

# **Minority Opinion Dissenting Statement Of Gilinsky And Macfarlane**

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*Nevada. Supreme Court Stijn Smismans Washington (State). Supreme Court New York (State). Court of Appeals United States. Federal Power Commission Paul Finkelman Oregon. Supreme Court Corporate Counsel Institute New York (State). Superior Court (New York) Francis Andrew March International Court of Justice Pennsylvania Public Utility Commission Illinois. Pollution Control Board Henry Clifford Spurr United States Railroad Labor Board*

this volume examines the role of law in increasing the legitimacy of european decision making by structuring and facilitating diverse forms of participation representation and deliberation whilst ensuring transparency and accountability the democratic deficit and the legitimacy of the european union have attracted the attention of both lawyers and political scientists but few have examined normatively the role of interest groups or of functional participation in european governance this book examines institutional settings such as committees agencies and social dialogue within which such participation occurs moving beyond generalities the author provides a detailed empirical account of participation within one policy sector ec occupational health and safety smismans argues that different institutional settings for functional participation are underpinned by very different considerations they weight balanced representation deliberation and expertise differently he shows how this participation differs between legislation and regulatory implementation and appraises the extent to which participation can compensate for a lack of territorial representation in implementation procedures and can exert some control over scientific experts this book reveals changes in functional participation over time from regulatory to persuasive policy making and argues that the new forms of governance are not necessarily more participatory than the old

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