



Multilevel Governance in the EUropean Union (European Monographs Series Set)

Nick Bernard

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There can be little doubt that the "benign neglect" from which the EC/EU so long benefited has come to an end. As European institutions expand and affect member State citizens in an ever more direct manner, issues of supranational governance and constitutionalism surge to the fore in every sphere of activity.

These issues do not easily lend themselves to resolution. Scholars are in general agreement that the EU, although it displays some features of federalism, is a new kind of entity that continues to resist any known constitutional model.

Multilevel Governance in the European Union presents the EU as a system in which public power is divided into layers of government where each layer retains autonomous power and none can claim ultimate power over the others. The author invites us to regard the EU as the product of the need for cross-border common action over a wide range of economic and social issues in the context of the absence of a conscious and willing European demos. He argues against a purely intergovernmental understanding of the EU just as much as against a purely supranational one.

With a wealth of reference to caselaw, he shows that co-operation and co-ordination rather than assertion of ultimate authority are the principles on which the EU legal order is organised. The implications for law and constitutionalism are profound. The law is less the expression of a programme of government than the result of interaction between multiple stakeholders and the constitution less a set of fixed boundaries on power than a framework to organise that interaction.

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