

THE LEGISLATIVE CHOICE BETWEEN DELEGATED AND IMPLEMENTING ACTS IN EU LAW

Walking a Labyrinth

Edited by **Eljalill Tauschinsky** and **Wolfgang Weiß**,
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Germany

'Ever since the Lisbon Treaty introduced both delegated and implementing acts into the EU's legal system, observers and practitioners alike have debated the nature and the implications of the choice between these different instruments. This authoritative book sheds light on the many intricacies of this 'labyrinth', making it a compelling read for anyone seeking a better understanding of delegated rule-making in the European Union.'

– Thomas Christiansen, Maastricht University, the Netherlands

'The choice between delegated and implementing acts is one of the most important innovations brought by the Lisbon Treaty and still poses many complex constitutional questions. This book offers an insightful and provocative re-evaluation of these questions in their theoretical, jurisprudential and practical contexts; and it will, as such, be of great interest to all students of the Union's executive law-making powers.'

– Robert Schütze, Durham University, UK and College of Europe, Bruges, Belgium

'Articles 290 and 291 TFEU were designed to provide a clear framework for the EU's subordinate legislation. Clarity, however, was lost between the Constitution for Europe and the Treaty of Lisbon. Tauschinsky and Weiß collected very thorough analyses to answer the manifold questions of differentiation between delegated and implementing legislation.'

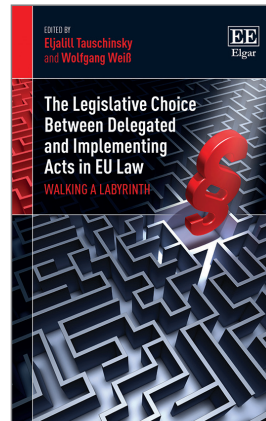
– Matthias Ruffert, Humboldt-Universität zu Berlin, Germany

In the face of current confusion regarding the use of articles 290 and 291 TFEU, there is a need to further develop the theory of legislative delegation in the EU Commission. This timely book approaches this question from a practical perspective with a detailed examination of how the legislator uses delegated and implementing mandates in different fields of EU law.

Offering an analysis of legislative practice and providing concrete evidence of how articles 290 and 291 TFEU are actually handled, the expert contributors offer new insights into potential developments in EU administrative law. From this emerges a tentative categorisation that separates delegated rule-making from implementing rule-making according to the differentiation of substantive and procedural matters. However, as difficulties in the categorisation continue to remain, the book explores their systemic reasons, deeply rooted in the unclear constitutional shape of the EU.

The Legislative Choice Between Delegated and Implementing Acts in EU Law will be essential reading for law academics and course leaders as well as practitioners in national and EU administration interested in this ongoing debate central to EU administrative law.

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