

Editorial

The EJRR starts the new year by hosting a pioneering symposium devoted to one of the latest policy innovations that is currently experimented in the United Kingdom and the United States: the fashionable, yet controversial, *Nudge*. This idea originates from the oonymous, 2008 best-selling book published by the economist Richard Thaler and the legal scholar Cass Sunstein. By building upon the findings of behavioural research, they refute the classic economic assumption that “each of us thinks and chooses unfailingly well”¹ and they advocate the need for public authorities to *nudge* people to make decisions that serve their own long-term interests without however removing their right to choose.

At a time in which governments are taking considerable interest in the use of *nudging*, we have asked some of the leading authors who have already contributed to the literature surrounding the regulatory innovations generally referred as New Governance to share their ideas on this appealing regulatory approach.

In his opening essay, *Nudging Healthy Lifestyles*, Adam Burgess provides a critical assessment of the introduction of behavioural, nudging approaches to correct lifestyle behaviours in the UK. His thought-provoking analysis triggered a lively debate that has been framed along the subsequent essays signed by On Amir and Orly Lobel, Evan Selinger and Kyle Powys White, Alberto Alemanno and Luc Bovens.

In addition to the symposium, this issue contains two original articles that deal with some of the most actual risk regulatory challenges facing the risk world today within the environmental and pharmaceutical fields. As usual, our correspondents keep EJRR readers updated on the latest developments in different risk regulation sectors by covering various issues, such as *inter alia* the reform of the EU Rapid Alert System for Food and Feed, the legal and policy implications of the EU measures adopted in the aftermath of the Nuclear Accident at Fukushima, the latest regulatory developments regarding nanotechnologies as well as the recent misleading labelling case involving Nutella products in Germany.

Several annotations of the three latest and most important European risk-related judgments complete the issue. In particular, two contributions dissect and analyse the recent decision on stem cell patents: *Brüstle*. Another comments upon the controversial *Bablok* judgment establishing the legal regime applicable to a food product inadvertently contaminated by an authorized GMO. Finally, the last commentary provides an insightful

¹ Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions About Health, Wealth and Happiness*, (London: Yale University Press 2008), at p. 6.

legal analysis of the *Microban* judgement, the first, long-awaited decision by the General Court defining the notion of ‘regulatory acts’ that may be directly challenged under Article 263.4 TFEU without the need to show an ‘individual concern’.

The issue is closed by the publication of the text of the key note speech delivered by David Byrne, former EU Commissioner for Health and Consumer Protection, at the 3rd Summer Academy on Global Food Law & Policy that took place on July 25–29, 2011. The programme of the forthcoming edition of the Academy, which will take place on July 23–27, 2012, will soon be unveiled.

With every good wish for a lively and fulfilling 2012,

Alberto Alemanno

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