

### EUROPEAN JOURNAL OF RISK REGULATION

At the Intersection of Global Law, Science and Policy





### EUROPEAN JOURNAL OF RISK REGULATION

At the Intersection of Global Law, Science and Policy

The European Journal of Risk Regulation is a leading peer-reviewed interdisciplinary journal published quarterly, connecting scholars and practitioners since 2009. How are risks to citizens' health, safety, privacy and the environment regulated across policy domains globally? Which regulatory responses to offer in times of uncertainty and societal contestation? As the pace of change accelerates, and as risk interconnections deepen, the journal explores classic and emerging risk phenomena, ranging from new technologies, environmental degradation, pharmaceuticals, food and other consumer products, to financial regulation, natural disasters and terrorism. It features research articles, current developments and reports, analyses of decisions by national and international courts and book reviews by pre-eminent scholars and practitioners from around the world. EJRR is addressed at academics, professionals, policy-makers and all those involved or interested in the global risk landscape

Follow EJRR on Twitter twitter/EurJRR

Like us on Facebook facebook.com/theEJRR

To subscribe or recommend a subscription to your librarian cambridge.org/ejrr

Find out how to submit your paper cambridge.org/ejrr

To advertise in the journal ad\_sales@cambridge.org

Copyright and permissions www.cambridge.org/about-us/rights-permissions.

ISSN: 1867-299X E-ISSN: 2190-8249

This journal issue has been printed on FSC-certified paper and cover board. FSC is an independent, non-governmental, not-for-profit organization established to promote the responsible management of the world's forests. Please see www.fsc.org for information.

Printed in Great Britain by Bell & Bain Ltd, Glasgow

© Cambridge University Press

### EUROPEAN JOURNAL OF RISK REGULATION

### EDITORIAL TEAM

### **Editor-in-Chief**

Alberto Alemanno, HEC Paris, France

### **Managing Editor**

Cliff Wirajendi, HEC Paris, France

### **Deputy Editors-in-Chief**

Enrico Bonadio, City, University of London, UK Adam Burgess, University of Kent, UK Pascal Cardonnel, Court of Justice of the European Union, Luxembourg Stijn Smismans, Cardiff University, UK Maria Weimer, University of Amsterdam, The Netherlands

### **Senior Editors**

Vigjilenca Abazi, Maastricht University,
The Netherlands
Kristian Cedervall Lauta, University of
Copenhagen, Denmark
Elaine Fahey, City, University of London, UK
Amandine Garde, University of Liverpool, UK
Alexia Herwig, University of Antwerp, Belgium

Anne-Lise Sibony, University of Louvain, Belgium Alessandro Spina, European Commission, Belgium Marjolein van Asselt, Maastricht University, The Netherlands Arnaud van Waeyenberge, HEC Paris, France

### **Case Commentary Editors**

Marta Morvillo, University of Amsterdam, The Netherlands Oliver Bartlett, Maynooth University, Ireland

### **Book Review Editor**

Ludivine Petetin, Cardiff University, UK

### **Editorial Board**

Lorenzo Allio, allio I rodrigo Consulting, Switzerland Alessandra Arcuri, Erasmus University Rotterdam, The Netherlands

Lucas Bergkamp, Hunton & Williams LLP, Belgium Andrea Bertolini, Scuola Supperiore Sant'Anna, Italy

Susana Borrás, Copenhagen Business School, Denmark

Morten Broberg, University of Copenhagen, Denmark

Thomas Burri, University of St. Gallen, Switzerland

Fabrizio Cafaggi, European University Institute, Italy

Ignacio Carreño García, Franti Vergano – European Lawyers, Belgium

Sweta Chakraborty, Institute on Science for Global Policy, USA

Anniek de Ruijter, University of Amsterdam, The Netherlands

Michael Faure, Maastricht University, The Netherlands

Manuel Alejandro Gòmez, Florida International University, USA

Lukasz Gruszczynski, Polish Academy of Sciences, Poland

Ragnar Löfstedt, King's College London, UK Benn McGrady, World Health Organisation; & Georgetown University, USA

Jacqueline Peel, University of Melbourne, Australia Simon Planzer, University of St.Gallen, Switzerland Sara Poli, University of Pisa, Italy

Kai Purnhagen, Wageningen University and Research, The Netherlands

Claudio Radaelli, University of Exeter, UK Andrea Renda, Centre for European Policy Studies, Belgium

David Restrepo-Amariles, HEC Paris, France Colin Scott, University College Dublin, Republic of Ireland

Gianluca Sgueo, European Parliament, Belgium Hideaki Shiroyama, University of Tokyo, Japan Geert van Calster, University of Leuven, Belgium Ellen Vos, Maastricht University, The Netherlands Jonathan B. Wiener, Duke University, USA Matteo M. Winkler, HEC Paris, France

### **Editorial Advisory Board**

Carl Baudenbacher, President of the EFTA
Court, Luxembourg; & University of St.
Gallen, Switzerland
Nicolas de Sadeleer, Saint-Louis University,
Brussels, Belgium
José Esteve Pardo, University of Barcelona, Spain
Hans-W. Micklitz, European University
Institute, Italy

Jacques Pelkmans, Centre for European Policy Studies, Belgium Francis Snyder, Paul Cézanne University Aix-Marseille III, France

Cass R. Sunstein, Harvard University, USA David J. Vogel, University of California, Berkeley, USA

Vern R. Walker, Hofstra University, USA

### EUROPEAN JOURNAL OF RISK REGULATION

### TABLE OF CONTENTS

### Volume 10, Issue 4

### SYMPOSIUM ON EUROPEAN UNION GOVERNANCE OF HEALTH CRISIS AND DISASTER MANAGEMENT

- Guest-Editorial to the Symposium on European Union Governance of Health Crisis and Disaster Management: Key Norms and Values, Concepts and Techniques

  Mark L Flear and Anniek de Ruijter
- Break or Bend in Case of Emergency?: Rule of Law and State of Emergency in European Public Health Administration

  Filipe Brito Bastos and Anniek de Ruijter
- 635 EU Coordination of Serious Cross-Border Threats to Health: The Implications for Protection of Informed Consent in National Pandemic Policies

  Hannah van Kolfschooten
- 652 Electronic Systems of Information Exchange as a Key Tool in EU Health Crisis and Disaster Management Patrycja DĄBROWSKA-KŁOSIŃSKA
- 677 Understanding EU Solidarity and Migration in Crisis: Narratives of Health as Tools of Governance

  \*\*Rachael Dickson\*\*
- 693 Epistemic Injustice as a Basis for Failure? Health Research Regulation, Technological Risk and the Foundations of Harm and its Prevention

  Mark L Flear
- 722 Signals, Signs and Syndromes: Tracing [Digital] Transformations in European Health Security

  \*\*Stephen L Roberts\*\*

### ARTICLES

- Pathways to European Policy and Regulation in the Crypto-economy Iris H-Y Chiu
- Gene Editing for the EU Agrifood: Risks and Promises in Science Regulation Luca Leone
- 781 Shadow Banking in Europe: Idiosyncrasies and their Implications for Regulation *Hossein Nabilou and André Prüm*

### CASE COMMENTARY

Who Will Save the Olive Tree?: C-443/18, *Commission v Italy Mario Pagano* 

### **BOOK REVIEWS**

- Knowledge and Global Power: Making New Sciences in the South, by Fran Collyer, Raewyn Connell, João Maia, and Robert Morrell, 2019

  Ruth Knoblich
- The Regulation of E-cigarettes International, European and National Challenges, by Lukasz Gruszczynski (Ed.), 2019

  Sabrina Röttger-Wirtz