

Traditionally, the EU law is mainly implemented by national authorities (Article 291 (1) TFEU). By contrast, individual policies are shaped at EU level. As pointed above the EU can introduce minimum rules for functions and procedures on the basis of substantive EU law, for example as regards the internal market, but also migration policy. However its competences to regulate internal functions of administrative bodies in the EU Member States are limited. Specific regulations are therefore implemented, often with great flexibility by the administrations of the Member States. This distribution of competences follows directly from Article 5(2) TEU, which introduces the so-called principle of conferral. This principle means that the EU may only act in areas in which its Member States have transferred competence to it. According to Article 6(g) TFEU: “The Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States. The areas of such action shall, at European level, be *inter alia* administrative cooperation”. The Lisbon Treaty not only legitimized the very idea of administrative cooperation, but in Article 298(1) TFEU it also legitimized the model of the European administration which should support the EU institutions, bodies, offices and agencies in carrying out their missions.<sup>1</sup>

One of the main motives for developing such a model of European composite administration is its ability to resolve common European problems which are beyond the reach of individual administrative bodies, be they at EU or national level.<sup>2</sup> In the case of instability, regardless of the sector of the economy in which such a disturbance occurs, there are regular calls in various international regimes for the improvement of joint crisis management. This is the time when demands for common solutions unifying the different normative orders intensify. In the case of the European Union, such processes take the form of a progressive institutionalization of existing cooperation.<sup>3</sup> They can also take form of qualitative “agentification”, i.e. they may involve delegating more and more specific powers to EU decentralized agencies.<sup>4</sup>

---

<sup>1</sup> See J. Reichel, *Communicating with the European Composite Administration*, “German Law Journal”, no. 5/2014, pp. 885 f.; E. Nieto-Garrido, *Possible Developments of Article 298 TFEU: Towards an Open, Efficient and Independent European Administration*, “European Public Law”, no. 2/2012, pp. 374 ff.

<sup>2</sup> More: J. Reichel, op.cit., p. 889.

<sup>3</sup> More: M. Ruffert, C. Walter, *Institutionalised International Law*, Baden-Baden 2015, pp. 20 ff.

<sup>4</sup> M. Chamon, *EU Agencies. Legal and Political Limits to the Transformation of the EU Administration*, Oxford 2016, p. 46.