

Lectures in modern administrative law: Experiments in administration and the administration of experiments

Faculty of Law, Charles University
Prague, 13th October 2023

“The law is a rule made for all time, but in order to remain alive, it must constantly evolve. ... the legislator [has to] know how to proceed, like nature, by trial and error”¹

The rapid development of the information society and the gradual emergence of the new technologies create the conditions under which administrative law mechanisms for making certain administrative decisions are constantly being improved, concepts and terms are being expanded, and conditions are being created for experiments in administrative law. Experiments in administrative law cause many questions, objections and discussions.

This attracted the attention of the legal community, which led to the organization of the round table, entitled *Experiments in administration and the administration of experiments*. This round table was held at the Faculty of Law, Charles University in Prague on 13th October 2023 and was organized as part of the European University Alliance 4 EU+ project *Regulatory Sandboxes: Mirage and Reality in Public Law*, which represents a joint endeavour between four partner institutions: the Faculty of Law, Charles University, the Legal/Tech Laboratory, University of Copenhagen, the Department of National and Supranational Administrative Law, University of Milan and the Digital Law Centre, University of Geneva.

The purpose of the round table was both topical and ambitious: to analyse the current topics in the development of experimental law as a special branch of administrative law+, the use of automated solutions in decision making by the administrative authorities and the role of *regulatory sandboxes* in the experimental legislation.

The round table was opened by **Professor Jakub Handrlica**, who has been the principal investigator of this 4 EU+ project, with an introductory speech, in which he briefly spoke about the general aim of the round table and also about the future plans for mutual cooperation with colleagues from Copenhagen, Milan and Geneva.

The first panel, entitled *Regulatory Sandboxes* was opened by **Professor Alexandre Flückiger** (Digital Law Centre, University of Geneva) by his lecture entitled *Regulatory Sandbox: The Latest Addition to the Long Tradition of Experimental Law*. This lecture was devoted to the foundations and developments of experimental law. In his engaging lecture, Professor Flückiger pointed out, that law itself may be understood as an experimental science, with many interesting historical parallels to the currently discussed *regulatory sandboxes* (eg. experiments in federations, experiments by incremental legislation etc.).

The next speaker was **Associate Professor Alexandra Andhov** (Legal/Tech Laboratory, University of Copenhagen), who dedicated her lecture *Enhancing Insights: Valuable Lessons from Establishing FinTech Regulatory Sandboxes* to the lessons learned as a result of the emergence of regulatory sandboxes in the financial sector. In particular, she drew attention to the fact that with proper regulation of financial technologies in the European Union, the Union could finally create an efficient capital market.

At the very end of the first panel, national reports on regulatory sandboxes in the Czech Republic and in Ukraine were presented. **Vladimír Sharp** and **Gabriela Blahoudková**, (both from the Faculty

¹ CRUET, J. *La vie du droit et l'impuissance des lois*, Paris, 1908.

of Law, Charles University) who reported about the prospects for the development of legislation regarding *regulatory sandboxes* in the Czech Republic. **Liliia Serhiichuk** (Faculty of Law, Charles University) outlined briefly a brand-new *regulatory sandbox*, which has been very recently introduced by the National Bank of Ukraine in the financial sphere, as well as the prospects and problems of the development of this sphere.

The second panel of the round table was devoted to current problems in automatization of the decision-making in public administration. This panel was introduced by **Alessia Monica** (University of Milan) with her lecture on *Open data and administrative activity: implications for composite proceedings*. In her speech, Alessia Monica paid in particular attention to open issues with open data and with a composite procedure and as a tool of effective administration.

The round table continued with a speech, entitled *Automated Decision Making: What's in the Black Box?*, as presented by **Jan Nešpor** from Faculty of Law, Charles University. He drew the audience's attention to the features and characteristics of automated administrative decision-making (AADM).

Later, **Pavĺina Hubková** (Maastricht University) discussed, whether the principles of the EU administrative law are still applicable with respect to the phenomenon of automatization in the decision-making. She also emphasized the mutual relation between the use of artificial intelligence in the administrative decision-making and in the judicial review. In this respect, the problem of potential control of artificial intelligence by another artificial intelligence was subject of scholarly discussion.

The panel ended with two national reports, presented by **Associate Professor Radomír Jakab** (P. J. Šafárik University in Košice) and **Miroslav Sedláček** (Faculty of Law, Charles University). In his national report on the automatization of the decision-making in the Slovak Republic, Radomír Jakab reported about forthcoming legislative changes in the field of construction law. Also, he outlined prospects in further use of artificial intelligence in the public law of the Slovak Republic. Miroslav Sedláček briefly outlined the process of automatization in judicial decision-making in the Czech Republic. In particular, he analysed the current legal framework for an electronic payment order as a new feature in the field discussed.

At the very end of the round table, **Professor Richard Pomahač** (Faculty of Law, Charles University) summarized all which has been presented so far in his speech, entitled *Artificial public administration - myth or reality?*. Discussing this topic, he pointed out that the society has been living in an environment of an constant experiment for several decades. Also, with respect to the newly emerging feature of regulatory sandboxes, he discussed the feature of *narrative sandboxes* in legislation. Lastly, he expressed his opinion, that further automatization of administration is inevitable.

The round table clearly demonstrated that new technologies represent a fruitful area for research in the field of (modern) administrative law. Therefore, academicians from all participating universities expressed their intention to participate at forthcoming lectures in modern administrative law soon.

Having said this, the research team based at the Faculty of Law wants to express thanks to the Charles University for support of the project *Regulatory Sandboxes: Mirage and Reality in Public Law* by the means of the European University Alliance.

All written versions of the presentations, delivered at the round table, will be published in the journal *AUC Juridica* 2/2024.

Liliia Serhiichuk*

* Liliia Serhiichuk, doctoral candidate, Department of Administrative Law and Administrative Science, Faculty of Law, Charles University in Prague, Prague, Czech Republic. ORCID: 0009-0004-9446-6705.