Editorial[1]

The second issue of the 2018 volume of the *Review of European Administrative Law* sees the light at a critical turn of the process of European integration. The vote that took place in January 2019 and through which the British Parliament rejected the proposed withdrawal agreement casts a veil of profound uncertainty over the relations between Britain and the EU, at the eve of the impending deadline of 29 March for the withdrawal of the UK from the EU to take effect. It is a time in which European administrative lawyers might need to find creative and, at the same time, fast solutions to deal with unprecedented legal problems, ranging from competition, to customs, VAT, fish quotas, immigration and diploma recognition.

Moving from more to seemingly less spectacular events, the last few months have witnessed also a number of other developments, which have the potential to turn some tides in the field of European administrative law.

In October 2018, with the ruling of *Commission v France*, the Court of Justice condemned for the first time a Member State for a breach of Article 267(3) TFEU in the context of an infringement action, concluding that France had breached its obligations under EU law because the French Council of State failed to send a necessary preliminary question. This ruling certainly contributes to 'give teeth' to the obligation to refer contained in Article 267, but might also bring about detrimental consequences for the much needed judicial dialogue between national and EU courts.

Another ruling which is of interest to those working in the field of European administrative law is the *Berlusconi* ruling, which was rendered by the Court of Justice in December 2018. In this case, the Court of Justice adjudicated on the complex multi-level procedures involving the authorization of credit institutions and delivered a ruling which might have important implications not just for decisions taken under the Single Supervisory Mechanism, but also for the Banking Union and the system of shared administration more in general. In particular, the ruling has nuanced the often repeated 'mantra' of separation of jurisdictions enunciated for the first time in the *Borelli* ruling, by considering European courts to have jurisdiction also to review the national part of a composite procedure. This ruling brings about a number of questions for European administrative law and seems to question the foundational dualistic division of competences between national and European courts.

A third – legislative – development which might have gone unnoticed by many is the newly established practice introduced by the Commission to publish

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references to harmonized European standards through a binding act, published in the L section of the Official Journal, and no longer through non-binding Communications to be found in the C section. This development seems to show an internal reflection on the part of the European Commission in the aftermath of the landmark *James Elliott* ruling. The previously started trend towards the 'juridification' of the European standardization process seems thus to continue and to become more and more entrenched in this mode of governance. The question is what concrete consequences this change will bring in terms of administrative and judicial control of harmonized standards.

These are only a few of the recent developments that are of interest to the *Review of European Administrative Law*. We welcome contributions in the various fields of European and comparative administrative law, as well articles which present case studies of the Europeanisation process of national administrative law. In the current issue, together with two books reviews by Natassa Athanasiadou and Miroslava Scholten, we host a contribution on administrative appeals in comparative perspective by Wojciech Piątek and Matej Horvat, a study on the good governance principles of accountability, participation and openness through the example of the process of development and implementation of network codes for the European Union's internal electricity market Thomas Kohlbacher and Saskia Lavrijssen, and a case note by Max Vetzo on three CJEU's rulings (*Menci, Garlsson* and *Di Puma*) which shed new light on the *ne bis in idem* principle of Article 50 of the Charter of Fundamental Rights. This issue also includes a timely contribution by Eljalill Tauschinsky on the digitalisation of the EU administration, in particular the EU e-customs regime.

We are moving in 2019 towards three issues per year and we thereby hope to strengthen our mission to provide an authoritative forum for on-going research in European and comparative administrative law.

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