Subject index

AAA securities 652
accountability 171–81
  bureaucratic 380
  consultation and participation 172–3
  expert decision makers 173, 174–5
  impartial-generalist model 175
  institutional-constraints model 175
  judicial review and oversight 173
  legal 380
  managerial 363
  New Public Management (NPM) 369, 370
  parliamentarianism 176–8
  partisan-balancing model 175
  performance 171, 380–81
  policymaking 171, 180
  political 174, 364
  presidentialism 178–80
  privatization 176
  professional 380
  rights-based 171
AccountAbility AA1000 Assurance Standard 349
accounting rules 645
accuracy principle 230
actor network theory (ANT) 275–6
adjudication 62, 610
administration, regulatory 104–105
administrative agency 5–6
administrative cost effects 583–4, 585
Administrative Procedures Act (1946) 4–5, 16, 61–2, 72, 101, 173, 400, 404
administrative regulators 53
adverse selection 92, 454–5, 457
advertising regulation 254–63
  co-regulation 260, 262, 263
  coercive and manipulative nature 256
  commercialization of childhood 257–8
  content of regulation 254, 262, 263
  cultural perspective 257, 258–9
  economic perspective 255–6
  internationalization 260–61
  level of regulation 254, 263
  medical 461
  misleading 457
  mode of regulation 254, 259–60, 262, 263
  offensive nature 256
  price 461
  professional services 460–61
  psychological aspect 257
  quality 461
  self-regulation 259–60, 262, 263
  sensitive products 257
  societal perspective 256–8
  'soft issues' 257
  state regulation 259–60, 262, 263
  technological developments 254–5, 261–3
Advisory Committee on Automated Personal Data Systems 232
advisory committees 539
aeronautical products certificates 554
Africa 248, 290
agencies 11–13, 104, 232, 362, 666
  European Union 540–42, 552–5, 558
agency cost theory and environmental regulation 352
agency design 73–6, 79, 80
agency head/management board status 202
agency independence 106
agency information biases 55
agency integration 104–105
agency model and New Public Management (NPM) 361–2
agency and politicians, relationship between 202–203
agency structure 106
agenda-setting 566
agentification 7, 163–4, 209, 361, 369–70, 553, 558
agglomeration effects (external economies) 580–81
agricultural sector regulation 303, 477–8, 596
AIG 657
  financial products unit 653
air pollution regulation 413, 448
Airline Deregulation Act (1978) 133
airline regulation 139
Al Qaeda 615, 616, 618
alliances 134
alternative theory of regulation (post-capture) 56–61
  criteria of desirable regulation 59–60
  evidence 60
  policy determinants 58–9

David Levi-Faur - 9780857936110
Downloaded from Elgar Online at 06/02/2019 10:55:47PM
via free access
Handbook on the politics of regulation

purpose and scope 57–8
regulatory process 61–4
analytical methods 400
antebellum era 116
antitrust regulation 119–21, 132, 159, 244
apparel see clothing
arational regulatory processes and instrument/tool design 45
arbitrage, regulatory 39–40, 648
architecture (modality of regulation) 272–4
arena-shifting 367
Argentina 159
Articles of Confederation (1781) 115
asbestos regulation 502
Asia 251, 586
Asia-Pacific Economic Cooperation (APEC) Privacy Framework 231, 236
Asian-values school 244
Association of Advertising Clubs 259, 260
associations 474, 478–9, 483
assurance practices 351
Atomic Energy Commission (AEC) 71–2
attitudinal theory of expressive law 337
auditing 8, 66, 90, 666
Australia 229, 236, 262, 368, 489
Commonwealth Director of Public Prosecutions (CDPP) 317–18
Competition and Consumer Act (2010) 318
Corporations Act (2001) 315
media regulation 247, 249–50
mining industry 426–7
Securities and Investments Commission (ASIC) 315–19
Therapeutic Goods Amendment Act (2006) 315
Austria 204, 236, 623
autocracy, rise of 151–3
automatic government 220
autonomy 7, 11–12, 107, 202, 667
bureaucratic 40
de facto 362
formal 362
independence of regulatory authorities 202
legal 362
New Public Management (NPM) 361–2, 363, 365, 370
aviation safety regulation 133–4, 432–3, 555
Aviation and Security Act (2001) 234
balance sheet arbitrage 651
Bank of America 657
Bank of England 657
Banking Secrecy Act (1970) 619
Basel Accords 145, 651
Bear Stearns 656
behavior modification/regulation 10, 14
behavioral economics 388, 394
behavioral equilibrium (Nash equilibrium) 88
behavioral premises 54–5
Belgium 79, 258, 461–2
benign violations 89
benzene standard regulation 298, 300
better-regulation hypothesis 173, 504, 520, 538
biases 37–8, 305, 387, 388
bilateral contracts, long-term 136
Bill of Rights 243
biodiversity policy regulation 290
biotechnology regulation 288, 290, 291
Body of European Regulators for Electronic Communications 557
Bolivia: New Forest Law 1700 596
bootlegger-Baptist theory 25–6, 28, 30–32, 449, 617
bounded rationality 454
branding 90, 471–2
Brazil 159, 164, 326–9, 331
BRIC economies 236
British Board of Film Classification 245
British club model 164
British Rail 426, 434–5
broad-based interest groups 55
BT Cleanfeed system 272
budgets 54, 77, 99, 301
building safety regulation 376–7, 379–80, 381, 382, 430
bureaucratic incentives 316, 319
bureaucratic inefficiency 642
bureaucratic reorganization 76
bureaucratic slippage 323
bureaucratic structure and process design 72
business licensing 586–7
business-to-business regulation 8, 486
‘California effect’ 473
Canada 229, 249
cap-and-trade legislation 31, 634, 640
capacity, regulatory 549, 557–8, 576–8
capital, regulatory 41, 42
capture theory 28–9, 34–46, 50–56, 101, 107
agency 642
central themes 50–52
cognitive 651
conceptual shortcomings 52–4
definition 35–6
facts 54–6
independence of regulatory authorities 204
institutional design 72, 74, 78, 80
interest group 71–2
mechanisms 36–46
chronical 45–6
constitutional 37–8
functional 43–5
individual 41–3
relational (governance) 40–41
state 38, 45–6
systemic 38–40
money laundering regulation 617
professional services regulation 456, 464
Progressive Era 113–14
see also regulatory capture
car emission standards regulation 636
carbon emissions regulation 638–9
carbon tax 634
carbon trading scheme 635
Cartagena Protocol on Biosafety 288
cartel misconduct 318
Central and Eastern Europe 229
central oversight units 363
centralized regulation 116–17, 514, 516, 517, 520–21
certification 8, 476
first-party 592
as mode of social regulation 441–50
competition and evolution 446–7
impacts of certification 447–50
rise of environmental and social regulation 444–6
professional services regulation 457
second-party 592
self-certification 471–2
third-party 592
voluntary regulation 501
see also global governance and certification
chain-of-custody (COC) certificate 594
certification 8, 592
European Union 518, 519, 552, 554
risk regulation and precautionary principle 286, 288, 290, 291–2
voluntary regulation 501, 502, 507
Chemicals Agency 291
Chicago school 129
Chile 159
China 142–53, 261, 584, 623
autocracy, rise of 151–3
Banking Regulatory Commission (CBRC) 143–4
 cadre system 146
Central Huijin Asset Management Corporation 144
financial services regulation 142, 143–7, 151
food safety 147–50, 151, 152
Insurance Regulatory Commission (CIRC) 143–4
Leading Small Group on Finance and Economics 144
Ministry of Finance 144
Ministry of Health (MOH) 149
National Development and Reform Commission (NDRC) 144
National People’s Congress (NPC) 144, 150, 152
nomenklatura 146
People’s Bank of China (PBOC) 143–4
Securities Regulatory Commission (CSRC) 143–4
State Asset Supervision and Administration Commission (SASAC) 144
State Council 144, 148, 151
State Food and Drug Administration (SFDA) 149–50
three pillars approach 151
township and village enterprises (TVEs) 586
see also Chinese Communist Party (CCP)
Chinese Communist Party (CCP) 143, 145, 148, 151, 152
Central Financial Work Commission 143
Central Organisation Department 143, 146
Chinese values 258
Cigarette Labeling and Advertising Act 77
CiNGOs (civil actors as regulators) 7–9, 10
Citigroup 657
citizenship-oriented individual 338–9, 340
Civil Aeronautics Board (CAB) 132, 133
civil and criminal enforcement 311–20
civil penalties and criminal sanctions 311–12
civil penalty regimes: legislatures dilemma 312–16
civil penalty regimes: regulator’s dilemma 316–19
civil law tradition 163
civil regulation 499, 669
civil-to-business regulation 486
Clayton Act (1914) 121
Clean Air Act 375
Clean Air Amendments (1977) 29
clean air policy regulation 286
clientelism 220
climate change regulation 629–40
assessment 636–8
command and control/interventionist approach 629, 632–3, 635, 636, 638, 640
credible commitment 638–9, 640
‘hard’ law 632, 633, 634, 636
hybrid approach 629, 635–6, 640
market-based approach 629, 633, 634, 637, 638, 640
mitigation and adaptation trade-off 630–31
risk regulation and precautionary principle 288, 290
‘soft’ law 633, 634, 636, 637
uncertainty and mitigation–adaptation trade-off 631–2
voluntary/civil approach 629, 634–5, 636, 637, 640, 663
clothing sector regulation 501, 506, 569, 595, 596
‘clumsy’ policies 637–8
co-regulation 10, 306, 499
advertising regulation 260, 262, 263
European Union 515–16, 519, 520–21
codes 500, 569–70, 593
as hybrid regulation 486–96
concept 487–8
governance perspective 486–7, 490–91
hybrid perspective 486–7, 491–3
organizational perspective 486, 488–9
Codex Alimentarius Commission 292, 608
coffee sector regulation 444, 446, 448
collateralized debt obligations (CDOs) 650–52, 653–4, 655, 656–7
collective action theory 73, 88, 643
collegete boards 104–106
Colombia 159
comitology 539–40, 549, 550–51, 558
command and control regulation 317, 361, 400, 442, 663, 665
climate change 629, 632–3, 635, 636, 638, 640
Committee of the Regions of the European Union 540
committees see comitology
Commodity Futures Modernization Act (2000) 653
common law 164, 190, 191
Communications Act (1934) 244
Community Plant Variety Office (CPVO) 541, 554
community-based regulation 275–8
competency myths 44–5
competition policy regulation 159–62, 517–18, 520, 556, 580, 592, 599–600
complementarity 502
complexity 369
reduction 276
compliance: costs 4
creative 14, 195, 406
formal 406
legal rules and regulation 195
motivation 335–44
citizenship-oriented individual 338–9, 340
feasibility of behaviorally informed regulation 340–42
incentive-driven individual 336
moral-oriented individual 338, 339
reason-driven individual 336–7, 339
socially-oriented individual 337, 339–40
conditionality 502
‘conduits’ (shell corporations or trusts) 650–51, 657
confidence premium 455–6
conformity assessments 592
Confucian cultural values 248
Congressional Budget Office 77
Congressional deadlines 73
Congressional dominance approach 40
Congressional Review Act (1996) 73
consequences and appropriateness, logics of 350, 352
consolidation 135–6, 137
constitutional goals 209–10
constitutional system biases 37–8
Consumer Product Safety Commission 74
consumer protection regulation 551
content of regime 14
content regulation 10
content-oriented research 489
context of regime 14
contracting-out 217
control 362, 403–404
see also autonomy
Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data 229–30
conventionalist definition 5
conventions 192, 608
convergence, regulatory 556
cooperation 86–8, 89, 90, 93, 404
cooperative regulation see co-regulation
cooperatives 478
coordination 361, 599–600
corporate environmental responsibility 503
corporate governance 145, 478, 486, 502–503, 507, 646
corporate social contract 488
corporate social responsibility (CSR) 349–50, 352–3, 354–5, 473, 503–504
corporations 131–2
and securities laws 315
corruption 43, 46
certification 592
general 46
cost regulation 10
cost–benefit analysis in United States 60, 173, 385–95
accountability 181
climate change regulation 629, 630–31, 639
compliance 336
development of pro-regulation and pro-cost–benefit analysis in United States 388–92
future of in regulatory process 392–4
health risks valuation 413, 418
historical background 386–8
impact assessment 398, 407
institutional analysis of regulatory reforms 129
process-oriented regulation 423
risk regulation and precautionary principle 291–2, 300–301
cost–benefit default principles 389
cotton dust standard regulation 300
credence attributes 91
credibility 205, 206, 363–4, 568
credible commitment theory 97–8, 99–100, 102, 103–104, 106, 107
climate change regulation 638–9, 640
independence of regulatory authorities 207, 210
credible threat of punishment 324
credit default swaps (CDSs) 653–4, 655, 657
criminal enforcement see civil and criminal enforcement
criminal law 480, 607
criminal sanctions and civil penalties, overlapping 319–20
crisis events 122, 126
crony bias 46
crowding out theory 341–2
‘crying wolf’ problem 619–20, 625
cultural paternalism and media regulation 247–8
currency transaction report (CTR) 619
customary law 191–2, 608
Cyberlibertarian School 269–71, 274–5
Cyberpaternalist School 271–2, 274, 275–6, 278
data protection see privacy regulation
de facto institutional rules 165
de facto tick-box approach 430
debt securitization cycle and regulatory arbitrage 647–8
decentered approaches 6
decentralization 520–21
decision-making tasks 554
defection 89, 90
delegation 70, 78–9, 171–2, 178–9
double 532
grants 194
democratic deficit 15
democratic principle 190
democratic qualities 15
Denmark 104–105, 222
Department of Agriculture 119
Department of Foreign Affairs 115
Department of Health, Education and Welfare (HEW) 232
Department of Health and Human Services 74
Department of Homeland Security (USDHS) 74, 76, 365, 413–14
Department of Transportation (USDOT) 31, 74, 413–14, 419
departmental ministries 104
depoliticization 305–306
deregulation 14, 16, 129–30, 132–8, 609
and commercial aviation 133–4
cost–benefit analysis 385
degree of 605
financial regulation 136–8, 642, 651
impact assessment 405–406
independence of regulatory authorities 206
New Public Management (NPM) 361, 370
and railroads 135–6
derivatives 653–4
design-based regulation 271–5
deterrence-based strategy 86, 88, 317
compliance motivation 336, 339, 340, 341, 342, 343
differentiation 364
diffusion patterns 206–207
digital rights management systems (DRMs) 277–8
direct observation 375
direct regulation 14–15, 494
directors’ duty provisions 317–18
disclosure 90, 349–50, 457, 645–6
discretion 85
discretionary grants 194
discretionary reporting 619
discrimination reduction 387
distributive justice 338
do-nothing option 400, 402
Dodd–Frank Act (2010) 658
domestic rules 188, 189, 190–91, 192
Dot Com Disclosures Guidelines 262
Dow Jones Sustainability Index (DJSI) 349–50, 352, 354
dualism 192
DuPont and Environmental Defense framework 354–5
dynamic efficiency (resilience) 584, 585–6
eco-labeling 443, 444–5, 571, 667
eco-management systems 501
ecological factors 582
economic feasibility 298
economic independence 202
economic optimizer model 352
economic regulation 12–13, 16, 129, 211, 244–5, 617
Education, Audiovisual and Culture Executive Agency (EACEA) 541
efficiency 363–4
dynamic 584, 585–6
egalitarianism/egalitarians 637
Egmont Group 620
electrical safety regulation 444
electricity sector regulation 532
employment rights 567, 592, 599
energy sector regulation 197, 519, 529, 555–6, 557
enforcement 322–32, 565, 569, 592–3
civil and criminal 314, 316
consensually agreed taxonomy 324–5
flexible 88
labor regulation in Brazil 326–9, 331
pyramid 194–5
rule 4, 322–3
rulemaking versus rule 322–3
(sub)politics 325–6, 329–32
Enron 651
ensemble structure of private regulation 348, 352, 354
entry restrictions 459–60
environmental disclosure 349–50
environmental impact assessment 351
environmental leadership programs 90
environmental management systems 348, 350, 351, 353–4
environmental policy regulation 94, 347–56, 444–6
certification 592, 595
civil and criminal enforcement 315
codes 569
cost–benefit analysis 385
European Union 519–21, 551
international 565–6
Latin America 161
private ordering 347–50
risk regulation and precautionary principle 286–8, 302
‘soft’ law and ‘greenwash’ 350–54
voluntary 501, 502, 505, 506, 569
Environmental Protection Agency (EPA) 29, 31, 74–5, 129, 132, 324, 506
35/50 voluntary program 91
audit privileges 90
cost–benefit analysis 386, 390, 393
health risks valuation 413–14, 415–16, 419
Performance Track Participants’ Association 133
risk regulation and precautionary principle 298–9
XL program 430
environmental standards 430, 592
Equator Principles (2006) 349
equity 390, 600
escalating strategy 324
essentialist definition 5
ethical behavior 489
ethical codes 478
ethical guidance 486
ethical investment 349–50
Europe 101–106, 107, 152, 197, 237
European Agency for the Cooperation of Energy Regulators (ACER) 557
European Aviation Safety Agency (EASA) 541, 554, 555
European Central Bank (ECB) 517, 518, 657
European Centre for the Development of Vocational Training (CEDEFOP) 540
European Chemicals Agency (ECHA) 541, 554
European Commission 525–6, 530, 531–4, 536, 537, 539–42, 549
advertising regulation 261
agency creation 553, 554, 555
‘Better Regulation’ 173
climate change regulation 635
health risks valuation 414
institutionalization 558
privacy regulation 234–5
regulatory governance 517, 525, 526, 530, 531–2, 533–4
risk regulation 288–9, 302–303
White Paper on Governance 543–4
European Competition Network (ECN) 556
European Convention on Human Rights (ECHR) 192, 229
European Court of Justice 192, 235, 537, 549
European Environment Agency (EEA) 287, 553–4
European Food Safety Authority (EFSA) 554
European Foundation for the Improvement...
of Living and Working Conditions (EUROFOUND) 540
European Maritime Safety Agency (EMSA) 552
European Medicines Agency (EMEA) 554
European Parliament 235, 536–7, 539–40, 549, 550, 551, 553, 554
European Regulators Group for Electricity and Gas (ERGEG) 557
European Regulators Group (ERG) 557
European regulatory governance 513–22, 525–34, 536–46
agencies 540–42
centralized regulation 514, 516, 517, 520–21
go-regulation 515–16, 519, 520–21
comitology 539–40
definition 514
different actors 519–20
different levels 517–19
dynamics within global context 529–30
European regulators’ networks (ERNs) 532
general characteristics of a regulatory state 526
globalization 526, 527, 528–9
governance mix and evolution 515–16
independent regulatory authorities (IRAs) 526, 527, 533
modes of regulation 514–15
multi-level regulation 514, 516, 518, 521
national regulation 514–15, 521
network industries 528–9
new governance 542–5
particular characteristics of a regulatory state 527
public regulation 515, 521
self-regulation 515–16, 519–21
traditional instruments 537–8
transnational corporations (TNCs) 529, 530, 531–3, 534
trends 520–21
see also European Commission
European Union 5, 142
advertising regulation 258, 261
agencies 558
climate change regulation 632, 634, 635, 636, 637, 638, 639–40
comitology 549, 558
cost–benefit analysis 390–91, 393–4
Council 229, 536, 537, 540, 542, 551, 553
Council of Ministers 549, 550
Directive on Audiovisual without Frontiers (AWF) 247–8
Directive on Misleading and Unfair Advertising 261
Directive on Protection of Personal Data (95/46/EC) 230–31
Directive on Television without Frontiers (TWF) 246
directives 537, 539
Eco-Management and Audit Scheme (EMAS) 348–9, 350
Economic and Monetary Union (EMU) 517, 543
Economic and Social Committee (ECOSOC) 540
Establishment Directive (professional services regulation) 460
financial regulation 643, 646, 654, 657, 658–9
impact assessment 398
implementation 550–52
independence of regulatory authorities 207–209, 211
legal rules and regulation 192
Lisbon Treaty 235, 288–9, 540, 542–3, 545
Maastricht Treaty (1992) 551
media regulation 243, 246–8
money laundering regulation 623–4, 625
Network for the Implementation and Enforcement of Environmental Law (IMPEL) 556
parliamentarianism 178
privacy regulation 233–5
private market regulation 480
professional services regulation 457, 461, 462, 463, 464–5
reconceptualization of legitimacy 570
Regulation 58/2003 on agencies 541
Regulation 1889/2005 on cash leaving the European Union 623
Regulation (2002) on agencies 541
Regulation on Chemical Substances (REACH) 537
regulations 537
regulatory networks 558
regulatory state 663–4
risk regulation and precautionary principle 286–7, 288–90, 291, 304
rule-making 550–52
Single European Act (1986) 551
Treaty (TFEU) 287, 288, 302, 517, 537–8, 540, 541, 545
voluntary regulation 500, 502, 504, 507
welfare state 215, 217, 222, 224
European Union regulatory governance 548–58
agencies 552–5
comitology system 550–51
deregulation 136–8
disclosure 645–6
European Union 517–18, 557, 558
financial system fragility and regulatory
responses 644–7
global financial crisis summary 656–7
independence 203
international 565
Latin America 158–9, 160
monetary policy 638–9
post-crisis politics of reform 658–9
post-New Deal 646
process-oriented 427
theories regulation and regulatory failure
643–4
United States 564, 642, 643, 646, 647–56
derivatives and credit default swaps 653–4
ratings agencies 652
securitization cycle and conflicts of
interest 654–6
securitization cycle and regulatory
arbitrage 647–8
securitization, leverage and disclosure
648–52
‘fine is a price’ mechanism 341
fire insurance sector regulation 478
fire safety regulation 375
first-party regulation 8, 470, 471–3, 480, 481,
484
fisheries sector regulation 448–9
flexibility 88, 402, 582, 610, 612
Food and Agriculture Organization (FAO)
287
Food and Drug Administration (FDA) 31–2,
44, 76, 122–3, 257
health risks valuation 413–14, 419
risk regulation 295–6, 297–9
Food, Drugs and Cosmetic Act (1938): Food
Additives Amendment: Delaney anti-
cancer clause 295–7
Food, Drugs and Cosmetics Act (1938) 123
food safety regulation 121–3, 295–7, 608
certification 595, 600
China 142–3, 147–50, 151, 152
European Union 552, 554, 555
Latin America 158, 160
New Public Management (NPM) 365
private market regulation 483
process-oriented regulation 426, 433
risk regulation and precautionary principle
288, 290, 292, 297
footwear sector regulation 506, 598
Fordism 577–8, 579
Forest Stewardship Council (FSC) 446, 507,
593–4, 595–6, 598, 600

David Levi-Faur - 9780857936110
Downloaded from Elgar Online at 06/02/2019 10:55:47PM
via free access
forestry sector regulation 446–7, 448–9, 501, 505–6, 507, 569
text standard-setting 506
text level 506
shape level 506
scale, legitimacy, coordination and equity 506–600
sector level 506
sector level
 arises 507–9
at the 507
in the 507–9
to 508
for 508
from 508
by 511–12
to 512
from 512
of 512
and 512
are 512–13
to 513
for 513
young 513–14
for 514
in 514–15
of 515
for 515

David Levi-Faur - 9780857936110
Downloaded from Elgar Online at 06/02/2019 10:55:47PM via free access
hazard analysis and critical control point (HACCP) 378, 426
hazards reduction regulation 426, 432
health care regulation 158, 220, 224, 315, 369, 551
health risks valuation 411–20
conceptual approach to nonfatal risks valuation 417–18
cost–benefit analysis 413, 418
current practices 413–14
current practices for nonfatal risks valuation 418–19
differentiation 416–17
issues and challenges 419
quality-adjusted life years (QALYs) 417–18, 419, 420
standardization 415–16
value per statistical life (VSL) 412–14, 415, 416, 417
willingness to pay (WTP) 411, 412–13, 414, 416, 417, 418–19, 420
health and safety regulation 315, 327–8, 385, 426–7, 433, 506, 551
Health Technology Assessment (HTA) International 220
health-related quality of life (HRQL) 418
Hepburn Act (1906) 135
hierarchical regulation 571, 636, 637, 663, 665
European Union 514
impact assessment 404
hierarchy of norms 605–606
hierarchy principle 471
high-publicity investigations 77
honesty 455
Hong Kong 149, 247, 248, 258, 261
human, animal and plant safety regulation 290
human rights regulation 566, 592, 606, 624
Hungary 176, 586
hybrid regulation 8–9, 10, 11, 369
climate change 629, 635–6, 640
codes 486–7, 491–3
performance-based 377
voluntary 502
see also co-regulation; multi-level regulation; self-regulation, enforced
ideal regulation 60
identification problems 210
identification processes 43
imbalance[d/affect]e access politics 38–9
imitation/copycats 472
immigration rights regulation 22, 369
impact assessment 4, 391, 393, 397–409
control and enforcement 403–404
criteria 402–403
environmental 351
politics of system design 404–407
process standards 401–402
process-oriented regulation 423
reform 398–400
impartial-generalist model 175
implementation slippage 43
incentive-driven individual 336
incentive-shaped individual decision making 41–3
incremental analysis/incrementalism 406–407
independence of regulatory authorities 201–11
conceptualization and operationalization 202–204, 210–11
economic 202
empirical research 204–10
financial 203
formal 201, 202–206, 208, 210–11
informal (de facto) 201, 202–204, 207–11
organizational 203
political 202
independent regulatory authorities (IRAs) 526, 527, 533
India 237, 247, 584
individual action instruments 73
individualism and institutionalism, contrast between 350, 352
individualism/individualists 637
industrial sector initiatives 591–2
industry-based programs 446
inflation impact statements 386
information asymmetries 92, 123–5, 126
financial regulation 645
money laundering regulation 618
private market regulation 469, 480
process-oriented regulation 436
professional services regulation 454–5, 458
information gathering 14
information and regulatory enforcement 84–6
informational control and impactedness 43–4
initiatives, regulatory 591
institutional analysis of regulatory reforms 129–40
deregulation and governance 132–8
public authority and the market 130–32
institutional design and regulatory governance management 70–81
agency design 73–6
delegation 78–9
neutral delegation versus stacking the deck 77–8
oversight 76–7
regulation theories and stakeholder participation and interest 71–2
institutional design/models in Latin America 162, 164
institutional stability 93
institutional structure of regulators 14
institutionalization 15, 39, 557–8, 568, 569
instrumental approach 330, 342–3
insurance business see risk regulation and precautionary principle
integrity regulatory agencies (pro-accountability) 12–13
inter-institutional politics 553
‘interest representation’ model 186
intergovernmental bargaining 551
intergovernmental channels 207
intergovernmental organizations (IGOs) 563–4, 567, 572, 607–608
intergovernmental venues 222
Intermodal Surface Transportation Efficiency Act (1991) 136
internal conflicts and deficiencies of controls 435–6
International Advertising Association (IAA) 260
International Chamber of Commerce (ICC) 260–61
International Code Council 375
International Federation of Organic Agriculture Movements (IFOAM) 150, 444
International Financial Reporting Standards 145
International Labor Organization (ILO) 221–3, 505
international law see global regulation
International Monetary Fund (IMF) 622, 624
International Organization of Securities Commissions (IOSCO) 145
International Organization for Standardization (ISO) 348
International Social and Environmental Accreditation and Labelling (ISEAL) Alliance 447, 599
International Standard on Assurance Engagements (ISAE) 349
international standards 607–608
internationalization see global; globalization
Internet regulation 262, 267–78
community-based 275–8
design-based 271–5
self-regulation 269–71
Interstate Commerce Act (ICA) (1887) 117–19, 135
Interstate Commerce Commission (ICC) 34, 45, 76, 117–19, 132, 135
Interstate Commerce Commission Termination Act (1995) 135
interventionist approach see command and control
Ireland 204, 545
Employment Equality Act (1998) 78
‘iron triangle’ 40, 42, 51, 61
ISO certification 91, 348–9, 350, 352–5, 444, 447, 448
Israel 192, 246
Basic Law 194
Marine Aquarium Council 596
Italy 204, 623
Japan 229, 248
Liberal Democratic Party 79
Miyazawa Scheme 578
John Deere 31
joint action complexity 39
Joint Congressional Committee on Atomic Energy 72
JPMorgan Chase 656
judicial review 173
judicial systems of control 16
Judiciary Act (1789) 115
Judiciary Act (1801) 115
‘junk science’ 289
juridification 492
jus cogens concept 606
Korea 246, 248, 258
Kyoto Protocol 31, 288, 567–8
labor standards initiatives 446–7, 449
labor conditions regulation 595, 598, 599
see also Social Accountability International (SAI)
labour inspection certification 596
labour market regulation 217–18, 505
labour relations regulation 592
Lamfalussy committees 557
Latin America 156–66, 261
anti-competitive practices regulation 159–62
antitrust regulation 159
drug regulation 159–60
environment 161
financial services regulation 158–9, 160, 161–3
food and drug regulation 158, 160
General Directorate for Health 158
health service regulation 158
juntas 157–8, 160, 163
origins of regulation 157–60
political characteristics of regulation 163–5
privatization 160

David Levi-Faur - 9780857936110
Downloaded from Elgar Online at 06/02/2019 10:55:47PM
via free access
Public Health Ministry 160
rise of regulation 160–63
social regulation 161–2
superintendencias 157–8, 160, 162–3, 165
utilities regulation 161–2
law-as-coercion 187
least feasible risk 297–8, 300, 301
legal rules and regulation 185–97, 232, 272, 276
content 185
domestic rules 188, 190–91
fuzzy practices 193–5, 197
legality, illegality and the role of law 193–5
role and form of regulation 185–8
transnational rules 189, 191–2
legalization 605
legislative dominance 51
legislative motivation 53
legitimacy 338–40
climate change regulation 639
cognitive 572
diminished 564
input 598–9, 612
normative 572
output 598–9, 612
pragmatic 571–2
'soft' law 610–11
value-oriented 340
Lehman Brothers 656
'lemons' problem 123, 454, 472
Lex Mercatoria 271
licensing 457–8
life cycle model 34, 54
'light touch' regulatory approach 651
limitation rider 75
litigation 459
Low Pay Commission 218
Magna Carta (1225) 32
majoritarian democracy 215, 223
Malaysia 247
management committees 539
management-based regulation (MBR) 14–15, 425, 426, 431
managerial capitalism 577
MaNGOs (market actors as regulators) 7, 9, 10
Marine Stewardship Council (MSC) 594
maritime safety regulation 552
market coordination 215
market failure 217–18
market transparency rules 645–6
market-based regulation 442, 629, 633, 634, 637, 638, 640
markets (modality of regulation) 272, 276
Marks & Spencer Plan A 594
Massachusetts Board of Railroad Commissioners 117
Massachusetts Toxic Use Reduction Act 426
means-oriented approach 324
Meat Inspection Act (1891) 119
meat inspection regulation 119–21
meat and poultry safety 378
media coverage 210–11
media regulation 243–5
as cultural paternalism 247–8
as economic regulation 244–5
as promoter of democracy 248–50
as technological challenge 245–7
Merrill Lynch 657
meta-regulation 11
meta-standardization 447
Mexico 159, 164, 290, 332
minority voice and representation 249–50
Money Laundering Control Act (1986) 619
money laundering regulation 615–25
alliances and expansion of regulation 620
difficulty in estimating scale of problem 616–17
effectiveness 623–4
as a global phenomenon 617
instruments to achieve compliance 621–3
international standard setting 621
legitimacy problems 624
negative and positive effects 616
private interest, lack of 617–18
public interest theory 618–19
regulatory weaknesses 623
reporting system 619–20
and terrorism financing 616, 623
victimless crime 615–16
Money Laundering Suppression Act (1994) 619
money-for-nothing theory 617
monism 192
monitoring 565, 569
external 90
moral hazard 92, 454–5, 457–8, 657
moral-oriented individual 338, 339
morality 340, 343, 487
Morgan Stanley 657
mortgage-backed securities (MBSs) 650–51, 652, 654, 656–7
motivation 314, 340–41, 431–2
Motor Carriers Act (1935) 29, 135
muckraking journalism 122
multi-level regulation 11, 514, 516, 518, 521
multi-stakeholder initiatives 593
Myanmar 622
naming and shaming 445
nanotechnology regulation 291, 306
Napoleonic administrative tradition 163–4
narrow interest groups 51, 52, 55–6, 59, 71, 80
National Environmental Performance Track (NEPT) 133
National Environmental Policy Act (NEPA) 75
National Environmental Protection Act 62
National Highway Traffic Safety Administration 73
National Labor Relations Act 131
National Labor Relations Board 131
national minimum wage (UK) 218
national regulation 114, 514–15, 521
nationally recognized statistical rating organizations (NRSROs) 652
Netherlands 207, 209, 236, 286, 545
Court of Audit 624
impact assessment 405
money laundering regulation 620
process-oriented regulation 430
professional services regulation 461
public interest theory regulation 104–105
Network Communitarian School 275–7
networks 187, 528–9, 541, 552, 555–7, 558, 563, 570–71
neutral delegation versus stacking the deck 77–8
New Chicago School 272–4, 276
new governance model 6, 187, 542–5
New Public Management (NPM) 361–2, 364, 367, 368, 553
new regulatory orthodoxy 361–71
autonomy 361–2, 363, 365, 369–70
New Public Management (NPM) 361–2, 364, 367, 368
Norway 364–7, 369
OECD 362, 364–5, 367
post-New Public Management (NPM) reforms 368–70
New Zealand 246, 368
Building Act (2004) 380
building safety regulation 379–80, 381, 382, 430
Next Step reforms (UK) 78
no-risk approach 295–6
no-surprises rule 107
non-binding international legal agreements (NBILAs) 607
non-majoritarian strategies 215, 223–4
non-regulatory approach 402
non-state market-driven governance systems (NSMDs) 607
normative commitment of firms 432–4
normative studies 196
norms 272, 276, 341, 565, 566–7, 568, 569
nuclear power regulation 71–2, 375, 378, 382, 384
Nuclear Regulatory Commission 75, 378
obedience to law 612
obligation 339, 609
binding 605
obscene material/pornography 277
occupational licensing regulation 123–5
Occupational Safety and Health Act (1970) 297
Occupational Safety and Health Administration (OSHA) 129, 297–300
ergonomics rule 73
Office of the Comptroller of the Currency 648
Office for Harmonization in the Internal Market (OHIM) 541, 554
Office of Information and Regulatory Affairs (OIRA) 129–30, 385, 386–8, 389–91, 399
Office of Management and Budget (OMB) 129–30, 194, 301, 386, 388, 389, 391
health risks valuation 413–14, 418–19
impact assessment 399, 405
Office of Thrift Supervision 648
'Old' Chicago School 272
one-size-fits-all measures 538
open method of coordination (OMC) 542–4
opportunism 87
organic agriculture regulation 444–5, 448
Organization for Economic Cooperation and Development (OECD) 569
cost–benefit analysis 394
Guidelines for Multinational Enterprises (1976) 591–2
health risks valuation 411
New Public Management (NPM) 362, 364–5, 367
privacy regulation 229–30, 233, 236
risk regulation and precautionary principle 287, 291
organization of regime 13

David Levi-Faur - 9780857936110
Downloaded from Elgar Online at 06/02/2019 10:55:47PM
via free access
organizational complexity 362
organizational independence 203
organizational restrictions 463
orientation of regime 13
originate and distribute mortgage lending 647
ossification hypothesis 75, 387, 393
outcome-oriented regulation 424–5, 428–9, 431, 432
outsourcing 179
over-justification effect 341–2
overhead governance 40–41
oversight 72, 76–7, 79, 80, 173, 301, 403
ozone standards regulation 375

Paperwork Reduction Act 75
parliamentarianism 15–16, 78–9, 176–8
participatory systems of control 16
partisan-balancing model 175
partitioning 220
Partners for the Environment 132–3
party election broadcasts 249
passenger name records (PNRs) 234–5
Path-Dependency 45–6, 114
Patriot Act (2001) 619
Pension Benefit Guarantee Corporation
(PBG) 134
pension reform regulation 219–20, 221
performance-based regulation 10, 231, 373–83, 424
and accountability 380–81
assessment 374–5
building safety regulation 376–7, 379–80, 381, 382
performance provision variation 374–8
regulatory mix variation 377–8
standards 374–5

Peru 158, 159–60
pharmaceutical sector regulation 22, 121–3, 158, 159–60, 518, 552, 554
Phillip Morris 31–2
Pirate Party 236
plant variety rights regulation 554
pluralist school 38
Poland 176
policy-oriented theory of regulation 57
political control 361, 370
political decision makers 174
political science theory 100
political wealth extraction theory 30
pollution control regulation 426
polyphonic model 352–3
post-New Deal regime 652
postal sector regulation 365–6, 518
power relations 369–70
practitioners’ model 363, 369
precautionary principle 631–2
see also risk regulation and precautionary principle
precision 605, 609
predicate offences 618, 623, 625
predictive modeling 364, 375–6
preferences regulation 10
prescriptive regulation 14, 373, 376–8, 380–82, 424–5, 428–9
presidentialism 178–80
preventative approach 342
price competition 472
price control 667
price-based mechanisms 634
principal–agent perspective 404–405, 618, 643
principles 606–7
prisoner’s dilemma game 87–8, 89
privacy regulation 227–38
challenges 235–7
international disputes 233–5
international sources 228–31
national tools 231–3
Privacy Statement Generator (OECD) 230
privacy-enhancing technologies (PETs) 232–3
private interest theories 456–7, 643–4
private law 191, 194
private market regulation 15, 469–84
first-party regulation 470, 471–3, 480, 481, 484
fourth-party regulation 482
‘invisible hand’ 470–73, 475–6, 481
‘invisible handshake’ 470–71, 476–7, 482
second-party regulation 470, 473–5, 480, 481
social order necessity 469–70
state support 480, 483
third-party regulation 470, 475–80, 481–2, 483, 484
associational self-regulation 477–9
commercial raters and certifiers 475–6
communities 476–7
strengths and weaknesses 479–80
‘visible hand’ 470, 471–5, 481–2
‘visible handshake’ 470, 477–9, 482
private ordering 445
private and public-private social standards matrix 593
privatisation 160
accountability 176
European Union 526
legal rules and regulation 190, 194
New Public Management (NPM) 369
public policy 46
welfare state 216–17
pro-legislation 195

David Levi-Faur - 9780857936110
Downloaded from Elgar Online at 06/02/2019 10:55:47PM
to via free access
probabilistic risk assessment analysis 375
procedural justice 338–9, 340, 343
procedural requirements 75–6, 78
procedural rules 407
proceduralisation 107, 571–2, 573
process-oriented regulation 377–8, 423–36
definition 424–5
management-based 425, 426, 431
motivations of firms 431–2
outcome-oriented 424–7, 428–9, 431, 432
performance-based 424
prescriptive 424–5, 428–9
regulatory uncertainty, costs and capacity 427–30
self-regulation 434–5
standards-based 401–402, 424
production chains and disaggregation of production 581–2
professional services regulation 453–65
advertising restrictions 460–61
economic theories 454–7
entry restrictions 459–60
fee restrictions 461–2
institutional arrangements 457–9
lawyers 454–6, 458–9, 460, 461, 463, 464
licensing 458–9
medical negligence/malpractice 459, 464–5
non-commercialization of medical services 461
organizational restrictions 463
para-professionals 460
physicians 454–6, 461–2, 463, 464–5
professional standards 463–5
Progressive Era 113–26
federalism and regulation 115–17
food and drugs regulation 121–3
meat inspection and antitrust 119–21
occupational licensing regulation 123–5
railroad regulation 117–19
Prohibition 30–31
Protection of Privacy on Global Networks Declaration 230
Protection of Privacy and Transborder Flows of Personal Data Guidelines (OECD) 230
protectionism 507
protective of privilege or immunity for compliance self-audits 90
protocols 608
proxy advocates 39, 43
public authority and the market 130–32
public choice theories 399
Public Company Accounting Oversight Board (PCAOB) 651
public interest theory 28, 30, 56, 71, 78, 80, 249
financial regulation 643–4
independence of regulatory authorities 210, 211
money laundering regulation 617
professional services regulation 457
Progressive Era 113–14
see also public interest theory regulation
public interest theory regulation 96–108
administrative behavior 106–107
administrative predication 97–8
competing models 98–100
Europe 104–106
plausible mechanisms and validity 100–103
rehabilitation 107–108
public regulation 139, 190, 515, 521
public relations wars 446
public service role 247–8
public-private ambiguation 585–6
Pure Food and Drugs Act (1906) 122
‘pure food laws’ 122
pyramid model 313–14
quality 472
-adjusted life years (QALYs) 417–18, 419, 420
assurance processes 404
certificates 480
do life reviews 386
management 501
regulation 210, 211, 457, 474–5
quasi-autonomous agencies 526
quasi-market arrangements 217
Radio Act (1912) 245
Radio Act (1927) 245, 249
Railroad Revitalization and Reform Act (1976) 135
railway sector deregulation 135–6
railway sector regulation 117–19, 139
raters and certifiers 475–6, 479–80, 645, 652
ratification 192
rational choice theory 99
rational ignorance 454
re-politicization 557
reason-driven individual 336–7, 339
reconceptualization 564
red tape 16
reflexive law 187
regional arrangements 192
regionalization 15, 261
regulation-for-competition 16, 453
Regulatory Analysis Review Group (RARG) 386
regulatory arsenal improvement 15
regulatory capitalism 201, 514, 668–70
regulatory capture 97, 98–100, 103–104, 106, 667
financial regulation 644
impact assessment 399
regulatory failure 492
Regulatory Flexibility Act 75
regulatory gaps 557, 600
regulatory lag 40
regulatory process, benefits of 63–4
regulatory regimes 13–16
regulatory state 514, 662–8
new 664
old 664–5
regulatory style 14
regulocracy/regulocrats 209, 369–70
‘reinvention of government’ initiatives 132
relational governance/relational contracting 584
rent:
chain 38
regulatory 50
-seeking behavior 28, 456–8, 642
reputation 88–9, 93, 471–2, 473, 478, 479, 565, 568, 569
commons problem 445
international 567
voluntary regulation 507
reregulation 361, 369
residuality doctrine 195
resolutions 76
Resource Conservation and Recovery Act 74
Responsible Care Programme 349, 505, 592
responsive regulation theory 15, 186–7, 313–14
result-oriented approach 324
revealed preferences 411, 412–13
‘revolving door’ 41, 51, 53, 61, 101
rights claims 222–3
Rio Declaration 288
risk 469–70, 472–3, 639
-based approach 377–8, 619–20, 629
risk regulation and precautionary principle 283–92, 295–306
cost–benefit analysis 300–301
history and development of principle 285–7
international regulation 303–304
least feasible risk 297–8, 300, 301
no-risk approach 295–6
politics 304–306
precaution in practice 289–91
prohibitions 296–7
role and future of precaution in risk regulation 291–2
significant-risk doctrine 298–300
terms, meanings and weak and strong precaution 287–9
zero-risk approach 296
role-specialization 361
Rugmark 449
rule of law 604
Weberian 576–7, 578–9, 583
rule monitoring 4
rule orientation 340
rule-based regulation 231–2
rule-based reporting 619
rulemaking 4, 6, 11, 61–3, 64, 322–3, 550–52
rules 38, 189, 191–2, 567, 593, 604
saccharin ban 295–6
Safe Harbor agreement 234–5
safety case model 427
Saint Vincent and the Grenadines island group 600
 Salisbury popul i (people’s welfare) tradition 113
sanctions 92, 93, 472, 477, 611
Sarbanes–Oxley Act (2002) (SOx) 651
Scandinavia 176, 217, 219
scientific knowledge, expansion of 123–4
second-best rule 297
second-party regulation 8, 470, 473–5, 480, 481, 491
secondary legislation 191, 196, 287
Securities and Exchange Commission (SEC) 63, 137, 651–2
securities sector regulation 365, 518, 532, 551
securitization:
-business model 647
cycle and conflicts of interest 654–6
-leverage and disclosure 648–52
sedimentation process 363, 369
self-determination 202
self-disclosed information 90
self-disclosed violation 85–6
self-evaluation 429
self-interest 42, 471
self-policing 87–8, 91
self-regulation:
advertising 259–60, 262, 263
associational 477–9, 484
-certification/social regulation 445
carbon dioxide 629, 634, 636
codes 490, 492, 494–5
compliance motivation 343
-enforced 10–11, 425, 664
environmental 349
European Union 515–16, 519–21
financial 642, 651
international 570
Subject index 693

Internet 269–71, 275
nuclear power 566
private 232
private market 470, 471–2
process-oriented 434–5
professional services 453, 454, 457–8, 460, 464
transnational 501
voluntary 502
see also first-party regulation
self-report 86
sensitivity analysis 390
separation of powers 15, 300
Seychelles:
Anti-Money Laundering Act 622
Economic Development Act (EDA) 621–2
shadow of hierarchy 501, 502, 505, 507, 508, 516
shadow of the market 502, 508
Sherman Act (1890) 119–21
shipping industry regulation 504
shirking 91–2, 195
signaling model 337
significant-risk doctrine 298–300
Singapore 247
single-purpose organizations 364, 368
’size’ of the policy 14
’smart practice’ 361, 364, 666–7
’smurfing’ 619
‘so far as reasonably practicable’ 426
Social Accountability International (SAI) 593–4, 596
social externalities 90
social insurance 219–20, 221–2
social licence 569
social order necessity 469–70
social partners 543
social policy 551
social proof 44
social regulation 12–13, 16, 161–2, 590–94
see also certification
social responsibility 314, 486
Social Security Administration 220
social systems theory (SST) 275–6
social welfare protection 577–8
socially-oriented individual 337, 339–40
Society for Worldwide Interbank Financial
Telecommunication (SWIFT) 235
society–profession nexus 489
socio-economic structuring and regulatory
capacity 576–8
sociological citizenship 332
’soft’ law 6, 191
certification/social regulation 433–4, 442
climatic change 633, 634, 636, 637
codes 488, 491
environmental regulation 350–54
European Union 536, 556
international 567, 569
legal rules and regulation 187–8, 606
non-legal 606
risk regulation and precautionary principle
286–7, 288
secondary or delegated 608
see also global regulation and norm
diversity: hard and soft law comparison
South Africa 231, 447–8, 586
sovereignty costs 610
special interest or economic theory of
regulation 29–30, 617
special purpose vehicles (SPVs) (finance)
650–51
specialization 114, 121, 123–4, 126
flexible 582
horizontal 368–9
structural 361
vertical 364, 368, 369
Staggers Rail Act (1980) 135
stakeholder participation and interest 71–2
stakeholder theory 352
standard contracting 349
standard cost model (SCM) 405–406
Standard Oil 120–21
standardization 261, 415–16
standards-based regulation 14, 424, 501, 567,
568, 592, 593
state initiatives 591–2
state regulation 114, 259–60
stated preferences 411, 413
statements 608
of outcomes 374
statute law 190, 194–5, 196, 632–3
statutory changes 77
statutory constraints 74–5, 78
statutory deadlines 74
stigma 313
Stockholm Convention on Persistent Organic
Pollutants 288
strategic decision 196
structural devolution 364
structural law approach 342
structured investment vehicles (SIVs) 64,
650–51, 657
substitutional governance 41
Sunshine Act 62
’sunshine’ approach 117
supranationalism 207, 221–3, 224, 551, 552,
563
Surface Transportation Board 117, 135–6
sustainability:
indexes 349–50, 351, 354
principle 288
reporting 348, 349, 351
Switzerland:
Cartels Act (2003) 209
Competition Commission 209–10
systems theory 187
systems-based regulation 373
Taiwan 261
take-care clause (Constitution) 188
Taliban 616
target approach 404
Tax Reform Act (1986) 137
taxation regulation 315, 343
technological change 121
technological progress 306
technology regulation 10, 232–3
technology-based regulation 373
telecommunications sector regulation 365–6, 518, 528–9, 532, 555, 557, 566
terrorism financing 616, 623
Terrorist Finance Tracking Program 235
third-party regulation 8–9, 90, 491
see also private market regulation
tit-for-tat approach 89, 324
tobacco product regulation 31–2
tort law 480
toxic substances exposure 297
trade associations 477, 570
trade unions 474
trade-marks and designs 554
traffic safety regulation 413
Transborder Data Declaration (OECD) 230
transboundary crises 558
‘transmission belt’ model 186
transnational corporations (TNCs) 529, 530, 531–3, 534
transnational regulatory regimes 532–3
transnational rules 189, 191–2
transparency argument 389
Transparency International 625
transportation sector regulation 45, 529
transportation costs 579–80
Treasury Department 651, 656, 657

Comptroller of the Currency 137
treaties 191–2, 567–8, 605, 606, 607, 608
see also European Union Treaty; Lisbon
Treaty under European Union
Troubled Asset Relief Program (TARP) 657
trust 455, 477
Truth in Advertising Resolution 260
Turkey: ‘Jo-In’ pilot project (Joint Initiative) 599
uncertainty 206, 295–6, 306, 610
climate change mitigation 629, 639
private market regulation 469–70, 472–3
process-oriented regulation 427–30, 435–6
‘union label’ 444
unionization 131
United Kingdom 79, 175, 204, 368, 526
Anti-Social Behavior Act (2003) 267
Cinematograph Act (1909) 245
civil and criminal enforcement 315
climate change regulation 631
Committee on Climate Change 638
Competition Commission 210
Customs Consolidation Act 277
financial regulation 646
Financial Services Authority 211
forestry products 569
impact assessment 399–400, 401, 405–406
legal rules and regulation 190, 192
media regulation 243, 246, 248, 249–50
National Institute for Health and Clinical Excellence 220
Obscene Publications Act (1959) 277
Ofcom 260
Office of Climate Change 638
parliamentarianism 177–8
process-oriented regulation 427, 433
professional services regulation 460, 462
public interest theory regulation 103
regulatory state 665–6, 668
risk regulation and precautionary principle 291–2
royal prerogative 194
welfare state regulation 222
United Mine Workers (UMW) union 29
United Nations 286–7, 302, 638
Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Drug Convention) 620, 621
Guidelines Concerning Computerized Personal Data Files 230
United States 4–5, 12, 152, 175, 459, 462, 464
advertising regulation 256–9
civil and criminal enforcement 315, 318–19
Congress 179, 301
Constitution 115, 188, 193–4
First Amendment 243, 249, 257
forestry products 568–9
impact assessment 398, 403–404
and Latin America 158–9, 163
legal rules 190, 192
media regulation 243, 244–6, 249–50
nuclear power industry 566
performance-based regulation 374–6
Peru Trade Promotion Agreement Implementation Act 77
privacy regulation 229, 233–6
public interest theory regulation 101–102, 107
regulatory capitalism 669
regulatory reforms 129, 132
regulatory state 663, 664–5
risk regulation 290
welfare state regulation 224
White House approval 62–3, 64
see also under cost–benefit analysis; financial regulation; Progressive Era
universal banks 646, 654
Universal Declaration of Human Rights (1948) 230
universal reform model 361
untraded interdependencies 580
urbanization 124, 125
utilities sector regulation 161–2, 205–206
value at risk models 654
value per statistical life (VSL) 412–14, 415, 416, 417
value per statistical life year (VSLY) 418
vertical integration 368–9
vesting clause (Constitution) 188
veto players 206, 208
vice-into-virtue reforms 224–5
Video Privacy Protection Act (1988) 232
virtuous cycle of cooperation 89, 353
voluntary programs 84–94
commitments 90–91
cooperative approach 86–8
evasion approach 86–8
external solution 88
information and regulatory enforcement 84–6
internal solution 88
in practice 91–2
reputations 88–9
see also voluntary regulation
voluntary regulation 499–508, 569, 669
better-regulation hypothesis 504
climate change 629, 634–5, 636, 637, 640, 663
effects 506–507
institutional explanations 504–506
involved actors and regulatory structure 501–502
and link with compulsory regulation 502–503
power-centred explanations 503
typology and examples 500–501
wage-risk studies 412, 413–14, 415
waste management sector regulation 520
watchdogs 458
wealth transfers 585
Weberian administrative model 163–4
Weberian bureaucratic model 666
Weberian rule of law 576–7, 578–9, 583
welfare state 215–25
administration 369
European Union 215, 217, 222, 224
health care 220, 224
international dimension 220–23
majoritarian democracy 215, 223
market coordination 215
market failure 217–18
non-majoritarian strategies 215, 223–4
pension reform 219–20, 221
privatisation 216–17
rights claims 222–3
Scandinavia 217, 219
social insurance 219–20, 221–2
statistical measurement 219, 224
supranationalism 221–3, 224
tax-benefit redistribution 215
types of policy 215
types of politics 215
Western values 244, 258
‘White Label’ 444
whole-of-government reform 362, 368–9, 403, 407
willingness to pay (WTP) 411, 412–13, 414, 416, 417, 418–19, 420
win-all-round outcomes 90, 91
Wingspread Statement on the Precautionary Principle 288
World Bank 220–21, 586, 622, 624
Social Investment Fund (SIF) 577–8, 585
World Health Organization 287
World Trade Organization (WTO) 145, 608
Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) 303–304
risk regulation and precautionary principle 288–9, 290–91, 303–304
zero-risk approach 296