

ADMINISTRATIVE LAW

SAMPLE QUESTIONS

- 1. Taking US as an example, a federal Court could be considered as:**
 - A. Part of the legislative power
 - B. Part of the executive power
 - C. Part of the judiciary power**
 - D. Part of the exercise of the executive power

- 2. Taking US as an example, what could be the role of an agency?**
 - A. An agency is a part of the government**
 - B. An agency is a part of a Court
 - C. An agency is a part of the US Presidency
 - D. An agency is a part of the Congress

- 3. Could a corporation be considered as part of the executive power?**
 - A. No, as it could represent its own interest in the legislative process by supporting lobbies
 - B. Yes, as it could present its own interest in the legislative process by supporting lobbies
 - C. No, as it doesn't represent any public interest**
 - D. Yes, as it could represent strong economic interest

- 4. The purpose and the structure of an agency are usually laid out**
 - A. In the Constitution
 - B. By a devoted public committee
 - C. By statute that could be approved by law or by another legislative tool**
 - D. Directly by the agency itself

- 5. In the background of the idea of globalism, at least for certain international organizations certain fundamental principles could be referred to them that are usually typical of administrative bodies such as:**
 - A. Freedom of contract
 - B. Transparency, participation, and the obligation to state reasons**
 - C. Nominal consideration
 - D. Good faith

- 6. One of the issues arising when a global approach to administrative law is faced is that, NGO's are acting:**
 - A. In the State
 - B. By cooperating with the State
 - C. Subject to a principle of hierarchy with respect to the State
 - D. Beyond the State**

- 7. Taking UK as an example the law of administration was developed:**
 - A. In substitution of political participation
 - B. In conflict with political participation
 - C. In subsidiarity of political participation
 - D. In parallel with political participation**

8. A judicial review of the administrative action by establishing a specific administrative judge is typical of the:

- A. English legal system
- B. French legal system**
- C. German legal system
- D. Prussian legal system

9. According to Dicey's definition of the Rule of law one of its founding principles is:

- A. The subjection of all classes to the administrative judge
- B. The predominance of regular law**
- C. The preservation of the *droit administratif* in England
- D. The predominance of arbitrary power

10. According to a typical common law approach the executive is submitted to:

- A. The Council of State
- B. The administrative Courts
- C. The common law Courts**
- D. A devoted public committee

11. Administrative law could be considered as the result of a strong break with the past legal system in:

- A. France**
- B. UK
- C. US
- D. Germany

12. The task of the Public Administration is to is to "manage" the community accordingly to the goals set by:

- A. The government
- B. The Courts
- C. The President
- D. The law**

13. Administrative law as part of the public law is intended as to be the framework of:

- A. The judiciary foundation of the administrative action
- B. The balanced action of the executive power and judiciary power
- C. The administrative action by the state**
- D. The legislative regulation of both private and public action

14. The autonomy of the administrative law with respect to the Blanco case refers to the:

- A. English legal system
- B. Prussian legal system
- C. French legal system**
- D. German legal system

15. The discretionary powers enjoyed by public bodies could be affected by:

- A. Unreasonableness**
- B. Unconscionableness
- C. Inequality of bargaining power
- D. Lack of consideration

16. The judiciary overview of administrative decision usually doesn't adjudicate:

- A. Legality
- B. Proportionality

- C. Reasonableness
- D. Acceptance**

17. An administrative procedure code is adopted in:

- A. UK
- B. Germany**
- C. US
- D. France

18. American administrative law focuses more on:

- A. Government contract law
- B. Tort liability
- C. Public participation in the rule-making**
- D. Individual rights.

19. In respect with the authority expressed by the public administration:

- A. Participation to an administrative procedure is possible**
- B. Participation to an administrative procedure isn't possible
- C. Participation to an administrative procedure is possible only at certain strict conditions
- D. Participation to an administrative procedure is mandatory

20. The legal principles of European administrative law were influenced by the:

- A. English legal system
- B. Prussian legal system
- C. German legal system**
- D. French legal system

21. An administrative measure adopted by the public administration has to be the least restrictive among the several administration has in order to comply with the principle of:

- A. Conscientiousness
- B. Proportionality**
- C. Equality
- D. Reasonableness

22. The general principles of European administrative law have been developed mainly by the:

- A. ECHR
- B. EU Constitutional Court
- C. EU Parliament
- D. EUCJ**

23. The violation of a procedural rule renders the administrative decision:

- A. Illegal
- B. Irrevocable
- C. Effective
- D. Voidable**

24. The duty of the administration to adhere to the law has to be balanced with the principle of:

- A. Efficiency
- B. Discretionally
- C. Proportionality
- D. Protecting legitimate expectation**

25. With respect to the Administrative law the main influences in Japan came from the:

- A. Roman legal system
- B. US legal system
- C. German legal system**
- D. French legal system

26. The earlier development of private industry in US backed the request by the public pressure of:

- A. Providing a strong and substantial check on government action**
- B. Developing a strong role to be played by the administrative courts
- C. Deregulating industry and private actors role
- D. Lowering the check on government action

27. One of the most recent interpretation of East Asian development is called:

- A. Illuminist
- B. Progressive
- C. Revisionist**
- D. Conservative

28. In the developmental state era in East Asia a pervasive problem is to define:

- A. The concept and the extend of "regulatory act"
- B. The concept and the extend of "legislative act"
- C. The concept and the extend of the "judiciary statement"
- D. The concept and the extend of "administrative act"**

29. Historically speaking in East Asia a judicial review of the administrative act ion by establishing a specific administrative judge was the typically of:

- A. Korean legal system
- B. Chinese legal system
- C. Vietnamese legal system
- D. Japanese legal system**

30. The role of Administrative law in East Asia could be found in the traditional law in:

- A. The typical hierarchy of the bureaucracy**
- B. In the provision of general public participation
- C. In the absence of any autocracy
- D. The substantial check of the government action

31. Contracting out entity could be considered as a public body for the purpose of applying public law rule. I.e In France, an internal regulation of AirFrance was:

- A. Subject to review by administrative courts**
- B. Not subject to any review by administrative courts
- C. Subject to the review of the Constitutional Courts
- D. Subject to recourse to arbitration

32. The power of unilaterally terminate a public contract:

- A. In some legal system pertains to the private contractors
- B. Can't ever be activate
- C. It is not complaints with the public values
- D. In some legal system pertains to the public contractors**

33. Public authorities could enter:

- A. Only public law contracts

B. Both public law and private law contracts

- C. Only private law contracts
- D. Only frameworks agreement

34. When there is need to purchase a good or service that is still unavailable on the market a public administration could undergo a:

- A. Dynamic purchasing system
- B. Electronic auction
- C. Competitive dialogue

D. Innovative partnership

35. Usually tenders for public contracts must (according to the EU rules):

A. Be published in the official journal

- B. Never be published
- C. Be published in all newspapers with a national circulation
- D. Be knowable only by defined bidders

36. Procedural public values entail rules concerning:

- A. Respect for pluralism
- B. Non discrimination

C. Reason giving

- D. Proportionality

37. Privatization could be represented by a Government choice to establish:

- A. Not for profit State-owned business
- B. For profit private-own business
- C. Private-own business

D. State-own business

38. Privatization could be consider as represented by:

- A. Commercial activities run only by for-profit bodies
- B. Granting licensing to occupy public spaces
- C. Granting licensing to private service providers**
- D. Commercial activities run only by third sector bodies

39. When outsourcing public utilities, the public administration:

- A. Must introduce fees for providing services
- B. Recognizes a basic responsibility to supply the service**
- C. Act through only state-owned companies
- D. Doesn't recognize any responsibility to supply the service

40. Privatization entails that:

- A. Only private companies provide certain utilities
- B. Private companies function as de facto substitutes of the Government in providing certain utilities**
- C. Private companies must always re regulated by statutes
- D. Private companies must undergo to all public values concerned by certain utilities

41. As to Stiglitz view the theories related to the so called "Washington consensus":

A. Are fundamentally flawed

- B. Are based on a pure Keynesian approach
- C. Maximize the role of the state
- D. Were created by Adam Smith

42. According to the classic liberal economic view of Adam Smith:

- A. The state must play a minimized role in the economy
B. The state plays a central role in the economy
C. The state still has an important role in certain services and activities
D. Has not to play any role in setting a stable monetary framework
- 43. The choice of outsourcing shows a very high level of contracting difficulty for:**
A. Employment placement
B. Prisons
C. Passenger Transportation
D. Road maintenance
- 44. Usually moral hazard is not encountered in case of:**
A. Prisons
B. Residential youth care
C. Passenger Transportation
D. Garbage collection
- 45. In US are exempted from the application of APA rules:**
A. Only military functions.
B. Military and foreign affairs functions.
C. Military and foreign affairs.
D. Only foreign affairs functions.
- 46. In the US security industry the PSC-1 standard is:**
A. A set of rules defined by the government to award contracts to public security firms.
B. A set of rules defined by the private industry to award contracts to private security firms.
C. A set of rules defined by the government to award contracts to private security.
D. A set of rules defined by the private industry to award contracts to public security firms.
- 47. A Convention on Private Security and Military Companies:**
A. Was proposed by the UN as a draft
B. Was adopted by Switzerland
C. Was adopted by the UN in 2010
D. Was adopted by UA
- 48. At UN level the use of private security providers should be based on the principle of:**
A. Last resort
B. Reasonableness
C. Equality
D. Proportionality
- 49. Economic public bodies:**
a. Pursue public purposes but operate on a cost-revenue basis
b. Pursue profit-making aims
c. Are subject to bankruptcy
d. Are not subject to market rules and therefore do not compete with private entrepreneurs
- 50. Private agents substituting for public authorities are:**
a. Completely not subject to norms of public law
b. Subject to norms of public law when the maximization of economic benefits are at stake
c. Only partially subject to norms of public law

d. Fully subjects to norms of public law

51. The intention of the public contracting authority to initiate a binding process is contained:

- a. In the tender specifications
- b. In the contract
- c. In programming acts
- d. in a decision contract

52. Shall be considered private entities entrusted with the exercise of administrative activities:

- a. Political candidates
- b. Public service concessionaires
- c. Banks
- d. Recognized associations

53. In awarding public contracts for identifying the economically most advantageous tender, the public administration:

- a. Must reward only the criterion of the lowest price
- b. Gives equal weight to price and qualitative elements
- c. Is devoid of any discretion
- d. Considers solutions to promote the environment, the containment of energy consumption and environmental (è tagliata)

54. The notion of *Rechtsstaat*:

- a. Is aimed at reconciling the freedom of the state with the freedom of the citizen
- b. Is aimed at the complete overcoming of the older judicial regimes
- c. Is a consequence of the birth of the "Estado de Derecho" in Spain
- d. Does not find equivalent expression in other legal languages

55. The competitive dialogue is:

- a. One of the cardinal principles of the discipline of public contract established by the law
- b. A procedure that can be used with reference to particularly complex contracts in which the contracting authority does not have the necessary knowledge to define the technical solutions independently in the tender notice
- c. Always mandatory in green procurement
- d. A sub-procedure of verification that allowed the undertaking to demonstrate that the bid submitted is congruous overall

56. Public utilities and their management are activities:

- a. Without economic significance
- b. Managed by the public administration under a monopoly
- c. Necessarily reserved for the public administration
- d. Not necessarily reserved for the public administration

57. As to public contracts, passive contracts are those contracts:

- a. Excluded from the scope of application of the Public Contracts Code
- b. Which are only awarded through innovation partnership
- c. Through which the administration procures goods, supplies and services by providing a sum of money
- d. Through which the administration obtain revenue

58. The notion of public administration in the subjective sense, refers to:

- a. All entities carrying out administrative activities
- b. The state as the public body par excellence

- c. The active pursuit of public interests
- d. All the functions of the state: legislative, executive, judicial

59. The restricted invitation to tender or restricted procedure is: a tender in which all interested parties who meet the requirements set out in the notice are invited to participate;

- a. **an invitation to tender to which only those undertakings are invited which, on the basis of a preliminary assessment, are considered suitable to conclude the contract;**
- b. can award procedure in which the private party can negotiate the price and the content of the contract;
- c. compulsory in passive contracts;
- d. an invitation to tender to which only those undertakings are initiated which, on the basis of a preliminary assessment, are considered suitable to conclude the contract

60. The principle of pluralism in public administration implies:

- a. that administrative functions are attributed to the organizational level closest to the citizen;
- b. that the State can achieve its ends using a variety of concrete instruments;
- c. **that other institutions pursuing public interest objectives exist alongside the State;**
- d. the plurality of secondary sources

61. Liability of a public employee for financial loss could be based:

- a. On the subjective quality of public official or public service appointee
- b. *Only when an employee is given responsibility for an office*
- c. Necessarily on a subordinate employment relationship with a public administration
- d. On the his / her objective relationship with the public administration, which could exist whenever there is a permanent link in the organizational of the entity

62. The Un Security Council:

- a. **can empower States to use the force**
- b. cannot empower States to use the force
- c. Cannot authorize a UN-led force to exercise significant governance function:
- d. cannot take decisions regarding the scope of peacekeeping operations

63. The notion of public utility / public service based on an objective concept focuses on:

- a. *the objectively public content of the service provided.*
- b. the management of the service by a public company
- c. The provision of the service by a charity
- d. The target audience of the service

64. According to the principle of accountability of civil servants and public employees, generally:

- a. The spheres of competence, powers and responsibilities of officials are determined by law
- b. Members of parliament cannot be held accountable for opinions expressed or votes expressed in the exercise of their functions
- c. **Civil servants and public employees are directly liable under criminal, civil and administrative laws for acts committed in violation of rights**
- d. Citizens entrusted with public functions have the duty to perform them with discipline and honor, taking an oath in the manner laid down by law

65. The principle of impartiality and good administration

- a. Should be understood as recommendations

b. Refer to the organization and to the activity of the public administration

- c. Refer to the activity of the public administration
- d. Refer to the organization and do not apply to the activity

66. Under Dickinson's point of view, compliance agents within an organization are effective if they:

- a. do not interact with operational employees
- b. Can impose penalties based on compliance
- c. operate without a formal hierarchy
- d. Are not entitled to impose benefits to employees

67. When the public administration acts iure privatorum (according to the rules of private law):

- a. the acts it performs are exempt from access
- b. is nevertheless bound to the pursuit of the public interest**
- c. enjoys full negotiating autonomy, comparable to that of private individuals
- d. is exempted from following the rules on the administrative process

68. In Germany:

- a. The regulatory state developed prior to private industry
- b. Private industry developed prior to the development of the regulatory state
- c. The regulatory state and private industry developed simultaneously
- d. *administrative law emerged in a social context where there was no pre-existing tradition favoring a law-governed relationship between state and society*

69. When there is a need to purchase a good or service that is still unavailable on the market a public administration could undergo a:

- a. Dynamic purchasing system
- b. Competitive dialogue
- c. *Innovative partnership*
- d. Electronic auction

70. The term "open procedures" refers to tendering procedures in which:

- a. Only economic operators invited by contracting authorities may submit a tender,
- b. *The administration consults the economic operators it has chosen and negotiates the terms of the contract with them*
- c. *Each operator may submit its own offer*
- d. The notice merely identifies in a general manner the objectives that the contracting authority intends to achieve and the criteria for evaluating the tenders

71. The notion of public administration in the objective sense refers to:

- a. all the functions of the State: legislative, executive, judicial;
- b. all entities carrying out administrative activities;**
- c. the State as the public body par excellence;
- d. the active pursuit of public interests;