

association form the very foundation for all integration work and preparations for accession under the Copenhagen criteria. The absence of footnoting in the last three chapters detracts from the use of this book as a research tool. Moreover, the price of 147.50 Euro seems rather steep given that the book extends to only 220 pages, 50 of which are copies of readily available public documents. Finally, the numerous typographical errors detracted from my enjoyment of the book, something I found disappointing given Kluwer Academic Publishers' usually high quality of editing.

Kirstyn Inglis
Ghent

T. Christiansen, E. Kirchner (Eds.), *Committee Governance in the European Union*, Manchester: Manchester University Press, 2000. 170 pages. ISBN 0-7190-5552-0. GBP 40.

M. Andenas, A. Türk (Eds.), *Delegated Legislation and the Role of Committees in the EC*, The Hague: Kluwer Law International, 2000. 428 pages. ISBN 90-411-1275-8. EUR 122.50.

European governance has been characterized since its very beginning by the presence of a complex system of committees assisting the institutions (especially Council and Commission) in the performance of their tasks. In the course of the integration process, these committees have increased in number, and further diversified their structural and functional characters. This evolution has taken place in a rather unsystematic fashion. For a long time, this development has been given only scarce interest on behalf of the scientific community. It is principally during the last decade that the role of committees in European governance has become a live issue for both academic and political reflection. This has happened in the context of the ongoing debate on European constitutionalism and European governance. The two books under review both aim at offering a contribution to this debate, albeit in a different fashion.

Committee Governance in the European Union consists of 10 short essays, including an introductory chapter. The book takes a broad perspective on committee governance. Comitology constitutes the exclusive or main subject of only three essays: an essay attempting a fact-based (that is, supported by statistical evidence) assessment of the incidence of comitology in European governance; an essay examining the role of the EP in comitology in the broader context of parliamentary oversight of executive rule-making; an essay analysing the role of committees (principally, but not exclusively, comitology committees) in the shaping and implementation of the EC environmental policy. No chapter of the book offers a description of the legal foundations of comitology. The other chapters of the book deal with committees of an entirely different nature, some of which have their legal basis in the EC Treaty or in the TEU: the 133 (formerly 113) Committee, which operates in the field of EC external relations, the "Committee on Spatial Development", the former Monetary Committee (nowadays Economic and Finance Committee) and the committees operating in the field of the CFSP. The book is introduced and concluded by two essays of a more general nature. The first of these essays is entitled *Theoretical perspectives on administrative interaction in the European Union*. It briefly surveys the various theories that have been elaborated in order to describe and explain European integration ('realist' theory, "diplomatic administration" theory, "federalist" theory, "neo-functionalism" theory and so on). Subsequently, its authors try to make an assessment of the adherence of these theories to the reality of committee governance in the EU. The essay closing the book summarizes the contents of the previous chapters and the conclusions reached therein. In the light of the evidence presented throughout the book, its author proceeds to a brief evaluation of committee governance under three respects: functional effectiveness, transparency and deliberative rationality.

Committee Governance in the European Union does not have a legal approach to the issues it deals with. At any rate, legal analysis is not prevailing. The analytical tools employed throughout the book are those of political science and sociology. Committee governance is in

fact analysed in relation to the concepts of political accountability and legitimacy. Committees are described as the *locus* of "socialization" between the different actors in European integration, as nascent and developing "epistemic communities". However, the contributions are fully accessible even to the non-specialist.

These features of the book make it recommendable reading for the lawyer: *Committee Governance* gives a simple and effective overview on aspects of European integration and institutional practice, which are all too often neglected in legal discourse.

Delegated legislation and the role of committees in the EC is different from *Committee Governance* in many respects: size, subject matter and approach. This book is one outcome of a research programme of the Centre of European Law at King's College, University of London. Its chapters are based on the papers delivered at a research seminar entitled "*Delegation of legislative powers in the EC: the role of committees*", held in London in 1998. The contributors are academics from both political and legal science.

As suggested by its title, the book has a double purpose. In the first place, it aims at providing the reader with as complete as possible an overview of the role of committees in EC governance. Secondly, it is an attempt to analyse this subject matter in the theoretical perspective of delegation of power. In the words of the editors, the book aims at exploring "the extent to which the national concepts of delegation of power can contribute to a better understanding of the Community concept of delegation". For the purpose of this review we shall not describe the book's contents according to its own subdivisions in sections and chapters. Instead, we shall deal separately with the two main "dimensions" of the book, even though they are interrelated (after all, under Art. 202 EC comitology is an organizational and procedural modality for the delegation of implementing powers from the Council to the Commission).

Concerning "the role of committees in the EC", like in *Committee Governance* the various essays do not deal exclusively with comitology. Chapters 1 and 12, in particular, provide the reader with an illustration of the structure, the task and the day-to-day functioning of a wide range of committees: comitology committees, standing and *ad hoc* working groups, informal *fora* of consultation, scientific committees and so forth. However, comitology constitutes by far the main object of analysis. The discussion of the various issues is conducted in an interdisciplinary fashion: the phenomenon of committee governance is analysed from a historical, legal and political point of view.

Taken as a whole, the relevant essays offer a clear and rich illustration of the working of committees in the EC. They provide the reader with extensive empirical data. Moreover, they highlight some aspects of European law, which are seldom dealt with in depth despite their factual and theoretical importance (e.g. the requirements under EC law of knowledge-based decision-making and the role of scientific committees; the crucial role of comitology committees in coordinating, both formally and informally, the implementation of EC law by national authorities). Finally, they question the legitimacy of committee governance in the EC under many angles.

This point is interrelated to the second topic discussed throughout the book: theory and practice of delegation of power within the EC. Here the approach is one of comparative constitutional law. Section II of the book (*A comparative perspective*) consists of four essays: an introductory essay, dealing with the principle of separation of powers and delegation of powers in the contemporary western state, and three papers analysing these same topics in the French, British and German constitutional legal orders. Another essay, to be found in Section III of the book, describes the legal requirements upon (and limitations to) delegation of rule-making powers in the EC legal order.

The aim of these essays should have been, as we pointed out before, to explore the extent to which the national concepts of delegation of power can contribute to a better understanding of the Community concept of delegation. Under this angle, however, the book is somewhat deceiving. The theoretical question the book purports to address is never directly dealt with. The only contribution openly touching on it is Haibach's *Separation and delegation of powers: a*

comparative analysis. While it is a very good contribution, it only outlines the issue, providing a basis for further discussion. It is therefore a shame that the other relevant contributions confine themselves to describing the national constitutional traditions – to a degree of detail that appears in some instances excessive, bearing in mind the book's aims – without any attempt to interrelate the concepts and requirements existing under national constitutional law for the delegation of rule-making power and those existing under EC law. In conclusion on this point, the book has no general conclusion to offer as to what role, if any, national concepts of delegation of powers can play in order to achieve a better understanding of delegation of powers in the EC. Nevertheless the book has the merit of posing this question and providing the reader with contributions – some of which are indeed valuable – which can constitute a starting point for further personal reflection.

The books under review have some qualities and shortcomings in common. As is often the case with books composed of short essays, the value of the individual contributions is quite uneven and the points and arguments made by the authors are seldom fully developed. Nevertheless, these books offer on the whole a valuable contribution to the understanding of European committee governance, of its logic and of the issues it raises. In particular, each one of them gives the reader a helpful, useful, rich description of the phenomenon of European governance by committees. In addition, the main issues the phenomenon raises, if not thoroughly discussed, are nonetheless clearly – in some cases brilliantly – pointed out. As we said, the approach and the contents of the two books differ significantly. The two books are in fact best read together, since the information and insight they offer can be regarded as being complementary.

One last thing should be taken note of. In June 1999, the Council adopted Decision 1999/468/EC, laying down the procedures for the exercise of implementing powers conferred on the Commission (the so-called “new comitology decision”). This new decision is not taken into account in all the contributions composing *Delegated Legislation*. It is however reproduced at the end of the book, together with a comment on the Commission proposal that led to its adoption. For their part, the essays composing *Committee Governance* do not mention the new decision at all. This circumstance has however a very limited impact on the book's value, given the fact that its focus is on issues of a general character concerning committee governance which have not been substantially affected by the new comitology decision.

Francesco Maiani
Lausanne

M.B. Nijhof, *De concessie in Europeesrechtelijk perspectief*. Europese Monografieën 67. Deventer: Kluwer, 2000. 341 pages. ISBN 9026837100. EUR 31.45.

The dissertation by Merlijn Nijhof, is handicapped from the start because of the absence of a clear concept of a concession. That is what she already remarks on its first page. Luckily with her awareness of this particular problem, the author not only saves the book, but improves its content enormously.

The concession is of increasing importance as a device to offer private companies a chance to execute activities of predominantly public interest within a commercial framework. Due to a need to cut spending as well as to the current fashion to involve private companies in public-private-partnerships, governments in Europe are looking for ways to regulate the execution of these activities. The concession, with its typical unclear character, somewhere between a government decision and a private agreement may just be the device they are looking for.

This unclear character however causes problems when the concession has to be given its place in law. What are we actually dealing with here? A decision of a public authority which