

# VIRTUAL SPECIAL ISSUE

## Journal of European Public Policy

### VIRTUAL SPECIAL ISSUE ON **REGULATION IN THE EU**

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The EU specializes in regulation. Its regulatory scope and reach has constantly expanded, ranging today from utility industries over chemicals, food to IT security, and aviation and maritime safety. Indeed, some view regulation as the defining feature of the EU: the EU as 'regulatory state'. However, while the EU has been promulgating more and more rules, its powers of monitoring and enforcement have been limited by its reliance on member states for compliance in a complex multi-tier system of regulation.

From its inception, JEPP has been at the forefront of a vibrant debate on the character and implications of regulation in the EU. Some early work (see the 3:4, 1996 special issue on regulation) looked at EU regulatory growth and its drivers to inquire about the defining features of EU regulation (e.g. McGowan & Wallace 1996). The key question since has been: how is regulation being *institutionalized* in this complex multi-level system? (e.g. Pierre & Peters 2009) More specifically: does the rise of regulation imply the delegation of regulatory powers to independent regulatory agencies? (see Gilardi in the 9:6, 2002 special issue on regulatory reform) Do member states 'principals' or supranational 'agents' (the Commission in particular) hold the reigns of regulatory policies? More broadly: Is regulation in the EU best described as *transnational* governance by (often informal) networks; or as governance by formal, vertical and horizontal *delegation* to agencies, or as a combination of both? (Dehousse 1997; Eberlein & Grande 2005; Levi-Faur 2011, Maggetti & Gilardi 2011) Underlying this research agenda is the debate between those who see quasi-teleological convergence towards a single Agency model vs those who stress regulatory diversity. Both should be concerned about the implications of delegated or informal regulation for the legitimacy of EU governance, an issue often raised but less studied.

The proliferation of EU-level Agencies has indeed attracted much scholarly attention, as the Agency model has become the EU administrative template to address a variety of both economic and social regulatory challenges. (JEPP published both the first systematic treatment of EU Agencies in 4:2, 1997 and the most recent systematic overview of 'Agency Governance' in 18:6, 2011.) A related concern has been to investigate, in methodologically sophisticated ways, the 'independence' of agencies, both EU and national, from their political masters. A public administration strand of scholarship has looked at regulatory institution-building as 'executive centre formation'. (Egeberg & Trondal 2011) Finally, some work has examined how the internal organization of regulation in the EU impacts the EU's external role and weight in global regulation (see [Bach/Newman 2007](#) in the Virtual special issue on EU External Governance).

Yet, a surprisingly simple yet crucial question has been pushed into the background by the recent focus on formal 'independence' of regulatory agencies: In whose interest does the EU regulate? Traditional questions about regulatory capture and influence (who gets what?) deserve to be 'rediscovered'.

This virtual issue brings together articles that have been influential in the debate on how regulation in the EU is being institutionalized or that represent the different strands in the regulatory literature.



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