

INTRODUCTORY NOTE TO “REGULATORY SANDBOXES, AUTOMATIZATION OF ADMINISTRATIVE DECISION-MAKING AND THE FUTURE OF ADMINISTRATIVE LAW”

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Administrative law is in a process of change. Deployment of autonomous vehicles, medical robots in healthcare, and nanosatellites, which will provide for connectivity services for the IoT (internet of things) platforms do represent just few examples of challenges for administrative law today.¹ The challenges for administrative law, caused by a gradual emergence of disruptive technologies worldwide, are twofold: On one hand, there has been a need to establish a transparent and effective framework for experimenting with these technologies and subsequently for their permitting, registration, and surveillance. While such framework must guarantee a high level of safety, the same framework cannot create unnecessary barriers for experiments and deployment of these technologies. On the other hand, disruptive technologies, do represent a challenge for administrative procedures themselves. They are capable to alter existing models of administrative practice in the future, for example, by a massive deployment of automatization in administrative proceedings. Thus, when speaking about recent tendencies, we are at the same time sketching the future of administrative law.

New technologies do not only represent a challenge to written law, but also to administrative law as an academic discipline.² In this respect, the scholarship of administrative law has already paid considerable attention to the tension between the phenomenon of *ubiquity of technology* on one hand, and the national character of administrative law on the other.³ The fact is, that we observe spontaneous deployment of the same type of technologies in various legal frameworks. While the nature of the technology is the usually very similar, or the same – as the very recent boom of *smart cities* in various jurisdictions of Europe clearly demonstrates – the stance of law towards these technologies may differs considerably. On the one hand, the phenomenon of *ubiquity of technology* implies competition among the various frameworks of administrative law for best solutions, most perfect practice, and high level of safety.⁴ At the same time, the

¹ See TAEIHAGH, A. – RAMESH, M. – HOWLETT, M. Assessing the regulatory challenges of emerging disruptive technologies. *Regulation & Governance*. 2021, Vol. 15, No. 4, pp. 1009–1019.

² See LIGNIÈRES, P. Imaginer et construire le futur du droit administratif. In: AUBY, B. (ed.). *The future of administrative law*. Paris: Science Po/LexisNexis, 2019, pp. 161–171.

³ See eg. DALY, P. – RASO, J. – TOMLINSON, J. Administrative law in the digital world. In: HARLOW, C. (ed.). *A Research Agenda for Administrative Law*. Cheltenham: Edward Elgar, 2023, pp. 255–280.

⁴ See HANDRLICA, J. – SHARP, V. – NEŠPOR, J. Forum shopping in regulatory sandboxes and the perils of experimental law-making. *Juridical Tribune*. 2023, Vol. 13, No. 3, pp. 408–426.

ubiquity of technology naturally causes a *cross-fertilization* of regulatory tools from one particular jurisdiction to another. *Regulatory sandboxes* are a salient example of a regulatory tool, which has been spontaneously adopted in a considerable wide range of jurisdictions – including the USA, Norway, Singapore, Greece, and the Slovak Republic to mention just few of them. In the Czech Republic, the first regulatory sandbox in the field of financial innovations will be commenced on 1 July 2024. Recently, *regulatory sandboxes* are being not only discussed in the financial and banking sector, but also in energy industries, healthcare, and transport sector. Having said this, *regulatory sandboxes* must be understood in a wider context of the quest for technological neutrality of written law.⁵ In this respect, *regulatory sandboxes* must be not only understood as a contemporary tool to address disruptive technologies, but also as a tool which has the capacity to deal with any in the future emerging technologies.

Automatization of the administrative decision-making has recently presented the potential to become another promising regulatory tool. At this point of time, the City of Vienna is working together with other partners – such as the Technical University of Vienna and the Chamber of Architects & Civil Engineers for the provinces of Vienna, Lower Austria and Burgenland – on the BRISE project (*Building Regulations Information for Submission Involvement*). The aim of the project is to fully digitalise the construction permit proceedings from application through to approval, primarily with a view to reducing the time required to issue a permit. Thanks to BRISE, the building permit process could be up to 50% faster in future. In the medium term, the fully digital building permit system will also contribute to the development of greener, more resource-efficient building methods, because it integrates all of the necessary assessment mechanisms, quality criteria, and standards and in some cases automatically ensures compliance. The fact is that the BRISE project is designed not only to serve the City of Vienna, but it has ambition to allow cities across Europe to learn from the experience gathered in Vienna, serving as a blueprint for replication and transfer to other scenarios and dimensions. In this respect, one may expect the proliferation of technologies, allowing for *automatization in construction permit proceedings* in Europe in the future.

This issue of the *Acta Universitatis Carolinae Iuridica* presents articles, addressing both the phenomenon of *regulatory sandboxes* and the feature of *automatization of the administrative decision-making*. The articles, published in this issue, were written by academicians, teaching and researching law at the universities in the Czech Republic, Denmark, Italy, the Netherlands, Slovakia, and Switzerland. The mere fact that academicians from all these different jurisdictions can discuss and refer to the very same phenomenon and features clearly demonstrates, that the *ubiquity of technology* and the subsequent cross-fertilisation of regulatory tools has implied a gradual shift towards a *transnational administrative law* in Europe.

Having said this, this issue of *Acta Universitatis Carolinae Iuridica* does not represent a timely contribution of the scholarship of administrative law on the phenomena of *regulatory sandboxes* and *automatization of the administrative decision-making*. The

⁵ See GARCÍA FERNÁNDEZ, Á. How to regulate the future of technology. *East-West Studies*. 2019, Vol. 10, No. 1, pp. 2–8.

authors of the papers published here do believe, both these phenomena represent a feature, which will increasingly shape the structures of administrative law in the future. Thus, this issue has the ambition to contribute to the debate about the future of administrative law as a distinctive academic discipline itself.

Having said this, it also must be mentioned that the EU AI Act was adopted by the European Parliament only very few weeks before the publication of this journal. The authors did their best to reflect the adoption of this new regulatory framework in their articles.

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