

Editorial

The Review of European Administrative Law has traditionally devoted special attention to young academic voices, by regularly launching initiatives to encourage the dissemination of the work of early-career scholars. Among these initiatives, the REALaw Forum is a biennial event which brings together young researchers (i.e., PhD researchers and scholars up to 5 years after obtaining their PhDs) as well as established scholars, to discuss the most recent developments in the field. This event not only provides early-career researchers with an opportunity to present their work and to receive valuable feedback from more experienced colleagues, but it also aims to become the must-attend event for all European and comparative lawyers to take stock of the developments in this highly dynamic area of law, and of the legal questions and challenges raised by these developments.

The last REALaw Forum took place in Maastricht in October 2020 in a hybrid format, and addressed the overarching question of how the traditional functions of administrative law – i.e., to regulate governmental action and to protect from possible abuses by public authorities – are challenged by the multi-level and multi-dimensional nature of the European administrative space. This overarching theme, strictly connected to the research carried out in the Globalization & Law Network at Maastricht University, was broken down into different sub-themes, and specifically addressed the challenges of multilevel cooperation within the European administrative space, its digitalisation, transparency, participation, and the challenges of judicial review within this multilevel arena.

Among the 14 papers presented at the Forum, 5 excellent articles were selected for publication in this special issue devoted to young scholars.

The first two articles deal with crucial aspects of administrative decision-making in the field of the Area of Freedom, Security and Justice (AFSJ). The contribution by Kathrin **Hamenstädt** specifically reflects on the development of the relationship between trust and distrust in the European Arrest Warrant system and the Dublin system, arguing that exceptions to mutual recognition are necessary requirements for building and maintaining trust in the AFSJ, and that they constitute an adaptation of the principle of mutual recognition to the particularities of the AFSJ. The second article, written by Simona **Demková**, deals with the role of information in decision-making conduct, the ‘decisional value’ of which is altered by the introduction of automated information processing. According to the author, this requires a rethinking of the nature of the respective decision-making – from a conventional type where the agent exercises discretion, to a ‘semi-automated’ conduct in which automation inhibits the agent’s decision-making capacity.

The transformative effect of the digitalisation of public administration is at the core of two other contributions in this special issue. In her article, Delia Lucía **Martínez Lorenzo** explores the consequences of the rise of digital public procurement and e-administration for the notion of ‘cross-border interest’, observing how these developments have rendered the presence of cross-border

interest automatic, thus expanding the application of EU principles to public procurement contracts that would otherwise fall outside of the scope of EU law. Conversely, the contribution by Matteo **Pressi** analyses the use of algorithms within administrative procedures developed by the national lawmakers of France, Spain, and Italy. It also complements this comparative perspective with a reflection on the existence of a minimum core of guarantees addressed to the citizen who is the recipient of an automated decision, in line with the principle of good administration.

Next, the article by Alberto **Nicòtina** investigates the peculiar topic of the ‘débât public’ procedure, also from a comparative perspective, between France and Italy. From the analysis of the historical development and of the distinctive traits of this specific participatory procedure, Nicotina concludes that this procedure could be transposed to the EU level, contributing to the institutionalisation and generalisation of deliberative practices in environmental decision-making.

The present issue of the REALaw also contains Filipe **Brito Bastos’** analysis of the case C-785/18 *Jeanningros*, which is of great relevance to composite administrative procedures. In its judgment, the Court further developed its *Borelli* doctrine, which requires national courts to review national preparatory acts of a composite procedure. *Borelli* left important questions for legal practice and scholarship open, which are addressed in part in *Jeanningros*.

Finally, the issue concludes with the review of *Judicial Review of Administrative Discretion in the Administrative State*, edited by Jurgen de Poorter, Ernst Hirsch Ballin, and Saskia Lavrijssen. In the words of the reviewer, Andriani **Kalintiri**, this book ‘offers an excellent collection of intriguing contributions by prominent experts on the theoretical and empirical foundations of the judicial scrutiny of administrative decision-making’, as shaped by the rise of the administrative State and its challenge to the traditional *trias politica*.

We are sure that before embarking on their well-earned holidays, the readers of the REALaw will appreciate the excellent scholarship brought together in this issue. We look forward to receiving further contributions on European and comparative administrative law, in order to continue stimulating discussion on those themes which these promising young scholars explored and which lie at the heart of the Review of European Administrative Law. In the meantime, enjoy this issue and enjoy your holidays!

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