

Editorial

The European Journal of Risk Regulation closes the year by hosting a special issue devoted to the study of the European and Chinese risk regulation in order to promote their mutual understanding. Its lead editor Kai Purnhagen, from Munich University, assisted by Gao Xiang (CUPL, Beijing), He Mingke (BTBU, Beijing), Francis Snyder (Peking University/LSE/CERIC, Marseille) and myself, as well as by a scientific committee consisting of Jörg Binding (GIZ Beijing), Adam Burgess (University of Kent), Sun Xianzhong (Chinese Academy of Social Science) and Jonathan Wiener (Duke University) took the initiative to invite submissions comparing risk regulation in both jurisdictions in order to investigate the intertwined character of these regimes.

The first article, by Virginia Harper Ho, provides a pioneering examination of the intersections between corporate governance and risk regulation in China from a comparative perspective. It shows how Chinese regulators have gone beyond the disclosure-centric approach to risk management adopted by the EU, by instituting more comprehensive and detailed measures that mandate specific internal control procedures, the adoption of ERM systems for certain enterprises, and consideration of particular risks. In the author's view, this regulatory-driven model is not only consistent with China's historically top-down approach to corporate governance law reform, but is also better suited to the unique circumstances of the Chinese market. Katja Biedenkopf, in the following article, draws our attention to the EU and Chinese regulation of hazardous substances in electrical and electronic equipment. Her claim is that whilst the EU's RoHS Directive was the main trigger and formative factor in the development of similar Chinese regulation, the differences existing between these two regimes cannot be explained under the standard theories (e.g. circulation of models, policy learnings, emulation). She illustrates how the Chinese industry's capacity to comply with complex substance restrictions, the implementation and enforcement capacity of the administration and the capacity of the Chinese legal hierarchy to follow the approach taken by the RoHS Directive offer a better explanation of the eventual differences between policies. The following contribution by Jörg Binding and Ulrich Heuschkel discusses the legal framework for the implementation and enforcement of product safety in China, by focusing on the new major legal bases of market surveillance, namely the Law on Product Quality, the Law on Import and Export Commodity Inspection and the Law on Standardization, Market Surveillance in the People's Republic of China. They argue, after providing some EU-China comparisons, that despite the burgeoning in imports the overall understanding of the complex regime of China's market surveillance remains surprisingly limited. Finally, Pinghui Xiao closes the special issue with an article comparing the Chinese Food Standardization System with that of the EU. After identifying the most salient features of China's food system, namely, top-down hierarchy and intensive government involvement, he argues that precisely these features caused a regulatory failure.

In addition to the Symposium, this issue contains four original articles. Three of them deal with some of the most actual risk regulatory challenges facing policymakers: pri-

vate norms as international standards in the aftermath of *Tuna-Dolphin II* (Carola Glinski), the role and status of the scientific evidence regime under the SPS Agreement (Emily Reid) and the regulatory approach to information on chemicals in the US and the EU (Linda Molander and Alison K. Cohen). The last article brings us back to EU risk regulation by analyzing the role played by regulatory impact assessment in the EU policy cycle. By focusing on the relation between ex-ante IA and ex-post evaluation, Giacomo Luchetta compares - via a macro and micro analysis, based on scorecard approach and three case studies - the EU IA system performance with a theoretical benchmark derived from the EU policy document and process.

As usual, our correspondents keep us abreast of the latest developments in different risk regulation policies by covering issues such as the regulation of health claims, food additives, biofuels as well as reverse greenwashing and advertising on disordered gambling. Several annotations of important risk-related EU rulings complete the issue.

Finally, as the EJRR is about to turn three years old, let me thank the growing community of reviewers for their contributions since the inception of our editorial venture. We publish their names below in sign of appreciation.

In the meantime, the EJRR has been added to the Index to Foreign Legal Periodicals and is set to receive its Journal Impact Factor from Journal Citation Report, a product of Thomson Institute for Scientific Information (ISI). As you may know, the impact factor for a Journal is calculated based on a three-year period and can be defined as the average number of times published papers are cited up to two years after publication. I wish you happy holidays and a pleasant reading!

Alberto Alemanno