



Editorial

On 7th December 2018, the II Meeting of Portuguese EU law Professors took place at the University of Minho, Braga/Portugal. That was a thematic Meeting – under the title “*Union based on the rule of law and Digital Single Market*” – and held in the scope of the Jean Monnet Project “*INTEROP - EU Digital Single Market as a political calling: interoperability as the way forward*”, a project developed by researchers who are part of the Editorial Board of UNIO. The Meeting aimed at bringing together Professors and researchers of EU law from the Portuguese universities and to make them reflect on the main problems concerning the digitization process that we are experiencing. Some texts published in this edition of UNIO reflect that debate.

We open this edition of UNIO with a paper by José Luís da Cruz Vilaça – former Judge of the Court of Justice, former Advocate General in that Court, and first President of the (current) General Court. In this text, which corresponds to the communication presented at the indicated II Meeting of Portuguese EU law Professors, the Author addresses the new frontiers of the European courts case-law in the digital context. Finding the right balance between achieving the full potential of the digital economy in terms of innovation and economic growth, on the one hand, and protecting the core values of our liberal and democratic societies, on the other hand, has become a pressing issue for the various political actors and, in their field of action, the courts. That is why the transformation of the digital economy creates major challenges on respecting the values on which the EU is found – including democracy, fundamental rights and the rule of law – as the Author defends.

In fact, the European Commission has argued that digital is the greatest challenge the EU faces today to ensure its competitiveness in the world. The digital economy is changing the way we live, how we relate, how we consume. In this regard, the next set of papers addresses shared economy, competition and regulation. Graça Enes departs from the multilevel constitutionalism perspective to understand digital platforms impact on legal matters and defy national and European regulatory frameworks.

Nuno Cunha Rodrigues departs from a distinction between sharing economy and collaborative economy, in order to understand if there is (or not) harmonized Union’s legal regime applicable to collaborative platforms that are emerging, by analysing both Court of Justice and Commission’s approaches on the matter. Finally, the Author reflects on from different approaches followed by different Member States, lacking that harmonized solution.

Following, Patrícia Fragoso Martins and Miguel Sousa Ferro present critical approaches on the Uber judgments issued by the Court of Justice. The first highlights some implications of these case-law decisions on competition and regulatory fields, focusing on the apparent divergence between the Court and the Commission's sensitivities; the question concerning the adequate balance between the Union and the State's competences on transport matters; and, thirdly, on reflecting if new demands attached to new ICT tools actually demand new legal approaches or if elder ones are able to cope with those. The latter, departing from those judgments, tries to unravel its further implications on the pending Airbnb preliminary reference, presenting a critical approach if different decisions came into light. Furthermore, the Author reflects on the topic trying to derive conclusions from those rulings to the balance between Member States and European Union competences.

Next, Afonso Patrão and Alexandra Aragão's papers take a look at issues relating to judicial integration and electronic justice. Afonso Patrão, under the e-Justice paramount, presents an innovative approach on solving/overcoming land conveyancing through digital means, especially on the European Union law scope of application. In fact, the Author addresses cross-border transactions on immovable property and exposes difficulties derived from national legal demands namely related to the obligations of concluding the contract before a public notary or equivalent authority. Therefore, the Author scrutinizes three major e-Justice projects: CROBECO, EU-Fides and IMOLA; the first two are established and supported to simplify international contracts on immovable property by enhancing cooperation between different competent authorities of Member States; the latter aims at instituting an interoperability model for land registers. Despite concluding those projects are not enough to solve all problems, the Author tends to understand these e-Justice solutions are sufficiently scalable to also promote further cooperation between other authorities besides courts.

In a wider range, Alexandra Aragão addresses the possibility of digital tools being adequate to reach a more environmentally fair, sustainable and democratic European Union, through geographic information systems. As acknowledged by the Author, at a regional level, environment-technology nexus is omnipresent, especially since 2007, with the Inspire Directive, which established a functioning network and interoperable portal through which spatial data was collected and made available to citizens and decision-makers, impacting on an active citizenship (better enhanced and exercised through the right of accessing environmental information), leading to informed and responsible public policies.

In the same path towards sustainability in the European Union, Rui Vieira explains, in his text, to what extent the latest years have been marked by a need for decentralization and regionalisation of the Common Fisheries Policy. The Iberian nations, especially Portugal, are a distinctive case with the rather difficult Common Fisheries Policy Integration. In spite of that, its singularity regarding its maritime presence and autonomic decentralized model give potential for a new management and development of a decentralized Common Fisheries Policy, as well as a new possibility for sustainable development.

Finally, we have two texts on human rights which remind us that in the *homo digitalis* era the old legal problems have not gone away. Filipe Venade's text addresses the incorporation of the United Nations Convention on the Rights of Persons with Disabilities into the EU legal order. The Author is concerned with the effectiveness of that Convention and states that Article 53 of the Charter of Fundamental Rights

of the European Union may have the effect of requiring the European institutions themselves – and the Member States when they apply EU law – to provide the level of protection of fundamental rights guaranteed by the Convention in cases which falling within the scope of EU law.

In turn, Diva Coelho, Ricardo Diniz and Saulo Coelho's text concerns one of the biggest issues in the world society today: the effectiveness of public policies for the protection of women and reduction of gender inequality. The comparative study developed by the Authors results in a better understanding of the socio-political and institutional complexes that, in Brazil, Russia, India and China (the BRICS founding countries), shape the difficulties faced by women in recognizing their constitutionally declared rights in those States, and the inadequacies, contradictions and ineffectiveness that mark the public policies of protection and promotion of women in these nations.

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