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TKOE4A - COLBY TANIYA

This volume explores the various strategies, mechanisms and processes that influence rule of law dynamics across borders and the national/international divide, illuminating the diverse paths of influence. It shows to what extent, and how, rule of law dynamics have changed in recent years, especially at the transnational and international levels of government. To explore these interactive dynamics, the volume adopts an interdisciplinary approach, bringing together the normative perspective of law with the analytical perspective of social sciences. The volume contributes to several fields, including studies of rule of law, law and development, and good governance; democratization; globalization studies; neo-institutionalism and judicial studies; international law, transnational governance and the emerging literature on judicial reforms in authoritarian regimes; and comparative law (Islamic, African, Asian, Latin American legal systems).

This volume introduces readers to regulatory theory. Aimed at practitioners, postgraduate students and those interested in regulation as a cross-cutting theme in the social sciences, Regulatory Theory includes chapters on the social-psychological foundations of regulation as well as theories of regulation such as responsive regulation, smart regulation and nodal governance. It explores the key themes of compliance, legal pluralism, meta-regulation, the rule of law, risk, accountability, globalisation and regulatory capitalism. The environment, crime, health, human rights, investment, migration and tax are among the fields of regulation considered in this ground-breaking book. Each chapter introduces the reader to key concepts and ideas and contains suggestions for further reading. The contributors, who either are or have been connected to the Regulatory Institutions Network (RegNet) at The Australian National University, include John Braithwaite, Valerie Braithwaite, Peter Grabosky, Neil Gunningham, Fiona Haines, Terry Halliday, David Levi-Faur, Christine Parker, Colin Scott and Clifford Shearing.

This book seeks to compare two important regulatory regimes in the EU, those relating to pharmaceuticals and foodstuffs, in terms of a theoretical framework derived from rational institutionalism. This collection of fifteen essays by leading experts in regulation is unique in its focus on the constitutional implications of recent regulatory developments in the UK, the EU, and the US. The chapters reflect current developments and crises which are significant in many areas of public policy, not only regulation. These include the development of governance in place of government in many policy areas, the emergence of networks of public and private actors, the credit crunch, techniques for countering climate change, the implications for fundamental rights of regulatory arrangements and the development of complex accountability mechanisms designed to promote policy objectives. Constitutional issues discussed in The Regulatory State include regulatory governance, models of economic and social regulation, non-parliamentary rule-making, the UK's devolution arrangements and regulation, the credit crisis, the rationing of common resources, regulation and fundamental rights, the European Competition Network, private law making and European integration, innovative regulator sanctions recently introduced in the UK, the auditing of regulatory reform, and parliamentary oversight and judicial review of regulators. The introductory chapter focuses on testing times for regulation, and the concluding chapter draws ten lessons from the substantive chapters, noting the importance of regulatory diversity, the complexity of networks and relations between regulatory actors and the executive, the new challenges to regulatory habits posed by climate change and the credit crisis, the wider economic and legal context in which regulation takes place and the accountability networks - including judicial review, parliamentary oversight and audit - within which regulation operates.

Offering an anthropological perspective, this volume explores the changing relations between law and governance, examining how changes in the structure of governance affect the relative social significance of law within situations of legal pluralism. The authors argue that there has been a re-regulation rather than a de-regulation, propagated by a plurality of regulative authorities and this re-regulation is accompanied by an increasing ideological dominance of rights talk and juridification of conflict. Drawing on insights into such processes, this volume explores the extent to which law is used both as a constitutive legitimation of governance and as the medium through which governance processes take place. Highlighting some of the paradoxes and the unintended consequences of these regulating processes and the ensuing dynamics, Rules of Law and Laws of Ruling will be a valuable resource for researchers and students working in the areas of legal anthropology and governance.

"This book provides a detailed analysis of the mutual funds regulations and governance in the UK from the investor protection perspective. It comprehensively describes mutual funds by their function, social utility and legal attributes, examining the level of protection provided to retail investors under the existing regulations. Mutual funds are externally managed with fund ownership separated out from their management, which carries a potential conflict of interest between the self-interests of the fund management and each fund's investors. The book provides an in-depth analysis of this agency problem in the mutual funds industry, comparing the competing governance models in the UK and the US and the supervision of the management activities. In the UK, it investigates the main governance mechanisms, including disclosure, the effectiveness of voting rights, and the role of the Financial Conduct Authority in protecting investors. It also considers the role of prudential regulations in protecting mutual funds investors, with particular focus on risk management and mutual funds liquidity crisis. The book further investigates the impact of the withdrawal of the UK from the European Union (Brexit) on the industry and what this means for the future of the Undertakings for Collective Investment in Transferable Securities (UCITS) in the UK. The concept of mutual funds is still not clearly understood, so this book will clearly define the different legal and practical aspects of mutual funds. It will be the first substantial study of mutual funds governance mechanisms under the existing mutual funds laws and regulations in the UK"--

Food safety and hygiene is of critical importance to us all, yet, as periodic food crises in various countries each year show we are all dependent on others in business and public regulation to ensure that the food we consume in the retailing and hospitality sectors is safe. Bridget Hutter considers the understandings of risk and regulation held by those in business and considers the compliance pres-

ures on managers and owners, and how these relate to understandings of risk and uncertainty. Globalization involves a profound re-ordering of our world with the proliferation everywhere of rules and transnational modes of governance. This book examines how this governance is formed, changes and stabilizes. Building on a rich and varied set of empirical cases, it explores transnational rules and regulations and the organizing, discursive and monitoring activities that frame, sustain and reproduce them. Beginning from an understanding of the powerful structuring forces that embed and form the context of transnational regulatory activities, the book scrutinizes the actors involved, how they are organized, how they interact and how they transform themselves to adapt to this new regulatory landscape. A powerful analysis of the modes and logics of transnational rule-making and rule-monitoring closes the book. This authoritative resource offers ideal reading for all academic researchers and graduate students of governance and regulation.

The globalisation of research has resulted in the increased location of research involving humans in developing countries. Countries in Africa, along with China and India, have seen research grow significantly. With emerging infectious diseases, such as Ebola and Zika, emphasising the risk of public health crises throughout the world, a further increase in health research, including clinical research in developing countries, which are often the sites of these diseases, becomes inevitable. This growth raises questions about domestic regulation and the governance of health research. This book presents a comprehensive and systemic view of the regulation of research involving humans in African countries. It employs case studies from four countries in which research activities continue to rise, and which have taken steps to regulate health research activity: South Africa, Nigeria, Kenya, and Egypt. The book examines the historical and political contexts of these governance efforts. It describes the research context, some of the research taking place, and the current challenges. It also looks at the governance mechanisms, ranging from domestic ethical guidelines to legal frameworks, the strengthening of existing regulatory agencies to the role of professional regulatory bodies. The book analyses the adequacy of current governance arrangements within African countries, and puts forward recommendations to improve the emerging governance systems for health research in African and other developing countries. It book will be a valuable resource for academics, researchers, practitioners and policy-makers working in the areas of health research, biomedical ethics, health law and regulation in developing countries.

Regulation Inside Government analyses the army of inspectors, auditors, grievance-chasers, standard-setters and other bodies overseeing contemporary public organizations. Based on an unprecedented two-year inside study of British government by a team of leading scholars, this book provides an original analytical perspective on regulation within government. The book begins by examining the size of internal government regulation to reveal a structure comparable in size to government regulation of business. The book then goes on to show how internal government regulation grew in size despite the fact that public bureaucracy elsewhere were being sharply cutback. Given the limitations of orthodox constitutional checks on executive government, the courts and elected members of the legislature, regulation inside government deserves more attention than it has hitherto received. As one of the first comprehensive accounts of regulation inside government, this book begins to fill the gap.

In this timely book, the law and economics of corporate governance is approached from a range of angles. This study reveals that perspectives are changing: they differ between the economic and the legal standpoint; they vary across countries; they evolve over time. A group of leading scholars offer their views some provide fresh empirical evidence on existing theories and others attempt to develop new theoretical insights based on empirical puzzles. They all analyse the economics of corporate governance with a view to how it should, or should not, be regulated. Economic analysis of law proves to be the common language for understanding corporate governance on both sides of the Atlantic. The law and economics approach is applied to topical issues in the international debate, such as the harmonization of company laws; regulatory competition; determinants of separation of ownership and control; enforcement of investor protection; and the political economy of corporate governance.

Also available as an e-book The book argues that the decision-making processes within international organizations and other global governance bodies ought to be subjected to procedural and substantive legal constraints that are associated domestically with the requirements of the rule of law. The book explains why law — international, regional, domestic, formal or soft — should restrain global actors in the same way that judicial oversight is applied to domestic administrative agencies. It outlines the emerging web of global norms designed to protect the rights and interests of all affected individuals, to enable public deliberation, and to promote the legitimacy of the global bodies. These norms are being shaped by a growing convergence of expectations of global institutions to ensure public participation and representation, impartiality and independence of decision-makers, and accountability of decisions. The book explores these mechanisms as well as the political and social forces that are shaping their development by analysing the emerging judicial practice concerning a variety of institutions, ranging from the UN Security Council and other formal organizations to informal and private standard-setting bodies.

This report encourages governments to "think big" about the relevance of regulatory policy and assesses the recent efforts of OECD countries to develop and deepen regulatory policy and governance.

The use of regulation to control behaviour is a defining feature of modern government, penetrating a wide range of social and economic life. This book offers a detailed study of how regulation works in practice, its legal framework, and the arguments surrounding its economic and social impact. Public health activity, and the state's public health responsibilities to assure the conditions in which people can be healthy, can only be achieved through different means of social coordination. This places law and regulation at the heart of public health. They are fundamental both to methods of achieving public health goals and to constraints that may be put on public health activity. As such, trainees, practitioners, and leaders in public health need to understand the breadth and nature of wide-ranging legal and regulatory approaches and the place of ethics in public health. Public Health

Law, written by three leading scholars in the field, defines and examines this crucial area of study and practice. It advances an agenda whose scope extends far beyond that covered in traditional medical law and health care law texts. The authors provide an account of the scale of contemporary public health policy and practice and explain its philosophical depths and implications and its long legislative and regulatory history. They advance a definition of the field and explore how different legal approaches may serve and advance or constrain and delimit public health agendas. This groundbreaking book presents the field of public health ethics and law and goes on to examine the impact within the UK of private law, criminal law, public law, EU and international law, and 'softer' regulatory approaches. It is a primary point of reference for scholars, practitioners, and leaders working in public health, particularly those with an interest in law, policy, and ethics.

From agriculture to sport and from climate change to indigenous rights, transnational regulatory regimes and actors are multiplying and interacting with poorly understood effects. This interdisciplinary book investigates whether, how and by whom transnational business governance interactions (TBGIs) can be harnessed to improve the quality of transnational regulation and advance the interests of marginalized actors.

Corporate governance regulation has been through numerous cycles of reform, and yet we still see instances of companies collapsing suddenly. Codes of corporate governance have been implemented in most developed countries, recommending detailed governance frameworks for publicly listed companies and their boards, but our understanding of how these codes influence behaviour is still limited. In this book, Alice Klettner draws on the domains of law and business to explore the effectiveness of corporate governance codes. Using interview evidence from company directors and officers, as well as published evidence of companies' corporate governance systems, she discusses the theory and practice of corporate governance and its regulation - with a focus on how corporate governance codes can affect board behaviour and company performance. This interdisciplinary book will be valuable reading for advanced students and researchers of corporate governance, and will also be directly relevant to governance practitioners and policymakers.

As the power and sophistication of "big data" and predictive analytics has continued to expand, so too has policy and public concern about the use of algorithms in contemporary life. This is hardly surprising given our increasing reliance on algorithms in daily life, touching policy sectors from health care, transport, finance, consumer retail, manufacturing education, and employment through to public service provision and the operation of the criminal justice system. This has prompted concerns about the need and importance of holding algorithmic power to account, yet it is far from clear that existing legal and other oversight mechanisms are up to the task. This collection of essays, edited by two leading regulatory governance scholars, offers a critical exploration of "algorithmic regulation", understood both as a means for co-ordinating and regulating social action and decision-making, as well as the need for institutional mechanisms through which the power of algorithms and algorithmic systems might themselves be regulated. It offers a unique perspective that is likely to become a significant reference point for the ever-growing debates about the power of algorithms in daily life in the worlds of research, policy and practice. The range of contributors are drawn from a broad range of disciplinary perspectives including law, public administration, applied philosophy, data science and artificial intelligence. Taken together, they highlight the rise of algorithmic power, the potential benefits and risks associated with this power, the way in which Sheila Jasanoff's long-standing claim that "technology is politics" has been thrown into sharp relief by the speed and scale at which algorithmic systems are proliferating, and the urgent need for wider public debate and engagement of their underlying values and value trade-offs, the way in which they affect individual and collective decision-making and action, and effective and legitimate mechanisms by and through which algorithmic power is held to account.

Institutional Governance and Regulation of Water Services aims to provide the key elements of policy, governance and regulation necessary for sustainable water and sanitation services. On policy matters, it covers important aspects including separation of policy and delivery, integrated planning, sustainable cost recovery, provisions for the poor, and transparency. Regulation and Regulatory Bodies are presented in their various forms, with discussion of why some form of independent scrutiny is essential for sustainability. The focus is on what works and what does not, based on consideration of basic principles and on case studies in both developing and developed countries. The early chapters discuss the key elements, with later chapters considering how these elements have come together in successful reforms of public sector operations. A chapter is devoted to the successful use of the private sector based on lessons learnt from 'failures' of private contracts and the need for the application of sound procurement principles. The current trend is for a public sector model which benefits from business approaches, the so-called corporatised public utility. Experience since the publication of the first edition in 2007 reinforces the importance of the key elements for sustainable water services. This second edition brings the material up to date and with some increased emphasis on public participation in its many forms. It refers to the opportunity for progress provided by the UN Declaration of Water and Sanitation as a Human Right, but only if it is implemented in a practical and sustainable way. Institutional Governance and Regulation of Water Services is aimed at providing an informative source for national and local governments responsible for water policy, for water utility managers, and for students who will be the policy makers of tomorrow. It is a teaching aid for courses on water policy, governance and regulation. About the Author: Michael Rouse is a Distinguished Research Associate at the University of Oxford and manages the Institutional Governance and Regulation module of the University's MSc Course on Water Science, Policy and Management. He was formerly Head of the Drinking Water Inspectorate in London and has extensive knowledge and experience of water governance and regulation, including all aspects of audit and enforcement, and the governance issues related to both public sector management and privatisation. He has wide knowledge of water technical and operational matters, based on his applied research and development background at the Water Research Centre, where he spent 9 years as Managing Director. Michael has a good understanding of international water matters and advises governments on policy and regulation. He is a Past President of the International Water Association. He is a visiting professor at Tsinghua University in Beijing and at the Shanghai Academy of Social Science. In 2000 he was awarded the CBE (Commander of the British Empire) for his professional services.

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The reputation of corporate reporting has been in crisis. Trust in the process of financial accounting and auditing has been undermined by a series of high profile scandals involving major corporations, including Enron, Parmalat, Ahold, and Worldcom. In response, regulators and practitioners worldwide have put forward a series of initiatives to repair the damage and restore faith in corporate governance. In this important book, the European Auditing Research Network analyzes how that response has developed in Europe, with particular emphasis on the field of auditing. Leading international academics review how regulation has been revised in specific European countries to help restore confidence in the contribution of auditing to corporate governance. Various themes are explored, including the growing trend of internationalization in regulation, ethics and auditing, professional liability,

and professional education. Auditing, Trust and Governance is an invaluable volume for students, researchers and professionals working in the fields of auditing, accountancy and corporate governance, and provides a useful basis for further research on the effects of the increased regulation.

Financial regulation has entered into a new era, as many foundational economic theories and policies supporting the existing infrastructure have been and are being questioned following the financial crisis. Goodhart et al's seminal monograph "Financial Regulation: Why, How and Where Now?" (Routledge:1998) took stock of the extent of financial innovation and the maturity of the financial services industry at that time, and mapped out a new regulatory roadmap. This book offers a timely exploration of the "Why, How and Where Now" of financial regulation in the aftermath of the crisis in order to map out the future trajectory of financial regulation in an age where financial stability is being emphasised as a key regulatory objective. The book is split into four sections: the objectives and regulatory landscape of financial regulation; the regulatory regime for investor protection; the regulatory regime for financial institutional safety and soundness; and macro-prudential regulation. The discussion ranges from theoretical and policy perspectives to comprehensive and critical consideration of financial regulation in the specifics. The focus of the book is on the substantive regulation of the UK and the EU, as critical examination is made of the unravelling and the future of financial regulation with comparative insights offered where relevant especially from the US. Running throughout the book is consideration of the relationship between financial regulation, financial stability and the responsibility of various actors in governance. This book offers an important contribution to continuing reflections on the role of financial regulation, market discipline and corporate responsibility in the financial sector, and upon the roles of regulatory authorities, markets and firms in ensuring the financial health and security of all in the future.

"An exemplary study of how media regulation works (and, by implication, how it could work better) set within a wider discussion of democratic theory and political values. It will be of interest not only to students and scholars but to people around the world grappling with the same problem: the need to regulate markets, and the difficulty of doing this well." - James Curran, Goldsmiths, University of London In Media Regulation, two leading scholars of the media examine the challenges of regulation in the global mediated sphere. This book explores the way that regulation affects the relations between government, the media and communications market, civil society, citizens and consumers. Drawing on theories of governance and the public sphere, the book critically analyzes issues at the heart of today's media, from the saturation of advertising to burdens on individuals to control their own media literacy. Peter Lunt and Sonia Livingstone incisively lay bare shifts in governance and the new role of the public sphere which implicate self-regulation, the public interest, the role of civil society and the changing risks and opportunities for citizens and consumers. It is essential reading to understand the forces that are reshaping the media landscape.

This volume explores the continuous line from informal and unrecorded practices all the way up to illegal and criminal practices, performed and reproduced by both individuals and organisations. The authors classify them as alternative, subversive forms of governance performed by marginal (and often invisible) peripheral actors. The volume studies how the informal and the extra-legal unfold transnationally and, in particular, how and why they have been/are being progressively criminalized and integrated into the construction of global and local dangerhoods; how the above-mentioned phenomena are embedded into a post-liberal security order; and whether they shape new states of exception and generate moral panic whose ultimate function is regulatory, disciplinary and one of crafting practices of political ordering.

After two generations of emphasis on governmental inefficiency and the need for deregulation, we now see growing interest in the possibility of constructive governance, alongside public calls for new, smarter regulation. Yet there is a real danger that regulatory reforms will be rooted in outdated ideas. As the financial crisis has shown, neither traditional market failure models nor public choice theory, by themselves, sufficiently inform or explain our current regulatory challenges. Regulatory studies, long neglected in an atmosphere focused on deregulatory work, is in critical need of new models and theories that can guide effective policy-making. This interdisciplinary volume points the way toward the modernization of regulatory theory. Its essays by leading scholars move past predominant approaches, integrating the latest research about the interplay between human behavior, societal needs, and regulatory institutions. The book concludes by setting out a potential research agenda for the social sciences.

This collection improves our understanding of the problems associated to accountability in regulatory governance, focusing on audiences, controls and responsibilities in the politics of regulation and through a systematic exploration of the various mechanisms through which accountability in regulatory governance

Through a systematic exploration of accountability in regulatory governance, this collection makes a significant contribution to the existing literature on the subject. Chapters authored by a selection of the most influential figures in the field of regulatory governance address how to introduce political and policy accountability to the actors and institutions involved in the policy process, a key issue in relation to regulatory policy legitimacy. Beyond conventional accountability procedures within the political system, the volume discusses the extent to which more specific accountability tools to communicate with more diverse audiences have emerged. The first section introduces a quantitative approach to measure the actual dimensions of accountability instruments already in place within regulatory agencies, while the second utilises comparative approaches, case studies and theoretical discussions which focus on the diverse problems actors and institutions face to make their activities and procedures more accountable to their constituencies and to society as a whole. The final contributions explore the implications that accountability challenges pose to democratic procedures and global governance processes and discuss how accountability, regulatory governance and democracy are related.

This is the first of two volumes that examine the changing nature of state-business relations. This book assesses the potential and limits of CSR in developing countries, by focusing on aspects that are often ignored in the CSR literature: historical experience, theoretical perspectives, and institutional and political dimensions of change.

Governance and Regulation in the Third Sector brings together scholars and experienced practitioners from different countries to investigate the relationship between regulation and relational governance for the third sector in a comparative context. Each chapter reviews recent regulatory changes in the country in question. To what extent are there significant convergences in these reforms and what are the implications for the third sector? Is there any evidence that the foundational architecture for a more collaborative relationship between the state and the third sector has been laid? Overall, the book reveals that the reality of the supposedly new collaborative relationships and the impacts of regulatory reform are quite different from what contemporary theories of public management would have us believe. Recognizing the gap between theory and reality, the chapters explore some of the outstanding challenges for regulatory reform for the third sector.

This ambitious volume explores the politics of recent changes in corporate governance regulation and the transnational forces driving the process. Corporate governance has in the 1990s become a catchphrase of the global business community. The Enron collapse and other recent corporate scandals, as well as growing worries in Europe about the rise of Anglo-Saxon finance, have made issues

of corporate governance the subject of political controversies and of public debate. The contributors argue that the regulation of corporate governance is an inherently political affair. Given the context of the deepening globalization of the corporate world, it is also increasingly a transnational phenomenon. In terms of the content of regulation the book shows an increasing reliance on the application of market mechanisms and a tendency for corporations themselves to become commodities. The emerging new mode of regulation is characterized by increasing informalization and by forms of private regulation. These changes in content and mode are driven by transnational actors, first of all the owners of internationally mobile financial capital and their functionaries such as coordination service firms, as well as by key public international agencies such as the European Commission. The Transnational Politics of Corporate Governance Regulation will be of interest to students and researchers of international political economy, politics, economics and corporate governance.

The information society is a key issue in everyday life and a phenomenon encompassing social, cultural, economic, and legal facets. Currently, an information society's legal framework is gradually crystallizing under the newly introduced term of "Internet governance". During the last few years, intensive discussions about the contents of Internet governance have addressed manifold aspects of a possible regulatory regime. In light of the general comprehension that an international treaty structure is missing and that self-regulation as a normative model does not suffice in all respects, new architectural and constitutional theories have been developed; furthermore, the international body of the Internet Governance Forum (IGF) came to life. Notwithstanding the available literature on IGF, however, a thorough and systematic study shedding light on the main topics of Internet governance (such as legitimacy, transparency, accountability, and participation) and on the key regulatory issues (for example critical Internet resources, access, protection of civil liberties/human rights, realization of security, safety and privacy standards, as well as the overcoming of the digital divide) from a legal perspective is not yet at hand. The present publication aims at discussing these legal challenges. This book has benefited from many inputs and encouragements from colleagues that I am deeply grateful for. In particular, I am indebted to the very meaningful discussions and valuable support in the preparation of the publication by my research assistants Lic. iur. Mirin A. Grosz and Lic. iur. Romana Weber, to Lic. iur.

This book offers a comprehensive overview of the current European media in a period of disruptive transformation. It maps the full scope of contemporary media policy and industry activities while also assessing the impact of new technologies and radical changes in distribution and consumption on media practices, organizations and strategies. Combining a critical assessment of media systems with a thematic approach, it can serve as a resource for scholars or as a textbook, as well as a source of good practices for steering media policy, international communication and the media landscape across Europe.

Volume 99 is a collection of theoretical and empirical studies in governance and regulation, with application to both macro and microeconomic issues.

In this comprehensive analysis, the authors examine the structure of market capitalism to see what went wrong before and after the stock market burst in 2000. They find conflicts of interest to be heavily embedded in the system, and argue for a different approach to governance than federal regulation.

This set of guidelines provides the measures by which governments can implement or advance regulatory reform.

This book provides an easy, but comprehensive and rigorous access to the main concepts, terminology, methods and procedures of risk analysis intended for all those involved in the EU policy and regulatory decision making on risks. It establishes a common ground of knowledge which enables a more

informed dialogue on risks, a closer collaboration between decision makers and scientists and a better appraisal of the potential and limits of risk science. The book also brings together in an accessible way much multidisciplinary knowledge which had been dispersed over many technical documents and specialist books. The EU is in the front line of health, safety and environmental risk management. GMOs, food safety, hazardous chemicals, climate change, radiation hazards, are just a few of the popular risk issues addressed by the EU through policy and regulatory measures. The risk analysis paradigm, including risk assessment, management and communication has been at the core of the EU decision making for a long time already. EU Institutions strive for a science-based approach to risk management. Nevertheless, the dialogue and collaboration on risk issues between policy makers, stakeholders and scientists are still difficult and the potential and limits of science in support of decision making, as well as the basic concepts of risk analysis are not fully understood outside the narrow specialist circles.

The case for a smarter "prosumer law" approach to Internet regulation that would better protect online innovation, public safety, and fundamental democratic rights. Internet use has become ubiquitous in the past two decades, but governments, legislators, and their regulatory agencies have struggled to keep up with the rapidly changing Internet technologies and uses. In this groundbreaking collaboration, regulatory lawyer Christopher Marsden and computer scientist Ian Brown analyze the regulatory shaping of "code"—the technological environment of the Internet—to achieve more economically efficient and socially just regulation. They examine five "hard cases" that illustrate the regulatory crisis: privacy and data protection; copyright and creativity incentives; censorship; social networks and user-generated content; and net neutrality. The authors describe the increasing "multistakeholderization" of Internet governance, in which user groups argue for representation in the closed business-government dialogue, seeking to bring in both rights-based and technologically expert perspectives. Brown and Marsden draw out lessons for better future regulation from the regulatory and interoperability failures illustrated by the five cases. They conclude that governments, users, and better functioning markets need a smarter "prosumer law" approach. Prosumer law would be designed to enhance the competitive production of public goods, including innovation, public safety, and fundamental democratic rights.

This book introduces and develops Contract Governance as a new approach to contract theory. While the concept of governance has already been developed in Williamson's seminal article, it has, ironically, not received much attention in general contract law theory. Indeed, Contract Governance appears to be an important and necessary complement to corporate governance and in fact, as the second, equally important pillar of governance research in the core of private law. With this in mind, Grundmann, Möslin, and Riesenhuber provide a novel approach in setting an international and interdisciplinary research agenda for developing contract law scholarship. Contract Governance focuses particularly on the ways in which a governance perspective leads to research questions that have been neglected in traditional contract law scholarship, and how, from a governance perspective, the questions are dealt with in a different manner and style. Combining substantive chapters and commentaries, this collection of essays addresses an array of topics, including: third party impact and contract governance problems in herd behaviour; governance of networks of contracts; governance in long-term contractual relationships; contract governance and rule setting; and contract governance and political dimensions.

Private equity-backed businesses are increasingly prevalent, and their governance practices are a black box. This book lifts the lid.

Finck examines the emergence of blockchains (and other forms of distributed ledger technologies) and the implications for regulation and governance.