

LAUDATIO:
PROF. MARIO P. CHITI

BARBARA MARCHETTI*

I AM very grateful and honored to be here today to deliver the *laudatio* for Professor Mario Chiti. I first met him when I was a young PhD student at the University of Trento. I was a teaching assistant in a few courses organized by an institute dedicated to the training of public officials. His lectures focused on European administrative law and deeply fascinated me. It was the mid-1990s, and cases like *F.lli Costanzo*, *Factortame*, and *Zuckerfabrik* were being discussed at the EU Court of Justice, along with their implications for national administrative systems. At that time, Mario Chiti's writings clearly conveyed the idea that national administrative law could no longer be conceived and studied without considering its European dimension.

He also emphasized the idea that an unprecedented process of cross-fertilization and mutual influence was taking place at the European level between national systems and the supranational legal order (a memorable example being his article on "The Lords of Community Law" ("I signori del diritto comunitario. La Corte di giustizia e lo sviluppo del diritto amministrativo europeo", published in the *Rivista trimestrale di diritto pubblico*), where he analyzed the jurisprudence of the Court of Justice and its role as a bridge for national principles).

This article along with others highlighted that the European integration process and its influence on national systems constituted a fascinating and unprecedented field of study, requiring analysis and reflection by national legal scholars, particularly those specializing

* Full professor of Administrative Law at the University of Trento, Italy

in administrative law. It was a new and captivating dimension of public law, the understanding of which also demanded comparative knowledge and sensitivity.

In those years, a few Italian administrative law professors engaged in these studies (among them Sabino Cassese, Guido Greco, Claudio Franchini, and Nico Falcon) and M.P. Chiti was one of the most enthusiastic. Although his contributions to administrative law are numerous and his work in comparative administrative law highly significant, the core, most original, and defining aspect of his literature was (and still is), in my opinion, European administrative law. During those years, he emerged as a passionate discoverer, invaluable guide, and major promoter of this field.

His continuous and unwavering interest in the study of European and comparative law is proved not only by the subjects of his publications and initiatives but also by his academic career. After graduating from the University of Pisa in 1980 and completing his studies at the Collegio Giuridico of the Scuola Normale Superiore in Pisa (now Sant'Anna), Mario Chiti first taught at Pisa and Cagliari Universities, and then, from 1982, at the University of Florence. In 2002, he was awarded a Jean Monnet Chair *ad personam* in European Union Administrative Law, a rare distinction that attests to his extraordinary contributions to the study of European administrative law.

He has also been actively involved in numerous national and international institutions. From 2004 to 2010, he served as President of the Italian Institute of Administrative Sciences. From 2006 to 2010, he was a member of the Committee of Experts on Public Administration (CEPA) of the United Nations (UN). From 1995 to 2004, he served as a member of the Executive Committee of the International Institute of Administrative Sciences (IISA). Additionally, he has been a member of the Study Office of the Italian Council of State and has served in numerous study commissions, including the one established by the Letta government for constitutional reform, on the recommendation of President Napolitano.

His European sensitivity also led him to be a founder of this Group, to which he has given and continues to give a consistent and fruitful contribution.

It is difficult to fully encapsulate the breadth and depth of his substantial body of scholarly work. He is the author of over 150 essays and articles, as well as the creator and editor of the most significant works on European administrative law published in Italy. Notably, he co-edited with Guido Greco the *Trattato di diritto amministrativo europeo* (*Treatise on European Administrative Law*), published in six volumes. This editorial project represents one of the most comprehensive and systematic reconstruction of the European Union's administrative system, combining a general reflection on the fundamental characteristics of European administrative law with more sectoral investigations across the many areas affected by the EU integration process. He is also co-founder (with G. Greco) of the *Italian Review of EU Administrative Law* in 1991, a legal journal that has shaped, developed, conditioned the Italian scientific debate on this important field of study and research.

Now let me move on the content of his comparative studies...

In the 1980s, Mario Chiti distinguished himself by dedicating significant attention to comparative law, particularly through his studies of English administrative law and the judicial review of administrative action. His analysis of this experience was fundamental for several reasons. First, it involved a common law system, commonly perceived as antithetical to the continental civil law systems (as Sabino Cassese teaches), thus challenging the apparent incomparability between the two models. Moreover, his in-depth examination of English administrative justice was particularly intriguing because it allowed for the observation of the emerging public law/private law divide, which had long been obscured by the influence of Dicey but came into full view with the case of *O'Reilly v. Mackman*. This discrepancy between two opposing systems gradually evolved into convergence.

His exploration of systems other than the Italian one culminated in the remarkable contribution to *Comparative Administrative Law* in 1990, where he, together with Sabino Cassese, Marco D'Alberti, and Nico Falcon, helped definitively dispel a long-standing misconcep-

tion in Italian administrative scholarship: the supposed incomparability of administrative law.

Now let me briefly mention his enthusiasm for the European Project...

For Mario Chiti, the openness to dialogue with foreign colleagues and the method of comparison have always been the ideal foundation for studying the European Community's legal order. Understanding the administrative laws of the member states has enabled Mario Chiti to fully grasp the dynamics of European integration.

His writings address every aspect of European administrative law: they cover topics such as organization, in-house providing, general principles, administrative actions – including an original reconstruction of the invalidity of administrative acts contrary to EU law – judicial protection, influence on national administrative law, and, more recently, European banking governance. In this EU legal laboratory, Mario recognizes the need to experiment with new solutions, capable of enriching and sometimes overcoming traditional categories and constructions. He is open to the needs of European integration, yet mindful of the overall legal consistency of the proposed solutions. He is both an enthusiastic innovator of legal categories and a scholar fully aware of the tensions produced by the integration process.

Let me conclude this laudatio speaking about Mario as a well-rounded lawyer...

Given his contributions to European and comparative law, Mario Chiti is rightly celebrated (by Roberto Caranta) as *The Lord of European Administrative Law*. However, his vision beyond national borders and disregarding for disciplinary boundaries has not resulted in an abstract approach to law, nor in a lack of attention to practical issues. Indeed, Mario Chiti has always nurtured the practical dimension of law, offering his expertise to public institutions, participating in debates on national and European reforms, and more recently, practicing as a lawyer.

If, as Gino Gorla said, “law is all an ebb and flow between cases and principles, between life and law,” then Mario Chiti has certainly combined scientific knowledge with an understanding of real-world issues, theory with practice. And for this too, we are deeply grateful to him, as both Italian and European scholars.

Sometimes, a *laudatio* is given for people who have retired or are in the process of retiring from active roles, having contributed much but no longer playing a significant role in the academic landscape. It is clear that this is not the case for Mario Chiti. We still expect a great deal from his insights, especially given the fascinating legal laboratory that the European Union continues to be. So, as he himself would say, it is not yet time to retire to the park benches.

So, onward we go – there is still much to be done.