



**ERC StG EUDAIMONIA (GA: 948473) WORKING PAPER SERIES**

*The Working Papers published in this series are directly based on research conducted in the framework of the ERC EUDAIMONIA project based at the University of Liège. Papers cover topics related to the different Work Packages of the project and are made available to enhance discussion even prior to formal publication of scientific articles. Comments are most welcome via [pieter.vancleynenbreugel@uliege.be](mailto:pieter.vancleynenbreugel@uliege.be)*

**Working Paper 2026/1**

## **ERC EUDAIMONIA Work Package 3 – Objective 5:**

### **List of factors influencing Member States’ administrative designs in the context of the application and enforcement of EU substantive law**

Pieter Van Cleynenbreugel<sup>1</sup>

This document contains a list of factors that have been identified as influencing the design, structuring and operations of national administrative bodies and actors tasked with the implementation, application and/or enforcement of European Union law. Building on different ANT-related studies (involving documentary analysis and/or interviews) across a variety of sectors, a questionnaire targeting Member States’ administrative bodies and authorities was launched in March 2025. Interrogating administrators about the nature of their work and their role in EU law enforcement, the questionnaire sought to uncover relevant factors that influence administrative designs and decision-making structures at EU level. Its background purpose has been to map and frame the different factors that shape such designs, in an attempt to gain additional information as to the role that specific administrative design obligations in EU legislation play in that regard. As highlighted in the EUDAIMONIA project description, this choice of method is rather novel and somewhat counterintuitive; its purpose has been to elicit information “between the lines”, in order better to understand how administrative design obligations, imposed by EU secondary legislation across a wide range of fields and with different intensities, are perceived by actors on the terrain as relevant factors in designing, refining and shaping Member States’ administrative structures.

Somewhat surprisingly, the legislative presence of administrative design obligations features not explicitly as a key factor contributing to the functioning and design of administrations tasked with the implementation, application and/or enforcement of EU law. When reflecting upon their work, administrators do not as such directly or fundamentally question the institutional framework in which they are working, apart from some scarce references to the fact that some (independent safety) authorities had to be set up by virtue of European Union law. EU administrative design obligations, whatever form or format they take, in and of themselves, only play a minor role in shifting the perceptions of administrators related to the design of their national institution.

Factors that have been mentioned in a much more explicit manner have been the following:

---

<sup>1</sup> Research for this paper is carried out in the framework of an ERC Starting Grant (EUDAIMONIA, GA 948473) on national institutional autonomy in EU law.

- (1) national (constitutional and administrative) traditions;
- (2) past experiences in administrative decision-making;
- (3) political preferences (within a given constitutional framework);
- (4) accountability structures existing within the national legal order;
- (5) cooperation (including assistance) and networking obligations at EU level;
- (6) sector-specific substantive law requirements (such as unbundling in network industries, effective prudential supervision in financial regulation, including MiCA);
- (7) (EU-imposed) room required for experts (?) to take decisions in one way or another;
- (8) availability of resources at Member State level;
- (9) absence or presence of policy room for discretionary decision-making.

By contrast, legislatively imposed administrative design requirements are not at all perceived as playing a key role in the design and setup of national administrative organisations. Direct legislative design obligations flowing from EU law only play a minor role and do not seem to determine the essence of Member States' institutional design, even in areas where the EU legislator made large interventions in this domain. It is submitted that those administrative design obligations appear at best as a side effect of or a complement to factors influencing administrative designs. As a result, despite the strong/overwhelming finding that EU secondary law leads to a mandatory adjustment of national administrative designs, the recipients of these changes do not see this involvement of the EU legislator as fundamentally altering the nationally anchored administrative tradition. EU law does not seem, according to all aggregated perceptions gathered in 2025, to play an overwhelming or intrusive role in the day-to-day functioning of national bodies.

Those results raise fundamental questions as to the role EU law principles associated with limits imposed on Member States' institutional autonomy (independence, good administration, effectiveness, effective judicial protection) could or should play in this regard. The questionnaire results imply that those principles do not and, given their perceived irrelevance in day-to-day administrative operations, could not, in and of themselves, function as key vectors for institutional change in relation to Member States' administrative design choices. At best, they can only constitute secondary principles to correct certain excesses at national level and to accompany or frame rules reflecting other policy preferences, but not to design a streamlined or harmonised EU administrative enforcement framework. Legislatively imposed administrative design obligations against that background may add to such corrections, but only if and when other, more determining factors, allow for those corrections to emerge and appear.

To fully grasp the scope and extent of such corrections, the other abovementioned factors, as balanced in one way or another to “tip” EU legislation towards more or less specific or incremental administrative design obligations, need to be looked into and analysed, in order to fully grasp and understand the legislative administrative design choices made.