

From de Editors

On the 29th of November 2013 the Association of the Councils of State and Supreme Administrative Jurisdiction in the European Union (ACA Europe) held a seminar titled *Developing Administrative Law in Europe: Natural Convergence or Imposed Uniformity?* at the Dutch Council of State in The Hague. The main topics of the seminar were the growing convergence between the administrative laws of the EU Member States and of the EU itself and the possibility and desirability of a binding codification of European administrative law. In this respect, various questions were addressed, such as: Is there a need for a binding codification? Or is it perhaps wiser to enhance the growing convergence by means of other instruments, such as soft law? Should the codification or some other instruments regulate administrative procedures and, in the long run, also judicial review at the EU level only? Or should they also apply to the administrative and judicial procedures in the Member States?

The seminar took place nine months before the *Research Network on EU Administrative Procedure* (ReNEUAL) published its *Model Rules on EU Administrative Law*, at the beginning of September 2014.¹ At the time of the seminar the Model Rules had not been made public yet, and therefore the discussions were not about these Model Rules as such, let alone about their specific content. However, the participants were familiar with the ReNEUAL project, which enabled discussion of the ideas behind and ambitions of the project. Such a debate was made all the more possible since the two keynote speeches at the conference were delivered by professor Paul Craig from Oxford University and professor Jean-Bernard Auby from Science-Po Paris; two members of the steering committee of ReNEUAL. The seminar was concluded by Christiaan Timmermans, one of the chairs of the Membership Consultative Committee of the European Law Institute (ELI), which joined the ReNEUAL project in 2012.

It will not come as a surprise that the presentations and discussions at the ACA seminar were – and still are – valuable for the debates about the ReNEUAL project. They may have even influenced certain choices of ReNEUAL.² For the Board of Editors of *REALaw* this was an important reason to devote this volume of *REALaw* mainly to the ACA seminar. Hereinafter the reader will find contributions of Rob Widdershoven, Jean-Bernard Auby and Christiaan Timmermans. The contribution from Widdershoven is an updated and slightly adapted version of his Introduction to the seminar. The article from Auby concerns the Europeanization of Domestic Judicial Review and contains elements of his keynote speech on this subject at the ACA seminar. The contribution from Timmermans contains his concluding observations from the seminar. Unfor-

¹ www.reneual.eu.

² The editorial note to the Model Rules (p. V) contains an acknowledgment to ACA Europe and refers to the ACA seminar. Note that there the seminar is incorrectly stated to have been situated in Amsterdam. Although Amsterdam is also a beautiful Dutch city, the seminar took place in The Hague.

tunately Paul Craig could not publish his keynote speech in *REALaw*, since he had already other obligations in this regard.³ The Board of Editors, however, is very grateful that Herwig Hofmann, Jens-Peter Schneider and Jacques Ziller have filled in the gap. In their contribution Hofmann, Schneider and Ziller discuss the concepts, approaches and results of ReNEUAL. The original presentations of Widdershoven, Craig, Auby and Timmermans can be found on the website of ACA Europe.⁴

The contribution from Eliantonio on Judicial Review in an Integrated Administration fits in closely with the main theme of the present issue. The arrangements in this type of administration are characterized by a high level of interdependence and they involve a complex system of shared decision making by both Union and domestic authorities, often even of authorities from several Member States. This phenomenon did not indeed escape the notice of the authors of the *ReNEUAL Model Rules* either. Eliantonio's focus is however rather on the judicial protection against decisions taken in composite procedures. This requires, in the first place, to establish where respective responsibilities lie and therefore which court should have jurisdiction and on which part of the process. Next, two other hurdles must be taken: Is the act concerned a reviewable one and do the individuals have standing? In some scenarios, the gap in judicial protection must be filled by Article 47 of the Charter. The issues discussed by the author are by no means academic exercises only, but are a reality of the 'common administrative space' in the EU, as has been recently illustrated by Case C-562/12, *Liivimaa Lihaveis MTÜ*.⁵

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³ An adapted version of his speech will be published in Paul Craig, *UK, EU and Global Administrative Law: Foundations and Challenges*, Cambridge University Press 2015, Chapter 3.

⁴ www.aca-europa.eu.

⁵ ECLI:EU:C:2014:2229.