

**Abstract:****Administrative Contracts - Legal Studies of Administrative Authorities' Use of Agreements as a Means of Public Management with Special Regard to the Exercise of Public Power**

The dissertation concerns administrative authorities' use of contracts and agreements as a means of public management *vis-à-vis* private persons and enterprises under Danish law. The legal issues related to these contracts are highly relevant from both a practical and a theoretical viewpoint. The characteristic uncertainty within this field of law stems from three fundamental problems: 1) The blurry relationship between private and public law, 2) terminological inconsistencies and lack of knowledge about public contract practices, and 3) casuistic tendencies and scholarly assumptions about it being difficult to produce *general* knowledge within this specific area of law. Against this background, the main hypothesis of the dissertation is formulated: It is possible to identify general legal norms applying to administrative contracts, which are nourished by both administrative law and contract law conceptions. This object calls for a legal doctrinal approach combined with empirical and comparative law perspectives.

The dissertation consists of four parts: Part I (Ch. 1-2) contains a general introduction to the theme, purpose, and methodology. Part II establishes the theoretical foundation by analysing the private-public law divide in the context of public contracting (Ch. 3), developing an 'integrative approach' (Ch. 4), and outlining, demonstrating and systematising the concept of administrative contracts (Ch. 5). On that basis, doctrinal analyses are carried out in Part III covering the following topics: Substantive legality (Ch. 6), competency (Ch. 7), contract conclusion process (Ch. 8), binding effect and unilateral modification (Ch. 9), interpretation (Ch. 10), remedies (Ch. 11), third-party issues (Ch. 12), invalidity (Ch. 13), and dispute resolution and administrative review (Ch. 14). Part IV (Ch. 15-16) concludes the study by summarising the main findings and putting them into perspective.

It is concluded that the main hypothesis is an adequate epitome of the current state of the law. The integrative approach is a fruitful theoretical point of departure for doctrinal studies of public contracting. This entails the proposition that both administrative law and contract law norms potentially – and possibly with adequate adjustments – apply to the contracts examined. By virtue of theoretical, empirical, and doctrinal considerations, the dissertation introduces the 'Administrative Contracts' as a form of legal institution in its own right which claims scholarly attention separate from 'regular' contracts and administrative decisions. Moreover, the dissertation documents that *general* administrative contractual principles to a large extent can be extrapolated from a comprehensive – and largely unnoticed – body of case law. Thereby the contours of a general Danish administrative contract law are outlined. In doing so, the study covers several topics and legal issues that have not been systematically examined before. Some of the most significant findings include the recognition of criteria for the substantive assessment of the legality of administrative contracts, the conceptualisation of a distinct doctrine of unilateral modification, and more generally, the omnipresence of third party safeguards.