ERC Starting Grant 2020
Part B2[1]
(not evaluated in Step 1)

Sections (a) and (b) of Part B2 together with section (c) Resources present in the online submission form should not exceed 15 pages. Budget table and References do not count towards the page limits.

Section a. State-of-the-art and objectives

This project will **fill an important gap** in European Union (EU) law scholarship by **uncovering, explaining and conceptualising the scope, boundaries and role of the institutional autonomy accorded to the Member States under EU law**. The EU heavily relies on Member States' legislative, administrative and judicial structures to make its rules work in practice. Member States in principle remain free to determine how those structures will be organised. Over the past two decades, however, the EU started to intervene ever more in the way in which those Member States' administrative structures have to be organised. Although Member States remain formally autonomous to set up and organise those structures, their administrative autonomy (Schütze, 2018, p. 344) can be and has been limited in an uncharted variety of ways. Questions therefore arise as to what extent Member States' administrative autonomy (synonymously referred to as institutional autonomy in the literature (Verhoeven, 2010; Finck, 2017; De Somer, 2018)) is to be conceptualised as a value or legal principle protected under EU law and how its core can be preserved or embedded better within EU law. In current legal practice and scholarship, the framework conditions and limits of EU-influenced administrative autonomy remain unclear (i.). That lack of clarity constitutes the background against which this project will take shape, analysing, theorising and pushing that question further than ever before (ii.).

i. Institutional/administrative autonomy in European Union law: a gap in legal scholarship?

At present, the precise contents, scope and limits of the (principle of) institutional/administrative autonomy of the Member States under EU law remain clouded in mystery. In EU primary law, no explicit references can be found, although the Court of Justice refers to institutional autonomy within a particular strand of case law centred on the organisation of Member States' courts rather than administrations (a.). As far as EU secondary legislation goes, only one instrument explicitly refers to institutional autonomy in the context of Member States' administrative design of regulatory authorities. That lack of explicit references does not mean that other instruments do not extend the same 'institutional autonomy' logic to other Member States' administrative structures (b.). EU legal scholarship for its part has paid comparatively little attention to the conceptualisation of the notion and boundaries of institutional/administrative autonomy in EU law (c.). The limited attention given to institutional/administrative autonomy calls for a more comprehensive study to be set up.

a. Institutional/administrative autonomy in EU primary law

Skimming through the EU's foundational Treaties (Treaty on European Union (TEU) and Treaty on the Functioning of the European Union (TFEU), the notions of institutional or administrative autonomy are nowhere to be found at first sight. Only two indirect references can be detected in Art. 4(2) and (3) TEU, in addition to some prudent references to an EU law general principle of institutional autonomy in the Court of Justice of the European Union's (CJEU's) case law, which would extend to Member States' administrative design powers as well. All in all, however, EU primary law does not contain any particular references on the ways in which Member States have to structure and organise their administrations tasked with the application and enforcement of EU law (Chiti, 2012). As a result, the contours of and the question as to the constitutional status of administrative autonomy under EU law remain open to interpretation.

[1] Instructions for completing Part B2 can be found in the '*Information for Applicants to the Starting and Consolidator Grant 2020 Calls'*.

First, **Article 4(2) TEU** only refers to the protection of national identity and government structures of the different Member States, yet does not mention institutional autonomy as such (Dobbs, 2015; Cloots, 2015). AG Jääskinnen opined that a principle of national institutional autonomy could be found to underlie that provision (Opinion to Case C-276/14, *Gmina Wroclaw*, para 50). The AG did not clarify how, in his opinion, such a principle would take shape and what limiting conditions would be put on it. Overall, the scope of that clause **remains vague** as does its exact meaning or relevance in the context of Member States' administrative designs.

Second, **Article 4(3) TEU** refers to a principle of sincere cooperation, requiring Member States to assist the EU in carrying out the tasks flowing from the Treaties. That principle does not refer to Member States' autonomy, yet also requires EU Member States to act in a cooperative manner with the European Union (Van Cleynenbreugel, 2014(1); De Baere and Roes, 2015, Klamert, 2016). As a result, those Member States will indeed have to set up structures so as to ensure EU law obligations can be complied with, implying in some ways **limits to the unbridled autonomy** of Member States to create whatever (administrative) structure they want. However, the exact limits on such autonomy have neither been marked clearly in the Treaties nor in the Court's case law on that principle.

Third, the CJEU additionally also refers to institutional autonomy in the context of its well-developed **'procedural autonomy'** case law. Given the absence of EU Courts at Member State level, national courts have to apply EU law (Van Gerven, 2000). Member States have always retained a significant amount of discretion to designate the appropriate courts and tribunals and to determine the procedural rules governing their operations. In this particular context indeed, the Court refers to the legal principles of institutional (liberty to designate and structure courts and tribunals) and procedural (liberty to set the rules of procedure for the enforcement of EU law) autonomy simultaneously (CJEU, Case C-310/16, *Dzivev*, para 30; CJEU, Case C-574/15, *Scialdone*, para 29; CJEU, Case C-419/14, *Webmindlicenses*, para 26). National procedural autonomy is not an absolute principle, however. Indeed, ever since the famous *Rewe*-judgment (CJEU, Case 33/76, *Rewe-Zentralfinanz eG*), Member States' remedial and procedural rules can only remain in place to the extent that they give EU-based claims at least the same equal treatment as similar claims based on national law (principle of equivalence) and as long as they do not render impossible or excessively difficult the invocation of EU rights (principle of effectiveness, later attached to the principle of effective judicial protection) (Girerd, 2002; Haapaniemi, 2009; Arnull, 2011; Widdershoven and Prechal, 2011; Van Cleynenbreugel, 2012; Jans, Prechal and Widdershoven, 2015).

Although it is clear that conditions of equivalence, effectiveness and effective judicial protection impose limits on the Member States' procedural autonomy, the Court has **not conclusively addressed the question whether those very principles also apply and limit Member States' autonomy to set up and organise** particular institutional structures. According to Mehdi, 2014 and Platon, 2018, the Court seems to give Member States more leeway in the institutional realm than in the procedural realm by not imposing similar conditions (see already, Rideau, 1972). So far, however, the Court has not clearly stated to what extent institutional autonomy in the realm of judicial organisation could be limited indeed.

EU law has to be applied and enforced **not only by Courts but also by Member States' administrations** (Verhoeven, 2010). In that context as well, Member States appear to remain at liberty to designate, structure and organise their administrations as long as they are capable of implementing EU law. Within the framework of the administrative implementation of EU rules, **Article 197 TFEU** highlights that effective implementation of Union law by the Member States' administrations shall be regarded as a matter of common interest. As such, the EU may support the efforts of the Member States to improve their administrative capacity to implement Union law. However, that support may not take the shape of measures harmonising Member States' administrative structures. When other, more specific provisions of EU primary law allow for such harmonisation, the EU may do so, yet only in the particular sectors touched by those provisions (Mungianu, 2016, p. 25 in the realm of border controls). Member States remain free to design and structure their administrations, until and unless the EU uses a more specific competence to harmonise and modify the conditions of administrative enforcement in particular sectors by means of EU secondary legislation (see also Schütze, 2018).

The existence of Member States' leeway in setting up administrative structures has been confirmed by different Advocates General as well. AG Jacobs in 2005 referred to a 'principle of national institutional autonomy' governing the relationships between the EU and its Member States (Opinion to Case C-394/02,

Commission v Greece, para 27). He continued by stating that 'in the absence of applicable [EU] rules, the responsibility for the implementation, application and enforcement of [those EU] rules falls upon the Member States in accordance with their national legal systems, […] subject, of course, to the constraints of the principle of effectiveness as developed by the Court'. The condition of effectiveness would thus also limit national administrative autonomy. AG Cruz Villalon on the contrary stated that as a result of the administrative autonomy principle, EU law cannot determine which persons or institutions actually *perform* certain enforcement functions in each Member State (Opinion to Case C-279/12, *Fish Legal,* para 70). That does not mean that such a principle places no limits on Member States' discretion, however. Indeed, AG Bobek more recently held that the different fundamental rights outlined in the Charter of Fundamental Rights of the European Union could also pose limits to Member States' administrative autonomy, as they would have to have structures in place ensuring compliance with the obligations flowing from that Charter (see Opinion in Case C-310/16, *Dvizev,* para 119).

In the literature, the existence of **a principle of institutional autonomy in the administrative context** has been recognised as well (Verhoeven, 2010, Szydlo, 2012, Platon, 2018). Verhoeven more particularly made the claim that administrative autonomy is above all to be interpreted as a compensatory principle for authorities having to apply EU law (also confirmed by Finck, 2017). Its contents should not be regulated too strictly by that same EU. Schütze, 2018, for his part, acknowledged the existence of a principle of administrative autonomy which leaves Member States in charge of setting up administrative structures. In his opinion, however, that principle could be limited extensively, as long as this fits certain objectives in a given EU policy field. As a result, in some sectors, Member States would be much less autonomous than in others. De Somer, 2018 added to this that, because of the extensive limits that could be placed on it, administrative autonomy is not to be considered an EU law principle of constitutional value. It would rather be a political benchmark the EU has to take into account when considering rules harmonising Member States' administrative structures.

b. Institutional/administrative autonomy in EU secondary legislation

Within the context of the organisation, structure and design of (parts of) Member States' administrations in specific sectors, **Directive 2002/21/EC** explicitly refers to the institutional autonomy of Member States as a way to justify particular organisational requirements on national regulatory authorities imposed by EU law. According to recital 11 of that Directive, 'Member States should guarantee the independence of the national regulatory authority or authorities with a view to ensuring the impartiality of their decisions. This requirement of independence is without prejudice to the institutional autonomy and constitutional obligations of the Member States'. Advocates General at the Court of Justice have confirmed that the principle of institutional autonomy recognised in that Directive can be limited by different objectives and provisions of that same Directive (see Opinion of AG Kokott in Case C-560/15, *Europa Way*; AG Bot in Case C-424/15, *Garai* and C-85/14, *KPN*; AG Sanchez-Bordona in Case C-240/15, *ISTAT* and AG Cruz Villalon in Case C-389/08, *Base*). Other than that, however, no attention has been paid to the actual contents and limits of such autonomy (CJEU, Case C-560/15, *Europa Way*; CJEU, Case C-424/15, *Garai*; CJEU, Case C-240/15, *ISTAT*; CJEU, Case C-82/07, *Comisión del Mercado de las Telecomunicaciones*; CJEU, Case C-389/08, *Base and Others*; CJEU, Case C-85/14, *KPN*). The exact scope of the administrative autonomy principle underlying that Directive thus remains unclear.

At the same time, however, **other instruments of secondary legislation** (e.g. Regulation 2016/679 in data protection law) impose similar or other limits on Member States' administrative autonomy. **In contrast with Directive 2002/21/EC**, however, they do not refer explicitly to institutional autonomy in that regard. All in all, an increasing Europeanisation of the institutional design of national administrative bodies by means of EU secondary legislation has nevertheless been noticed (De Somer, 2018). The different varieties of EU legislative interventions limiting Member States' administrative autonomy have not been the object of a comprehensive study so far, despite the EU continuing to adopt more rules determining the institutional and organisational design of Member States' administrations (e.g. Directive 2019/1 in the field of competition law).

c. A comparative lack of attention in EU administrative law scholarship

EU law scholarship has paid **limited attention to the phenomenon of the shrinking size of Member States' administrative design autonomy** and the role played by EU law in that regard, despite the field of

EU administrative law being a booming one (see among many others Besselink and Widdershoven, 1998; Schmidt-Assman, 1999, 2006; Harlow, 2002; Ziller, 2005; Schwarze, 2006; Hofmann and Türk, 2007; Auby and Dutheil de la Rochère, 2007; Curtin and Egeberg, 2008; von Danwitz, 2008; Eliantonio, 2008; Curtin, 2009; Caranta, 2009; Mendes, 2009; Harlow 2011; Hofmann, Rowe and Türk, 2011; Mendes 2011; Chiti, 2016; Wollenschläger, 2017;Harlow, Leino and della Cananea, 2017; Craig, 2018; Carolan and Curtin, 2018; Mendes and Venzke, 2018; Stelkens, 2018; Mendes, 2018). As Hofmann, Rowe and Türk have highlighted in their reference work on EU administrative law and policy, EU administrative law studies the tasks entrusted to administration, the processes through which those tasks are fulfilled and the organisational framework within which those processes take place (Hofmann, Rowe and Türk, 2011). More particularly, it analyses those **tasks, processes and institutions at both EU and Member State levels**. So far, however, EU administrative law scholarship has predominantly focused on processes, tasks and institutions at EU level (most notably comitology and related implementation procedures (Lenaerts and Verhoeven, 1993; Vos, 1997; Volpato, 2019) and the accountability of EU administration (Bovens, 2007; Curtin, 2009; Dawson, 2015), EU agencies (Everson, 1995; Chamon, 2016; Everson, Monda and Vos, 2018), on integrated, composite or mixed administrative procedures (Schmidt-Assman, 1999; Della Cananea, 2004; Hofmann and Türk, 2007; Mendes, 2011), on common principles governing EU administrative procedures (Reneual, 2014; Brito Bastos, 2018) and on the spill-over of EU general principles of administrative law to national administrative procedures (most notably the impact of general principles of EU law on national administrative procedures, Dragos and Neamtu, 2009; Widdershoven and Remac, 2012; van den Brink and den Ouden, 2015; Xenou, 2017).

At Member State level, focus has above all been on how administrations deal with EU substantive law and to what extent they enjoy discretion in doing so (Egeberg and Trondal, 2009). Comparatively little attention has been given to the conditions EU law sets on the institutional organisation and design – i.e. the status, format, structure, composition and modus operandi – of Member States' administrative bodies or authorities. De Somer has acknowledged the emergence, at Member State level, of so-called 'autonomous public law bodies', which are ever more Europeanised. That Europeanisation trend, however, is not exclusively the consequence of EU law (De Somer, 2012), as the European Court of Human Rights (ECtHR) imposes conditions as well and Member States meet in international fora such as the Organisation for Cooperation and Development in Europe (OECD), which also results in streamlining of certain administrative law features. On top of that, autonomous public law bodies have been facing increasing scrutiny at Member State level, to which they also remain accountable. EU law operates against the background of this complex set of rules and has only a limited impact (De Somer, 2017). The exact scope, limits and possibilities of EU law's interventions in those contexts have not been analysed comprehensively so far.

ii. Objectives

This project's principal ambition will be to a**nalyse how Member States' institutional/administrative autonomy is structured, limited and understood as a matter of EU law** across different sectors of regulation and how that understanding or those understandings have **shaped Member States' decisions to design administrative authorities in a particular fashion**. The freshly obtained information regarding factors influencing Member States' administrative designs will be relied on subsequently to construct **a more structured, developed or coherent theoretical framework** better capturing institutional/administrative autonomy's place as a principle or value within the EU legal order.

To attain that overall ambition, the project will pursue six objectives:

(1) **to map** for the first time and systematically the explicit and implicit organisational or institutional design obligations EU secondary legislation imposes on Member States' administrative structures across 18 fields of EU-influenced regulation;
(2) **to compare** the differences and similarities between the mapped organisational and institutional design obligations;
(3) **to uncover the concrete impact** of the EU organisational and institutional design obligations have on the institutional and organisational design of Member States' administrative structures in three case studies;
(4) **to define more generally the relevant factors** (including and in addition to EU secondary legislation) influencing the institutional and organisational design of Member States' administrative structures;

(5) **to analyse** how the previously identified relevant factors fit the EU-Member States competence division framework against the background of which institutional/administrative autonomy discussions take place;
(6) **to formulate recommendations** allowing for a more structured, developed or coherent operationalization of institutional/administrative autonomy as a value within the EU legal order.

In terms of field covered, the project's original focus lies on the way in which Member States' administrative autonomy under EU law is understood in the context of the institutional design and organisational setup of administrative structures, bodies or authorities at Member State level. In doing so, this project takes a focus different from most previous research on the relationship between national administrative law and EU law which has focused on the impact of EU substantive law rules on Member States' administrations (most notably Egeberg and Trondal, 2009) or on the reshaping of Member States' administrative (justice) procedures (Eliantonio, 2008). It also takes a distinct approach from research focusing on the processes or common principles underlying decision-making procedures of administrative authorities (Ottow, 2015) by zooming in particularly on how the organisational design is affected by and fits EU law requirements. The analysis of how EU law influences the institutional organisation and design of Member States' administrations is also different from questions relating to how those administrations cooperate within the context of EU-coordinated enforcement networks (De Visser, 2009; Joosen and Brandsma, 2017). By focusing on how EU secondary legislation affects the design of Member States' administrations, this project **offers a new and complementary way to explore the multidimensional relationship between EU law and national administrations** (Trondal and Bauer, 2017), focusing on elements that have received little attention so far among scholars.

Although the notion of institutional autonomy also pops up in relation to decision-making powers of (regional) authorities (CJEU, Case C-88/03, *Portugal v Commission*; CJEU, Cases C-430-434/06, *Comunidad Autónoma de Castilla y León et al.*; CJEU, Cases C-428-429/06, *Unión General de Trabajadores de la Rioja et al.*, De Cecco, 2012; Popovic, 2018) and regarding the setup or structure of legislative institutions, tribunals and courts (Mehdi, 2014; Platon, 2018), the focus of this project is **exclusively** on **rules, principles, policies and practices relating to the design and organisational features of administrative structures**, bodies or authorities tasked with ensuring compliance in the application and enforcement of EU rules at Member State level (see also Chiti, 2012). Within the field of Member States' administrations, the project makes the deliberate choice **not to cover rules in the area of the common foreign and security policy and in the realm of tax law**. Although the latter field is subject to some kind of harmonisation in the area of value-added tax (VAT Directive 2006/112/EC) and the Court also recognised Member States' institutional autonomy in that framework (Case C-574/15, *Scialdone*; CJEU, Case C-310/16, *Dzivev*; CJEU, Case C-276/14, *Gmina Wroclaw*), the scope and ambition of EU substantive rules in those domains replace to a less significant extent Member States' rules in place. For that reason, the EU also appears to intervene less in the institutional organisation of those administrations. That reason justifies why, for now, we decided to leave out those areas in the setup of this project.

Section b. Methodology

To attain the objectives defined above, the project proposes to proceed in three related work packages. Each package is characterised by its own research methods, time frame and output: mapping and comparing EU legal provisions (EU), uncovering their diversified appearances and impact of EU law on Member States' administrative design (DAIMO) and reframing the administrative autonomy understandings traditionally in place in EU law scholarship (NIA).

Work package I: mapping and comparing institutional design variety across EU law sectors (EU)

As no comprehensive mapping has been done of the limits EU law has placed on the administrative autonomy of Member States, this work package will analyse and assemble the relevant EU legal provisions in that regard (stage 1) and compare them (stage 2), using a combination of black-letter and comparative legal analysis.

Stage 1: mapping EU institutional design obligations (objective 1)

A quick look at different EU secondary legislation instruments already allows to discern the presence of institutional or organisational design requirements across different EU law sectors. This work package

undertakes first of all to map the presence of those requirements across different fields of regulation. To facilitate that mapping exercise, three categories of EU rules will be distinguished. First, **competition-related rules**, comprising rules aimed at guaranteeing free competition between businesses within the EU internal market. That category includes general competition law, yet also rules aimed at bringing more competition in sectors such as transport, telecommunications or digital markets. Second, **stability and safety-related rules**, comprising rules seeking to protect the stability and soundness of societal spheres. That category comprises rules regarding budgetary stability, border controls, transport and food safety, a clean environment etc. Third, **weaker party protection-related rules**, aimed at protecting parties presumed weaker because of their lack of information or their weaker position. That category encompasses rules on consumer protection, data protection, medicine regulation and asylum protection regulations.

Within those general categories, **18 fields regulated by EU rules will be distinguished**, in the framework of which organisational and institutional design obligations will be analysed:

a. *competition*-related rules:
    - (1) competition law (Regulation 1/2003 (Cseres, 2010) and Directive 2019/1, which obliges competition authorities to be independent (Wils, 2017))
    - (2) electricity and gas (Directives 2009/72 and 2009/73)
    - (3) electronic communications and audiovisual media (Directives 2002/21/EC and Directive 2010/13, which presumes independent authorities to be in place)
    - (4) postal services (Directive 2008/6);
    - (5) railway liberalisation (Directive 2012/34)
    - (6) digital single market (roaming Regulations 531/2012 and 2017/920; geo-blocking Regulation 2018/302)
b. *stability and safety*-related rules:
    - (1) prudential regulation in financial services (Regulation 1024/2013)
    - (2) Member States' budgetary soundness (Regulation 473/2013 and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, calling for independent budget authorities at Member State level)
    - (3) border protection (Regulation 2016/1624)
    - (4) food safety (Regulation 178/2002);
    - (5) environmental protection (Commission staff working document 2018)
    - (6) transport safety (the soon-to-be-replaced Directive 2008/96 (road), Directive 2016/798 (rail) and Regulation 2018/1139 (air), Regulation 2016/1625 (maritime) and Directives 2009/100 and 2016/1629 (inland waterways))
c. *weaker party protection*-related rules:
    - (1) data protection (Regulation 2016/679: Art. 28(1) of the General Data Protection Regulation 2016/679 (GDPR) demands the establishment for independent authorities to be in place at Member State level. The Court of Justice in 2010 already held that those authorities have to act fully independent (see CJEU, Case C-517/08, *Commission v Germany*, see also Lavrijssen and Ottow, 2012).
    - (2) general consumer protection (Regulation 2017/2394)
    - (3) consumer financial protection (Directive 2014/65 and Regulation 600/2014)
    - (4) asylum protection (Directive 2013/32)
    - (5) equality and antidiscrimination (Directive 2000/78/EC)
    - (6) medicinal products (Regulation 726/2004)

For each field of regulation, the project will identify and analyse the provisions of the basic legislative instrument mentioned above as well as related (delegated and implementing) acts and preparatory and accompanying review documents, looking in a black letter law fashion for the **explicit or implicit presence of one or more organisational or institutional design obligations**. Those requirements can vary in scope and focus, yet essentially focus on four general elements:

- legal form: the obligation or not to design Member States' administrations in a particular way;
- composition: conditions attached to the appointment of (key) officials within an administration;
- process: design requirements as to the structure, outcome and review of decision-making;
- modus operandi: the obligation or suggestion that procedural or other guarantees be put in place.

Stage 2: Comparing institutional design obligations (objective 2)

The mapping of administrative design obligations constitutes the starting point for a comparative analysis. Relying on the three distinctive general categories of EU regulation distinguished above, the project will conduct both intra-category and inter-category comparisons.

A first comparative assessment will be made between the six types of regulation within each category. That assessment will allow to outline in more detail the similarities and differences within each of the three categories. As the rules grouped in each category deal with more or less similar types of EU rules (promoting competition, ensuring safety and security or protecting weaker parties), it will be interesting to see whether the EU's approach to administrative design obligations is similar in those instances. A cursory overview demonstrates that this is not the case. As the purpose of the comparison is not to find similarities where there are none, the differences will be outlined and compared as well. At this stage, we are not aiming to explain the differences, but rather to highlight them. We plan to publish, for each category of rules, an openly accessible academic article, highlighting the similarities and differences between different administrative design obligations within each category.

Second, the findings of the three categories will be compared and tendencies, similarities or differences will be summarised between the distinctive categories. That analysis will focus on the law as it is in place (de lege lata) and will not fall into the trap of simply calling for a more streamlined approach when confronted with differences. The only purpose at this stage is to compare different categories and to identify parallels if those are present.

From a methodological point of view, it is important to stress that the purpose of this comparison is not only to find similarities, yet also, and above all, to underscore the different approaches taken in different fields of regulation. The purpose of the exercise is not to find one common way in which an administrative autonomy principle has been applied, but rather to distinguish the varieties in place under EU law and to uncover, if any, previously undetected similarities and differences. To reach that objective, the method followed in both types of comparison will be the functional method in comparative legal analysis. This method approaches rules as solutions to particular societal problems (De Coninck, 2010, 323). Prior to comparing legal rules addressing that problem, that problem would have to be conceptualised and transformed into questions that function as a 'tertium comparationis' – a neutral intermediary allowing to compare different sets of rules (Zweigert and Kötz, 1998). As Michaels, 2006, has very convincingly shown, this method can be used as a 'heuristic device', to trace down how law deals with similar problems in either similar or different ways. Although this method is not free from critique when used to compare solutions given to problems in different legal systems (Frankenberg, 1985; De Coninck, 2010), those criticisms are less pertinent when one compares a similar problem within one and the same legal order, as will be the case here. The main criticism is indeed that phrasing a comparison in terms of problems presupposes that the problem is the same everywhere. Within one and the same EU legal order, however, the problem the project tackles is similar (to what extent, if any, has EU law required Member States' administrations to restructure or be modified?). As such, the functional method – relying on general comparative questions or categories such as the ones proposed in stage 1 of this package – serves as a useful instrument to trace similarities and, above all, differences between different fields and categories of EU regulation.

Output and timing

The following table presents the proposed timing, resources, output and dissemination foreseen in the context of this work package:

Objective	**Timing**	**Staff**	**Output**	**Dissemination**
Obj. 1: mapping	18 months (Months 1-18)	PI + PhD student	List of relevant legislation	Website + blog
Obj. 2: comparing	24 months (Months 19-42)	PhD student + PI	3 peer-reviewed articles PhD thesis	Open access scientific publications

From the start of the project and over the course of 18 months, the PI will, together with a PhD student having obtained a specialised degree in European Union law, analyse the different categories of EU regulation and identify the presence of legislative provisions shaping the status, composition, process or modus operandi of Member States' administrations. The PI will point the PhD candidate to the different basic legal instruments, which will be analysed and discussed in depth by both of them. We foresee one month per category of EU regulation to be analysed. That may seem too little or too much (when there are only limited interventions by the EU into Member States' administrative design), yet one month seems adequate to identify the relevant provisions, understand the context of their genesis and derive whether or not they affect Member States' administrative design. The aim is to produce a list of relevant EU legislative provisions, categorising each of those provisions into one or more general element categories as proposed in stage 1 of this work package. That list, which will be useful for other researchers as well as it assembles legislative provisions analysed rarely together, will be published on the project's website, for all to access. In addition, the PhD student will write a blog on the difficulties, challenges and outcomes of the mapping exercise and the problems encountered when doing so.

The second objective – comparing EU legislative provisions – will take place over the course of 24 months, starting in month 19 of the project. Once the different EU secondary legislation provisions have been assembled, the scope of EU interventions into Member States' administrative autonomy will be compared. To do so, the PhD student will compare the scope of EU law intervention within each of the three categories of EU regulation (competition-related, safety and stability-related and weaker party protection-related). Over the course of 6 months per category, the PhD student will, in close interaction with the PI and following weekly meetings on the subject-matter, trace the differences and similarities between different EU law interventions in Member States' administrative design. For each of the three categories, this comparison must allow us to produce an academic article, which will be submitted to journals such as the *Review of European Administrative Law, Legal Issues of Economic Integration* and the *Maastricht Journal of European and Comparative Law*. We foresee an additional six months to complete the comparison for each category, which will be followed by an inter-category comparison over the course of the next six months. That comparison will be done by the PhD student, who will be able to draw conclusions within the framework of his PhD thesis from that inter-category comparison. Although the comparisons will have finished in month 42 of the project, the PhD student will stay on until month 48 to finalise his PhD manuscript and to follow up on the submitted articles containing the results of the intra-category comparisons. The articles as well as the PhD manuscript will be openly accessible, allowing for the widest possible dissemination of research results.

Work package II: a deeper understanding of the genesis and emergence of administrative organisational structures in EU Member States (DAIMO)

The mapping and comparison of EU secondary legislation provisions will allow better to understand how far the EU intervenes into Member States' administrative designs across different regulated fields. That analysis does not in itself allow us to derive whether EU secondary legislation obligations constitute a key factor having influenced administrative designs or whether other considerations play a more major role in that regard. In order to obtain relevant information as to how far EU law actually affected the design of Member States' administrative structures, **methods different from classical legal scholarship** will have to be relied on. While it would be tempting to develop a hypothesis – e.g. EU law has had a major influence on the decision how to structure an administrative body or department – which would be tested empirically (compare Egeberg and Trondal, 2009), this project consciously takes a different approach. Rather than presuming in advance that EU law indeed did or did not have a major or minor influence and looking for answers with that background hypothesis in mind, we would like to **explore on a more general level what the relevant factors are that influenced Member States' administrative design**. An approach that proves particularly useful in allowing for such an analysis is the **actor-network theory (ANT) approach**, originating in the field of Science and Technology Studies (STS, Jasanoff, 2007). Methodologically, that approach relies on a nuanced combination of documentary analysis and qualitative research, including semi-structured interviews with those responsible and those involved in the administrative structure's institutional organisation decisions. Despite being phrased as a theory, ANT is rather defined as a research method with a focus on connections between human and non-human entities (Dankert, 2011). Relying on that approach, three case studies will be set up (stage 1), enabling to draw conclusions as to the relative importance of EU

law and EU institutional design obligations in the overall setup of Member States' administrative designs (stage 2).

Stage 1: in-depth qualitative fieldwork analysis using an actor-network theory approach (objective 3)

According to the ANT-founding fathers (Callon, Law, Rip, 1986 and Latour, 1987), social institutions are the product or an effect of a network of heterogeneous materials (Law, 1992). Human and non-human objects (including legal rules) intertwine to a certain extent, which translates into a social structure (an actor-network) (Latour, 2010; Modell et al., 2017). Contrary to other social theories, where human behaviour is tested against a set of predetermined theoretical conditions, ANT does not have a theoretical background frame – humans as well as objects interact (and function as "actants", Latour, 1996), which results in a network at a given point in time and can change. Non-human actors can push or create relationships, which translates into a network; in uncovering such network, according to Modell et al., 2017, 68, ANT remains deliberately open-ended about which actors and relationships matter in the formation of actor-networks. Beyond those theoretical observations, ANT allows to uncover connections without a predetermined framework in mind. It also enables to determine what factors – including legal rules – have played a role in putting frameworks of understanding in place. Within the realm of socio-legal studies, ANT approaches have been relied on, albeit to a limited extent. In the context of housing regulation, the importance of landlord associations in interpreting or applying the law has thus been established (Cowan and Carr, 2008). From a legal scholarship perspective, ANT nevertheless presents itself as an approach able to link law with the contexts in which it takes shape or is applied and as a step to obtain relevant data to criticise the functioning of the law (McGee, 2018). Although the particularlities of some Member States' administrative structures have been analysed against an EU law background before (Poto, 2010), the ANT-approach has not been applied in this context (in fact, it has only been relied on to a most limited extent, see McGee, 2015). ANT allows to look for connections between different administrative design factors as a starting point to actually identify and lay bare those factors. Understanding particular administrative structures as the network of a variety of factors (actants), will allow to shed fresh light on how Member States' administrative designs have come to being.

It is submitted, therefore, that, conducting an ANT analysis into the factors having shaped an administrative structure in a particular way would **allow to gain a deeper understanding of how and where EU law intervenes, which other factors shape Member States' administrative design** and how, as a result, institutional/administrative autonomy is understood at Member State level. The purpose of this work package is to lay bare the whole of those factors by using ANT-related research methods. ANT requires **in-depth documentary analysis and some fieldwork taking the form of semi-structured interviews** (Dankert, 2011).

Relying on those qualitative research methods, this stage of the project will engage in an in-depth assessment of the factors having influenced Member States' administrative design. Since it would not be feasible within the project's time frame and budget to analyse all 18 fields of regulation across all EU Member States, we made the conscious choice to limit our initial scope to three main case studies centred on the three categories of EU regulation distinguished previously. In each category, we plan to lay bare the factors having shaped institutional designs in a field where EU law institutional design requirements have obviously been imposed and in one where this is done more implicitly:

- for competition-related rules: (1) general competition law and (5) railway liberalisation regulation
- for stability and safety-related rules: (1) prudential financial regulation and (5) environmental protection regulation
- for weaker party protection-related rules: (1) data protection and (5) equality and non-discrimination protection

It would also not be feasible to conduct the in-depth qualitative analysis ANT requires across all EU Member States. Therefore, a choice has been made to restrict the case analyses to **four EU Member States: Germany, Portugal, Poland and Romania**. The choice for those four Member States is not random. In choosing between different Member States, we opted for one of the original North-Western-European Member States with a strong tradition in administrative law (Germany), a Southern-European State where government regulation and supervision has also consistently played an important role (Portugal), a more recently acceded Central-European state which had to modify its administrative structures to accommodate EU requirements (Poland) and an Eastern-European Member State, in which administrations have only

recently come to terms with EU law as impacting on their administrative structures (Romania). In each Member State, the six abovementioned administrative structures would be the subject of an in-depth ANT analysis aimed at uncovering the relationships between different principles, values and governance actors or levels that have influenced their institutional design.

On the basis of that analysis, we can determine just how much or how little EU law has played a role and how the notion and principle of institutional autonomy have been understood by those responsible to design and operate the administrative structure at hand. The output aimed for in that respect consists in compiling a list of factors that underlie the design of administrative structures, in addition to and different from the EU ones identified in the previous work package. One could imagine reasons related to compliance with the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) as well as reasons grounded in national constitutional law to constitute additional factors having shaped Member States' administrative designs. Those and other factors will be brought to light at this stage.

Stage 2: building on ANT to uncover factors shaping Member States' administrative designs (objective 4)

The three in-depth case studies comprising six administrative structures in four Member States are aimed at starting to uncover the factors (or actors according to ANT scholars) that resulted in a particular organisational institutional design of a part of that Member State's administration. The purpose of that exercise was to lay bare those factors in particular cases and to describe those influences. In a second stage, however, the project would like to test to what extent those factors identified in those particular case studies can also be found in other fields identified in work package 1 which are subject to direct or indirect EU administrative design obligations. The main objective will be to **test and verify whether those factors also have influenced other fields of EU-induced administrative design at Member States' levels or whether alternative factors have been in place in those contexts**.

Rather than repeating the in-depth ANT case study experiment to all sectors thus distinguished, the project aims to proceed in two steps at this stage. First, the research team will analyse and compare the findings of the different case studies and will identify the factors that have been outlined in the different case studies as factors having impacted on the organisational design of Member States' administrations in a particular sector. Extracting those factors will result, for each of the three categories of EU-related rules, in a list of factors identified within one or more Member States during the case studies. Second, on the basis of that list of factors, we will draft a **targeted questionnaire tailored to administrative structures within each category of EU-related rules**. The questions will transcend classical legal questionnaires that ask about legal status, form and decision-making powers of national authorities (see e.g. FIDE, 2016), but will rather focus on factors – including EU law rules – that have influenced the design of a Member State administrative structure. Room will also be left to Member States' administrations to highlight other factors that influenced the decision-making process in their opinion. A list of ten to fifteen questions will be foreseen; the questions will already reflect the findings obtained from the case studies in an attempt to test those findings in other fields/sectors as well. The purpose of those questions is not to ask explicitly about how EU law influenced the administrative design, but to investigate whether the variety of factors emanating from the case studies (which may, to a certain extent, include EU law requirements) have also influenced the organisational design of administrative structures in related fields.

The questionnaire would be sent out to representatives of the administrative structures in each Member State, as well as to academic correspondents in all those Member States. The objective set here is to receive a filled out questionnaire both by the administrative structure concerned and the academic correspondent, the latter questionnaire taking a cross-sector perspective. Although the original questionnaires will be drafted in English, we will work closely with the academic correspondents to ensure a translation could be provided for if necessary. As to the set-up of the academic correspondents' network, the PI will make use of the contacts he established within the framework of different EU law associations over the past years to build and maintain the network.

Output and timing

The following table presents the proposed timing, resources, output and dissemination foreseen in the context of this work package:

Objectives	Timing	Staff	Output	Dissemination
Obj. 3: concrete impact	18 months (Months 13-30)	Senior scientist + 2 PhD students + PI	Four scientific articles	Website reports + blogs
Obj. 4: relevant factors	12 months (Months 31-42)	Senior scientist + 2 PhD students + PI	2 PhD theses 1 case report Edited volume	Factors' list on website Workshop

To complete the first stage of the second work page, the PI will set up a dedicated research team comprising a senior scientist having experience with ANT approaches as well as two PhD students. All three of them will conduct one the abovementioned case studies across four Member States. The senior scientist will also be responsible with the PI for the preparation and structuring of the interviews and questions. Although the case studies and interviews will be conducted principally in English, a local experts/academic correspondents will be involved in each of the four Member States. The PI has already collaborated with colleagues in those Member States able to act as academic correspondent. The responsible case study researcher will organise interviews and engage in documents analysis. In terms of output, the interviews and document analyses will constitute the backbone of two PhD theses and one case study report/monograph prepared by the senior scientist. Each case study will give rise to at least one academic article submitted in interdisciplinary journals such as the *Journal of Common Market Studies, Journal of Law and Society* and the *European Law Journal.* The PI and senior scientist will also prepare a peer-reviewed article outlining the potential for ANT as a means to approach questions relating to EU-Member State balance in EU administrative law. All articles and case reports will be openly accessible. The PhD students will also write a blog detailing their experiences and difficulties in applying ANT-approaches to this particular situation.

In the second stage, the questionnaires will be the central tool to collect additional information. In practice, 489 questionnaires (in case of 27 Member States or 508 in case of 28 Member States) will be sent and analysed (to all fields and Member States not included in the first package). The PI, the senior scientist and the two PhD students will work together in an organised way to analyse and summarise the answers obtained and to find similarities and differences between them. Those answers will allow the PI and his team to develop a refined list of factors influencing Member States' administrative designs. That list will be published on the project's website. In addition, the answers obtained at this stage will allow the junior researchers to complete their PhD theses by comparing our list with the factors they identified in their case studies and the senior scientist to his case report, which will be published in the form of an openly accessible scientific monograph. Although the analyses will be finished in month 42 of the project, the PhD students will keep working on their manuscripts until month 60, allowing them to finalise his PhD, to follow up on the submitted articles containing the results of the intra-category comparisons and to take part in the organisation of dissemination events. The obtained answers will constitute the basis for an academic workshop and edited volume in which parallels and differences in terms of Member States' administrative design and the (non-)role of EU law will be highlighted. The purpose of the workshop – organised between months 42 and 46 of the project – will be to assemble 12 researchers in addition to the PI (the four project researchers, five academic correspondents and three experts on EU administrative law), who will all contribute to the edited volume on the subject matter. The volume will be published as an e-book on the project's website as well.

Work package III: Towards a better informed institutional/administrative autonomy framework accompanying EU law (NIA)

The previous work package allowed to contextualise the previously mapped EU legal obligations within the array of other relevant factors shaping administrative designs at Member State level. The overview of those relevant factors thus assembled allows to shed light on the framework within which Member States' administrative design takes place across different fields influenced by EU regulation. Awareness of those factors and that framework alone, however, is not sufficient to conceptualise the proper limits of administrative autonomy under EU law, which remains the principal objective of this project. To do so, it is important also to determine to what extent the factors identified fit the EU legal framework and what that fit

or lack of fit can teach us about the possibilities and limits for the development of a more coherent and structured administrative autonomy framework under EU law. This work package compares the factors identified in the previous package **against the background of EU competence division theories** (stage 1), and will use that analysis as a starting point to reflect on the room for a **more coherent, developed or structured administrative autonomy framework in EU law**, exploring different legal policy options and offering tailored policy recommendations for each (stage 2).

Stage 1: embedding administrative design factors within EU competence-division theories (objective 5)

The research conducted in the previous work package allowed to establish that Member States' administrative design decisions are affected not only by EU law but also by other (legal, policy or alternative) factors. As we want to explore how the EU can frame its secondary legislation interventions into Member States' legal orders in a more structured, developed or coherent fashion, it is important to understand how all those factors identified relate to what the EU can or cannot do. The best way to explore what the EU can and cannot do is to revisit theories of competence division between itself and the Member States. EU-Member State competence division is essentially understood in formal-legal (EU and Member States' law remain distinct legal orders with their own sources of authority) or governance-oriented (different legal norms interact in a more symbiotic way to create a new, mixed legal order) terms (Schütze, 2009; Dawson, 2011), both of which could be considered to be grand theories of EU-Member State competence division. The literature on this topic is vast, focusing on the general framework (von Bogdandy and Bast, 2002, 2009; Van Cleynenbreugel, 2016), on the principle of subsidiarity and its exercise in practice (Granat, 2018), the room for harmonisation (Davies, 2006; Weatherill, 2006; Somek, 2008; Van Cleynenbreugel, 2014(2)), the role of subnational authorities (Finck, 2017), the relationship between the EU Courts and Member States' constitutional courts (Claes, 2006) and the impact of fundamental rights on the division of competences between the EU and its Member States (Eeckhout, 2002; Dougan, 2015; Kosta, 2015) and the role of the Charter of Fundamental Rights in that regard (Babayev, 2016). Each of those analyses, even indirectly, relies on a particular understanding of how competences have been or are to be divided between the EU and its Member States.

In both formal-legal and governance-oriented understandings of EU-Member States' competence division, the notion of institutional/administrative autonomy is given a particular shape or focus. This stage will uncover and conceptualise that focus. The PI will develop this stage building upon his previous work on integrated market supervision structures, which allowed him to identify the key competence division principles that inform the setup of EU supervisors in those contexts. The aim here will rather be to offer a status quo of how formal-legal and governance-oriented competence division theories understand institutional autonomy as a theory enabling and restraining EU interventions in Member States' administrative design competences. Summarizing the key features of EU-Member State competence division theories will allow to draft a comparative table, through which the fit or non-fit of the factors identified can be analysed more easily.

Stage 2: recommendations for setting up a more developed, structured or coherent institutional/administrative autonomy approach under EU law (objectives 5 and 6)

Having revisited that status-quo, the PI and senior scientist will analyse how the factors identified fit those understandings of competence-division, questioning whether the EU could, in theory, increase its institutional design obligations or should modify and restrain them against the background its own competence division framework. As such, it seeks to question to what extent the results obtained in previous work packages fit or can be embedded in existing theoretical frameworks of EU-Member State competence division and what the impact of such embedding would be on our understanding of the place and role of Member States' administrative autonomy within the EU legal order.

Starting from the comparative table drawn up in the previous stage and relying on the analysis of legal theories and EU law provisions, this stage will explore to what extent the previously identified factors fit or do not fit EU competence division. The fit or lack of fit will have implications on the ways in which an administrative autonomy framework can, as a matter of EU law, be developed more or less structurally. In evaluating those implications, we will distinguish and examine the (im)possibility, as a matter of EU law, of the following three scenarios to take place in each of the grand theories of EU-Member State competence division design:

- The continuity scenario: maintaining the status quo yet focusing more explicitly on ways to mobilise EU law as a tool to limit unbridled and incoherent EU interventions in the administrative design of Member States' administrations;
- The polycentric governance scenario: abandoning the administrative autonomy principle narrative overall and focusing on other principles of good administrative organisation to develop a more streamlined approach towards EU-Member State interactions in administrative design;
- The principle scenario: the development of a more explicit and constitutionally protected principle of administrative autonomy similar to the principle of procedural autonomy yet with different limiting conditions comparable to the principle of national procedural autonomy.

That analysis would also allow for tailored policy recommendations for each scenario, should EU policymakers wish to embed its current EU administrative design interventions more firmly into either one of those scenarios and develop a more structured, developed or coherent narrative underlying institutional/administrative autonomy within the EU legal order.

Output and timing

The following table presents the proposed timing, resources, output and dissemination foreseen in the context of this work package:

Objectives	**Timing**	**Staff**	**Output**	**Dissemination**
Obj. 5: embedding factors	6 months (Months 43-48)	PI	Preparatory work for Obj. 6	Project website
Obj. 6: recommendations	12 months (Months 49-60)	PI + senior scientist	Open access articles + monograph	Stakeholders' workshop

The first stage of the project essentially requires a literature study to be conducted, on the basis of which a comparative table can be drawn up outlining the essential features of EU-Member State competence division. In previous projects, the PI has had the opportunity to study and analyse EU-Member State competence division theories, which will allow him relatively easily to identify the key features of both formal-legal and governance-oriented competence division theories. Identifying those features will allow to establish benchmarks of EU-Member State competence division. Those benchmarks essentially focus on subsidiarity, sincere cooperation, procedural fairness and effective judicial protection. In either the formal-legal or the governance-oriented understandings of EU-Member State competences division, those notions have been interpreted differently. Revisiting those differences the PI will assess to what extent the factors uncovered in the previous work package allow the EU more or less to intervene depending on the theoretical framework one relies on. The comparative table proposed to distinguish the features of EU competence division will serve as a preparatory device for scientific articles and a research monograph published at the end of this work package. The table will also be published on the project's website.

The second stage of this work package will essentially require the involvement of the PI and the senior scientist, analysing and embedding the factors identified within the competence division comparative table drawn up in the previous stage. The analysis will result in two scientific articles, centred on subsidiarity and sincere cooperation and the ways in which those principles impact on EU institutional design of Member States' administrations. Those articles will be submitted to journals such as the *Common Market Law Review, European Law Review, Journal of Common Market Studies, Journal of European integration*. The purpose will be to publish one article in a law review and the other in an interdisciplinary journal. The articles will also be available on the website. The output in this stage will also result in a research monograph by the PI in which the main research results will be summarised and practical recommendations will be made. In doing so, the monograph hopes both to stimulate debates on how the organisational design of Member States' administrations in the shadow of EU law can be developed further. The senior scientist will have regular discussions on the way in which the factors are integrated into our understanding of EU competence-division theories. To disseminate the results of that stage, a stakeholders' workshop around month 50 of the project will be organised with EU and Member State officials and policymakers to discuss

the results of our research, to fine-tune research results and to present constructive ways forward. That workshop will invite 15 stakeholders (representatives from the EU institutions, from Member States and from academia) to discuss, criticise and debate the progress made.

References for part B2

Legal references

(EU) primary law

Treaty on European Union (TEU), http://data.europa.eu/eli/treaty/teu_2012/oj.

Treaty on the Functioning of the European Union (TFEU), http://data.europa.eu/eli/treaty/tfeu_2012/oj.

Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, available at https://www.consilium.europa.eu/media/20399/st00tscg26_en12.pdf.

EU secondary legislation

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, [2000] O.J. L303/16.

Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, [2002] O.J. L31/1.

Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services, [2002] O.J. L108/33.

Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, [2003] O.J. L1/1.

Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, [2004] O.J. L136/1.

Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, [2006] O.J. L347/1.

Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services, [2008] O.J. L52/3.

Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management, [2008] O.J. L319/59.

Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC, [2009] O.J. L211/55.

Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC, [2009] O.J. L211/94.

Directive 2009/100/EC of the European Parliament and of the Council of 16 September 2009 on reciprocal recognition of navigability licences for inland waterway vessels, [2009] O.J. L259/8.

Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), [2010] O.J. L95/1.

Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union, [2012] O.J. L172/10.

Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area, [2012] O.J. L343/32.

Regulation (EU) No 473/2013 of the European Parliament and of the Council of 21 May 2013 on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area, [2013] O.J. L140/11.

Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, [2013] O.J. L287/63.

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, [2013] O.J. L180/60.

Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, [2014] O.J. L173/349.

Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012, [2014] O.J. L173/84.

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), [2016] O.J. L119/1.

Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, [2016] O.J. L251/1.

Regulation (EU) 2016/1625 of the European Parliament and of the Council of 14 September 2016 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency, [2016] O.J. L251/77.

Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety, [2016] O.J. L138/102.

Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC, [2016] O.J. L252/118.

Regulation (EU) 2017/920 of the European Parliament and of the Council of 17 May 2017 amending Regulation (EU) No 531/2012 as regards rules for wholesale roaming markets, [2017] O.J. L147/1.

Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004, [2017] O.J. L345/1.

Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC, [2018] O.J. LI60/1.

Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91, [2018] O.J. L212/1.

Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market, [2019] O.J. L11/3.

Case law and AG Opinions

Court of Justice of the European Union, Case 33/76, *Rewe-Zentralfinanz eG*, EU:C:1976:188.

Court of Justice of the European Union, Case C-88/03, *Portugal v Commission*, EU:C:2006:511.

Court of Justice of the European Union, Cases C-428-429/06, *Unión General de Trabajadores de la Rioja et al.*, EU:C:2008:488.

Court of Justice of the European Union, Cases C-430-434/06, *Comunidad Autónoma de Castilla y León et al.*, EU:C:2006:757.

Court of Justice of the European Union, Case C-82/07, *Comisión del Mercado de las Telecomunicaciones*, EU:C:2008:143.

Court of Justice of the European Union, Case C-389/08, *Base and Others*, EU:C:2010:584.

Court of Justice of the European Union, Case C-517/08, *Commission v Germany*, EU:C:2010:125.

Court of Justice of the European Union, Case C-85/14, *KPN*, EU:C:2015:610.

Court of Justice of the European Union, Case C-276/14, *Gmina Wroclaw,* EU:C:2015:635.

Court of Justice of the European Union, Case C-419/14, *Webmindlicenses,* EU:C:2015:832.

Court of Justice of the European Union, Case C-240/15, *ISTAT,* EU:C:2016:608.

Court of Justice of the European Union, Case C-424/15, *Garai,* EU:C:2016:780.

Court of Justice of the European Union, Case C-560/15, *Europa Way,* EU:C:2017:593.

Court of Justice of the European Union, Case C-574/15, *Scialdone*, EU:C:2018:295.

Court of Justice of the European Union, Case C-310/16, *Dzivev*, EU:C:2019:30.

Opinion of Advocate General Léger in Case C-66/95, *Sutton,* EU:C:1996:336.

Opinion of Advocate General Mischo in Case C-403/98, *Monte Arcosu*, EU:C:2000:175.

Opinion of Advocate General Léger in Case C-224/01, *Köbler*, EU:C:2003:207.

Opinion of Advocate General Jacobs in Case C-394/02, *Commission v Greece*, EU:C:2005:105.

Opinion of Advocate General Cruz Villalon in Case C-279/12, *Fish Legal*, EU:C:2013:539.

Opinion of Advocate General Bot in Case C-85/14, *KPN,* EU:C:2015:245.

Opinion of Advocate General Jaaskinnen in Case C-276/14, *Gmina Wroclaw*, EU:C:2015:431.

Opinion of Advocate General Sanchez-Bordona in Case C-240/15, *ISTAT*, EU:C:2016:308.

Opinion of Advocate General Bot in Case C-424/15, *Garai*, EU:C:2016:503.

Opinion of Advocate General Kokott in Case C-560/15, *Europa Way*, EU:C:2017:251.

Opinion of Advocate General Bobek in Case C-310/16, *Dvizev*, EU:C:2018:623.

Commission Guidance documents

Commission staff working document 2018: Commission Staff working document, Environmental Compliance Assurance —scope, concept and need for EU actions Accompanying the document EU actions to improve environmental compliance and governance {COM(2018)10final}, 18 January 2018, available at https://ec.europa.eu/environment/legal/pdf/SWD_2018_10_F1_OTHER_STAFF_WORKING_PAPER_EN_V5_P1_959220.pdf.

Scholarly references

Rideau, 1972: J. Rideau, 'Le rôle des Etats membres dans l'application du droit communautaire', *Annuaire français de droit international*, (1972), 864-903.

Frankenberg, 1985: G. Frankenberg, 'Re-thinking comparative law', 26 *Harvard International Law Journal* (1985) 411-456.

Callon, Law, Rip, 1986: M. Callon, J. Law and A. Rip, *Mapping the Dynamics of Science and Technology: Sociology of Science in the Real World* (London: MacMillan).

Latour, 1987: B. Latour, *Science in Action: How to Follow Scientists and Engineers through Society* (Cambridge, Harvard University Press).

Law, 1992: J. Law, 'Notes on the Theory of the Actor network: Ordering, Strategy and Heterogeneity', 5 *Systems Practice* (1992), 379-393.

Lenaerts and Verhoeven, 1993: K. Lenaerts and A. Verhoeven, 'Regulating the regulatory process: "delegation of powers" in the European Community', 18 *European Law Review* (1993), 23-49.

Everson, 1995: M. Everson, 'Independent agencies: hierarchy beaters?', 1 *European Law Journal* (1995), 180-204.

Latour, 1996: B. Latour, 'On actor-network theory: a few clarifications', 47 *Soziale Welt* (1996), 369-381.

Vos, 1997: E. Vos, 'The Rise of Committees', 3 *European Law Journal* (1997), 210-229.

Besselink and Widdershoven, 1998: L. Besselink and R. Widdershoven, *Juridische gevolgen van Europese integratie voor het nationaal beleid. Preadvies Raad voor Openbaar bestuur* (The Hague, 1998).

Zweigert and Kötz, 1998: K. Zweigert and H. Kötz, *An introduction to comparative law* (Oxford, Oxford University Press, 1998, third edition).

Schmidt-Assman, 1999: E. Schmidt-Assman, 'Strukturen des Europäischen Verwaltungsrechts: einleitende Problemskizze', in: E. Schmidt-Aßmann and W. Hoffmann-Riem (eds.), *Strukturen des Europäischen Verwaltungsrechts, Schriften zur Reform des Ver-waltungsrechts*, Band 6 (Baden-Baden, Nomos, 1999), 9-44.

Van Gerven, 2000: W. Van Gerven, 'Of Rights, Remedies and Procedures', 37 *Common Market Law Review* (2000), 501-536.

Eeckhout, 2002: P. Eeckhout, 'The EU Charter of Fundamental Rights and the Federal Question', 39 *Common Market Law Review* (2002), 945-994.

Girerd, 2002: P. Girerd, 'Les principes d'équivalence et d'effectivité: encadrement ou désencadrement de l'autonomie procédurale des Etats membres?', 38 *Revue Trimesterielle de Droit Européen*. (2002), 75-102.

Harlow, 2002: C. Harlow, *Accountability in the European Union* (Oxford, Oxford University Press, 2002).

Von Bogdandy and Bast, 2002: A. Von Bogdandy and J. Bast, 'The European Union's Vertical Order of Competences: The Current Law and Proposals for its Reform', 39 *Common Market Law Review* (2002), 227-268.

Della Cananea, 2004: G. della Cananea, 'The European Union's Mixed Administrative Proceedings', 68 *Law and Contemporary Problems* (2004), 197-217.

Latour, 2005: B. Latour, *Re-assembling the Social: an introduction to Actor-Network-Theory* (Oxford, Oxford University Press, 2005).

Ziller 2005: J. Ziller (ed.), *What's New in European Administrative Law?, EUI Working Paper Law 2005/10*.

Claes, 2006: M. Claes, *The National Courts' Mandate in the European Constitution* (Hart, Oxford 2006).

Davies, 2006: G. Davies, 'Subsidiarity: The wrong idea, in the wrong place, at the wrong time', 43 *Common Market Law Review* (2006), 63-84.

Michaels, 2006: R. Michaels, 'The Functional Method of Comparative Law' in M. Reimann and R. Zimmerman (eds.), *The Oxford Handbook of Comparative law* (Oxford, Oxford University Press, 2006), 339-382.

Schmidt-Assman, 2006: E. Schmidt-Assman, 'Die Entwicklung eines Europaïsches Verwaltungsrechts' in E. Schmidt-Assman, *Das allgemeine Verwaltungsrecht als Ordnungsidee* (Heidelberg, Springer, 2006), 377-407.

Schwarze, 2006: J. Schwarze, *European Administrative Law* (London, Sweet & Maxwell, 2006).

Weatherill, 2006: S. Weatherill, Supply of and demand for internal market regulation: strategies, preferences and interpretation' in N. Nic Shuibhne (ed), *Regulating the Internal Market* (Edward Elgar 2006).

Auby and Dutheil de la Rochère, 2007: J.-P. Auby and J. Dutheil de la Rochère (eds.), *Traité de droit administrative européen* (Brussels, Bruylant, 2007) (2nd edition in 2014).

Bovens, 2007: M. Bovens, 'Analysing and Assessing Accountability. A Conceptual Framework', 13 *European Law Journal* (2007), 447-468.

Hofmann and Türk, 2007: H.C.H. Hofmann and A. Türk, 'The development of integrated administration in the EU and its consequences, 13 *European Law Journal* (2007), 253-271.

Jasanoff, 2007: S. Jasanoff, 'Making Order: Law and Science in Action," in E.Hackett et al., eds., Handbook of Science and Technology Studies, 3rded. (Cambridge, MA: MIT Press, 2007), 761-786.

Cowan and Carr, 2008: D. Cowan and H. Carr, 'Actor-Network Theory, Implementation and the Private Landlord', *Journal of Law and Society* (2008), 149-168.

Curtin and Egeberg, 2008: D. Curtin and M. Egeberg, 'Tradition and innovation: Europe's accumulated executive order', 31 *West European Politics* (2008), 639-661.

Eliantonio, 2008: M. Eliantonio, *Europeanization of administrative justice? The influence of the ECJ's case law in Italy, Germany and England* (Groningen, Europa Law Publishing 2008).

Von Danwitz, 2008: T. von Danwitz, *Europaisches Verwaltungsrecht* (Heidelberg, Springer, 2008).

Caranta, 2009: R. Caranta, 'Pleading for European Comparative Administrative Law. What's the place for comparative law in Europe?', 2 *Review of European Administrative law* (2009), 155-173.

Curtin 2009: D. Curtin, *Executive Power of the European Union. Law, practices and the living constitution* (Oxford, Oxford University Press 2009).

De Visser, 2009: M. De Visser, *Network-based governance in EC law* (Oxford, Hart, 2009).

Dragos and Neamtu, 2009: D. Dragos and B. Neamtu, 'Europeanisation of administrative law in Romania: current developments in jurisprudence and legislation', 2 *Review of European Administrative Law* (2009), 87-98.

Egeberg and Trondal, 2009: M. Egeberg and J. Trondal, 'National agencies in the European administrative space: government-driven, Commission-driven or networked?', 87 *Public administration* (2009), 779-790.

Haapaniemi, 2009: P. Haapaniemi, "Procedural Autonomy: A Misnomer?" in L. Ervo et al. (eds), *The Europeanization of Procedural Law and New Challenges to a Fair Trial* (Groningen: Europa Law Publishing, 2009), 89-109.

Hooghe and Marks, 2009: L. Hooghe and G. Marks, 'A Postfunctionalist theory of European integration: from permissive consensus to constraining dissensus', 39 *British Journal of Political Science* (2009), 1-23.

Mendes, 2009: J. Mendes, 'Good Administration in EU Law and the European Code of Good Administrative Behaviour', EUI Law Working Paper (2009), available at http://orbilu.uni.lu/bitstream/10993/29457/1/Good%20Administration%20EU%20Law_2009_09.pdf.

Schütze, 2009: R. Schütze, *From dual to cooperative federalism. The changing structure of European law* (Oxford, Oxford University Press, 2009).

Somek, 2008: A. Somek, *Individualism. An essay on the authority of the European Union* (Oxford, Oxford University Press 2008).

Von Bogdandy and Bast, 2009: A. Von Bogdandy and J. Bast, 'The Federal Order of Competences' in A. Von Bogdandy and J. Bast (eds.), *Principles of European Constitutional Law* (Oxford, Hart, 2nd Edition, 2009), 275-307.

Cseres, 2010: K. Cseres, 'Comparing laws in the enforcement of EU and national competition laws', 3 *European Journal of Legal Studies* (2010), 7-44.

De Coninck, 2010: J. De Coninck, 'The functional method of comparative law: "Quo vadis"?, 74 *Rabels Zeitschrift für ausländisches und internationales Privatrecht*, 318-350.

Latour, 2010: B. Latour, *Reassembling the Social. An introduction to Actor-Network-Theory* (Oxford, Oxford University Press).

Poto, 2010: M. Poto, *Financial Supervision in a Comparative Perspective* (Antwerp, Intersentia, 2010).

Schütze, 2010: R. Schütze, 'From Rome to Lisbon: "Executive federalism" in the (New) European Union', 47 *Common Market Law Review* (2010), 1385-1427.

Verhoeven, 2010: M. Verhoeven, 'The Costanzo Obligation and the Principle of National Institutional Autonomy: Supervision as a Bridge to Close the Gap?', 3 *Review of European Administrative Law* (2010), 23-64.

Arnull, 2011: A. Arnull, The principle of effective judicial protection: an unruly horse?', 36 *European Law Review* (2011), 51-70.

Dankert, 2011: R. Dankert, 'Using actor network theory (ANT) doing research, blogpost available at https://ritskedankert.nl/using-actor-network-theory-ant-doing-research/.

Dawson, 2011: M. Dawson, *New Governance and the transformation of EU law* (Cambridge, Cambridge University Press, 2011).

Harlow, 2011: C. Harlow, 'Three Phases in the Evolution of EU Administrative Law' in P. Craig and G. De Búrca (eds.), *The Evolution of EU law* (Oxford, Oxford University Press, 2nd Edition, 2011).

Hofmann, Rowe and Türk, 2011: H. Hofmann, G. Rowe and A. Türk, *Administrative law and policy in the European Union* (Oxford, Oxford University Press, 2011).

Mendes, 2011: J. Mendes, *Participation in EU Rulemaking: a rights-based approach* (Oxford, Oxford University Press, 2011).

Widdershoven and Prechal, 2011: R. Widdershoven, and S. Prechal, 'Redefining the Relationship between 'Rewe-effectiveness' and Effective Judicial Protection', 4 *Review of European Administrative Law*, 31-50.

Chiti, 2012: E. Chiti, 'The Governance of Compliance' in M. Cremona (ed.), *Compliance and enforcement of EU law* (Oxford, Oxford University Press, 2012), 31-56.

de Cecco, 2012: F. de Cecco, *State aid and the European economic constitution* (Oxford, Hart, 2012).

De Somer, 2012: S. De Somer, 'The Europeanisation of the law on national independent regulatory authorities from a vertical and a horizontal perspective', 5 *Review of European Administrative Law* (2012), 93-130.

Lavrijssen and Ottow, 2012: S. Lavrijssen and A. Ottow, 'Independent Supervisory Authorities: A Fragile Concept', 39 *Legal Issues of Economic Integration* (2012), 419-446.

Szydlo, 2012: M. Szydlo, 'Independent Discretion or Democratic Legitimisation? The Relations between National Regulatory Authorities and National Parliaments under EU Regulatory Framework for Network-Bound Sectors', 18 *European Law Journal* (2012), 793-820.

Szydlo, 2012: M. Szydlo, 'National Parliaments as Regulators of Network Industries: In search for the dividing line between regulatory powers of national parliaments and national regulatory authorities', 10 *International Journal of Constitutional Law* (2012), 1134-1166.

Van Cleynenbreugel, 2012: P. Van Cleynenbreugel, 'Judge-Made Standards of National Procedure in the Post-Lisbon Constitutional Framework', 37(1) *European Law Review* (2012), 90-100.

Widdershoven and Remac, 2012: R. Widdershoven and M. Remac, 'General principles of law in administrative law under European influence', *European Review of Private Law* (2012), 381-408.

Mehdi, 2014: R. Mehdi, 'Le principe d'autonomie institutionnelle et procédurale et le droit administratif', in J.-B. Auby and J. Dutheil de la Rochère (ed.), *Traité de droit administratif européen*, 2nd edition, (Bruxelles, Bruylant, 2014), 887-936.

Reneual, 2014: Reneual model rules on EU administrative procedure, http://www.reneual.eu/images/Home/ReNEUAL-Model_Rules-Compilation_BooksI_VI_2014-09-03.pdf. Also published as H. C. H. Hofmann, J.-P. Schneider, J. Ziller, J.-B. Auby, D. Curtin, G. della Cananea, D.-U. Galetta, J. Mendes, O. Mir and M. Wierzbowski, *ReNEUAL Model Rules on EU Administrative Procedure* (*Oxford*, Oxford University Press, 2017).

Van Cleynenbreugel, (2014(1)): P. Van Cleynenbreugel, *Market supervision in the European Union. Integrated administration in constitutional context* (Leiden, Brill, 2014).

Van Cleynenbreugel, 2014(2): P. Van Cleynenbreugel, 'Meroni circumvented? Article 114 TFEU and EU regulatory agencies', 21(1) *Maastricht Journal of European and Comparative Law* (2014), 64-88.

Widdershoven, 2014: R. Widdershoven, 'Developing Administrative Law in Europe: Natural Convergence or imposed Uniformity?', 7 *Review of European Administrative Law* (2014), 5-17.

Cloots, 2015: E. Cloots, *National identity in EU law* (Oxford, Oxford University Press, 2015).

Dawson, 2015: M. Dawson, 'The legal and political accountability structure of 'post-crisis' EU governance', 53 *Journal of Common Market Studies* (2015), 776-793.

De Baere and Roes, 2015: G. De Baere and T. Roes, 'EU loyalty as good faith', 64 *International and Comparative Law Quarterly* (2015), 829-874.

Dobbs, 2015: M. Dobbs, 'The Shifting Battleground of Article 4(2) TEU: Evolving National Identities and the corresponding need for EU management?', 21(2) *Electronic journal of current legal issues* (2015), http://webjcli.org/article/view/395/560.

Dougan, 2015: M. Dougan, 'Judicial Review of Member State Action under the General Principles and the Charter: Defining the "Scope of Union Law"', 52 *Common Market Law Review*, (2015), 1201-1246.

Jans, Prechal and Widdershoven, 2015: J. Jans, S. Prechal and R. Widdershoven, *Europeanisation of public law*, 2nd edition (Groningen, Europa Publishing).

Kosta, 2015: V. Kosta, *Fundamental rights in EU internal market legislation* (Oxford, Hart, 2015).

McGee, 2015: K. McGee (ed.), *Latour and the Passage of Law* (Edinburgh, Edinburgh University Press, 2015).

Ottow, 2015: A. Ottow, *Market and competition authorities: good agency principles* (Oxford, Oxford University Press, 2015).

Van den Brink and den Ouden, 2015: J. van den Brink and W. den Ouden, 'General Principles of EU law' in J. Jans, S. Prechal and R. Widdershoven, *Europeanisation of public law*, 2nd edition (Groningen, Europa Publishing), 157-260.

Babayev, 2016: R. Babayev, 'Private autonomy at Union level: on Article 16 CFR and free movement rights', 53 *Common Market Law Review* (2016), 979-1006.

Chamon, 2016: M. Chamon, *EU* Agencies*. Legal and Political Limits to the Transformation of the EU Administration*, (Oxford, Oxford University Press, 2016).

Chiti, 2016: E. Chiti, 'Is EU administrative law failing in some of its crucial tasks?', 22 *European Law Journal* (2016), 476-496.

Fide, 2016: Jenő Czuczai, Péter Darak, Petra Lancos, Marcel Szabo and András Zs. Varga (eds), Division of Competences and Regulatory Powers between the EU and the Member States, XXVII FIDE congress : congress proceedings vol. 3, (Budapest : Wolters Kluwer, 2016), available at www.fide.eu.

Klamert, 2016: M. Klamert, *The principle of loyalty in EU law*, (Oxford, Oxford University Press, 2016).

Mungianu, 2016: R. Mungianu, *Frontex and non-refoulement. The international responsibility of the EU* (Cambridge, Cambridge University Press, 2016).

Van Cleynenbreugel, 2016: P. Van Cleynenbreugel, 'Sharing powers within exclusive competences: Rethinking EU antitrust law enforcement, 12 *Croatian Yearbook of European Law and Policy* (2016), 49-79.

De Somer, 2017: S. De Somer, *Autonomous public bodies and the law: a European perspective* (Cheltenham, Edward Elgar, 2017).

Finck, 2017: M. Finck, *Subnational authorities in EU law* (Oxford, Oxford University Press, 2017).

Harlow, Leino and della Cananea, 2017: C. Harlow, P. Leino and G. della Cananea (eds.), *Research Handbook on EU administrative law*, (Cheltenham, Edward Elgar, 2017).

Joosen and Brandsma, 2017: R. Joosen and G.J. Brandsma, 'Transnational executive bodies: EU policy implementation between the EU and Member State level', 95 *Public Administration* (2017), 423-436.

Modell et al., 2017: S. Modell, E. Vinnari and K. Lukka, 'On the virtues and vices of combining theories: The case of institutional and actor-network theories in accounting research', 60 *Organisations, Accounting and Society* (2017), 62-78.

Trondal and Bauer, 2017: J. Trondal and M. W. Bauer, 'Conceptualizing the European multilevel administrative order: capturing variation in the European administrative system', 9 *European Political Science Review* (2017), 73-94.

Wils, 2017: W. Wils, 'The European Commission's "ECN+" Proposal for a Directive to empower the competition authorities of the Member States to be more effective enforcers', *Concurrences* (2017), 60-80.

Wollenschläger, 2017: F. Wollenschläger, 'Constitutionalisation and deconstitutionalisation of administrative law in view of Europeanisation and emancipation', 10 *Review of European administrative law* (2017), 7-79.

Xenou, 2017: L. Xenou, *Les principes généraux du droit de l'Union européenne et la jurisprudence administrative française* (Brussels, Bruylant, 2017).

Brito Bastos, 2018: F. Brito Bastos, 'Derivative illegality in EU composite administrative procedures', 55 *Common Market Law Review* (2018), 101-134.

Carolan and Curtin, 2018: E. Carolan and D. Curtin, 'In Search of a New Model of Checks and Balances for the EU: Beyond Separation of Powers' in J. Mendes and I. Venzke (eds.), *Allocating Authority. Who should do what in European and International law* (Oxford, Hart, 2018), 53-76.

Craig, 2018: P. Craig, *EU administrative law*, 3rd edition (Oxford, Oxford University Press, 2018).

De Somer, 2018: S. De Somer, 'The Powers of National Regulatory Authorities as Agents of EU law', 18 *ERA Forum* (2018), 581-595.

Everson, Monda and Vos, 2018: M. Everson, C. Monda and E. Vos (eds.), *European agencies in between Institutions and Member States* (The Hague, Kluwer, 2018).

Granat, 2018: K. Granat, *The principle of subsidiarity and its enforcement in the EU legal order. The role of national parliaments and the early warning system* (Oxford, Hart, 2018).

McGee, 2018: K. McGee, 'Actor-Network Theory and the Critique of Law', working paper available at www.researchgate.net.

Mendes, 2018: J. Mendes, 'The EU administration' in in F. Amtenbrink, D. Curtin, B. de Witte, P.-J. Kuijper, A. McDonnell, and S. Van den Bogaert, Stefaan (Eds.) *The Law of the European Union* (Amsterdam, Kluwer 2018), 267-311.

Mendes and Venzke, 2018: J. Mendes and I. Venzke, 'Introducing the idea of relative authority' in J. Mendes and I. Venzke (eds.), *Allocating Authority. Who should do what in European and International law* (Oxford, Hart, 2018), 1-25.

Platon, 2018: S. Platon, 'L'autonomie institutionelle des États membres de l'Union européenne - parent pauvre ou branche forte du príncipe d'autonomie institutionnelle et procédurale?' in L. Potvin-Solis (ed.), *Le statut d'Etat membre de l'Union européenne* (Brussels, Bruylant, 2018), 461-490.

Popovic, 2018: S. Popovic, 'Institutional design of State aid authorities in South East Europe: The unfit legal transplant and its ramifications' in B. Begović and D. V. Popović (eds.), *Competition Authorities in South Eastern Europe* (Heidelberg, Springer, 2018), 63-77.

Schütze, 2018: R. Schütze, *European Union law*, 2nd edition (Cambridge, Cambridge University Press, 2018).

Stelkens, 2018: U. Stelkens, 'Europäisches Verwaltungsrecht, Europäisierung des Verwaltungsrecht und Internationales Verwaltungsrecht' in P. Stelkens, H.-J. Bonk, M. Sachs, H. Schmitz (eds.), *Verwaltungsverfahrensgesetz* (Munich: C. H. Beck, 9thedition, 2018), 59-176.

Van Cleynenbreugel, 2018: P. Van Cleynenbreugel, 'Streamlining EU law enforcement in a regulated digital market environment' in M. Veenbrink and A. Looijestein-Clearie and C.S. Rusu, (eds.), *Digital markets in the EU* (Nijmegen, Wolf Publishers, 2018), 111-136.

Volpato, 2019: A. Volpato, 'Controlling the Invisible: Accountability Issues in the Exercise of Implementing Powers by EU Agencies and in Harmonised Standardisation', 12 *Review of European Administrative law* (2019), 75-96.