

# DIRITTI COMPARATI

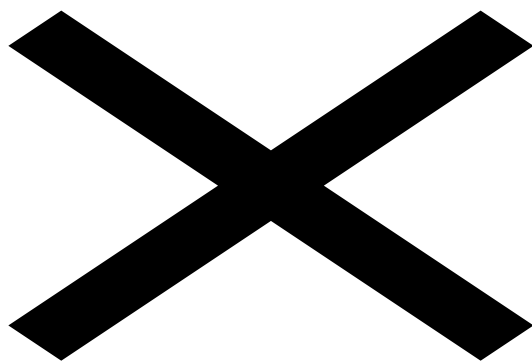
Comparare i diritti fondamentali in Europa

## **EJRR ISSUE 2/2012 - THE EUROPEAN PARLIAMENT'S ROLE IN RISK GOVERNANCE**

*Posted on 21 Luglio 2012 by [Alberto Alemanno](#)*

The latest issue of the EJRR boasts a wealth of risk-related articles, reports and cases including a symposium devoted to the European Parliament's role in risk governance

I am pleased to draw your attention to the table contents of the last issue of the [European Journal of Risk Regulation](#).



The European Journal of Risk Regulation opens this new issue with a symposium devoted to the European Parliament's role in risk governance. By building upon a workshop organized at the European Parliament's premises in Strasbourg last Spring, it focuses on the operation of the little-known, yet important, Parliament's own Science unit: the [Science and Technology Options Assessment](#) (STOA). The symposium is opened by STOA's former chair, MEP [Paul Rübig](#), and boasts the contributions of two among the most vocal MEPs in the area of health, safety and environmental risk in the EU: [Michael Harbour](#) (Conservative Party) and [Jo Leinen](#) (S&D). Moreover, the contributions by René von Schomberg, one of the most authoritative voices on the precautionary principle, Dirk Hudig, the chair of the European Risk Forum, Michael Rogers, a former member of the Bureau of European Policy Advisors, and Miro Smriga complete the symposium.

A special thank goes to Michael Rogers, the editor of this symposium as well as to Theodoros Karapiperis, STOA's Head of Unit, for their dedication and enthusiasm in putting together these valuable contributions.

In addition to the Symposium, this issue contains three original articles that deal with some of the most actual regulatory challenges facing policymakers: the New Environment-Trade Debate within the WTO and the EU's ongoing regulatory reform for genetically modified organisms. The first contribution is an authoritative essay by Alessandra Arcuri, from Erasmus University Rotterdam, who comments upon the recent US-Tuna II Panel Report. She not only questions the reasoning which led the Panel to consider the measure as a 'technical regulation' but criticizes also the applied least trade-restrictive test. The second and third articles both provide a critical examination of the EU's current GMO regime and refer to the ongoing reform. While Vesco Pascalev follows the saga of BASF's genetically modified potato "Amflora" – the second cultivation authorization ever granted under the present GMO regime –, Claudio Mereu, one of the most active EU risk regulation lawyers, provides an in-depth analysis of the EU's regulatory framework for genetically modified organisms and highlights the various interests at stake.

As usual, our correspondents keep us updated on the latest

developments in different risk regulation policies by covering issues such as the regulation of biosimilars, nanotechnologies and their labelling, as well as the conditions for mandating compulsory licensing.

Several annotations of important risk-related EU and WTO rulings complete the issue, among which the recent Appellate Body report in US-Clove Cigarettes by [Benn McGrady](#).

Happy reading!

## SYMPOSIUM ON THE EUROPEAN PARLIAMENT'S ROLE IN RISK GOVERNANCE

The Changing Face of Risk Governance: Moving from Precaution to Smarter Regulations

Paul Rübig

The Precautionary Principle: Its Use Within Hard and Soft Law

René von Schomberg

The European Parliament and Risk Governance: The Problem of Low and Uncertain Risks – Balancing Risks and Benefits

Dirk Hudig

Improving Regulatory Decisions through Targeted Research: A Case Study on Amino Acids

Michael Rogers and Miro Smriga

Risk Governance and the Precautionary Principle: Recent Cases in the ENVI Committee

Jo Leinen

Risk Governance and Risk Assessment – Key Tools for an Effective European Parliament

Malcolm Harbour

## ARTICLES

Back to the Future: US-Tuna II and the New Environment-Trade Debate

Alessandra Arcuri

Can Science Tame Politics: The Collapse of the New GMO Regime in the EU  
Vesco Pascalev

Schizophrenic Stakes of GMO Regulation in the European Union  
Claudio Mereu

## REPORTS

Biosimilars: Current Situation and Future Expectations  
Guillermina Forno and Eduardo Orti

The Product of Nature Doctrine in the Myriad Saga  
Emanuela Gambini

Overview of the Standard of Review for Possible Justifications to Introduce  
National Food Labelling Rules in the EU  
Ignacio Carreño

EU and US Mutually Recognize their Respective Organic Standards and  
Control Systems as Equivalent  
Ignacio Carreño

The Drive towards Nanotechnology Standardization  
Evisa Kica

Looking Back to the Future of Regulating New Technologies: The Cases of  
Nanotechnologies and Synthetic Biology  
Elen Stokes and Diana Bowman

The Impact of Better Regulation in the Case Law of the European Court of  
Justice  
David Keyaerts

India Grants a Compulsory Licence of Bayer's Patented Cancer Drug: The  
Issue of Local Working Requirement  
Enrico Bonadio

## CASE NOTES

Appellate Body Report, United States – Clove Cigarettes  
Benn McGrady

Clarifying the Concept of Victim in the Motor Vehicle Driver's Liability Insurance: The ECJ's Judgment in Case C-442/10

Vadims Mantrov

Case C-225/09 Commission v Portugal: Fundamental Freedoms Strengthen the Rights of Patients

Alexander Weiss

#### BOOK REVIEWS

The Reality of Precaution – Comparing Risk Regulation in the US and Europe

Fabrizio Cafaggi

The Financial Crisis in Constitutional Perspective – The Dark Side of Functional Differentiation

Giorgio Tosetti Dardanelli

Corporate Finance Law. Principles and Policy

Timo Fest