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Stéphanie De Somer, *Autonomous Public Bodies and the Law: A European Perspective*. Cheltenham: Edward Elgar, 2017. 360 pages. ISBN: 9781785364686. GBP 95.

How to balance two opposing trends that can be discerned in modern governance today? That question is tackled by De Somer in this timely contribution on the tension between, on the one hand, the trend of entrusting public tasks to autonomous public bodies (APBs) under the impulse of EU law and, on the other, the trend of “national restraint” under which this practice is increasingly being questioned in many Member States. Thus the “agencification” under scrutiny in this book is explicitly that occurring at Member State level, not at EU level itself (e.g. through the EMEA, the EDPS or the EBA). These two trends of EU impulse and national restraint are expertly analysed in Chapters 2 and 3 of the book. Whereas each of these two trends may warrant further scholarly attention (in different disciplines), the book’s great achievement is that by *linking* these two trends and laying bare the confrontations that ensue, it convincingly prompts the reader to rethink some of the old arguments (e.g. efficiency, credibility, quality, trustworthiness and avoiding conflicts of interest) behind establishing APBs. It is arguments like these that indeed underlie a number of EU policies that encourage or sometimes even oblige EU Member States to have recourse to establishing or reinforcing national APBs, increasingly insulating their actions from “politics”.

In a field as wide as the use of APBs in public administration, the need to restrict the object of study is inevitable for any (individual) researcher. The necessary choices made here seem very sensible. The two policy fields selected, namely network industries and human rights monitoring and supervision, indeed saw the EU-propelled emergence of entities that fit the authors' definition of APBs quite well. Still there is some asymmetry here in the research design. The agencies operating in the network industries (in the book designated as national regulatory authorities, or "NRAs", a species of the genus "APBs") deal with a range of issues in liberalized markets, such as electronic communications, the energy liberalization market, the railroad transport sector and (although subject to some debate) the audiovisual media sector. In the area of human rights supervision and monitoring however, the study operates on a more limited basis: that of data protection law and the national data protection authorities (DPAs). Yet, despite these quite different contexts, in both the network industries sector and in data protection, EU impulses have led to APBs that (1) dispose of broad discretionary powers and (2) are insulated from all forms of political supervision. The latter aspect may in fact have far-reaching implications, for example reducing the power of national parliaments to approve the regulator's budget.

A major achievement of the book that must be mentioned is its tackling of the terminological jungle surrounding the phenomenon of entrusting public tasks to entities with a certain degree of independence. The umbrella concept of "autonomous public bodies as the entities distinct from the core administration but with an institutional link with the government apparatus with government tasks and performing these tasks with a certain degree of autonomy in relation to elected politicians" may sound like a mouthful, but appears indeed a useful tool to perform comparative studies in a field where agencies, quangos and the like may be defined quite differently, especially when it comes to their expected levels of autonomy and (modalities of) oversight.

A particularly interesting revelation of the book lies in its dissecting of one of the main pillars of the EU impulse to establish (regulatory) APBs, that of time-consistency, ensuring stable policies over time (thus improving predictability and legal certainty) as the prime reason to insulate sectors (in the network industry specifically) from political decision-making. Apart from obviously being at odds with the principle of democracy, the assumptions underlying this specific EU rationale for required independence of APBs was also tested empirically by the author through a series of interviews with Belgian market players. Although evidently this means that the basis for such empirical testing was quite limited (one may also consider whether the Belgian legal system was the most appropriate one to single out, bearing in mind its unique constitutional set-up), it still proved to be an interesting "probe" into the validity of this argument behind EU-driven independence of APBs as, at least in this Member State, the time-consistency argument was weakened. The correlation between the Belgian regulator's independence and the consistency of its actions was much more limited than is often assumed by the EU legislature.

Revelations like the latter (if indeed confirmed by broader empirical study covering also other Member States than Belgium) do shed an interesting light on the trend of national restraint that in a way rehabilitates "traditional politics". The technical nature of certain decisions is not necessarily to be equated with their "apolitical" nature. Under the guise of "technicality" APBs may indeed adopt acts that involve quite sensitive political choices or trade-offs. However, it is interesting to note that the trend of national restraint has proved to be not only a consequence of such concerns over democracy but also over separation of powers (in view of the often multi-faceted tasks of the APBs involving rulemaking, decision taking and sanctioning) as well as concerns over transparency and legal certainty. Thus in Chapter 3 the author discusses in detail the efforts undertaken in three legal systems (Belgium, the Netherlands and the UK) to rationalize the process of creating APBs as well as their institutional architecture. Although from a national constitutional perspective these efforts may not always be as effective as some would hope, they are doubtless a factor to be increasingly reckoned with by national lawmakers.

The book does not limit itself to juxtaposing the trends of EU impulse and national restraint; it also makes a brave attempt to reconcile them. Although, admittedly, to achieve this goal more

research may be required than is undertaken in Chapter 5 (a series of interviews with Belgian and Dutch APB officials) it does convincingly show that designs for APBs that involve experts and elected politicians, each bringing to the table their own brand of (input/output) legitimacy, is not necessarily a matter of mixing oil with water. Contemplating such constructs (although not necessarily the ones subjected to these interviews) should indeed be pursued further.

In all, this book brings many new insights to the phenomenon of APBs, reopening some of the long-standing debates surrounding their very rationale. Especially the EU impulse to create or reinforce the insulation from politics of national APBs seems a trend that needs revisiting in this light. It is perhaps a pity that the author chose not to delve more deeply into the issue of the compatibility of the requirements imposed top-down upon national administrative organization with higher legal principles of EU constitutional law (the principle of Member State institutional autonomy or even Member State constitutional identity, Art. 4(2) TEU) notwithstanding some interesting, tentative observations to that effect in the final chapter of the book. Lawyers being lawyers, such an approach to these tensions seems all the more interesting as it may actually provide part of the solution (as in giving *legal* directions as to how far the EU can go), yet in view of the book's already quite impressive contributions to the current debate, this is easily forgiven and indeed food for further follow-up studies.

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