
Call for Papers

The European Journal of Law Reform is seeking submissions for a 2022 special issue:

Evidence-based Legislation: Analysing European policy domains

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The editors have designed the following Special Issue within the scientific framework provided by the Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE).

Background

With its 2015 Better Regulation Agenda,¹ the European Commission stressed the importance of evidence-based legislation² as a means to ensure that a policy is developed on the basis of a 'systematical analysis of the potential economic, social and environmental impacts of proposed policies'. Evidence-based legislation should thereby help policymakers to draft 'high quality' legislation that is effective and efficient.³ With its 2021 Communication, the Commission has affirmed the importance for scientific evidence for all policy areas, in order to accurately explore and address problems requiring EU intervention.⁴ The European Commission stressed its aim to develop a Joint Legislative Portal that will make evidence supporting all policies publicly available. This should enhance public trust in decision-making and help to involve stakeholders in the decision-making process.⁵

The literature has extensively addressed issues linked to 'Better Regulation' at the European and national levels⁶ and has raised questions that are still pertinent, due to the ongoing and

¹ The documents included in the "Better Regulation" package are available at: <[https:// ec. europa. eu/ info/ law/ law -making -process/ better -regulation -why -and -how_ en#need](https://ec.europa.eu/info/law/law-making-process/better-regulation-why-and-how_en#need)>.

² 'Policy' is a wider term than legislation and encompasses alternative measures, e.g. the EU Guidance or the promotion of self-regulation, as well as measures to strengthen law and policy implementation or enforcement.

³ In addition, it is worth recalling that the OECD, *Regulatory impact assessment, OECD Best Practice Principles for Regulatory Policy*, Paris, 2020, p. 8, defines 'evidence-based policymaking' as follows: 'Policies and/or regulations should always be based on the best available information (...) and take into account different solutions to a problem'.

⁴ European Commission, *Communication from the Commission to the European Parliament and Council, Joining forces to make better laws*, 2021, available at https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en, p. 3. Previously, the Commission also reiterated effectiveness in the form of 'better results', see communication from the commission to the european parliament, the council, the european economic and social committee and the committee of the regions: Better regulation for better results - An EU agenda, COM (2015) 215

⁵ European Commission, *Communication from the Commission to the European Parliament and Council, Joining forces to make better laws*, 2021, available at https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en, p. 7.

⁶ Cf e.g. C. Radaelli, 'Whither Better Regulation for the Lisbon Agenda', *Journal of European Public Policy*, Vol. 14, No. 2, 2007, pp. 190-207; M. Kaeding, 'In Search of Better Quality of EU Regulations for Prompt Transposition: The Brussels Perspective', *European Law Journal*, Vol. 14, No. 5, 2008, pp. 583-603; C. Radaelli & A. Meuwese, 'Better Regulation in Europe: Between Public Management and Regulatory Reform', *Public Administration*, Vol. 87, No. 3, 2009, pp. 639-654; C. Dunlop *et al.*, 'The many uses of regulatory impact assessment: A meta-analysis of EU and UK cases', *Regulation and Governance*, Vol. 6, 2012, pp. 23-45; A. Alemanno, 'How Much Better Is Better Regulation? Assessing the Impact of the Better Regulation Package on the European Union – A Research Agenda', *European Journal of Risk Regulation*, Vol. 6, No. 3, 2015, pp. 344-

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future-oriented approach to better regulation pursued by the European Commission. Despite the definition proposed by the OECD, a clear definition of evidence as input for EU legislative efforts and standards for processing evidence in the legislative process is still lacking.

Approach

For this special issue, we inquire:

How can evidence in the legislative process and the collection thereof be conceptualized in view of ensuring better regulation and implementation in EU policy domains?

This Special Issue takes an interdisciplinary approach, bringing together legal, governance and political science perspectives.

First we aim to systematise a number of ‘horizontal’ contributions addressing the core themes of the European Commission’s Communication and the role of evidence as approached in the existing law and policy literature. This is necessary to develop a conceptual toolbox with the aim to ensure consistency in the approach as well as a rich theoretical framework.

Second, with a view to offer a more exhaustive and diversified overview of how evidence is collected, the Special Issue will aim to include a number of ‘vertical’ contributions that will deepen the focus on the collection of evidence in different policy domains. These include proposals in ‘essential areas’, as described by the European Commission’s political priorities,⁷ as well as prominent developments,⁸ and initiatives that have been promoted as examples of ‘better regulation’.⁹

The provisional table of content for the special issue will be as follows:

- General Introduction
- Part 1: On Evidence-based legislation
 - Article 1: Evidence in policymaking
 - Article 2: Evidence in the legislative process
- Part 2: Evidence-based legislation in specific domains
 - Article 3: Internal market law
 - Article 4: Asylum and Migration
 - Article 5: Competition law
 - Article 6: open for submissions
 - Article 7: open for submissions
 - Article 8: open for submissions
 - Article 9: open for submissions
 - Article 10: open for submissions

356; S. Tombs, ‘Making Better Regulation, Making Regulation Better?’, *Policy Studies*, Vol. 37, 2016, pp. 332-349.

⁷ COM (2020) 440, p. 2 names, for example, the Green Deal and initiatives to further the internal market.

⁸ This can range from the recovery plan, COM(2020) 456, to new migration initiatives and the IE action plan.

⁹ For example the new consumer agenda, see <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12464-A-New-Consumer-Agenda>

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For the chapters 5-10 we welcome contributions from all EU policy areas, such as

- Agriculture
- Business and industry
- Culture
- Customs
- Development and Cooperation
- Education, training and youth
- Employment and social affairs
- Energy
- Environment
- Food safety
- Foreign and security policy
- Health
- Human rights and democracy
- Justice and Fundamental rights
- Regional policy
- Research and innovation
- Taxation
- Trade
- Transport

Submission details

Prospective contributors are invited to submit a **750-word** proposal for a journal article to **si.evidencebasedlegidlation@gmail.com** before **15 October 2021**. The proposals shall be clear about the focus, the approach and structure.

The proposals will be selected on substantive quality and overall variety in policy areas. If accepted, the proposals shall be presented during a webinar mid-November.

Selected authors will be asked to submit a **<4,500-word article** by **1 February 2022**, and the Special Issue is expected to be published by **September 2022**.