

The ReNEUAL Project

Presentation for the
EU Ombudsman / ReNEUAL conference

Towards an EU administrative procedure law ?

Brussels, March 15-16th 2012

Overview of session 1: Codifying EU administrative procedures? Whether, why and if so what could be the options - Introducing the ReNEUAL project

- Jens-Peter Schneider: The ReNEUAL project (in context)
 - Why thinking about statements/restatements of EU Admin Law?
 - Approach
 - Expected results (cf. Prof. Ziller)
 - Organisation
 - ReNEUAL in context: developing the EU legal infrastructure in times of EU crisis?

- Jacques Ziller: Towards Statements and restatements of EU Administrative Law
 - Restatements: The US experience and example
 - The European need for (consolidating) Restatements and (innovative) Statements
 - Scope of statements and restatements
 - The process of restating and stating the law
 - Statements and restatements as an innovative form of (comparative) legal scholarship
 - Functions/use of statements and restatements

- Oriol Mir Puigpelat: A general codification of the procedure applicable to EU administration
 - Functions and purposes of a general codification
 - Dysfunctions to be avoided
 - Options for codification: legal basis, form, scope
 - Importance and beneficial effects of the codifying process

Why thinking about statements/restatements of EU Admin Law?

- Background and motive:
 - fragmented EU Administrative Law
 - uncoordinated sector specific legislation
 - few partial „codifications“
 - punctual case-law
 - soft law
 - traditional dualistic concept of EU administrative law
 - direct ⇔ indirect implementation
 - but growing number of composite procedures
 - underconceptualized vertical, horizontal and network aspects of EU Administrative Law
 - legal uncertainty, intransparency, opacness and incoherence
 - gaps in the protection of individual rights and the EU rule of law
 - accountability gaps and democratic legitimation
 - room for enhanced efficiency in admin. procedures

Why thinking about statements/restatements of EU Admin Law?

■ Aims of ReNEUAL:

- simplification
- filling of normative gaps
- better coordination
 - within the EU legal order
 - between the EU legal order and national admin. law

■ Not: harmonising national administrative law

"the European legal culture is made of the diversity of legal systems progressively brought closer to each other"

Vassilios Skouris, President of the ECJ

at the European Law Institute's Inaugural Congress 2011 in Paris

Approach

- analysing procedures for different types of EU admin activities
 - unilateral single case decisions
 - contracts
 - rulemaking

- analysing horizontal issues
 - especially information management

- in a comparative perspective
 - inter-sectorial
 - EU & national legal orders

- with interdisciplinary competences and openness

- and high interest in involving legal practice

Expected results

- Not only critical analysis of status quo
- But positive proposals for competent decision makers
 - draft rules
 - explanatory comments
 - comparative notes

Organisation

- open and inclusive membership (www.ReNEUAL.eu)
- Working Groups (wg 1 – wg 4)
 - core groups with affiliated scholars/institutional observers
- coordinating Steering Committee
 - consisting of wg team leaders
- Advisory Board as accountability network
- decentralized funding

ReNEUAL in context

- parallel initiatives, e.g.
 - European Parliament's Working Group on Admin. Law
 - Founding of the European Law Institute

- developing the EU legal / administrative infrastructure in times of EU crisis?