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Editorial. SelfRegulation

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EDITORIAL

Self-Regulation: From a National to a European Approach

This issue of the *Electronic Journal of Comparative Law* focuses on self-regulation. The concept of self-regulation as an alternative to government regulation was introduced to Dutch legislative policy some 15 years ago. It was thought that legally conditioned self-regulation could be appropriate especially for regulating the conduct of professionals (in the fields of education, health care and other public services): the legislature states a set of conditions and professionals and their organisations develop their own rules within this framework.

In the 2003 Interinstitutional Agreement on better law-making and the European Constitutional Treaty recently adopted by the Member States, European legislative policy is an issue. Better law-making provides the framework for the use of self-regulation and co-regulation within the European Union. The central question of the articles in this issue is: What use can be made of self-regulatory mechanisms in national and European legislative policies?

In the first article, the possibilities of and constraints on the use of self-regulation and co-regulation are outlined. Because of the different functions of legislation within the EU, co-regulation is a suitable method to arrive at some uniformity in the rule-making in the Member States.

In his article, Willem Witteveen introduces the so-called paradox in self-regulation. He mentions two diverging cultural frames: the production model of legislation and the situational model of legislation. According to the author, conditioned self-regulation does not fit in with the social logic of responsive regulation.

In her contribution, Linda Senden deals with the new regulatory policy of the EU. She compares the use of soft-law instruments at the European level and the meaning of the concepts of the Interinstitutional Agreement on better law-making.

In the fourth article, Rob van Gestel analyses the use of self-regulation in European environmental law. He focuses specifically on the link between private certification and public rules and inspection.

Philip Eijlander,
Guest Editor