

*Independence and Legitimacy in the Institutional System of the European Union*, edited by D. Ritleng

Legitimacy is again a prominent issue for the European Union (EU) following the Brexit referendum and the increased Euroscepticism and politicization of European integration. This edited volume aims to assess the ‘tension between independence and legitimacy’ for non-majoritarian bodies (NMBs) (p. 3). NMBs are ‘by design [...] not directly accountable to the voters or to their elected representatives’ (p. 3). Being created as independent bodies makes legitimacy particularly controversial for NMBs.

First, the edited volume examines why the EU resorts to NMBs. Jacqu  (Chapter 1) finds that the Commission has gained in management, implementation and supervision, while its traditional legislative rights are curtailed. Dehousse (Chapter 3) argues that the existence of multiple principals prevents full delegation in the EU. Since the multiple principals may hold divergent interests, agents are regularly challenged and subject to multiple accountability mechanisms. Second, the independence and legitimacy of NMBs is examined empirically. Ritleng (Chapter 3) shows that the social legitimacy of the Court of Justice is primarily challenged by the member states. Zilioli (Chapter 4) finds that the European Central Bank enjoys a very high degree of independence in monetary policy, but less in banking supervision. Monti (Chapter 5) focuses on the relationship between the Commission and national competition authorities. He finds that national competition authorities have gained independence, but are controlled by the Commission and the Court due to their interdependence with the Commission. Vos (Chapter 5) examines EU agencies. She finds that they differ in their degree of independence and are strongly protected against market interests, but less against political interference.

Examining a wide variety of NMBs, the volume clearly contributes to our empirical understanding. Independence does not only vary between NMBs, but also across functions. The reader will probably be most interested in the cross-case comparison that, however, turns out short compared to the within-case studies of the NMBs.

Conceptually, the volume would have benefited from a shared definition of legitimacy. While Ritleng differentiates between institutional, functional and social legitimacy, others distinguish broadly input and output legitimacy. In addition, accountability should have been more clearly separated from legitimacy. Although closely linked, accountability is not the same as legitimacy.

Theoretically, the link between independence and legitimacy should have been covered more thoroughly. Is there always an ‘inherent tension’ between independence and

legitimacy as the book cover hints at? Some findings suggest a positive relationship between the two. For instance, the ECB's independence from political influence in monetary policy has increased the EU's democratic accountability (p. 138). However, the question of when independence is too high to challenge an actor's legitimacy remains open.

To conclude, the edited volume is an interesting read (mainly) for legal scholars interested in inter-institutional relations in general, and the delegation to NMBs in particular.

DANIELA A. KROLL  
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