

EDITORIAL

THE EU AND SHARED MANAGEMENT OF INFORMATION: OPPORTUNITIES AND RISKS THE END OF A NEW *BELLE ÉPOQUE*?

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More or less one century ago, *La Belle Époque* (1890-1914), a period in the history of Western Europe characterized by peace and economic prosperity, came to a sudden end. Peace had endured despite the conflicts at Europe's borders and elsewhere. Economic prosperity had been favoured by technological progress and freedom of movement for persons, goods, and capital. A gentlemen could travel through Europe without a passport and be subject to minimum bureaucratic burdens. There was ample commercial opening and expansion. Movement of capital was also frequent, with positive effects for countries suffering from a chronic lack of capital, especially with a view to the building of new infrastructures. The outset of the Great War brought all this to an end.

Only between the last decades of the Twentieth century and the first decade of the new century have movements of persons been liberalised once more, and for all: workers and students, tourists and patients. Economic interdependence has grown, favoured by new legal rules and driven by new technologies, as well as by an accelerated increase in trade and investment flows. For some observers, this growing interdependence, which reflects the partial political unification of Europe, is now endangered by the centrifugal forces that are weakening the European Union. There is no doubt that those who are interested in European integration should take into account the nature and magnitude of such centripetal forces.

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However, there are important differences with respect to 1915. Economically, the growing liberalisation of markets within an area that is wider than the EU has transformed the organisation of business, moving from nation-based production structures and strategies to 'regional' networks. Socially, millions of Europeans live a part (and sometimes most) of their lives in another country. Legally, there is a still wider Europe of rights, from the Atlantic to the Urals, with a bill of rights and a Court which interacts with national judges.

Information Networks

Another important, though relatively under-studied, manifestation of this growing interdependence is the development of information exchanges between public authorities. In contrast with the traditional hierarchical vision of public authorities within national borders, a horizontal and complex set of networks has emerged within which hierarchies become blurred and public authorities function in a sort of spoke-hub distribution paradigm, with access to a common data-base.

Consider, for instance, the Visa Information System within the Schengen Area, which connects the central system to national systems, thus allowing participating countries to exchange visa data. The Schengen Information System (SIS) is even more important because it supports external border control and permits national authorities to exchange data and be informed of alerts concerning certain categories of persons. Other alert systems have been created in the fields of food safety and environmental protection.

These and other information networks provide real opportunities. But they are not without risks, although these are not always evident. Opportunities and risks are two sides of the same coin. Public administrators can define and revise their policies based on new technologies and the access to data they provide. On the other hand, the challenge is not simply to avoid misuse and abuse of these data, but also to reduce the possibility of unauthorised access. We thus need to improve public authorities' ability to ensure the proper functioning of the network

and to contain risk events should they occur. Another advantage of a network is that once it is operational, all processes can be managed through a rules-based control model. But especially, if such rules are sector-specific and fragmented, issues of transparency and accountability will arise.

Precisely for these reasons, a group of European scholars – including the author of this editorial – have proposed, in the framework of a draft proposal for ‘binding legislation’ at EU level with the aim of reinforcing the Union’s general principles that govern administrative procedure, to define new rules for information management. Unlike most such “Model Rules”, which have little or no impact on the administrative procedure of Member States, these rules should contribute to the objective of a clear allocation of responsibility between EU and national authorities, viewed as an essential feature of a decentralised structure of government. They aim to establish “a legal infrastructure for information management activities which is not excessively burdensome on the one hand, and to provide the legal standards necessary in an EU based on the rule of law on the other hand”.

Thus far, the European Parliament seems inclined to promote only an elaboration of the principles of good administration applicable at Union level and in individual cases, namely with regard to adjudication. Such a limited scope of application clearly cannot provide the type of legal infrastructure that is needed. It would be a pity if, as a consequence of this, only the risks associated with the shared management of information were highlighted, and not the opportunities it provides.