

EU Regulatory Responses to Crises. Adaptation or Transformation?

Dianne Fromage, Adrienne Héritier, Paul Weismann (eds.)

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For more than a decade now, the EU has been in a continuous state of crisis. From the Great Financial Crisis 2008 to the 2015 migration crisis, the pandemic, and the war in Ukraine, these events have shaped citizens' lives and significantly influenced policy cycles and institutional responses. These emergencies have given rise to a prolific body of scholarship analyzing the consequences of crises from both legal and political perspectives.

Among these contributions, the edited volume published in 2024 by Diane Fromage, Adrienne Héritier, and Paul Weismann offers a comprehensive analysis of the EU's regulatory responses across various policy areas. One of the book's key strengths is its interdisciplinary approach: most chapters are co-authored by legal and political science scholars, providing a holistic view of each policy field. Legal analysis is interpreted through political science theories to study not only the EU regulatory responses, but also the impact of crisis on European integration.

The book consists of nine chapters, including an introduction by the editors and seven chapters dedicated to case studies on sectoral policies. The final chapter presents a summary and provides a horizontal comparative analysis of the preceding case studies. The policies examined include the Economic and Monetary Union, analyzed by Schoeller and Weismann (p. 8); financial regulation and supervision by Bauerschmidt and Quaglia (p. 37); health policy by Eriksen and Everson (p. 63); state aid by Piernas López and Cini (p. 92); energy policy by Eckert and Windahl Pedersen (p. 115); migration policy by Thym and Bornemann (p. 133); and foreign and security policy by Raube (p. 156).

This sectoral approach highlights the multifaceted nature of crises, which often affect several policy areas simultaneously. For instance, the pandemic had major repercussions on health, energy, state aid, and migration policies, all of which are explored in the respective chapters. Most of the crises cited above are addressed across multiple chapters, with the exception of the 2015 migration crisis. Notably, the chapter on migration is the only one that addresses the social construction of a crisis, offering a distinct perspective that questions the very nature of migration crises.

Each chapter responds to a set of research questions outlined in the introduction (p. 6), providing a basis for comparison. The authors first explore the state of rule-making and the legal framework in each policy area before the crises. Then they evaluate the EU's responses to determine whether they were unprecedented, both formally, in terms of typology, and materially, in terms of the scope and depth of the instruments adopted. The authors also explore how these responses affected the institutional balance, including competence creep, the relationship between the EU and Member States, and whether they contributed to covert constitutional transformation without formal treaty revisions.

While scholars interested in specific policy areas will benefit from the individual chapters, the concluding chapter is particularly valuable. It synthesizes the findings and offers a comparative overview of the EU's regulatory responses. These responses vary: some are temporary, others permanent, and some are formally temporary but effectively permanent, such as the Temporary Crisis and Transition Framework adopted in response to the Ukraine crisis (p. III).

A recurring theme throughout the volume is the shift away from traditional legislative processes towards soft law and informal governance, employed by the Commission and other EU institutions such as agencies and the European Central Bank. While soft law enables flexibility and rapid adaptation, especially where EU competences are limited, it also raises concerns about covert or stealthy integration, or competence creep (p. 66). Indeed, one of the volume's most prominent arguments is the emergence and consolidation of a technocratic and depoliticised European administrative space. This is reflected in the growing role and empowerment of the Commission in crisis response and the increasing reliance on agencies to monitor and supervise specific policy areas, to prevent and respond to crises more effectively. This book contributes to the growing scholarship on EU executive institutions in crisis management, such as the volume edited by Pollak and Slominski (2021) on EU agencies in the migration and Eurozone crises, and recent research by Arnoux-Bellavitis (2025) on the Commission's role in migration policy-making.

These institutional developments aim to address governance deficiencies that contributed to the crises in the first place. Moreover, the far-reaching impact of crises has required greater coherence and synergies across different, but interrelated policy fields in the EU's responses.

Overall, this book is a very valuable addition to the growing literature on EU crisis governance and will be of interest to legal and political scholars of European integration and EU policies, both for its theoretical insights and its detailed case studies.

References

- Pollak, Johannes, and Peter Slominski, eds. 2021. *The Role of EU Agencies in the Eurozone and Migration Crisis: Impact and Future Challenges*. Cham: Palgrave Macmillan.
- Arnoux-Bellavitis, Marguerite. 2025. '(De)Politicising Migration Management. Limiting Participation, Challenging Democratic Legitimacy and Undermining Migrants' Rights.' Università degli studi di Palermo/Paris-Lodron Universität Salzburg. Available online: Abschlussarbeiten / (De)politicising migration management policy-making