


Democratic legitimacy of nca decisions weighing public values

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Topics



1. Problem
2. Legitimacy & why democratic legitimacy
3. Possible solutions
4. Some difficulties
5. Concluding remarks



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1. Problem

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1. Problem: political/democractical legitimacy

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2. Legitimacy of Nca-action

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3. Possible solution 1

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3. Possible solution 2




2. Providing democratic legitimacy: include democratic deliberation





e.g: consumer panel or: stakeholder panel

3. Possible solution 3




3. Providing democratic legitimacy: introduce cabinet control






e.g: 'appeal' to min. of Econ. Affairs Or: min EA and 'interested' minister

3. Possible solution 4



4. Democratic control: strengthen relation nca & parliament


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5. Some difficulties

1 Independence of nca: general problem

2 How do nca's come to look at these cases? Do we need an *ex ante* publicvalue-exemption procedure?

3 Civil courts position: Is amicus curiae procedure useful here?




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5. Some difficulties

4 When to use the new procedure (identification/demarcation)

- Where public value gains cannot be calculated
- Where it is unethical to calculate
- Where it the consumer welfare loss is bigger than the public-value gain?

5 Relationship European level and national level and differentiation in outcomes






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6. Concluding remarks

If public values, such as sustainability, is taken seriously -> nca's should weigh


Non-legitimacy can be redressed by innovative decision-making procedures

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