and data, systematic monitoring and evaluation of performance to create a learning and feedback loop, an organisational culture internalising the desired values and behaviours, and change management. Among these, a number of process-oriented principles stand out, as procedural rules are gaining importance in modern public governance due to the impossibility of substantive determination³⁵.

Comparing the constitutive elements and principles of SD with the definitions of PA, we can derive guidelines for the role of PA within SD, with an emphasis on collaborative governance, including

³⁴ OECD, *The Principles of Public Administration*, Paris 2023, in <www.sigmaweb.org>.

³⁵ C. HARLOW, R. RAWLINGS, *Process*, cit., *passim*.

voluntary sustainable standards by governments, companies, and NGOs³⁶. Firstly, the *precautionary principle* should serve as a starting point, whereby PA should prevent or mitigate risks to people and the environment in its operations, particularly in situations of high uncertainty and potential harm. The principle of *intergenerational equity* mandates that administrative decisions and policies should consider the rights and needs of future generations, rather than merely prioritising the needs of the present generation at the expense of future ones. Equally important is the *integral approach*, advocating for a holistic decision-making process that integrates various sectors and levels of governance while considering environmental, social, and economic aspects to achieve balanced decisions. Furthermore, traditional PA principles such as *accountability and transparency* are crucial, requiring PAs to clearly document, report, and explain administrative actions and decisions, and to make this information readily accessible to the public. Lastly, through the principle of *participation*, SD requires public administrations to actively involve stakeholders and the public to ensure that administrative processes are inclusive and democratic, and that decisions are of the highest quality, grounded in an analysis of the situation and clear future objectives³⁷. In summary, the main objectives at the intersection of SD and PA, or sound (public) governance, include integrativity as a long-term and participatory approach, and transparency as a base for accountability.

Speaking of principles, it should be further stressed that not every guideline or rule qualifies as a principle. Generally, “principles” in terms of public governance addressing administrative relations between authorities and private parties are *value-based criteria* arising from theory, policy papers, law, case law, and constitutional guarantees (at the national level or arising from the EU Charter). These principles are applied to regulate, that is to design policies and law, and to interpret codified legal rules (e.g. in APAs). Yet, there is a difference between when a norm is considered a principle and when it is considered a rule, as well as whether it is a general/basic or special principle. Particularly, so-called *fundamental or basic principles* must be sufficiently general and not overly user-oriented or specific, as this could hinder assessment or evaluation, while rules – which constitute

³⁶ L.R. BROWN, *Building*, cit., *passim*; E.F. LAMBIN, T. THORLAKSON, *Sustainability standards: Interactions between private actors, civil society, and governments*, in *Annual Review of Environment and Resources*, no. 1/2018, p. 369 ff.

³⁷ See U. KARPEN, H. XANTHAKI, cit., *passim*.

a lower legal category – serve mainly for the implementation of the principles. Additionally, as many basic principles interact and complement each other, any collisions between them must be interpreted comprehensively, and contradictions among the parties ‘in dispute’ must be surpassed (for example, the prima facie contrary principles of legality and efficiency should be interpreted jointly to comply with both). The application of one principle does not preclude the application of another; it is about applying different value-based criteria from different aspects at the same time and in the same case. In such regard, principles always derive from the context of the area they regulate. In terms of administrative procedure, this means balancing the public interest with the legally protected interests of private parties whose rights, benefits, or obligations are being decided upon, with the public benefit taking precedence³⁸.

To enhance the rules that are key to the reform of APAs, it is imperative to first pinpoint the principles that hold significant relevance at the intersection between SD and APL. These principles should be as general as possible, yet still tailored to the area under consideration. In this context, the convergence principles at the EU level assume relevance for further delineating the principles and rules to be encompassed within APAs in the context of SD. These principles serve as value guidelines in space and time as they are based on theory and concrete case law. There are several classical and more contemporary principles of APL, recognised beyond national borders as the fundamental standards of democratic execution of power and good administration³⁹. The twenty principles emphasised within the EU⁴⁰ include access to information, documents and the file, duty of care, data protection, data quality, effective remedy, equal treatment and non-discrimination, fair hearing, fairness, good administration, impartiality, legal certainty, legality, legitimate expectations, participatory democracy, proportionality, reasons giving, rule of law, timeliness and transparency, with some being much more general than others (good administration in

³⁸ P. KOVAČ, *Traditional and European oriented principles in the codification of administrative procedures in Central Eastern Europe*, in *Hrvatska i komparativna javna uprava*, no. 1/2022, p. 9 ff., in <www.ccpa-journal.eu>.

³⁹ See Z. KMECIAK (ed.), *Contemporary Concepts of AP: Between Legalism and Pragmatism*, Wydawnictwo Uni, Łódzkiego 2023; P. KOVAČ, *The Requirements and Limits of the Codification of Administrative Procedures in Slovenia according to European Trends*, in *Review of Central and East European Law*, no. 3-4/2016, p. 427 ff.

⁴⁰ D.U. GALETTA ET AL., *The General*, cit., *passim*.

fact incorporates all others listed)⁴¹. Moreover, some are closely associated with SD while others are only indirectly related. The following convergence principles can thus be highlighted: (i) equality before the law, (ii) proportionality in the sense of weighing the relevant legal interests, (iii) good governance and participatory democracy exemplified by the right to be heard, (iv) transparency, demonstrated through access to documents and the obligation to give reasons, and (v) effective remedy, which verifies the above-mentioned principles also through appeal and judicial scrutiny mechanisms in a democratic society.

Before delving deeper into the specific rules within the context of SD, it is important to acknowledge administrative traditions as a barrier to harmonisation, especially at the EU level. Despite uniform value guidelines within the EU, including in the field of APL, the national procedural law of Member States is considered autonomous. This autonomy arises from the fact that the basic EU Treaties do not establish – not even indirectly – supremacy, i.e., primacy, direct applicability, and effectiveness of EU law over national law under the principle of subsidiarity. In this respect, the case law of the European Court of Justice has exhibited fluctuations over time, with the Court occasionally allowing varying degrees of autonomy, until it has been established that, particularly concerning EU directives, Member States possess full discretion provided that EU principles – such as equivalence, effectiveness, and rights of defence, specifically the right to be informed, the right to be heard, and the right to a remedy – are upheld⁴². In substantive law, Member States have limited autonomy within the EU. In fact, regulations grant autonomy only in cases of an express enforcement clause or where national law can be applied in addition to an EU act. Directives afford slightly wider autonomy, allowing Member States to adopt different methods of giving effect to EU law. However, on procedural matters, autonomy is extensive, encompassing national rules such as *res judicata*, while adherence to the principles of equivalence and effectiveness remains necessary. Beyond legal autonomy, there are also non-legal, i.e., cultural and sociological differences between administrative systems or even between individual countries where administrations operate

⁴¹ Cf. VENICE COMMISSION, *Stoctaking*, cit., *passim*.

⁴² See cases, e.g. *Comet BV v. Produktschap voor Siergewassen*, C-45/76, 16. 12. 1976, *Kuhne & Heitz NV v. Produktschap voor Pluimvee en Eieren*, C-453/00, 13. 1. 2004, *Rosmarie Kapferer v. Schlank & Schick GmbH*, C-234/04, 16. 3. 2006, *Pelati v. Slovenia*, C-603/10, 18. 10. 2012, etc.

under different value premises⁴³. Thus, one cannot quite equate the legislator-centred Rechtsstaat tradition prevalent in Central and Eastern Europe and emphasising legal certainty and equality with the more administrative tradition in Napoleonic countries characterised by the superior role of authorities, the more participatory approaches found in Scandinavian cultures, or the less costly PA-oriented Anglo-Saxon governance models.

To conclude, sustainable administrative procedures should embody several key features that distinguish them from traditional approaches, aiming to achieve objectives such as long-term planning, multi-stakeholder involvement, transparency, and responsiveness. Among these characteristics, the following should be highlighted for further discussion on the codification of administrative procedures as a support to and even a driver of SD. Firstly, the *comprehensiveness of codification* is essential. Sustainable administrative procedures should consider the social, economic, and environmental aspects of decision-making, ensuring that decisions do not focus exclusively on short-term economic benefits but also consider the long-term effects on society and the environment. Secondly, unlike under traditional approaches, *flexibility and innovation* should be emphasised, meaning that codification is sufficiently general to allow administrative practices to adapt to changing circumstances, new information, and individual atypical cases while limiting arbitrariness through clearly defined discretionary powers. Furthermore, *participatory decision-making* is crucial. The regulation of procedures should require and encourage the involvement and participation of the public and stakeholders in decision-making to understand and consider different perspectives, thereby building consensus and legitimacy for decisions. Lastly, the *principles of transparency and accountability* in the codification of administrative procedures are important as they establish rules to ensure that information on procedures, decisions, and their consequences is accessible to a wide range of legitimate persons, and that authorities are held accountable for their decisions and the impacts thereof.

In the context of APAs, codification must also pursue *strategic and long-term planning* that goes beyond short-term political or governmental cycles, as it enables better anticipation and management of future challenges while considering the needs of

⁴³ See VENICE COMMISSION, *Stocktaking*, cit., *passim*; P. KOVAČ, *Traditional*, cit., *passim*; D.J. FIORINO, *Sustainability*, cit., *passim*.

future generations. Cross-sectoral and inter-institutional cooperation are essential components of this approach, as the often-complex challenges of sustainability require transcending traditional sectoral specificities in administrative procedures. Finally, to complete the cycle, *continuous monitoring and evaluation* of the codification and its implementation are imperative. This ensures that sustainability objectives are being met. Sustainable administrative procedures, or their codification, envisage regular monitoring and evaluation of policies and programmes, with adjustments made based on feedback and results. In sum, sustainability must evolve from being merely a concept for debate and analysis to becoming a guiding principle for decision-making and action across all levels of governance and public sectors⁴⁴.

4.2. Selected institutes and rules aimed to enhance sustainable development in (Slovenian) APA

Taking into account the guidelines and principles of both SD and PA, particularly APL, as discussed earlier, it becomes evident that improving existing APAs requires identifying the main institutions and rules that operationalise these principles. Without such, the principles remain abstract formulas and nothing but a dead letter⁴⁵. In the context of SD and PA, sustainability in administrative procedures is demonstrated in individual cases through specific administrative-procedural institutions ensuring that decisions and the procedures for their adoption align with SD goals. These institutions or mechanisms play a crucial role in integrating sustainability principles into everyday practice and decision-making.

However, these institutions vary depending on whether administrative rules are adopted at a general level or at the level of single-case administrative decisions. While the principles guiding both types of procedures are often similar, some principles and resulting institutions are better suited to general acts (such as RIA or inter-institutional cooperation), while others are more applicable to single-case acts (such as reasons giving and timeliness). Paradoxically, certain contradicting practices can also be observed. Thus, for example, participation mechanisms are noticeably more developed in theory, regulation, and case law for single cases than in general,

⁴⁴ D.J. FIORINO, *Sustainability*, cit., *passim*.

⁴⁵ See W.L. FILHO, *Dealing*, cit., *passim*, and D.J. FIORINO, *Sustainability*, cit., *passim*, on the misconception of the SD for being too abstract.

even though general acts, by definition, address a larger number of stakeholders.

In any case, when focusing on single-case administrative decision-making, given the scope of the vast majority of national APAs, two fundamental points emerge at the intersection of SD, PA and APL principles mentioned above⁴⁶. Firstly, codification should follow SD guidelines, and secondly, it is necessary to define certain institutions in a way that matches the principles of SD and the European APL. As regards codification, it is essential to consider *incorporating different types of acts within the scope of APA based on their content and the stakeholders involved in administrative matters, rather than solely based on the type of act*. Modern business and legal contexts often involve hybrid types of acts, such as guarantee acts in areas like taxation, internal affairs, or construction. These acts, which combine abstract and individual levels (single-case decision-making on future or potential facts), require a broader understanding of democratic procedural rules and legal protection, beyond the traditional dichotomy of general regulations and single-case administrative acts. The first are subject to parliamentary and government rules of procedure and constitutional review, while the latter fall under APAs with administrative dispute for assessing their legality. Furthermore, a more *generalised codification* is necessary, avoiding overly detailed provisions that hinder the adherence to the rules. Namely, laws with 200 or 300 articles can lead to confusion regarding which provisions are substantive and which (only) determine the method to achieve the desired objectives, whereby only a breach of the former constitutes an essential procedural error rendering the act illegal. Lastly, from the perspective of the regulatory loop, *evaluation and revision* are crucial. The attainment of objectives outlined in APAs' should be reviewed regularly (e.g., every three to five years) and, if necessary, re-regulated if practice is not aligned with the intended outcomes⁴⁷.

Regarding the individual institutions of APAs and their relevance within the context of SD, four key aspects stand out. Firstly, the *locus standi*, i.e., the standing or legitimacy of the parties to the procedure, should be defined in a more comprehensive manner than traditionally observed. This is important within the context of the principle of participation, which is closely tied to the rights of defence for legitimated persons, notably the right to be heard, as outlined in

⁴⁶ H.C.H. HOFMANN *ET AL.*, *The ReNEUAL*, cit., *passim*; J.B. AUBY, *Codification*, cit., *passim*.

⁴⁷ U. KARPEN, H. XANTHAKI, *Legislation*, cit., *passim*.

both the EU Charter and national APAs, which is a key right of the weaker party to the procedure vis-à-vis the superior authority⁴⁸. It is imperative that not only the main parties to a case have the status of a party, but also other affected individuals and individuals with legitimate expectations, not merely the holders of tangible rights and legal interests at the time of the decision. This institution is crucial as the definition of who qualifies as a party dictates the full extent of their procedural rights. Standing becomes even more critical if the scope of APAs extends to various types of acts, including administrative contracts or guarantee acts. From the perspective of SD, it is essential to ensure a balanced involvement of accessory participants and the scope of their rights, avoiding both underestimating their role and over-empowering them at the expense of the rights of the main party or the public interest. The former practice – sometimes even *ex lege* excluding other individuals – is often promoted under the banner of de-bureaucratisation, even if it risks undermining international and constitutional guarantees. At the other extreme, equating accessory participants with the main parties – as observed in traditional systems like Slovenia or generally in Rechtsstaat or formalisation-oriented countries – the regulation indeed aims to safeguard their rights but falls short in proportionally restricting their participation in accordance with their typically limited legal interest in the case.

Closely intertwined with the issue of locus standi is a *set of mechanisms* related to *access to information* in the sense of transparency, a prerequisite for effective participation. Thus, it would be beneficial to broaden the definition of access to file in APAs, not only concerning enhanced legitimation but also the rules on access to public information, while maintaining a balance with privacy considerations⁴⁹. This regulatory segment also ensures effective legal protection which, in a regulatory loop system, forms the basis for better policies and practices in subsequent periods, a crucial aspect of SD orientation. In Slovenia and similarly in other countries, there appears to be a systemic ambiguity regarding the interplay between transparency and privacy, as the rules on disclosing public information and data protection in single-case administrative procedures are codified in parallel, leading to uncertainty regarding

⁴⁸ More in D.U. GALETTA *ET AL.*, *The General*, cit., *passim*. P. KOVAČ, *Between*, cit., *passim*.

⁴⁹ See C. HARLOW, R. RAWLINGS, *Process*, cit., *passim*; D.U. GALETTA, *The General*, cit., *passim*.

which rule, e.g., under the GAPA or the FOIA, takes precedence⁵⁰. Such ambiguity and disjunction between the institutions of these two principles, as manifested in disproportionate codification, fundamentally contradict the principles of SD.

The third set of APA institutions in the spirit of SD encompasses mechanisms that are again related to the principle of participation or collaborative governance, namely alternative dispute resolution (ADR). Dispute resolution systems facilitating timely and fair handling of complaints and encouraging peaceful resolution of disputes are key to managing conflicts arising from sustainability issues. They are vital due to stakeholder involvement and their active role, as well as the higher level of acceptance of the decisions made by authorities, even though they may still be unilateral⁵¹. In this context, it is crucial to acknowledge the limitations of ADR in administrative matters, both considering the principle of separation of powers and the fact that administrative authorities are bound by law, and the primacy of the principle of substantive truth along with the limitations of dispositiveness. Nonetheless, the incorporation of, for example, more discretionary provisions in laws, which, in addition to individualised provisions, require an individualised justification for the use of discretion, would significantly curtail potential abuses of power or inequalities between parties before the law, while simultaneously enhancing participation and efficiency of administrative relations, particularly in terms of decision-making economy and speedier enforceability of complaints.

In countries like Slovenia, ADR is not widely embraced due to the cultural preference for formalisation – in administrative procedures, authorities are typically restricted to actions explicitly defined in the law, thus ADR is seldom used unless a specific form (such as conciliation, mediation, arbitration, etc.) is expressly included in a sector-specific law. In this context, even a general reference to ADR within the GAPA, similar to the approach in Dutch law, could represent a major cultural shift among officials in the region. A much greater contribution to the delegation of power⁵² can be expected from individual forms of ADR, such as mediation

⁵⁰ PKOVAC, *Principles*, cit., *passim*; cf. H.C.H. HOFMANN, J.P. SCHNEIDER and J. ZILLER, *The ReNEUAL*, cit., *passim*.

⁵¹ D.C. DRAGOS, B. NEAMTU, *Alternative Dispute Resolution in European Administrative Law*, Berlin-Heidelberg-London 2014.

⁵² More on the subject of power relations and conflicts from a political perspective see in M. De Hulin, *Political*, cit., *passim*.

(at minimum) or arbitration with third parties acting as mediators between authorities and subordinate parties, e.g. (representatives of) ombudsmen or impartial scholars, either individually or as part of commissions, a practice established, for example, in tax-related matters even for cross-border disputes.

Finally, for SD, the *digital transformation of administrative procedures* is crucial in terms of the principles of transparency and participation, including adequate regulation of digitalisation that both supports and mitigates potential side effects. It is important to recognise that digitalisation is not an end in itself but rather a means to facilitate greater and easier participation and transparency, as well as efficiency, innovation, flexibility, and thus resilience in administrative relations⁵³. Access to information and open communication are fundamental components of sustainable administrative procedures. They facilitate clear, accessible, and timely exchange of information, which enables stakeholders to engage effectively and contribute to informed decisions while also providing the basis for public authorities' accountability. Digitalisation has already made significant progress in administrative procedures and APL, from establishing a system of e-applications and e-delivery to highly developed web portals, one-stop-shop mechanisms e.g. for economic operators, automation of tasks such as issuing certificates from official records, etc. These are in place in several EU countries and gained momentum during the Covid-19 pandemic. A notable advancement in the digital transformation journey beyond the initial e-government is also the increasingly regulated (semi)automated decision-making and AI use at national and European levels⁵⁴. However, in the context of (social) SD, it is paramount to ensure care for vulnerable citizens, e.g. by offering parallel physical channels of communication alongside electronic ones. This is important to ensure equity. Namely, not only do vulnerable, marginalised, and disadvantaged groups have to bear a disproportionate share of environmental, social, and economic burdens, but they also are likely to be less recognised and less heard

⁵³ G. MISURACA, E. BARCEVIČIUS and C. CODAGNONE (eds.), *Exploring Digital Government Transformation in the EU. Understanding public sector innovation in a data-driven society*, Luxembourg 2020. For digitalisation in administrative procedures in practice, see B. HIRSCH ET AL., *The impact of digitalized communication on the effectiveness of local administrative authorities - findings from Central European countries in the Covid-19 crisis*, in *Journal of business economics*, no. 1-2/2023, p. 173 ff.

⁵⁴ See ELI, *Model Rules on Algorithmic Decision Making*, 2022, and the EU AI Act, adopted in 2024, coming into force in 2025.

in terms of policies that significantly affect and determine their lives⁵⁵.

Unfortunately, in countries like Slovenia, APA amendments regarding e-communication take a cautious approach, often accompanied by fallback clauses dictating the validity of these actions within procedures. At best, there are partial measures like separate web portals for tax, social, health, and other matters, rather than more holistic solutions seen, for instance, in tax regulations⁵⁶. This calls for a comprehensive overhaul of the GAPA to align with the principles of digitalisation and SD. This overhaul should prioritise e-applications, facilitate e-identity verification, more automated procedures (especially when referencing computerised official records), and incorporate the use of AI (e.g., for drafting decisions) while upholding the decision-making responsibility of officials. Legal regulation should be followed, rather than bypassed or supplanted, by the organisation of work and the integration of information systems.

The above-mentioned and related institutions have been extensively discussed and endorsed for Slovenia within the framework of the aforementioned Expert Council for Sustainable Development of Public Administration. This Council, comprising three working groups, including one dedicated to the reform of the GAPA, produced (interim) reports by the end of 2023. However, the question remains as to what the polity, represented by the current government, will adopt as a basis for normative and practical changes⁵⁷. By definition, the Council is a consultative rather than a decision-making body, despite the inclusion of representatives from academia, business, NGOs, and PA. Nevertheless, given its professional expertise, its operation resembles a policy ecosystem in the sense of collaborative governance⁵⁸. The experience of this Council has shown that contrary to widely held views, interactions between governments, NGOs, and private companies surrounding the adoption of sustainable practices

⁵⁵ About vulnerable citizens see more in the context of social SD, A.M. LY, M.R. COPE, *New Conceptual*, cit., *passim*. Some studies, e.g., W.L. FILHO, *Dealing*, cit., *passim*, discuss the impact of public policies on individuals in terms of “sustainable living” from the perspective of individual policy users rather than in terms of mere “sustainable development” from the perspective of decision-makers.

⁵⁶ More about GAPA changes in this respect in P. DURET, G. LIGUGNANA (eds.), *New challenges*, cit., *passim*.

⁵⁷ See M. PICHLER, *Political*, cit., *passim*.

⁵⁸ This aligns with the principle of SD in public governance aimed at the delegation of power from governmental agencies to civil society; E.F. LAMBIN, T. THORLAKSON, *Sustainability*, cit., *passim*.

are not generally antagonistic, and public and private environmental governance regimes rarely operate independently, in fact, they depend on each other to legitimise and implement their programmes, so they need to cooperate in designing and enforcing public policies. In the context of SD, the participants have shown – irrespective of their background – a high level of dedication and motivation to lay the groundwork for change. Social dialogue, a key principle of SD, in fact, dictates that if expert proposals are not accepted, the government should provide the public with a reasoned explanation as to why it may not (yet) have accepted them. The Council's activities, coupled with pressure from stakeholders such as the Chamber of Commerce and the Association of Slovenian NGOs, have not only contributed to the substance of SDGs but also enriched the methodology employed in their implementation.

5. *Conclusions*

A sustainable PA encompasses not only established administrative bodies but also government entities, national and municipal administrations, public authority holders, and public services as a cohesive whole. It interacts with various societal stakeholders, in particular citizens, businesses, and NGOs. Sustainable PA is an overarching but not exclusive framework for public governance. It openly collaborates with other social systems yet it bears ultimate responsibility for decisions that serve the common, public interest. In doing so, it must operate both democratically and efficiently. This involves designing and implementing a spectrum of cross-cutting and joint public policies and regulations, based on the reconciliation of the interests of all involved stakeholders as well as on verified evidence.

The importance of APL within the context of SD, especially concerning the role of PA in fostering social sustainability, is growing along with the increasing complexity of social and business environments. A systematic approach to reviewing and reforming national APAs is therefore needed to codify them both in terms of method (legislative drafting) and, more importantly, in terms of the types and content of institutions, aligning them with SDGs and the principles at the intersection of SD and APL. Key principles within this intersection include integrativity and a long-term approach, as well as, within the context of EU administrative law, participation and transparency.

If PA is to truly serve as a supporting pillar or even a driving

force behind SD, the procedures it conducts – whether they involve issuing general or single-case administrative acts or undertaking other activities – must also be regulated and implemented according to the principles and elements discussed above. This is suggested by comparative perspectives as well as scientific research analyses, which, following SD guidelines, are pertinent to the adoption and execution of public policies. APAs, which govern administrative procedures at the national level with a certain degree of autonomy, albeit in line with common EU principles, could serve as the foundation for such principles and institutions. Through an examination of the SD concept and the characteristics of administrative procedures, this study has identified several such institutions, notably enhanced participation with inherent rights such as the right to be heard, depending on the standing of the parties involved. Additionally, mechanisms providing access to information play a crucial role in ensuring that procedures are transparent and participatory. ADR mechanisms are ideal for greater participation, while concurrently fostering collaborative governance and enhancing the effectiveness of administrative decision-making. The entire system of administrative procedures should be underpinned by digital transformation but with the objectives of SD and APL in mind. This entails facilitating and expediting the processing of administrative rules and the obligations of the parties vis-à-vis the public interest, rather than merely enabling e-communication or acquiring hardware and software.

The question arises, however, whether administrative procedures should be codified in a more gradual or radical direction towards SD, i.e., whether an evolutionary or revolutionary approach should be advocated when amending APAs. It appears that, at least in the case of highly traditional systems such as the Slovenian GAPA, a more conceptual overhaul is needed, as piecemeal changes have thus far failed to achieve the desired objectives. It can be concluded that in Slovenia, the time has come for a new GAPA which, given the Rechtsstaat administrative culture, should be based on sound traditional foundations while also fostering development rather than excessive legalism. On the other hand, it appears that in countries where APAs are already defined more broadly, with a focus on balancing the principles of good governance, only specific institutions, such as consensual decision-making and the advancement of digitalisation, require re-examination and reinforcement. Regardless of the extent to which APAs are to be amended, SD undoubtedly serves as a valuable concept that conceptualises the role of PA and administrative procedures within the framework of systemic social progress.

