Editorial

The EJRR's latest release opens with a timely special issue edited by *Maria Weimer* and *Luisa Marin* exploring the ways in which law and regulation respond to emerging technologies. Based on the UCall Conference organised at Utrecht University "Law and the Risk Society", the contributions to this special issue provide instructive and insightful reflection proving that the relationship between law and technology is more complex than one-directional accounts are able to tell.

In addition to this collection, this issue also features four original research articles devoted to the interplay between legal decision-making and expertise, standing rights for private parties, the European Securities and Markets Authority's (ESMA) supervisory powers, and the civil standards of proof in English law.

In light of the increasing interest in rooting policymaking to scientific findings, *Suryapratim Roy* seeks to demonstrate the necessity of investing in an intermediary interpretative step between law and expertise, which is absent in the European legal order's existing institutional mechanisms. He therefore provides an original conceptual framework of how expertise may be understood and used by legal scholars, practitioners and decision-makers.

Given the inherent techno-scientific as well as political nature of risk regulation, the judicial review of risk regulatory measures is particularly challenging. This, in turn, has implications on the EU law standing requirements for private parties. In his research article, *Lucas Bergkamp* analyses these requirements with respect to generally binding measures, and ultimately provides an answer to the question whether enhanced standing for private parties is in the public interest.

The European Securities and Markets Authority (ESMA) has attracted considerable academic attention due to its newly acquired regulatory powers and the ensuing questions in relation to the legitimacy and accountability of their exercise. Its supervisory tasks are not less impressive but they have been much less investigated. To fill this gap, *Marloes van Rijsbergen* and *Miroslava Scholten* examine the question of judicial control over the inspection power of ESMA.

Can "naked statistical evidence" satisfy the civil standard of proof in English law? In order to answer this question, *Tony Ward* looks at the UK Supreme Court decision in *Sienkiewicz v Greif*, and argues that what is required to meet such a standard is a judicial belief that causation is more likely than not, rather than a categorical belief that it occurred.

Thanks to our correspondents, this issue discusses some recent developments across different risk regulation sectors, such as the implications of CETA's – the free trade agreement between the EU and Canada – qualification as a "mixed agreement" and

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the debates surrounding its provisional application; the application of the WTO's SPS Agreement to transnational, private food standards; and the impact of consumer preferences for organic, natural and local products on nutritional health and public policy.

Finally the issue hosts two book reviews, and a set of case annotations covering three major risk regulation judgments by the EU Courts in relation to the Commission's failure to adopt criteria for the determination of endocrine-disrupting properties, the validity of the EU Tobacco Products Directive 2014, and the application of the nutrition and health claims Regulation to health professionals.

We wish you a happy *rentrée* and a pleasant reading!

Alberto Alemanno and Cliff Wirajendi

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