

The question of delegated law-making did indeed figure prominently on the agenda of the European Convention, which eventually lead to a new constitutional differentiation between different categories of legal acts in Articles I-34–7 of the Constitutional Treaty.

Eventually, Sander examines the vertical division of competences between the Union and its Member States against the background of his theoretical understanding of representation and legal legitimacy. Again, he derives rather specific conclusions from his conceptualization of the European Treaties as a supranational or “complementary” constitution: First, he pleads for a judicial reinforcement of the principle of subsidiarity and warns against procedural solutions emphasizing the complementary control function of the political institutions, in particular national parliaments (arguably again a typical German approach, which is moreover exemplified under reference to the recent reinforcement of the corresponding provisions of German constitution by the German Constitutional Court; pp. 543–52). Second, he supports a clearer division of competences between the Union and its Member States, which should not copy the dual competence catalogues of most federal states in order to maintain the cross-sectional character of Community law (pp. 553–9). Examined against this background, the respective proposals of the European Convention in the Draft Treaty establishing a Constitution for Europe get a mixed reception of support and criticism (pp. 570–88).

This overview of the contents of almost 700 densely printed pages (including the bibliography, the index, etc.) shows that Sander has indeed presented his own personal vision of European constitutional theory. While some sections are decidedly original, others focus on a faithful presentation of the existing theories with a particular focus on the position of German authors. In sum, the book contains too many different aspects and one doubts whether it was really necessary to deal with all these aspects of European constitutional theory, from the existence of a European demos to the institutional balance between the Council and the European Parliament. Unfortunately, this plurality of arguments lets the reader easily lose sight of Sander’s own and original thesis relating Europe’s constitutional architecture back to classic concepts of law and representation. People looking for an encyclopaedic collection of European constitutional doctrine written in German will continue to have recourse at Anne Peter’s *Elemente einer Theorie der Verfassung Europas* (Berlin, 2001), which is much less influenced by the author’s personal interpretation and moreover avoids Sander’s focus on German concepts and literature. Finally, I cannot recommend the book with a good conscience to non-native speakers, since its linguistic style is unnecessarily cumbersome and complex. The English summary with its clear language and well-structured presentation of the main theses is a positive exception in this respect.

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Rebecca Steffenson, *Managing EU-US Relations: Actors, institutions and the new transatlantic agenda*. Manchester: Manchester University Press, 2005. 211 pages. ISBN 0-7190-6970-X. GBP 55.

The end of the Cold War transformed the transatlantic relationship. It reduced the security threat on which the relationship had been forged, thereby increasing the likelihood of tensions, but it also created new incentives for cooperation in the face of both terrorism and globalization. It is not very clear where the transatlantic relationship stands overall today. What is certain, however, is that in the past decade transatlantic relations have spawned a multitude of acronymic institutions: how can the researcher, let alone the general public, find his or her way among the thicket of TAD, NTA, TEP, TABD, and MRA? The central merit of the book under review is to provide a clear roadmap to navigate the myriad groups and networks making up the transatlantic relationship.

Managing EU-US Relations argues that the creation of new institutions for managing the transatlantic relationship in the 1990s – primarily the Transatlantic Declaration (TAD), the New Transatlantic Agenda (NTA) and the Transatlantic Economic partnership (TEP) – represents a break from the past. Prior to the 1990s, there was no institutionalized structure for transatlantic governance, no formalized bilateral relations between Europe and the United States. This book builds on and updates recent literature on this new transatlantic dialogue (Peterson, *Europe and America: the prospects for partnership* (London/New York, 1996, 2nd ed.); Philippart and Winand, *Ever closer partnerships: policy-making in US-EU relations* (Brussels/New York, 2001); Pollack and Shaffer, *Transatlantic governance in the global economy, Governance in Europe* (Lanham/Oxford: 2001)).

The central question is why this institutionalization has taken place in the 1990s and to what effect. The book proceeds to answer this question by examining sequentially the institutionalization of the transatlantic relationship at the intergovernmental, transgovernmental and transnational level. It then traces EU-US decision-making in three cases: trafficking in women in Central and Eastern Europe; the creation and implementation of mutual recognition agreements; and the transatlantic trade dispute over bananas.

Steffenson argues that institutionalization occurred mainly because the growing power of the EU exacerbated conflicts over trade dispute and foreign policy at a time when it was crucial for Europe and the US to be on the same page *vis-à-vis* the rest of the world. In order to facilitate the prevention, or at least the resolution of such disputes, new institutions have increased communication between European and American policy-makers. The TAD, NTA and TEP have facilitated policy coordination and built mechanisms for dispute prevention or resolution. They have also led to a decentralization of decision-making powers to low-level State actors and non-state actors. Steffenson writes that “the new type of governance employed at the transatlantic level marks a distinct change from traditional diplomacy. Decisions are now being made by a variety of actors at various levels of decision-making.” An interesting insight of the book is that the institutionalization of the transatlantic relationship has delegated some policy-“shaping” powers to the private as well as the public sector. However, of all the civil society dialogues, only the Trans-Atlantic Business Dialogue has emerged as a real policy shaper.

This leads to one of the lingering interrogations of this book, which unfortunately is never answered in a systematic manner. As Steffenson herself claims in the conclusion, one of the central questions of the book was: Do institutions matter and if so, why do they matter? We are not offered real hypotheses about the conditions under which institutionalization makes a difference. If institutionalization has no real impact, then why should we care? In order to show the reader why this dense network of transatlantic institutions is even worth studying, Steffenson could have relied more on the burgeoning institutionalist literature, especially the rational-institutionalist and historical institutionalist, which suggests how and when specific types of institutions may have an impact on policy.

Another lingering question raised, but not addressed, by this book is the political impact of the growing complexity of transatlantic relations. “The density of different transatlantic institutions and dialogues is striking” writes Steffenson. But has this increased density complicated or simplified transatlantic cooperation? What about the effectiveness of institutions? Do more institutions mean less effectiveness for each one, or on the contrary are the multiple, complex, overlapping mandates of these institutions self-reinforcing? Has this complexity changed the way actors operate within the system? Here the author could have looked at the emerging literature on forum-shopping and the politics of nested regimes for some answers to these questions.

This is not an ambitious book. It does not pretend to contribute to the political science literature on institutions, nor to recast the transatlantic relationship in a new light, given the progress of globalization, the threat of terrorism, and the rise in power of Asia. Nevertheless, it is a very careful, detailed study, based on extensive interviews and research, which does ex-

actly what it sets out to do at the outset: understand why the institutionalization of transatlantic relations took place throughout the 1990s, illuminate the mandates and rules of all these new institutions, and examine how these institutions are working in concrete cases. It is therefore a recommended reading for anyone interested in the institutional intricacies of the transatlantic relationship.

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Panos Koutrakos, *EU international relations law*. Oxford : Hart Publishing, 2006. 542 pages. ISBN 1-84113-311-6. GBP 35.

Dealing with the legal aspects of EU's external relations in the Commission is sometimes like Sisyphus' work: one may sort out the constitutional dimensions of the inter-institutional questions in Brussels or be sent to Luxembourg to clarify the respective legal positions. One may also defend the interests of the Community *vis-à-vis* third countries in treaty negotiations, international diplomatic conferences or dispute settlement. Finally, one is under permanent observation by the foreign offices of Member States not to transgress into the realms of their activities. And one rarely gets the satisfaction of moving forward. In a moment of rest, a practitioner may wish to reflect about all these issues in a systematic way and seek consolation. In such a situation, reading a good book about the theoretical foundations and practical implications of EU's external relations law may well offer a great deal of help in overcoming the many shortcomings of practical decision-making under time pressure in a political environment.

Koutrakos' monograph would be a good choice in such a situation. He presents and analyses the basic themes of the EC's external powers (express or implied), mixity and the effects of international law inside the Community (Part I and II). In Part III he presents the "practice of EC international relations" by referring to substantive trade law and international agreements. He also goes into considerable detail on the second pillar (CFSP), including a separate chapter on the European security and defence Policy (Part IV). His final Part V discusses the external relations chapter of the Treaty establishing a Constitution for Europe. His well-chosen references and extensive bibliography reflect developments up to 2005.

Koutrakos (professor at the University of Bristol) is an excellent academic and an able writer. His strength is to discuss his subjects with great knowledge of the law, but taking account of the relevant historical and political framework as well. Following British tradition, he likes analysing the development of the case law, highlighting possible incoherencies and different phases of judicial activism or restraint. A particularly good example of this technique is his chapter on implied competence (pp. 77–132), where he characterizes the *Open Skies* judgments as "consolidating" the previous case law on the *AETR* principle. At the time of writing, the development may have again entered a new phase in the light of the far-reaching Opinion 1/03 of February 2006 (Lugano Convention). Another chapter that is recommendable for providing a well-argued systematic overview concerns the effects of international rules in the Community (pp. 217–252) and the relevant excursion on the domestic position of WTO law (pp. 253–300). The author does not confine himself to describing the legal method of conferring direct effect on certain provisions of EC international agreements. He also puts this into a broader context, making clear that the Court's case law in that area is not a mere doctrinal exercise, but takes also into account balance-of-powers issues between the institutions. Finally, his "second pillar" chapters (pp. 381–478) are particularly impressive. Koutrakos provides the reader with rich and up-to-date material which is hard to find elsewhere. He also takes clear positions on crucial issues. I cannot but agree that the regulation of dual-use goods should have been dealt with under the Community's commercial policy *ab initio* (pp. 419–427; pp.