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Christina Eckes, *EU Powers Under External Pressure. How the EU's External Actions Alter its Internal Structures*. Oxford: Oxford University Press, 2019. xxxii + 262 pages. ISBN: 9780198785545. GBP 74.

The study of foreign relations law, the body of rules and norms that govern a subject of international law's international relations with other subjects, often highlights how these internal rules affect internal structures. Particularly in the case of federal systems, foreign relations law can shape the relationship between the state and federative entities, the roles of national parliaments and the executive, and the powers of courts. In *EU Powers Under External Pressure*, Christina Eckes demonstrates how the development of EU external relations law has had similarly profound effects on the EU's internal structures and dynamics. It goes further than offering a purely legal analysis of the integrative effects of international policymaking by the Union. It is also concerned with understanding the structural transformative changes that are triggered by EU external action, with a focus on how it might affect the relationships between the Union and its citizens. Whereas much of the EU external relations law literature concerns ways of ensuring that the EU can be a more effective actor on the international scene, this book is refreshing in that it places EU citizens, democracy and legitimacy front and centre.

The first chapter provides the reader with a valuable 'conceptual toolkit' that introduces the concepts used throughout the rest of the book. It uses the concept of structures of bonding, defined as "formal legal channels of interaction and justification between the Union and its citizens" (p. 147) and the principles of autonomy, effectiveness, and legitimacy. This discussion of bonding structures permeates the entire book and helps bring together concepts such as effectiveness, autonomy, EU loyalty and subsidiarity under a common theoretical framework.

Chapter 2 examines the obligations of loyalty that EU law imposes on the Member States and the Union institutions. It is in the field of EU external relations where the duty of loyalty has been applied most stringently. The author explains how EU loyalty is interrelated to the principles of primacy, effectiveness, coherence, and mutual trust. EU loyalty, Eckes explains, also protects EU autonomy by presenting the Union as a unified actor on the international plane. It further acts as a structure of bonding by creating a framework for justification. Chapter 3 examines the effect on organizational principles such as subsidiarity, primacy and coherence. Chapter 4 addresses the issue of competences and the choice of legal basis for external action. These chapters weave rigorous explanations of the law of external relations with theoretical debates and show how these concepts and principles are inter-related and mutually reinforcing.

Chapter 5 on 'Institutional Powers in External Relations' provides a rich and detailed analysis of the role of the European Parliament in external relations, and discusses how Parliament's independent role of representing citizens has emerged as a formal structure of bonding. While the focus on the Parliament is understandable given the book's concern with democratic legitimacy, the chapter on institutions could have also discussed in more depth how other institutions managed to create structures of bonding to citizens. Other institutions and bodies, particularly those established with the intention to improve the Union's

international presence, such as the Union's High Representative for Foreign Affairs and Security Policy or the European External Action Service, also have the potential to affect these bonding structures. Eckes makes a strong argument in favour of Union action, and for the role of the European Parliament, especially since it is in the area of external relations where the Parliament's role of representing citizens is most apparent. While the Parliament has exerted its powers in the field of external relations, it is also being bypassed through certain Union (and Member State) action. This trend tends to be obscured by the book's focus on the conclusion of international agreements by the Union. Yet there are other areas of EU external action that could also conceivably transform the Union's internal dynamics that are not addressed in as much detail: when the Union legislates internally with intended external effects; the EU's practice and representation in international organizations and bodies; the EU's diplomatic practice and public statements by political leaders, among others. These forms of external relations, going beyond the formal conclusion of international agreements, also have the potential to transform the EU's internal structures and relations with citizens.

Another way in which the Union acts at the international level is through its engagement with international courts and tribunals ('ICTs'), addressed in Chapter 6. In recent years, the CJEU has shown a more confrontational attitude towards other international courts, justified in part, by what Eckes refers to as the CJEU's 'autonomy narrative'. The book provides a theoretical rationale for the CJEU's autonomy narrative and decisions like *Opinion 2/13*, while at the same time maintaining that the Court's rejection of ICTs "is an obstacle for the Union to meet justified expectations raised by the Treaties and its political actors". (p. 219)

Eckes argues that EU autonomy cannot be conceived in terms of degrees or as a matter of gradation, but must be understood as absolute. Eckes recognizes that the CJEU's autonomy narrative is contested, and has not been accepted by the courts of Member States or at the international level. Nevertheless, she argues that this allows for an "equilibrium of irreconcilable claims about the nature of EU law" (p. 30) which precludes any normative hierarchy between them. This conception of autonomy is also necessary for the CJEU to act as a domestic court and in establishing a dualist approach towards international law. As the EU's external actions increase, and its interactions with ICTs grow, the author argues, there is a risk that EU law will be understood – both by national and international courts – as a form of international law, subject to its own rules of conflict and normative hierarchy. The Union's accession to the European Convention on Human Rights, mandated by Article 6(2) TEU, is viewed as such a threat. Since the European Court of Human Rights views EU law as a form of international law, the author argues, national courts could potentially use this conception to challenge the primacy of EU law. This paints the EU legal order as inherently fragile.

EU autonomy also requires a certain level of trust that the EU's internal mechanisms are robust enough for the EU to continue as a self-referential system, despite contradictory decisions of an international court or tribunal. It also requires a level of faith that 'external actors' will not seek to undermine the Union and Union action. The author argues that "external actors are not part of the same game and do not have the same stakes in the game. They may challenge and have challenged autonomy and primacy of the EU legal order at lower costs." (p. 98). The concern is that international courts, which are outside the CJEU's control,

cannot be trusted to mirror the CJEU's vision of the EU as an autonomous legal order, and EU law as domestic law. Yet, just as national courts and the CJEU have competing and irreconcilable conceptions of the EU legal order, so too will the CJEU and ICTs.

Upon the EU's accession to the ECHR, there may be a period of adjustment in which the two courts will find ways to live together. The ECtHR has shown itself to be adaptive and pragmatic, for example, by not setting up direct clashes with the system of the UN Security Council. After EU accession, the ECtHR could establish doctrines that allow it to conceive EU law as a special type of international law, thus not undermining the CJEU's ability to adopt a dualist approach. This can only be done through dialogue and comity, not through isolation and detachment. Could such a dialogue with external actors, explaining the autonomy narrative to the outside world, also contribute to the discursive practice of (external) justification that might also act as a further structure of bonding?

Eckes also ties this conception of autonomy to other principles, such as effectiveness and legitimacy. Discussing legitimacy and justification, for example, the book argues that the EU is only able to take credit for any particular policy outcome if it can claim that it was the one able to choose that policy path, which requires autonomy. Eckes illustrates how these principles interact and support each other, and how the CJEU's internally valid narrative of the EU legal order as a *self-referential* system (not depending on national or international law for its validity) is integral to this. The author excels at linking these concepts and principles, illustrating how they are mutually reinforcing. For example, the author ties the issue of 'facultative mixity' to structures of bonding, explaining how the inability of a Union citizen to understand which aspects of an agreement relate to Union competences, and those that relate to Member State competences, undermines democratic legitimacy.

The book goes further than other texts on EU external relations by not only explaining the law, but by showing how it establishes conditions for structures of bonding. The processes of explication and justification, such as when the EU and Member States justify their powers, help to create these structures of bonding. Yet, as the author indicates, these battles are often fought in the judicial domain, and the justification is often presented in technical legal language that diminishes this potential for bonding with citizens. Eckes argues that politics, contestation and disagreement are inevitable and even required for the Union's democratic legitimization. Such contestation and disagreement not only takes place internally, but will also continue when the Union acts on the international plane, and could further contribute to such bonding structures.