

## **Administrative Settlement Contracts in French Administrative Law**

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### **Abstract**

Settlement, where the parties having legal dispute seek to resolve the dispute through mutual concessions, is a dispute resolution mechanism often adopted in legal systems of modern countries. Article 136 of the Taiwan Administrative Procedure Act provides for the settlement contract, which since its taking effect, has been attentively addressed by scholar opinions and theories. As a comparison, Conseil d'État of France, since CE 23 décembre 1887 de Dreux-Brézé, évêque de Moulins case, has been endeavoring to promote the administrative settlement for over a hundred years. However, while settlement is an economically efficient method to resolve administrative dispute, given that the administrative law emphasizes on the relationship of authority and subordination, it is often argued whether an agency is allowed to enter into a settlement with the adverse party. Such argument does not only involve questions about the nature of settlement in administrative legal regime, but also the limitation for administrative law to apply the interpretation rules of other legal regimes, the Civil Codes in particular, which then constitute an issue-worthy discussion. This article will analyze the development of the settlement mechanism in the French legal system to provide a comparative legal study reference for Taiwan's implementation of settlement as provided in Article 136 of the Taiwan Administrative Procedure Act.

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