

Editorial

The European Journal of Risk Regulation closes the year by hosting a wealth of risk-significant and original research articles.

Olga Schenk, Michelle Lee, Naveed Paydar, John Rupp and John Graham open the issue by providing an insightful study examining the significant interstate variation as to the level of development of unconventional gas (UGD), such as tight gas, shale gas and coal bed methane, in the United States. Given the mounting pressure against shale gas by public opinion, this article offers some food for thought to EU policymakers. After identifying the major factors responsible for it, the authors examine – through their quantitative and semi-quantitative assessment – the explanatory power of each of the factors they previously identify as responsible for such a variation. They conclude that three pre-conditions for the success of UGD – availability of reserves, infrastructure and supportive regulatory environments – are generalizable to other geographical contexts, including that of the European Union.

Aidan Robertson QC, a barrister and a prolific author, offers a timely legal analysis of minimum pricing as an alcohol control strategy under EU law. By focusing on the legal challenge brought against the Scottish legislation for minimum pricing unit – and currently pending before the Court of Justice of the EU –, he addresses the arguments put forward by the alcohol industry against this proposal. He concludes that domestic legislation introducing minimum unit pricing is not incompatible with the EU common organisation of the market of wine nor with the EU free movement of goods' rules.

Ignacio Carreño and Paolo Vergano, lawyers at FratiniVergano, provide the first legal analysis of the use of negative labelling on food products. This form of voluntary information scheme typically suggests that a given product is ingredient-free thus marketing it as of superior value. The message conveyed might suggest an association between the use of that ingredient and a food safety concern (e.g. GMO or BPA-free) or a perceived environmental/sustainability concern (e.g. palm oil). However, due to the absence of a specific EU legislation addressing the use of negative labelling, these are susceptible to give rise to abusive practices, which might mislead the consumer. While the 'informative' nature of these labelling schemes merely nudges consumers towards the consumption of these products, it also differentiates them from their competitors, thus demonising their ingredients or production processes.

Also the article by *Wieke Huizing Edinger* tackles the regulation of food products in the EU and focuses in particular on the issue of safety. By considering the controversial case of aspartame – is it safe or not? –, she argues that such uncertainties emerge from a too narrow focus of food safety risk assessment within the ambit of food regulations such as the EU's General Food Law. In her view, this would disregard certain types of hazard and causes an information gap with respect to how food consumption, eating behaviour and health are interconnected.

In the following article, *Neil Gunningham and Darren Sinclair*, both scholars at the Australian National University, investigate the role played by cultural factors in ensuring safety. By taking as a point of departure the significant variance in occupational safety across the Australian mining sector, they inquire what are the reasons that lead some companies to outperform others in terms of occupational risk, despite being subject to a common rather demanding regulatory safety framework. They demonstrate to what extent and in which circumstances specific cultural variables help to undermine or enhance the effectiveness of companies' overall risk management strategy.

Last, but not least, *Maria Elvira Méndez Pinedo*, professor of EU law at the Faculty of Law at the University of Iceland, provides a detailed and critical analysis of Iceland new plan for debt relief. In the aftermath of the economic turmoil, this aims at offering debt-relief and debt-discharges to over-indebt citizens. After providing an overview of Icelandic indebtedness and its major causes, she examined the indexation of credit under EU/EEA law, by referring to past and pending cases before the EFTA Court.

As usual, our correspondents keep us abreast of the latest developments in different risk regulation policies by covering issues such as EU labelling for energy drinks, the compatibility of domestic traffic-light labelling schemes on food with EU law, public perception of nudge-type interventions, and the latest developments in the implementation of the Framework Convention on Tobacco Control.

Several annotations of important EU judgments, such as the *in 't Veld* ruling on openness in EU international relations and *Markus D. and G.* on the legal status of narcotics, complete the issue together with our book review section.

Finally, before wishing you happy holidays, let me thank the growing community of reviewers for their contributions during 2014. We publish their names below in sign of appreciation.

Let me welcome to the Advisory Board of the EJRR Prof. *Hans Micklitz*, from the European University Institute, whose scholarship has contributed over the years to extend the boundaries of EU Consumer law thus shaping up the emergence of EU law of risk regulation.

It has been another great year for the EJRR, whose articles and authors were featured in several leading newspapers, such as *The Economist*, and media outlets, such as BBC News.

I wish you happy holidays and a pleasant reading!

Alberto Alemanno