

Herwig C.H. Hofmann, Gerard C. Rowe, and Alexander H. Türk (eds), *Specialized Administrative Law of the European Union. A Sectoral Review*, Oxford: Oxford University Press, 2018, 784 pp, hb £125.

Under the title *Specialized Administrative Law of the European Union. A Sectoral Review*, Herwig C.H. Hofmann, Gerard C. Rowe and Alexander H. Türk take a new and ambitious step in their already extensive track record as pioneers of the systematic reconstruction of European administrative law. The book explores the law governing the administrative implementation of European Union public policy through a *sectoral* review across a wide range of fields of Union law, with the contributions of more than twenty internationally renowned experts in the tackled fields. In so doing, this collective volume has been arranged so as to complement, and provide an expansion of, the treatment of *general* administrative law provided by the Editors in their previous work, *Administrative Law and Policy of the European Union*.¹

It is apparent that an accurate assessment of EU administrative law cannot rest solely on the examination of the elements that make up its still nascent general part. The Editors depart precisely from the assumption that most of the law applicable to the practical implementation of EU policy is embodied in sector-specific settings, while only some elements of Union administrative law have cross-sectoral applicability. For this reason, the book intends to accomplish two tasks: on the one hand, it aims to provide an in-depth insight of the administrative implementation of Union public policy through a treatment of European sectoral administrative law across a wide range of policy fields. On the other hand, it aims to allow for an identification of those elements which are inherently unique to the sectors in which they have emerged, whilst at the same time contributing to the consolidation of the general part through the deduction and distillation, from such diversity, of the 'common core' of EU administrative law.

These aims decisively condition the content and structure of the book. The volume comprises an introductory chapter, twenty-one chapters devoted to different sector-specific areas of EU administrative law, and a final concluding chapter. Therefore, the book does not cover all possible sectoral fields of Union law and policy - it rather focuses on those policy areas that are deemed to be suitable 'reference fields' based on two main criteria. First, the Editors' approach and their interest for the interactions between general and special administrative law made it necessary to tackle those policy areas that have proven to be fertile testing grounds for approaches sometimes adopted later on in other areas. Therefore, a significant number of chapters touch upon the regime of the in-

¹ H.C.H. Hofmann, G.C. Rowe, and A.H. Türk, *Administrative Law and Policy of the European Union* (2nd revised edition forthcoming, OUP 2011).

ternal market. Second, for the purposes of the book it was necessary to choose an array of policy areas capable of accounting for the diversity of Union administrative law. This explains why the selected sectors cut across virtually all the possible sub-categories of Union sectoral policy, thereby showing the existing heterogeneity, divergences, convergences, and overlaps amongst them.

The sector-based studies are organized into seven thematic blocks. Firstly, there are five chapters devoted to the area of *foreign relations and affairs*, covering the administrative law of the enlargement policy (Andrea Ott), the European neighbourhood policy (Ibaria Vianello), the common commercial policy and the external trade of the Union (Jörg P. Terhechte), and the customs union (Laurence W. Gormley), as well as the cooperation to development and humanitarian aid (Philipp Dann and Martin Wortmann). Secondly, there are three chapters on the area of *security and justice*, namely those examining the administrative settings of EU criminal law (Valsamis Mitsilegas and Niovi Vavoula), the Common European Asylum System (Elspeth Guild), and the rules on data protection within the mechanisms of police and judicial cooperation (Diana Dimitrova). Thirdly, there is a chapter covering the administrative law of the Union's *economic governance* (Herwig C.H. Hofmann). Fourthly, a substantive part of the book explores the administrative law of the *internal market*. As noted above, this is not surprising when considering that the internal market has traditionally been a prolific field of experimentation for Union administrative law. The sector-specific studies in this part tackle the administrative dimension of the single European market in goods (Isidora Maletić and Catherine Barnard), transport policy and trans-European networks (Roland Bieber), environmental protection (André M. Latour and Gerard C. Rowe), energy policy and trans-European networks (Jens-Peter Schneider), public health policy (Marcus Klamert), as well as labour law and social policy (Nicola Kountouris and Alexandros Tsadiras). Fifthly, a thematic block is devoted to *competition and regulation*, comprising two chapters on the administrative law of state aid control (Claire Micheau) and public procurement (Christopher H. Bovis). Sixthly, there are two chapters on *distributive policy*, covering the administrative arrangements of the common agricultural policy (Joseph A. McMahon) and EU funds (Katerina Pantazatou). Finally, the *EU internal administration* is explored in two chapters, dealing specifically with EU civil service law (Kieran Bradley) and EU budget law (Richard Crowe).

The scope and the internal structure of the individual sectoral chapters share two distinctive features: they do not focus on the legal substance of the respective policy areas, yet rather pay attention solely – as far as possible – to the special elements of EU administrative law in the field concerned. Furthermore, they explore the framework of administrative action, understood in a broad sense. Therefore, they examine not only the law of administrative procedure, but also many other elements, including *inter alia*: the general constitutional principles involved, the allocation of tasks and powers, the existing organizational structures, the types of acts and measures available to administrative actors, the

mechanisms of information management, the rules governing discretion and the making of decisions, and the mechanisms of supervision and control over public officials. These elements are examined in most of the contributions, so the latter thus follow a relatively uniform and standardized approach to the administrative law of each of the sectors under consideration. This common structure of the chapters, which does not exclude certain organizational variations where necessary, allow insight into the administrative implementation of Union policies in parallel with one another, reviewing and reflecting on both the differences and commonalities of approach in the varied policy sectors.

What has been said implies that, from a methodological viewpoint, the book can be broadly brought back to the understanding of the interplay between general and special administrative law that is widely accepted by the contemporary science of (national) administrative law in Europe, which in turn has found one of its most brilliant formulations in the work of Eberhard Schmidt-Assmann.² This results particularly from the fact that the Editors explore sector-specific administrative law focusing on strategic ‘reference fields’ with the purpose to detect how they are influenced by, and influence themselves, the generally applicable EU administrative law. Moreover, the considerable convergence between the structure of the sector-based contributions and the chapter structure of the Editor’s previous work *Administrative Law and Policy of the European Union* facilitates the identification of convergences and divergences between general and sector-based administrative law, and provides indications of where a more comprehensive general approach could be advantageous for the Union.

In consonance with the aforementioned methodological approach, the concluding chapter of the book builds upon the sector-specific contributions in order to assess the degree to which a convergence or unification of European administrative law and practice might be desirable and achievable. The overall conclusion is that many policy-specific matters require the persistence of sectoral administrative law settings, but also that there are recurring elements for which standardization across all or most sectors would be quite imaginable. These converging elements regard administrative rule-making functions and procedures, single-case decision-making, the use of administrative contracts, information management rules and practices, and accountability and supervisory mechanisms. It is shown, for example, that similar problems and solutions replicate across different sectors regarding the complexity of information management systems, the organization of procedures, or the discretionary substance of the exercise of administrative powers. The conclusions of this collective volume convincingly argue that comprehensive legislation on general

² See in particular Eberhard Schmidt-Assmann, *Das allgemeine Verwaltungsrecht als Ordnungsidee: Grundlagen und Aufgaben der verwaltungsrechtlichen Systembildung* (2nd revised edition, Springer 2006).

administrative law of the Union is entirely possible. Such general framework would be entirely beneficial to provide more clarity and transparency, more effective application of the rule of law and of democratic governance, and better protection of individual rights.

The fragmented nature of Union administrative law renders the sectoral studies gathered in the book extremely valuable in and of themselves. Nevertheless, the value of this collective publication goes far beyond its mere – albeit crucial – explanatory function of sector-based administrative law. This is because it also provides a rich basis for any discussion of EU administrative law as a whole by reviewing and reflecting on both the differences and commonalities of approach in the varied policy sectors. But probably its most significant value derives from the fact that it effectively helps to improve the pre-existing understanding of the general part of Union administrative law, whilst simultaneously hinting at the possibilities available for a convergent and unifying evolution of European administrative law and regulation.

*Dolores Utrilla Fernández-Bermejo**

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Dolores Utrilla Fernández-Bermejo is Senior Lecturer of Administrative Law, University of Castilla La Mancha, Faculty of Law and Social Sciences, Spain.