Enforcing transnational private regulation: a comparative analysis of case studies in advertising and food safety

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Abstract:
Most recent studies on transnational private regulation have limited themselves to the examination of a single regime, industry or sector. This book fills a gap in the current literature, offering a rich comparative study of the institutional design of transnational private regulation in the fields of advertising and food safety. The author provides original insights in the practice of enforcing transnational private regulation and its interplay with courts and administrative authorities. The book’s findings, drawn from jurisdictions in the European Union, help identify circumstances in which administrative enforcement may strengthen private enforcement mechanisms, illuminate the role of courts in enforcing transnational private regulation, and inform current theoretical understandings of the function of public enforcement capacity in private regulatory regimes. This book will appeal to scholars and students of regulation and enforcement, as well as policy makers and lawmakers concerned with advertising and food safety regulation.

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Within the project, transnational private regulation is defined as encompassing those regimes that regulate the conduct of private actors across jurisdictional boundaries primarily through standards, which are voluntary, at least as a matter of formal law. We refer to
transnational rather than international to mean that regimes are created and governed primarily by private actors – albeit frequently in collaboration with public entities - and that transnational private law rather than public international law provides the main regulatory toolbox. They are a result of a comparative institutional analysis of the case studies integrated with scholarly literature and policy research by international institutions. Enforcing Transnational Private Regulation – A Comparative Analysis of Advertising and Food Safety by Paul Verbruggen Cheltenham: Edward Elgar, 2014, 328 pp. € 133,93; Hardback. Tatjana Jovanic (a1). (a1). * University of Belgrade Faculty of Law. On the modes of interplay in advertising code enforcement see pages: 139-150; on the modes of interplay between private food safety certification schemes and public enforcement see pages: 246-248. 2 Ayres, I., Braithwaite, J., Responsive Regulation: Transcending the Deregulation Debate, (OUP 1992). 3 Gunningham, N., Grabosky, P., Smart Regulation: Designing