Editorial

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This last issue of JEEPL for 2021 brings to the foreground two different environmental challenges: the adaptation of legal frameworks to new technologies and the compliance of national law with EU law.

Concerning the first challenge, *Jonas Voorter* and *Christof Koolen*'s manuscript engages with the transition to a circular economy, by focusing on demolition waste and the pros and contra of using blockchain technology to improve the traceability of this waste stream. This approach is emblematic not only for waste management, but more broadly for how decision-making is evolving in general under both public and private law. It shows a move towards a digitalization of environmental law in which decision-making is progressively automatized based on pre-established (computer) models or algorithms. This development carries challenges from the perspective of judicial review of decisions and agreements.¹ It is also challenging for public administrators and even for the interaction between the general public and parties responsible for executing the automatized decisions or agreements, as it requires advanced skills to partake in such processes.² Voorter and Koolen's analysis of that digital tool prizing transparency very highly, blockchain, is therefore very welcome.

- 1 For an administrative law take, *van Ettehoven B.J.* (2019) Judicial Review in Dutch Environmental Law; from the Judge's Perspective. In: de Poorter J., Hirsch Ballin E., Lavrijssen S. (eds.), *Judicial Review of Administrative Discretion in the Administrative State*, T.M.C. Asser Press https://doi.org/10.1007/978-94-6265-307-8_7.
- 2 *Squintani, L., and Others*, Conclusions: Facts and Feelings as Catalysts for Environmental Administration 3.0, in *Squintani, L., Darpö, J., Lavrysen, L. & Stoll, P.T. (eds.), Managing Facts and Feelings in Environmental Governance*, Edward Elgar Publishing, 2019, 201–211.

This issue continues with two publications both focusing on the second challenge referred above, that of compliance of national law with EU law. In this regard, *Amelie Ohler*, *Marjan Peeters*, and *Mariolina Eliantonio*'s manuscript focuses on judicial review in environmental matters. Their main finding is that despite many attempts and judgments from the Court of Justice indicating the need to comply with EU law on access to justice, Germany's compliance is still subject to contestation. This finding is particularly striking as Eliantonio and Grashof had reached the same finding already in 2016.³ The fact that the elapsing of five years has not brought to full compliance makes the question rise about the presence of more fundamental problems in the relationship between national law and EU law.

The urgency of analyzing this fundamental problem becomes apparent when we look at the other manuscript focusing on the compliance of national law with EU law in this issue of JEEPL. *Ludwig Krämer*'s manuscript engages indeed with the problematic legacy of the German Constitutional Court's ruling contesting the implementation of judgments of the Court of Justice.⁴ This study fits well with the growing literature on follow-up judgments in environmental law including that in this Journal,⁵ and it shows that the matter is getting constitutionalized. Krämer's engagement with the shortcomings of the German Constitutional Court's reasoning and the problematic nature of this reasoning in the context of environmental law is thus a very welcome addition to the scholarly works published in this Journal.

We wish the reader a very pleasant reading!

3 *Eliantonio, M. & Grashof F.*, Wir müssen reden! – We need to have a serious talk! The Interaction between the Infringement Proceedings and the Preliminary Reference Procedure in Ensuring Compliance with EU Environmental Standards: A case Study of Trianel, Altrip and Commission v Germany, *JEEPL*, 2016 (13), 325–349.

4 Bundesverfassungsgericht, 2 BVR 859/15, decision of 5 May 2020, ECLI:DE:BVerfG:2020RS20200505.2bvr085915.

5 See in this journal, *Squintani, L. & Annink, D.*, Judicial Cooperation in Environmental Matters: Mapping National Courts' Behaviour in Follow-up Cases, *JEEPL*, 2018, 15, 147–170 and more in general, *Squintani, L. & Kalisvaart, S.*, Environmental Democracy and Judicial Cooperation in Environmental Matters: Mapping National Courts Behaviour in Follow-up Cases, *European Papers*, 2020, 931–961.