

Editorial

The EJRR starts the year by publishing a set of timely research articles engaging with some of the most cutting-edge developments in the area of risk regulation: the normative debate surrounding the acceptability of behaviourally-informed regulation, the role of expertise in the regulation of electromagnetic fields, the governance of e-Health initiatives, and the controversial use of discount rate in Cost-Benefit regulatory analysis.

At a time in which Harvard Law School is about to launch its new Programme on Behavioural Economics and Public policy, Pelle Guldborg Hansen and Andreas Maaløe Jespersen provide an insightful contribution to the ongoing normative discussion surrounding the nudge approach to behavioural change. Their individual commitment to put in practice behavioural-informed approaches in Denmark aims at better informing their adoption in public policy-making. After addressing the main criticisms moved against the rapidly-spreading ‘nudge’ approach across jurisdictions, they provide an original framework for what they define a ‘responsible’ use of the nudge approach to behaviour change in public policy. In turn, Gabriel Doménech chose to focus on the controversial area of electromagnetic fields in order to explore the role played by scientific experts in the development of risk regulatory regimes. By relying on both economic and behavioural research theories, he argues that private scientific organizations – such as those involved in providing advice to policymakers in this area – are structurally less well suited than democratic authorities when it comes to managing those risks.

As the era of eHealth seems to be upon us, Graeme Laurie and Nayha Sethi address the governance framework regulating the use of personal data for medical research. They observe that while data linkages within and beyond the health sector carry the potential to benefit the health and wellbeing of populations on a local, European and global scale, the landscape governing the use of data for research appears to be an impenetrable terrain, hostile to the research pioneer. After building a case for a robust and effective information governance mechanisms, they advocate a principles-based approach, contrasting this with traditional rule-based approaches. This might not only serve as the basis for good governance in contemporary data linkage but also to provide a platform to assess legal reforms such as the draft Data Protection Regulation.

As more and more jurisdictions place cost-benefit analysis (CBA) at the centre of their regulatory impact assessment, Felice Simonelli’s article focuses on the role of the discount rate in CBA of regulation. After illustrating the current institutional practice, this article provides a systematic investigation into regulatory practice vis-à-vis the existing economic theories.

In addition to these research articles, this issue contains a rich selection of reports covering both institutional (‘A first assessment of the European Citizens’ Initiative’) and substantive risk regulation developments, including the EU regulation of biofuels, of medical devices and of the publication of clinical trials.

An annotation of an interesting EFTA Court judgment about the standardisation of the appeal of alcohol products and two book reviews complete the issue.

Finally, I seize this opportunity to welcome two new members in our editorial board: Professor Michael Faure, one of the leading thinkers in comparative private law & economics as well as one of the founding fathers of Disaster law, from the University of Maastricht and Erasmus University Rotterdam as well as Professor and Vice Dean Shen Kui, the leading risk regulation scholar in China, from Peking Law School.

I wish you a happy 2013.

Alberto Alemanno