

***EU ADMINISTRATIVE LAW* BY DIANA-URANIA GALETTA AND JACQUES ZILLER**

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Diana-Urania Galetta and Jacques Ziller (2024) ***EU Administrative Law***, published by Edward Elgar, Cheltenham ISBN 981800375741

Knowledge and understanding of European Union (EU) administrative law is a must for academics and practitioners, not least since the Big Bang Enlargement in 2004 when the EU integration took on a new dimension. The complexity, influence and importance of the EU's actions have been growing in parallel with its new calibre. With further enlargements on the horizon, the competence and impact of the EU are of ever more crucial status today. But what is EU administrative law? With all its significance and gravity, as the authors of this book acknowledge outright, one universal definition of EU administrative law does not exist. Some academic commentators focus on the policy administration or judicial review (Craig 2018), its relationship and consequences to the EU member states, such as implementation of EU law in national legal systems (Peers & Barnard 2023: chapter 8), while some approach the subject by employing other lenses such as political or administrative science (Hofman & Ors 2011). Whereas all are fascinating, one can be under an impression that the scholarship is rather disjointed. However, this is not an obstacle for the authors of this book. Diana-Urania Galetta and Jacques Ziller are acutely aware of these different models and

provide their readers with a diligent justification and methodology taken to establish their own approach and definition of EU administrative law. Via analysis of existing scholarship and drawing from their own rich experiences of studying and teaching EU law, the authors take a functional approach to this handbook, which results in a comprehensive compendium of knowledge with clear practical ramifications. Galetta and Ziller's experience is vast, and it has clearly influenced the way in which they conduct and frame their research. Both authors have been educated in multiple EU member states studying their national legal systems in the original languages. They have also both studied European and international law from some key figures of European integration, and, of course, they have experienced the formative years of the EU (page 8). Their research is steeped in these rich experiences, as evidenced by the way they approach this topic and ask their questions. It is clear that the European integration is at the heart of their scholarship, which gives a unique context to their review of EU administrative law.

Using the functional approach to EU administrative law is a valuable development in this field, rethinking and pushing the scholarship forward. The analysis, however, is solidly anchored in a typical legal methodology based on treaties, statutes as well as soft law tools (page 9). There is also something to be said about the variety, abundance and accuracy of the bibliography. The more complex analysis is supported by the most up-to-date Court of Justice of the European Union (CJEU) jurisprudence accompanied by legislation, which will make this a perfect title for early career researchers and experts alike. However, before delving deep into analysis, the book treats the readers to a thorough revision of the administrative division of the EU institutional structure as well as of the principles by which it is governed—something even the most experienced researchers can use every so often, and something students will no doubt appreciate.

The book is divided into well-organized sections which makes it easy to find relevant information. In a logical order, it starts with conceptualizing EU administrative law, its purpose, its coexistence with the national law of member states and principles through chapter 1, entitled "EU Administrative Law as a Subject Area". It then moves on to the more concrete functionalities, institutions and procedures of EU administrative law which are indispensable to its proper operation; chapter 2 discusses the executive function of the EU; chapter 3 explains the unique and sometimes hard to grasp nature of EU law as distinct from international law, underlining the central role of the CJEU and its jurisprudence; chapters 4 and 5 examine the EU's executive function from the perspective of the

EU, and that of the member states; chapter 6 talks about the principles of EU administrative law; chapters 7 and 8 focus on the administrative organization and procedure; and, lastly, chapters 9 and 10 spotlight the principles of transparency and judicial review respectively.

Extra attention should be paid to chapter 3, entitled “The Relationship between EU and Member States’ Law”. It emphasizes the important impact that general principles of EU law have on administrative law of the member states and skilfully discusses how the principles of conferral, subsidiarity and proportionality coexist to effectively regulate the competences of the member states as well as the EU. Additionally, it comprises a section on “Multilingualism and variable geometry” which should be praised for its unique take on the nature of EU (administrative) law and its consequences. Multilingualism, as the authors remark, is a feature of the EU guaranteed by the treaties, and it is key in characterizing the relationship between the EU and the member states; ensuring equal access to the EU across its members. This means that the EU has 24 official languages. Apart from promising the obvious equality and guarding against discrimination, the authors argue that lack of this feature would mean impotence for the single market. This is not to say that multilingualism on its own guarantees absolute equality. Actually, multilingualism, as the book mentions, might lead to differences in interpretation of the EU principles or legal texts. Perhaps a discussion of the role of the CJEU in these conflicts, and what it means with regards to the equivalence of concepts and principles across the EU, would be of some value to this section. The authors engage in a short discussion of the matter and reach the inescapable conclusion that between the member states’ languages there are obvious favourites, and that fluency or native knowledge of English gives individuals considerable advantage, as for example the first drafts of EU legal Acts tend to be drafted in English and the translations follow. The issue of potential imbalance is also mentioned in the ever-growing context and presence of artificial intelligence (AI), and especially the role that AI tools play in translation processes, meaning that only experts in English language might be required. That said, the EU’s multilingualism must not be disregarded or ignored by the scholarship. As the authors remark, in its efforts to provide all individuals and legal entities with equal access to the law, the EU outperforms the United Nations which has only six official languages (page 85).

The second interesting attribute of EU law impacting on administrative law identified by the authors is variable geometry (page 88). The term aptly encapsulates its meaning—different levels of integration across different member states, which seems simple enough in theory but is

rather complex in practice. Variable geometry of the EU also goes by “two-speed Europe” or, more accurately (taking into account all the recent and anticipated changes to the European integration) a “multi-speed Europe”. This is an increasingly recognized trait of EU law which undoubtedly influenced the administrative law of the EU as well as of the member states. This is a crucial piece of the EU administrative law puzzle, as the already “multi-speed” Europe might be gaining a couple of new gears with the Balkan enlargement lurking on the horizon. Even though, as the authors note, the first even large-scale differentiation in integration occurred in 1985, it is indisputable that with passing time and the growing size of the EU, the variable geometry has gained importance and relevance in proportion to the state of its complexity. In this regard, as much as one might not want to, one must talk about Brexit as it has introduced yet further levels to differentiation of the integration. The same must be said about the Russian aggression towards Ukraine—its relevance to the EU itself as well as its impact on EU administrative law is undeniable. Political events, tensions and conflicts can and will influence EU law; in this case they might open new prospects of European integration. The authors do not shy away from these topics, even though they remain cautious in their analysis without indulging in predicting the political future of the EU—exactly the balanced discussion one expects from experienced and serious authors like Galetta and Ziller. Even though the authors draw from their comparative law expertise and background, this book does not offer a comparative lens to its analysis, nor does it make bold predictions about the future directions that EU administrative law will take. If one is looking for far-fetched legal or political prognosis, one will be disappointed. Instead, this book accepts change as a natural and integral part of the EU administrative landscape and lays it out in its current state to the reader. It is a welcome breath of fresh air in the form of certainty during uncertain times.

In conclusion, this book stands out as a resource offering a complete picture of EU administrative law. The unique but thoughtful approach and methodology foster a deeper understanding of the subject matter, especially the exploration of multilingualism as well as the concept of variable geometry. This comprehensible and accessible handbook will make a perfect and valuable library addition for academics, practitioners and students alike.

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References

Craig, Paul. *EU Administrative Law* 3rd edn. Oxford: Oxford University Press, 2018.

Peers, Steve & Catherine Barnard. *European Union Law* 4th edn. Oxford: Oxford University Press 2023) ch 8.

Hofmann, H C H, C G Rowe & A H Türk. *Administrative Law and Policy of the European Union* 1st edn. Oxford: Oxford University Press, 2011.