

Optional instruments of the European Union

Citation for published version (APA):

Bull, W. A. (2016). *Optional instruments of the European Union: A definitional, normative and explanatory study*. Intersentia.

Document status and date:

Published: 01/01/2016

Document Version:

Publisher's PDF, also known as Version of record

Document license:

CC BY-NC-SA

Please check the document version of this publication:

- A submitted manuscript is the version of the article upon submission and before peer-review. There can be important differences between the submitted version and the official published version of record. People interested in the research are advised to contact the author for the final version of the publication, or visit the DOI to the publisher's website.
- The final author version and the galley proof are versions of the publication after peer review.
- The final published version features the final layout of the paper including the volume, issue and page numbers.

[Link to publication](#)

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal.

If the publication is distributed under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license above, please follow below link for the End User Agreement:

www.umlib.nl/taverne-license

Take down policy

If you believe that this document breaches copyright please contact us at:

repository@maastrichtuniversity.nl

providing details and we will investigate your claim.

PROPOSITIONS

Relating to the Dissertation *Optional Instruments of the European Union: A Definitional, Normative and Explanatory Study*, by William A. Bull – 12 May 2016.

1. Optional Instruments (OIs) of the EU are distinguishable from EU harmonising legislation as they 'affiliate' rather than 'approximate' Member State legal systems.
2. All EU OIs introduce a '2nd national regime' into the national legal orders of the Member States.
3. EU OIs are intended to create EU regimes for EU activities, while at the same time avoiding undue disruption of national legal systems.
4. EU OIs strike a proportional balance between uniformity and diversity, thereby satisfying contrasting preferences of the European legislator, Member States and private individuals.
5. The attractiveness of EU OIs is affected not only by general factors and sector-specific factors, but also by instrument-specific factors, which can have a considerable or even decisive influence on the 'success' of Union optional instruments.
6. The optional instrument method is consistent with the notion of the Law Market and the idea of law as a product.
7. European Private law is a field of particular importance for EU initiatives towards the completion of the internal market.
8. The topic of new governance and regulatory techniques is high on the agenda in the context of European Union law.
9. When it comes to improving EU lawmaking, much depends on the question of competences.
10. Esperanto might not be widely spoken, but it hasn't done any harm either. Similarly, it can be argued that if an optional instrument is not widely chosen, it does not do any harm either.