

RISK

REGULATION AND
ADMINISTRATIVE
CONSTITUTIONALISM

Elizabeth Fisher

Risk Regulation And Administrative Constitutionalism

Ellen Vos, Michelle Everson



Risk Regulation And Administrative Constitutionalism:

Risk Regulation and Administrative Constitutionalism Elizabeth Fisher, 2007-07-30 Over the last decade the regulatory evaluation of environmental and public health risks has been one of the most legally controversial areas of contemporary government activity Much of that debate has been understood as a conflict between those promoting scientific approaches to risk evaluation and those promoting democratic approaches This characterization of disputes has ignored the central roles of public administration and law in technological risk evaluation This is problematic because as shown in this book legal disputes over risk evaluation are disputes over administrative constitutionalism in that they are disputes over what role law should play in constituting and limiting the power of administrative risk regulators This is shown by five case studies taken from five different legal cultures an analysis of the bifurcated role of the Southwood Working Party in the UK BSE crisis the development of doctrines in relation to judicial review of risk evaluation in the US in the 1970s the interpretation of the precautionary principle by environmental courts and generalist tribunals carrying out merits review in Australia the interpretation of the WTO Sanitary and Phytosanitary Agreement as part of the WTO dispute settlement process and the interpretation of the precautionary principle in the EU context A strong argument is thus made for re orienting the focus of scholarship in this area

Risk Regulation and Administrative Constitutionalism E. Fisher, 2003 **Risk Regulation and Administrative Constitutionalism** Elizabeth Charlotte Fisher, 2007 The regulation of environmental and public health risks is a controversial area of government activity This book studies the public law dimension of these controversies particularly the interrelationship between risk regulation public law and theories of legitimate administrative governance

Constitutionalism, Multilevel Trade Governance and Social Regulation Christian Joerges, Ernst-Ulrich Petersmann, 2006-10-19 This is a book about the ever more complex legal networks of transnational economic governance structures and their legitimacy problems It takes up the challenge of the editors earlier pioneering works which have called for more cross sectoral and interdisciplinary analyses by scholars of international law European and international economic law private international law international relations theory and social philosophy to examine the interdependences of multilevel governance in transnational economic social environmental and legal relations Two complementary strands of theorising are expounded One argues that globalisation and the universal recognition of human rights are transforming the intergovernmental society of states into a cosmopolitan community of citizens which requires more effective constitutional safeguards for protecting human rights and consumer welfare in the national and international governance and legal regulation of international trade The second emphasises the dependence of the functioning of international markets and liberal trade on governance arrangements which respond credibly to safety and environmental concerns of consumers traders political and non governmental actors Enquiries into the generation of international standards and empirical analyses of legalization and judicialisation practices form part of this agenda The perspectives and conclusions of the more than 20

contributors from Europe and North America cannot be uniform But they converge in their search for a constitutional architecture which limits empowers and legitimises multilevel trade governance as well as in their common premise that respect for human rights private and democratic self government and social justice require more transparent participatory and deliberative forms of transnational cosmopolitan democracy **The EU and Nanotechnologies** Tanja

Ehnert,2017-08-10 This book investigates the role of law in confronting major societal transformations embodied by the emergence of nanotechnologies Taking the case of the European Union it explores who the key decision makers in the regulation of nanotechnologies are and how they take decisions The questions are explored through two distinct case studies the food and chemicals sectors The book charts an incremental retreat of the European Union to its executive powers including soft law measures such as agencies guidelines or implementing measures This the author argues results in the Union s fundamental democratic control mechanisms the EU legislature and the Court of Justice of the EU being circumvented The book recommends several immediate proposals to reform EU risk regulation advocating a greater reliance on the European Parliament and outlining measures to increase the transparency of guidance drafting by EU agencies This important work provides a timely examination of how emerging technologies pose both regulatory and democratic challenges

OECD Reviews of Regulatory Reform Risk and Regulatory Policy Improving the Governance of Risk OECD,2010-04-09 This publication presents recent OECD papers on risk and regulatory policy They offer measures for developing or improving coherent risk governance policies Research Handbook on the Politics of Constitutional Law Mark Tushnet,Dimitry

Kochenov,2023-11-03 This Research Handbook deals with the politics of constitutional law around the world using both comparative and political analysis delivering global treatment of the politics of constitutional law across issues regions and legal systems Offering an innovative critical approach to an array of key concepts and topics this book will be a key resource for legal scholars and political science scholars Students with interests in law and politics constitutions legal theory and public policy will also find this a beneficial companion **Environmental Law: Text, Cases & Materials** Elizabeth

Fisher,Bettina Lange,Eloise Scotford,2013-04-25 This new title offers a compact and complete resource for students featuring extracts from leading cases and articles alongside clear explanations and insightful analysis from an experienced author team This unique approach places environmental law in context enabling you to develop a clear and sophisticated understanding of this dynamic area **Uncertain Risks Regulated** Ellen Vos,Michelle Everson,2009-01-26 *Uncertain Risks Regulated* compares various models of risk regulation in order to understand how these systems shape the relationship between law and science and how they attempt to overcome public distrust in science based decision making The book contributes to the ongoing debate relating to uncertainty and risks and the difficulties faced by the European Union in particular in regulating these issues taking account of both national and international constraints The term uncertain risk is comparable with notions of hazard and indeterminate risk as deployed within the social sciences but it also aims to capture

the modern regulatory reality that a non quantifiable hazard must still be addressed by society law and its regulators Decisions must be taken in the face of uncertainty And whilst it is not possible to provide clear cut models of risk regulation in focusing on regulatory practices at a national EU and international level the contributors to this volume aim to use fact finding as a core instrument of learning for risk regulation

Regulating Risks in the European Union Maria Weimer,Anniek de Ruijter,2017-10-05 A growing body of EU law and regulation is preoccupied with the protection of EU citizens from health and environmental risks Which chemicals are safe and should be allowed on the market How should the EU respond to public health emergencies such as Ebola and other infectious diseases Regulatory responses to these questions confront deep uncertainty limited knowledge and societal contestation In a time where the use of scientific expertise in EU policy making is particularly contested this book offers a timely contribution to both the academic and policy debate on the role of specialised expertise in EU public decision making on risk and technology as well as on its intertwinement with executive power It draws on insights from law governance political sciences and science and technology studies bringing together leading scholars in this field Contributions are drawn together by a shared theoretical perspective namely by their use of co production as an analytical lens to study the intricate interplay between techno scientific expertise and EU executive power By so doing this collection produces highly original insights into the development of the EU administrative state as well as into the role of regulatory science in its construction This book will be useful to scholars practitioners and policy makers working on risk regulation and the role of expertise in public decision making

Delve into the emotional tapestry woven by in **Risk Regulation And Administrative Constitutionalism** . This ebook, available for download in a PDF format (PDF Size: *), is more than just words on a page; itis a journey of connection and profound emotion. Immerse yourself in narratives that tug at your heartstrings. Download now to experience the pulse of each page and let your emotions run wild.

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