

*Le Agenzie dell'Unione Europea. Profili istituzionali e tendenze evolutive (The Agencies of the European Union. Institutional Profiles and Evolutionary Tendencies),*

by Vincenzo Salvatore.

Pavia, Italy: Jean Monnet Centre of Pavia, University of Pavia, 2011, available on the Internet at <[http://www.jeanmonnet-pv.it/jean\\_monnet/publications.html](http://www.jeanmonnet-pv.it/jean_monnet/publications.html)>.

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This book, coordinated and supervised by Prof. Vincenzo Salvatore, is part of the output of the workshop organized by the Università dell'Insubria in Varese in November 2010 which gathered legal and economic scholars and experts of EU Institutions with the aim of presenting and discussing present problems and future challenges of the EU agencies. The diverse set of perspectives contained in the book contributes significantly to rethink the role and nature of the EU agency institutional model, by pointing out some of the most relevant legal issues such as the delegation of powers and the lack of homogeneity of the model, which reflect features and peculiarities of the EU integration process.

The introductory article by Vincenzo Salvatore begins with an excellent analysis of the evolution of the nature, scope and powers of EU agencies, far and away the subsidiarity principle. The author recalls the mythological figure of the Minotaur to explain how the EU agencies have become a hybrid entity where the body is shaped by EU rules and the head is strongly influenced by Member States. To prevent an uncontrolled and autarchic evolution toward a nationalised model, he identifies and investigates some of the EU agencies' aspects, i.e., funding, internal and external control mechanisms, locus standi and judicial remedies, transparency obligations and stakeholders participation, and offers valid insights on how the reform process started with the Communication from the Commission, COM(2008)135 final, and the entry into force of the Lisbon Treaty should proceed.

In the second contribution, Lucia Musselli focuses on the role of EU agencies in the decision-making process of the EU institutions and particularly the Commission, after sketching the historical and political frame within the agencification phenomenon has flourished. The author investigates three main forms of participation in the decision-making process, con-

sisting of procedural rules, soft-law acts and dissemination of information. She concludes by confirming the present impossibility of identifying theoretical models of participation in the decision-making process grounded in certain legal basis and suggests that EU agencies should be understood in the public interest perspective and political administration principle, instead of that of delegation.

The paper by Lorenzo Cuocolo considers the unique system of agencies germinating in the environmental sector, both at EU and national levels. The most interesting aspect of this chapter is the definition of the complex system of environmental agencies and bodies led by the European Environment Agency (EEA) as transnational system, going beyond the subsidiarity principle. The final part of the analysis sheds some light on the limits of this system, which may be brought back to the lack of formalised procedures for the decision-making.

In the fourth article, Laura Ammannati examines the creation and development of the Agency for the Cooperation of Energy Regulators (ACER), against the scenario of the "third energy package" and the cooperation and harmonisation objectives in the energy sector. By recalling the general framework of the European administrative integration models, she highlights how ACER represents a "developed form of cooperative regulation" moving from the European networks system, besides an innovative "network agency" and an independent body both from the political influence of Member States and the EU Commission.

The work by Simone Gabbi tackles the crucial issue of guaranteeing that independent scientific advice supports the activities of the EU bodies. In particular he focuses on the European Food Safety Authority, European Medicines Agency and European Commission's Scientific Committees, in the light of the US model of the Food and Drugs Administration's scientific committees. By comparing policies regulating conflicts of interests adopted by the European selected bodies he infers that those promoted by the European Food Safety Authority are the most complete and stringent ones and that the main risk in defining an effective policy on conflicts of interests is related to its correct implementation and the possibility of imposing sanctions in case of violations.

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The article by Alessandro Spina places a welcome accent on the importance of EU agencies as collectors, administrators and distributors of EU data in an era which is deeply affected by the power of information. The key point that the author brings forward is that, in light of the US pioneering “Transparency and Open government” model endorsed by the Obama Administration, EU agencies might further develop and implement the principle of an open, efficient and independent European Administration contained in Article 298 of the TFUE by promoting innovative forms of communication (i.e., Web 2.0) and engaging the public in collaborative projects (i.e., crowdsourcing).

The paper by Davide Diverio provides an interesting insight into the genesis and features of the new European Banking Authority. By analysing two of the Authority’s powers, i.e., those related to cases of breach of EU law and to emergency situations, he criticises the reduced role and involvement of the Commission which exposes the new born Authority to the risk of being under the direct influence of the national authorities and the Authority’s answer to the European economic and financial crisis of being driven by national interests and peculiarities.

The contribution by Enrica Pavione draws attention on the next phase of the economic union endorsed by the Lisbon Treaty which should be built on subsidiarity and a new social market economy. The author recalls the lessons derived from the historical model of social market economy and interprets

the on-going redefinition of public-private relationships as a consequence of the marginalisation of the state in the economy. Against this scenario Pavione suggests that European agencies may act as drivers of new public-private aggregation processes and presents the experience of the European Medicines Agency in the Initiative for Innovative Medicine (IMI) as pioneering model.

The paper by Edoardo Chiti serves as concluding remarks of the preceding articles and analyses. The author attempts to identify the main problems of the current agencification process and indicates further paths of research. In his view, scholars should focus on the empirical dimension of the EU agencies’ system, on the mechanisms of control of their activities and finally on the on-going evolution of the consolidated model.

The main limitation of this book is its incompleteness, due to the previously mentioned background in which it has been originally conceived, i.e., a round-table or platform to discuss. Nevertheless, most of the chapters are precious jewels providing the reader with food for thoughts and the researcher with material for further investigation. The book is of absolute value to those seeking to understand how the critical and diverse political and legal issues related to EU agencies are affecting the current and future development of the agency institutional model and contribute to the reflection and debate opened by the EU Commission on the topic.