

**THE ReNEUAL MODEL RULES ON EU ADMINISTRATIVE
PROCEDURE IN DISCUSSION**

A REPORT ABOUT A CONFERENCE IN LEIPZIG - GERMANY

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1. INTRODUCTION

During a discussion in 1981, *Hans Peter Ipsen* said, “The idea of a codification of the administrative law of the European Community is even more daring than the creation of a European constitution”². In fact, more than 24 years have passed and a constitution had been drafted until about 120 participants from the academia, judiciary and attorneyship met in the German Federal Administrative Court (Bundesverwaltungsgericht) in Leipzig, Germany on the 5th and 6th of November 2015 to discuss the first draft for a codification of the European administrative procedure law. In hindsight, a meeting in Osnabrück, Germany in 2009 was the catalyst for establishing the Research Network on EU Administrative Law (ReNEUAL), which aims to promote the process of juridification of EU administrative law and is led by *Jens-Peter Schneider* (University of Freiburg, Germany), *Herwig C. H. Hofmann* (University of Luxembourg), and *Jacques Ziller* (University of Pavia, Italy).

In September 2014, the multinational network³ presented its research findings in the form of a codification consisting of six books.⁴ The titles of the books follow the treated types of act: Book I – General Provisions, Book II – Administrative Rule-Making, Book III – Single Case Decision-Making, Book IV – Contracts, Book V – Mutual Assistance, and

² Cf. H. P. Ipsen, in: J. Schwarze (Ed.), *Europäisches Verwaltungsrecht im Werden*, 1982, p. 123.

³ For further details and a list of all network members see www.reneual.eu.

⁴ The Model Rules in English and Spanish may be downloaded from www.reneual.eu. Furthermore, a German, a Polish and a Spanish version have been published in print. An English, a French, an Italian, and a Romanian print version will follow.

Book VI – Administrative Information Management.⁵ During the conference, each book was introduced by the authors and, afterwards, subjected to a critical evaluation by two or three experts not part of the research network. This was followed by an open discussion. The dialogical format emphasised the concept of the network, which wants this draft to be understood rather as an interim conclusion open to modification than something that is set in stone. In accordance with this scientific approach, the “ReNEUAL Model Rules 2.0” (*Jens-Peter Schneider*) shall be developed further through criticism as well as open debate.

The conference in Leipzig was mainly held against the backdrop of the German legal system, which seemed, in regard to other conferences in Barcelona (January 2015) and Rome (March 2015), the intention of the ReNEUAL. Hereafter the main points discussed at the conference will be relayed, grouped by topic.

2. NEED FOR CODIFICATION

Even though this question was not given a specific time frame, the “additional value” of a codification of EU administrative procedure law was always a focal point of interest. There was a general agreement that the EU administration is expanding and will continue doing so due to address transnational problems such as the financial crisis and the growing number of immigrants. This applies both in quantitative terms, as more Member States and an emerging network of EU authorities generate an increasing number of decisions, as well as in qualitative terms, since the EU authorities, deviating from the principle of “indirect enforcement” of EU law by Member States’ authorities⁶, increasingly execute decisions by themselves.

⁵ A short introduction concerning development and content of the ReNEUAL Model Rules can be found at H.C.H. Hofmann/J.-P. Schneider/J. Ziller, *Review of European Administrative Law 7-II* (2015), p. 45 et seq.

⁶ In German literature, this principle is mostly based upon Art. 291 (1) TFEU

One argument pointed out by the drafters in favour of a codification was the legal clarification a codification would provide, not only in regard to increasing the efficiency of the EU administration but also providing orientation for citizens. Furthermore, the authors stressed that a key challenge is the need for a legally binding containment of the EU and referred to a codification as “an important contribution to the European peace project” (*Jens-Peter-Schneider*). *Klaus Rennert* (German Federal Administrative Court) agreed and conceded a codification to be a “compensation” for a legitimacy deficit of the EU, particularly of EU agencies. *Vassilios Skouris* (formerly Court of Justice of the European Union) referred to a juridification as a “properly understood separation of powers”. In his opinion, the implementation of the EU Charter of Fundamental Rights into EU primary law had evinced how the Court of Justice of the European Union (CJEU) could return from developing law by judicial decisions to its genuine task of applying law. *Heidi Hautala*, who took part as representative and rapporteur of the European Parliament, shared this opinion and praised a codification as “part of the European principle of integration”.

But considerable concerns were raised as well. Inevitably, a juridification would limit the administration’s flexibility, which could go against the intended appropriateness. *Walter Mölls* (Legal Service of the European Commission) pointed out that a detailed, sector-specific secondary law already exists. *Alexander Balthasar* (Federal Chancellery of Austria) put the focus on jurisdiction and raised the question whether an effective judicial control of procedural standards in EU primary law secures the rule of law appropriately and might be preferable to a codification due to its flexibility.

3. SUITABILITY FOR CODIFICATION

The question remains whether the codification of a “general set” of administrative rules applicable throughout the EU system makes sense. *Walter Mölls* disagreed and preferred the development of the existing policy-specific law. He pointed out that the data protection law (Regulation No 45/2001) and the law on access to documents (Regulation No

1049/2001) are already codified in a general manner and considered these fields to make up an essential part of law having the ability of generalization. Moreover, *Walter Mölls* stressed that the EU administration – in contrast to the (common) Member States’ authorities – is highly specialized and disparate concerning its tasks and demands. In conclusion, he opined that sector-specific rules are indispensable. Indeed, a codification aims at providing orientation and systemizing law. This requires either a “trans-sectorial regulatory gap that can be closed properly” (*Martin Burgi* [University of Munich, Germany]) or a sufficient number of congruent rules in sector-specific law. Hence *Thomas von Danwitz* (Court of Justice of the European Union) pointed out one should only regulate in a generalized way what applies to all fields of administrative law. Thus, he suggested “going through sector-specific EU administrative law to find out which rules could be replaced by general provisions”. In the end, the question if, besides the need for generalization, a sufficient *suitability* for generalization exists, remained unsolved.

4. SCOPE OF APPLICATION

Jacques Ziller explained that in accordance with article I-1 (1) of the Model Rules (MR), the drafted rules apply to all procedures of EU institutions, bodies, offices, and agencies. In contrast, an application to Member States’ authorities executing EU law should only be possible if sector-specific law so provides (article I-1 [2] MR). A different scope of application only relates to Book V – Mutual Assistance and Book VI – Administrative Information Management, which have to apply to Member States’ authorities since they are dealing with inter-administrative co-operation. The drafters’ fundamental constraint of the Model Rules on the EU authorities seemed to be guided by the aim of political realization, which was illustrated by *Jacques Ziller*, saying, “Qui trop embrasse, mal étreint”. Nevertheless, *Oriol Mir Puigpelat* (University of Barcelona, Spain) reported that the authors had discussed this issue controversially. *Vassilios Skouris* and *Jürgen Schwarze* (University of Freiburg, Germany) pointed out two main obstacles for an extension of the scope of the application to the enforcement of EU Law and policies by Member State authorities. On the one hand, an amendment of the European Treaties to extend the EU competences would be

necessary. On the other hand, a lot of Member States stick to their domestic traditions of administrative regulation. Nevertheless, the latter pleaded for a wide scope of application as an interim goal in order to make sure that EU law is executed properly in all Member States. *Wolfgang Weiß* (University of Speyer, Germany) added that a separation seems impossible in composite procedures, meaning procedures in which EU authorities and Member State authorities are working together. Eventually, *Thomas von Danwitz* referred to article I-3 MR recommending Member State authorities to use the Model Rules “as guidance” when implementing EU law and policies. He pointed out that this provision harbours the risk to create a “hybrid” law running counter to the aspired legal clarity.

5. CONTENT OF THE MODEL RULES

5.1. Between Consolidation and Creation of a New System

5.1.1. Consolidation by an Integrative Approach

Methodically, the Model Rules are based on an integrative and comparative approach, which was widely approved. The draft is based on the network’s self-image as a laboratory benefiting from an intensive exchange of scholars and practitioners from a significant number of Member States. As a result, the Model Rules “do not leave the national law behind, but feed on them” (*Klaus Rennert*). In fact, the Model Rules are more or less a consolidation of the heterogeneous domestic administrative laws as well as the existing principles set forth in EU primary law and the CJEU’s jurisprudence. In return, it became obvious that the draft’s “balance” seems to promote its ability to achieve consensus. This is further illustrated by the presentation of *Heribert Schmitz* (German Federal Ministry of the Interior), who pointed out the extensive similarities between the ReNEUAL Model Rules and the German federal administrative procedure act (*Bundesverwaltungsverfahrensgesetz*) in detail and came to the conclusion that the Model Rules “basically meet German demands”.

5.1.2. *Innovative Nature*

Through consolidating the existing rules, the Model Rules were criticised for lacking an innovative content. Namely *Rainer Pitschas* (University of Speyer, Germany) emphasized that the draft neither aims at a reconstruction of the Union’s institutional architecture nor at the implementation of a “European administrative co-operation law”. *Martin Burgi* recommended a clarification of the purpose of the administrative procedure. All in all, the conference drew up a picture of a draft that avoids any ruptures within current organizations and procedures.

Nevertheless, the innovative content needs differentiated consideration. In drafting Book II – Administrative Rule-Making, the authors meet the demand of the “Mandekern Group on Better Regulation” to regulate the procedure for making administrative rules. The discussants referred to the regulation as “breaking new ground” even if the US-American Administrative Procedure Act contains similar rules, which were mentioned by *Matthias Ruffert* (University of Jena, Germany) and *Astrid Wallrabenstein* (University of Frankfurt am Main, Germany) during their talks. The essential Book III – Single Case Decision-Making was evaluated less enthusiastically as a “successful mixture of both a systematization and consolidation of the existing rules and selective innovations” by *Michael Fehling* (Bucerius Law School Hamburg, Germany). Concerning Book IV – Contracts, *Martin Burgi* highlighted that due to inconsistent jurisprudence of the CJEU, “general principles of law do not yet exist in European contract law”. Furthermore, the rules of a “competitive award procedure” (article IV-9 et seq. MR), which were presented by *Ulrich Stelkens* (University of Speyer, Germany), seemed innovative from a German point of view. Therefore, *Martin Burgi* came to the conclusion that Book IV is “rather a new design of contract law than a reconstruction”. The same conclusion may be reached for Book V – Mutual Assistance and Book VI – Administrative Information Management. *Martin Eifert*’s (Humboldt-University of Berlin, Germany) finding of a “proliferation of secondary law and administrative practices” in this field of law confirmed *Jens-Peter Schneider*’s description of the drafters as “pioneers”. Nevertheless, it was assessed differently if these books are a mere consolidation of existing practices and case law (*Rainer Pitschas*) or an “innovative and modern approach” (*Johannes Caspar* [Data Protection Commissioner of the State of Hamburg, Germany]).

5.1.3. *Particularity of the EU Administration*

The comparative approach of ReNEUAL raised concerns if the particularity of the EU administration had been sufficiently taken into consideration. *Martin Burgi* emphasized that the heterogeneous EU authorities are highly specialized and act on a multinational level. This sets it fundamentally apart from common local (German) authorities characterized by a more or less general competence for a narrowly confined area. Referring to Book IV – Contracts, he gave another example. In his opinion, a more elaborate codification of public contracts is desirable in German administrative law. But co-operation requires a certain proximity, which is lacking in the relationship between the EU and its citizens. As a consequence, one may not refer to content and importance in EU law in the same way. Moreover, the discussion raised the question whether the linguistic diversity in the EU has received adequate attention in the Model Rules.

It seemed even more complicated to answer the question how to deal with the administration in the EU multi-level-structure regarding administrative procedure law. During the conference, it became evident that the Model Rules admit to the existence of composite procedures and a common European administrative space. This can be illustrated by the provision declaring any reimbursement of costs for mutual assistance dispensable (article V-6 MR), since a “fictive mutuality” exists. This was actually evaluated as “unrealistic” by Indra Spiecker gen. Döhm (University of Frankfurt am Main, Germany). Nevertheless, the Model Rules contain only rudimentary regulations referring to composite procedures, namely concerning inspections by EU authorities (articles III-18 – III-21 MR) and the right to be heard (articles III-24 – III-27). Thus, Wolfgang Weiß highly recommended an extension of these legal provisions, especially in order to warrant due access to effective judicial review in spite of shared accountabilities.

5.2. *Coherence Orienting towards Three Guideline Principles*

Throughout the books, the drafters made clear that the Model Rules are based on certain notions. Namely, the three principles of “participation”, “knowledge”, and “transparency”, which correspond to the aim of strengthening legitimacy, efficiency, and the rule of law (cf. article 11 TEU, article 298 [1] TFEU), were picked up.

5.2.1. Participation

The authors pointed out that they seek to deepen a culture of participation. This should be achieved through a stronger involvement of citizens and enterprises. In accordance with article II-4 MR, any person is invited to electronically submit comments on intended new administrative rules. Furthermore, the draft provides the possibility of a consultation with the interested public before taking a single case decision (article III-25 MR). Finally, one may also refer to the provisions concerning contracts between authorities and citizens (Book IV) as a paradigm of leaving the traditional notion of an asymmetrical “subordination” behind. During the presentations and discussions, the participatory concept of the Model Rules was commended due to the fact that it would increase citizens’ acceptance.

But *Matthias Ruffert and Astrid Wallrabenstein* also expressed concerns as to whether a rule always benefits from the fact that those who are subjected to it may participate in its creation (article II-4 MR). In their opinion, the often technical and specialized character of EU law might hinder an effective participation. Moreover, this kind of corporatism tends to promote “lobbyism” (*Matthias Ruffert*). In conclusion, *Matthias Ruffert* voted for a qualitative and temporal limitation of those who may contribute their ideas during rule-making. *Walter Mölls* mentioned another limit of the concept of participation: the narrower the authorization to set administrative rules, the smaller becomes the scope to take comments into consideration. This might make ReNEUAL reconsider if, in certain cases, participation may also lead to frustration and therefore does not strengthen the desired throughput-legitimacy.

5.2.2. Knowledge

Partial reflection of this participatory consultation is the guiding principle of a comprehensively informed administration, which is able to identify the need to make

decisions and to define decision-making criteria as well as to make qualitative decisions due to its extensive knowledge (Indra Spiecker gen. Döhmann). In the Books III – Single Case Decision-Making and IV – Contracts, the authors decided to embed the principle of examining the facts by the office of its own motion (“ex officio”) (article III-10 MR, article IV-7 MR). Thus, CJEU case law on the obligation of diligent and impartial investigation should be addressed. These provisions were explicitly welcomed by Ingo Kraft (German Federal Administrative Court). Nevertheless, he suggested emphasising the rejection of the principle of production of evidence by the parties in a linguistically more obvious way.

In particular, Book VI – Administrative Information Management deals with generating knowledge in administrations. Obliging authorities to use information (article VI-20 MR), the authors base their draft on the assumption that a decision’s quality highly depends on the information being at the decision-makers’ disposal. Although it has to be taken into consideration that not the mere quantity of information necessarily improves a decision’s quality, the importance of information as a “key to an efficient administration in the digital age” (Johannes Caspar) was broadly supported. But a mass data exchange without a specific reason was also met with concern regarding fundamental rights. Johannes Caspar stressed that the fundamental right to informational self-determination is also applicable if data is transferred “inside” a network of authorities, which cannot be referred to as an “informational unity”. In conclusion, both the receiving authority and the submitting authority need a legal authorization. *Johannes Caspar* said that the Model Rules generally meet this requirement by directing a “need for a basis act” (article VI-3 MR). Nevertheless, in his opinion, the principle of an informed administration must not promote an “atmosphere where officials have too much leeway”. Particularly, he pointed out that the rules concerning mutual assistance (Book V) might not legalize a data transfer act. With regard to the aspired legal clarity, he found those provisions of Book VI – Administrative Information Management which deals with data protection as problematic because it implements a second legal regime in addition to the existing data protection law. He therefore requested the authors to scrutinise the use of legal terms for consistency.

5.2.3. *Transparency*

Finally, transparency seemed to be a further principle of the ReNEUAL Model Rules. It became obvious during the authors' presentations that the Model Rules try to strengthen the rule of law and the authorities' legitimacy by promoting duties of disclosure and reasoning. The draft thereby opposes the reproach of an "arcane" EU administration. Herwig C. H. Hofmann pointed out that comments made during the making of administrative rules have to be published (article II-4 [4] MR). Furthermore, the EU authority in charge of drafting the act shall create a report explaining which consultations had been taken into account during the procedure (article II-5 [1] MR). Astrid Wallrabenstein valued this measure of facilitating public control over decisions made by EU authorities. But she also mentioned that the duty to make comments public "in a way that allows public exchange of views" (article II-4 [4] MR) might leave too much room for diverging interpretation.

Concerning the single case decision-making, article III-4 (1) MR requires authorities to provide online information. This was appreciated by Michael Fehling. He additionally claimed for a duty to inform all possibly concerned persons as far as these can be determined. In his opinion, this would be necessary to warrant due legal protection. A further measure to improve transparency, inspired by Italian administrative law, is the authorities' duty to name a responsible person (article III-7 MR). Walter Mölls criticized this stipulation because EU authorities work in teams. Hence, in his opinion, delegating the responsibility to a certain person appears unrealistic.

6. DEPTH OF CODIFICATION

The question of the suitability of administrative law for a codification is closely linked to the question of a codification's appropriate depth. The Model Rules' authors avoided any provisions concerning substantive administrative law; furthermore, some procedural aspects are regulated in a rather general way.

Astrid Wallrabenstein and Hans-Joachim Prieß (Freshfields Bruckhaus Deringer) suggested the addition of general principles such as "equal treatment" or "proportionality" to the Model Rules. In their opinion, this would improve user-friendliness and the codification's

steering capacity. Other discussants replied that the European primary law already enshrines a number of general principles⁷. Furthermore, *Astrid Wallrabenstein* pointed out during her presentation that the provisions of Book III, which deals with administrative rule-making, are limited to the question of consultation. For example, neither the ending of the rule-making procedure nor the rules' publication is considered. Hans-Joachim Prieß, who held a presentation concerning Book IV – Contracts, suggested adding substantive regulations specifying the selection and award criteria as well as exclusion criteria in a competitive award procedure. Moreover, he recommended an inclusion of the competition award of individual licenses and a duty to publish all public tenders on an internet platform. Concerning the claimed rules dealing with legal protection, Ulrich Stelkens replied that the detailed EU primary law narrowly limits a possible regulation on this point.

Besides these desiderata for further regulations, there were proposals to increase the depth of the existing rules as well: Ingo Kraft suggested a more detailed wording and the renunciation of vague legal terms in order to simplify the application for the courts. Michael Fehling explained that the term “familial interest”, as condition of a bias (article III-3 [2] MR), leaves too much room for interpretation and suggested a more specific wording as well. Admittedly, the effort to a comprehensive regulation might avoid uncertainty in law. One has to keep in mind however, that this probably contributes significantly to an often-bemoaned flood of norms. So, *Herwig C. H. Hofmann* highlighted that a universal code is dependent on a certain degree of abstraction. Only a short and understandable act will meet the goal of being citizen-friendly and transparent. *Oriol Mir Puigpelat* added that these claims have to be evaluated against the backdrop of a German administrative procedure act, which regulates the matters it covers in extraordinary detail from a comparative point of view. Last but not least, further provisions in a “general part” may increase the need for derogations on sector-specific law. That seems to be at odds with the aspired legal clarity.

⁷ The Preamble of the Model Rules contains a wide range of general provisions as well.

7. IMPLEMENTATION

7.1. *Administrative Procedure Law as Subject to Harmonisation*

Although ReNEUAL is first and foremost an academic project, the question of adopting an EU administrative procedure act was discussed extensively. The arguments in favour of an enactment may be summarized by three features of the Model Rules: Firstly, the authors avoided any regulation of substantive administrative law. This led *Eberhard Bohne* (University of Speyer, Germany) to point out as considerable advantage that the Model Rules do not contain a political positioning. Secondly, the participants agreed that article 298 (2) TFEU, enacted by the Lisbon Treaty, grants a sufficient legal base to regulate procedures of EU authorities. Finally, the restriction of the scope of application on EU authorities was an argument in favour of a legal implementation perspective since such a regulation would not cause an intrusion into national legal traditions and domestic law. This might meet the political position of several Member States who are critical towards an enhanced integration. This aspect was illustrated by the statement of Vassilios Skouris, who mentioned in his inaugural speech that similar efforts neither in criminal law “as national policy domain” nor in civil law, except for contract law, “had made sufficient progress”.

In contrast, there were serious concerns that a codification may send a signal of a sovereignty of the EU, provoking a negative attitude. *Rainer Pitschas* pointed out that a codification of the procedures of EU authorities might bring closer an extension of the scope of application on Member States’ authorities executing EU law even if there is a lack of competence so far. He asked, “Do we interfere in a national domain?”

7.2. *Society: Integrative Approach to Maintain Majority Support*

Altogether, most of the participants had a positive attitude towards a codification. Obviously, the broad, continuous, and practical exchange of the research network with experts from justice, administration, and politics led to a positive and integrative effect, which – like *Eberhard Bohne* mentioned – may ease the way for an implementation. *Ingo Kraft*,

Klaus Rennert, Vassilios Skouris, and Thomas von Danwitz, the attending high-profile judges, supported a codification of the procedure law of the EU administration. Likewise, most of the participating scholars expressed approval. *Jürgen Schwarze* however, warned that “a great deal of water will flow under the bridge” before an enactment might be realized. This led to a growing number of calls for a codification of selected parts. *Klaus Rennert* referred to the “development as a process” of German administrative procedure law. *Jens-Peter Schneider* talked about the stepwise implementation of an administrative act in the Netherlands. Book III – Single Case Decision-Making was given by *Alexander Balthasar*, among others, the best prospects for realization, while, at first glance, the legal establishment of Book V – Mutual Assistance and Book VI – Administrative Information Management, which are – according to the drafters’ opinion – not covered by the legal base of article 298 (2) TFEU, seemed the least likely. In particular, the mutual assistance (Book V), which pronounced *Thomas von Danwitz and Indra Spiecker gen. Döhm* to have a high practical relevance, could be dealt with by a kind of “stand-by-codification”. This means that the rules would enter into force in specific sectors if directed by secondary laws. It seems questionable however, whether such a fragmentation can live up to the expectations of a comprehensive code.

7.3. Institutional Level: Parliament – Commission – Council

A European administrative procedure act might be adopted by a regulation under the ordinary legislative procedure (article 298 [2] TFEU). Insofar, it seems problematic that the European Commission has the monopoly right on initiatives. Although *Walter Mölls* explained that the Commission “has not yet formed an opinion”, which “does not mean that it won’t take action”, the Commission’s doubts regarding the need for a codification became obvious during his speech. A knock-on effect may start from the European Parliament. *Heidi Hautala* announced a draft of the Parliament in January 2016. Nevertheless, the detailed content remained concealed. *Alexander Balthasar*’s suggestion of initiating an administrative procedure act by a European Citizens’ Initiative (article 11 [4] TEU) seemed less promising: Procedure law might not have sufficient “emotional” power to reach the quorum of one million citizens. The opportunities to gain a simple majority in the Parliament and a qualified majority in the Council (article 294 [7, 8] TFEU) were difficult to sound out. In particular,

the Member States' positions are hard to assess precisely. *Heribert Schmitz*, who works for the German Ministry of the Interior, was open-minded, whereas *Alexander Balthasar* took a more restrained position. It may be assumed that those Member States not having codified administrative law tend to be more sceptical towards a European codification.

7.4. *Preliminary Impact*

While legal implementation may take some time, the Model Rules may have more immediate indirect effects. *Jurgita Pauzaitė-Kulvinskiene* (University of Vilnius, Lithuania) predicted that the draft would have a certain preliminary impact on the young administrative procedure acts in more recent Member States. In his inaugural speech, Klaus Rennert sounded out the possibilities to “set an example and encourage the Member States to develop their legal systems” and referred to a “competition of models and arguments”. Martin Burgi agreed that one would retrieve elements of the ReNEUAL Model Rules sooner in domestic legal systems than at the EU level. This appraisal seems realistic as also illustrated by Heribert Schmitz, who explained that the draft is a source of “interesting inspirations for the development of the German administrative procedure act”. The authors declined to take an active role in the discussion of such a “harmonising” impact, which might even have a negative effect on the stance of some Member States concerned about an erosion of national sovereignty.

8. CONCLUSION

The conference left an inspiring impression on both authors and participants. It benefited from its dialogue-oriented schedule and excellent organisation. The event will encourage ReNEUAL to continue its ambitious project. The talks and statements reached from abstract and basic issues – it remains the task to persuade critics regarding the need for a codification – to detailed criticism of the draft's wording, which will provide new impulses to improve certain provisions. The restriction of the scope of application on EU authorities

can be regarded as ambivalent. On the one hand, it may be a “sign of political wisdom” (Ingo Kraft). On the other hand, it lags behind the authors’ aspiration to develop a coherent codification applicable to complete enforcement of EU law and policies. The vast majority of the participants agreed that the great merit of ReNEUAL lies in its contribution to a systematization and further development of EU administrative procedure law. The progress of this project, which will now focus on consequences of defects in procedure and form, will be followed with interest by academics as well as on a political level. It is the hope that a “daring” idea – *Jürgen Schwarze* reminded of Ipsen’s statement at the very end of the conference – might, one day, come true.