



SAPIENZA
UNIVERSITÀ DI ROMA
DIPARTIMENTO DI SCIENZE GIURIDICHE



**SHORT COURSE ON
REGULATION
3RD EDITION**

**THE QUEST FOR
EFFECTIVE REGULATION**

Rome, Sapienza Università di Roma
21-23 September 2015

Academic Directors:
Prof. Robert Baldwin, Prof. Marco D'Alberti,
Prof. Nicoletta Rangone

www.scienzegiuridiche.uniroma1.it/CAF-Regulation

Objectives

The course is intended for participants who may have varying familiarity with regulation. It will both introduce participants to key issues and develop understandings of these. The presentations will be of special value to professionals who are moving into regulatory affairs from other areas (no prior knowledge of regulation or economics will be assumed).

The third edition of the course will cover regulatory theory and all stages of the regulatory process — from law and rule-making to institutional frameworks and enforcement. It will consider regulation from the perspectives of economists, lawyers, sociologists, political scientists and others. Individual seminars will examine not merely how regulation ought to be carried out and evaluated but how regulation tends to develop and how its incidence and shape can be explained. Lessons from the financial, utilities and other sectors will be drawn on.

Eligibility

The course is intended for civil servants, managers and officers of enterprises, professionals, barristers, solicitors, attorneys, scholars and students who wish to reach an advanced education on regulation.

Time: 21-23 September 2015 (three full days: 10.00-14.00 15.00-18.30).

Location: Sapienza University, Law School, piazzale Aldo Moro 5, 00185, Rome, Italy.

Applications: The number of participants will be between 10 and 30. Applications must be submitted before 10th September 2015.

Cost: € 1,500 (including meals and supporting materials), € 1,200 each for three people of the same institution or firm; € 1,000 each for five people of the same institution or firm; € 800 for researchers, PHD and undergraduate students.

Other information: an attendance certificate will be released upon request. Twenty-two credits for continuous professional training of lawyers and accountants will be assigned, respectively, by the Ordine degli avvocati di Roma and the Ordine dei dottori commercialisti e degli esperti contabili di Roma. Twenty credits (CFU) will also be assigned to those who are already attending a Master programme. For more information, see www.scienze giuridiche.uniroma1.it/CAF-Regulation.

PROGRAMME

DAY 1: REASONS AND IMPORTANCE OF REGULATION

PUBLIC INSTITUTIONS AND PROSPERITY: THE CRUCIAL ROLE OF REGULATION

Professor M. D'Alberti

PUBLIC, PRIVATE, HYBRID REGULATIONS AND THEIR MAIN FAILURES

Professor M. D'Alberti

REGULATION AND COMPETITION

Professor M. D'Alberti

REGULATION FOR ECONOMIC GROWTH AND SOLIDARITY

Professor M. D'Alberti

WHY REGULATE?

Justifications for regulating – economic, 'market failure' and other.
Professor R. Baldwin

WHAT IS GOOD REGULATION?

How do we justify and assess regulation – criteria and benchmarks. Evaluation systems.
Professor R. Baldwin

COPING WITH UNCERTAINTY: THE PRECAUTIONARY PRINCIPLE IN REGULATION

The challenges of regulating in the face of incomplete information and evidence.
Professor V. Heyvaert

RISKS AND REGULATION

The consequences of organizing regulation around the idea of risk. Different approaches to risk.
Professor V. Heyvaert

COPING WITH REGULATORY CHANGE

How can firms and others predict future regulatory systems and constraints?
Professor R. Baldwin

DAY 2: REGULATORY STRATEGIES FOR DIFFICULT TIMES

FROM COMMAND TO SELF-REGULATION AND INCENTIVES

Problems of legislative solutions. Alternatives and less-restrictive regulation.

Professor R. Baldwin

THE CHALLENGES OF ENFORCEMENT

At which stage of a risky activity should the regulator intervene? Analysing enforcement in its different aspects. Comparing ‘deterrence’, ‘compliance’ ‘responsive’ and other systems.

Professor R. Baldwin

RULES AND STANDARDS

How different types of rules and standards affect the achieving of objectives. The advantages and disadvantages of different formulations.

Professor R. Baldwin

NUDGING: ANOTHER TOOL IN THE BOX?

What is the potential of ‘nudging’ as a less-restrictive alternative to traditional forms of control?

Professor R. Baldwin

COGNITIVE BASED RULE-MAKING FOR MORE EFFECTIVE REGULATION

Cognitive findings give insight about how “real people” react to regulation. Incorporating these evidence require a re-thinking of the regulatory process and the development of new regulatory tools.

Professor N. Rangone

EMISSIONS TRADING AND MARKET MECHANISMS

Trading as an alternative to ‘command’ approaches.

Professor R. Baldwin

REGULATORY STRATEGIES AND THE EUROPEAN DIMENSION

The impact of European decision-making on instrument choice and implementation.

Professor V. Heyvaert

REGULATORY LESSONS FROM THE FINANCIAL CRISIS

1) **THE CHALLENGES OF SYSTEMIC RISKS**

The special challenges posed by systemic and cumulating risks.

Professor V. Heyvaert

2) **PRINCIPLES BASED REGULATION – IS IT DEAD?**

Is the lesson from the crisis that principles based regulation needs to be re-thought?

Professor R. Baldwin

3) **ANALYSING REGULATORY FAILURE**

How can we understand the regulatory failings that preceded the crisis? How can we evaluate their role in the crisis?

Professor V. Heyvaert

4) **REGULATORY STABILITY**

How can business demands for regulatory stability be set reconciled with needs for flexibility and market responsiveness?

Professor R. Baldwin

DAY 3: EVALUATING REGULATORY SYSTEMS AND PERFORMANCE

RISK BASED REGULATION

Making strategies of risk based regulation work: the challenges.
Professor R. Baldwin

REGULATION IN THE TRANSNATIONAL CONTEXT

The role of non-state actors in regulation and issues of trans-jurisdictional legitimacy
Professor V. Heyvaert

IMPACT ASSESSMENT, COST-BENEFIT TESTING AND REGULATION

The role of Cost Benefit Analysis in regulation. Technical issues.
Professor R. Baldwin

REGULATORY IMPACT ASSESSMENT: WORKSHOP

Issues arising in applying a cost benefit approach to evaluating regulations. Case study.
Professor R. Baldwin

REGULATORY IMPACT ASSESSMENT: DOES IT ADVANCE THE SEARCH FOR BETTER REGULATION

The worldwide search for less intrusive, lower cost, more effective regulation – how this sits with other approaches such as impact assessment. How RIAs impact on policy processes.
Professor R. Baldwin

COMPETITION IMPACT ASSESSMENT

This session considers the use of ex ante and ex post competition assessment in avoiding anticompetitive regulation, creating more effective and less burdensome regulation, and the role that competition authorities might play in this.
Professor N. Rangone

ASSESSING REGULATORY BURDENS

Regulators faced with the measurement and reduction of administrative burdens and substantive compliance costs.
Professor N. Rangone

CORRUPTION IN REGULATION, CORRUPTION BY REGULATION

Ethics, law and economics: a controversial relationship. The paradox of regulating ethics to keep corruption under control.
Professor M. De Benedetto

CONCLUSION: HOW TO SECURE EFFECTIVE REGULATION

Professor M. D'Alberti

ACADEMIC STAFF

Professor Robert Baldwin

Robert Baldwin is a Professor of Law at the LSE where he teaches Regulation and Criminal Law at undergraduate and graduate levels. He has published widely on regulation and acted as a consultant to such bodies as the Health and Safety Executive, the European Commission, the International Labour Organisation, the National Audit Office and HM Treasury. His books include: *Regulating the Airlines*, (Oxford, University Press, 1985); *Rules and Government*, (Oxford University Press, 1995); *Law and Uncertainty* (Kluwer, 1996); *Understanding Regulation*, (Oxford University Press, 1999 with Martin Cave and 2011 Second Edition with M. Cave and M. Lodge) and *The Government of Risk* (Oxford University Press, 2001 with Christopher Hood and Henry Rothstein); *The Oxford Handbook on Regulation* (Oxford University Press, 2010) (with M. Cave and M. Lodge).

Professor Marco D'Alberty

Marco D'Alberty is full Professor of Administrative Law at "Sapienza" University School of Law, Rome and Director of the Postgraduate Master in "Global Regulation of Markets". He taught, as visiting professor, at Columbia Law School (1995) and at Université de Paris II (1990 and 2005). He has been member of the National Council for Economy and Labour-CNEL (1995-1997); member of numerous Committees for administrative reforms at the Prime Minister's Office and several Ministries (1985-1997); member of the Committee for the Guarantee of Statistical Information (1993-1997); chairman of the Committee for Administrative Innovation (1996-1997); commissioner of the Italian Competition Authority (1997-2004); chairman of the Commission for the Reform of Cultural Goods and Activities (2013). He is author of numerous essays and articles in Administrative Law, Public Administration, Comparative Law and Public Regulation of Markets and of the following books: *Lezioni di diritto amministrativo* (Giappichelli, 2012 and 2013); *Poteri pubblici, mercati e globalizzazione* (Il Mulino, 2008); *Diritto amministrativo comparato* (Il Mulino, 1992); *I "public contracts" nell'esperienza Britannica* (Jovene, 1984); *Le concessioni amministrative* (Jovene, 1981).

Professor Maria De Benedetto

Maria De Benedetto is full Professor of Administrative Law of Economics at the University "RomaTre". She has been legal advisor for the Italian Antitrust Authority (1996), the Presidency of the Italian Council of Ministers – Department for Civil Service (2000), the Italian School of Public Administration (2002-2004). She has been member of the Italian Unit for the simplification and quality of regulation

(2006-2008) and she is currently member of the Italian National Research Council (CNR) Ethics Commission. She is also Editor in chief of the legal review “Studi Parlamentari e di Politica Costituzionale”. She has written the following books: *L’Autorità garante della concorrenza e del mercato* (Il Mulino, 2000); *Istruttoria amministrativa e ordine del mercato* (Giappichelli, 2008); (with N. Rangone and M. Martelli) *La qualità delle regole* (Il Mulino, 2011). She has also edited *Istituzioni, politica e amministrazione. Otto paesi europei a confronto* (Giappichelli, 2005) and *Spiagge in cerca di regole. Studio d’impatto sulle concessioni balneari* (Arel/Il Mulino, 2011).

Professor Veerle Heyvaert

Veerle Heyvaert is an associate Professor in Law at the LSE where she teaches Environmental Law and European law. She is founder and Editor-in-Chief of *Transnational Environmental Law*, an international peer-reviewed journal dedicated to new ideas on environmental governance in a global context. She has an LL.M. from Harvard Law School and a PhD from the European University Institute in Florence. She has published extensively on issues of transnational environmental law, regulatory agencies and risk regulation, including recent articles on regulatory competition in the *Journal of Environmental Law* (2013) and climate change governance in the *Modern Law Review* (2009). Her current research covers the transformation of environmental regulation in the past decades and its impact on law.

Professor Nicoletta Rangone

Nicoletta Rangone is full professor of Economic Law at LUMSA University where she teaches Administrative Law, Economic Law, and Market Regulation. She has been professor at the Politecnico of Milan (2002-2014), qualified lawyer, doctoral fellow at the Université Libre de Bruxelles and she completed a PhD in Public Law in 1996. She worked for national and international institution on regulation: the OECD (2000, 2001, 2007, 2009, 2014); the Italian Competition Authority (1996-2002); the Ministry of Public Administration (task force on administrative burdens since 2007); the Italian Unit for the simplification and quality of regulation of the Presidency of the Council of Ministries (2008-2011); the Ministry for Justice (2007-2009); the National School of Administration (2002-2004). She is author of numerous essays and articles on regulation and she has written the following books: *I servizi pubblici* (Il Mulino, 1999); *Le programmazioni economiche* (Il Mulino, 2007); *La qualità delle regole* (with M. De Benedetto and M. Martelli, Il Mulino, 2011); *Policies and regulations for Local Sustainable Development. The Covenant of Mayors* (ed. with J. Ziller, Editoriale Scientifica, 2013).

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