

Table of Contents

<i>Introduction</i>	7
Hans-Martien ten Napel, Joost Luiten and Wim Voermans	
Part I: Separation of Powers in a Transnational Era	
<i>Chapter 1: The Separation of Powers and Constitutional Scholarship</i>	33
Maarten Stremmer	
<i>Chapter 2: Separation of Powers beyond the State: The 'inconveniences of [a]bsolute power'</i>	45
Aoife O'Donoghue	
<i>Chapter 3: The Agony of Political Constitutionalism within the European Legal Space</i>	65
Patricia Popelier	
<i>Chapter 4: Accountability and the New Separation of Powers</i>	89
Joseph Corkin	
<i>Chapter 5: Trias Europea: Notes on Möllers Three Branches</i>	111
Tom Eijsbouts	
Part II: Legislative Power	
<i>Chapter 6: The Changing Role of National Parliaments in National Budgetary Matters in Light of the Increasing Centralisation of Fiscal Policy in the EMU</i>	131
Michal Diamant	
<i>Chapter 7: The Rise of Regulators</i>	153
Wim Voermans	
<i>Chapter 8: Constitutional Conventions and the UK Human Rights Act: From Parliamentary Sovereignty Towards the Separation of Powers?</i>	169
Gert Jan Geertjes & Luc Verhey	

Part III: Executive Power

<i>Chapter 9: EU Administrative Soft Law and the Separation of Powers</i>	191
Claartje van Dam	

<i>Chapter 10: Making a Virtue of Necessity: The Role of Discretion in Administrative Implementation</i>	215
Josephine Hartmann	

<i>Chapter 11: Legitimising Transnational Decision-Making in the EU State Aid Regime</i>	237
Paul Adriaanse	

Part IV: Judicial Power

<i>Chapter 12: Enhancing the Legitimacy of the European Court of Human Rights: Emphasising the Margin of Appreciation Is Not the Way to Go</i>	259
Titia Loenen	

<i>Chapter 13: Separation of Powers and the Limits to the Constitutionalisation of Fundamental Rights Adjudication by the ECtHR and the CJEU</i>	275
Ingrid Leijten	

<i>Chapter 14: 'Make it a Better Place': Transnational Public Interest Litigation and the Separation of Powers</i>	295
Jerfi Uzman & Geerten Boogaard	

Epilogue

<i>Chapter 15: Separation of Powers – a Short Manual for the Perplexed</i>	321
Christoph Möllers	

References	341
Case Law	369
About the Authors	375
Index	381