



REGULATORY QUALITY AND COVID-19 IN OECD COUNTRIES

The Use of Regulatory Management Tools in Times of Crisis

Nick Malyshev, Head of the Regulatory Policy Division, Directorate for Public Governance
6th ASEAN-OECD Good Regulatory Practices Network Meeting
Session 1 – 11 August 2020



Regulatory Policy and the COVID-19 Crisis

- Regulatory decisions are vital at nearly every stage of resolving the health crisis and the related social and economic effects.
 - Regulatory management tools help to ensure decisions are made according to good evidence, thus preventing overly burdensome regulatory decisions that could restrict governments' response efforts
- Framing paper: [Regulatory Quality and Covid-19: Managing the Risks and Supporting the Recovery](#), followed by [papers and webinars](#) in six areas:
 - [Improving regulatory delivery](#), [international regulatory cooperation](#), new technologies, [regulatory management tools and oversight](#), [sector regulation](#) and behavioural insights.
- Southeast Asia: Short survey and technical note forthcoming to pair with analysis on OECD countries



The Use of Regulatory Management Tools in Times of Crisis

Focus: Paper on [regulatory management and oversight & webinar](#) (May 2020), specifically:

1. Regulatory management challenges in times of crisis
2. How regulatory management tools are being used
3. Future after COVID-19



1. Regulatory management challenges during crisis

Extreme pressure on governments

- Difficult, often needing reconciliation: health, economic, social
- Balancing short and long term responses (and consequences)

Quality regulation and delivery *essential* but:

- Incomplete evidence & lack of time: weakened deliberation, consultation, analysis
- Severe resource constraints prioritisation: personnel & legislative programmes, often away from regulatory management



2. How regulatory management tools are used

- Shortened administrative procedures: fast track or emergency law
- Exceptions, simplifications and prioritisations:
 - *Ex ante* RIA: maintained where possible, at least qualitatively
 - Stakeholder engagement: shorter; smaller groups
- Measures are often temporary, contain sunset clauses and require post-implementation review
- New diverse, expert advisory groups & coordinating committees w/ senior officials, ministers, scientific community



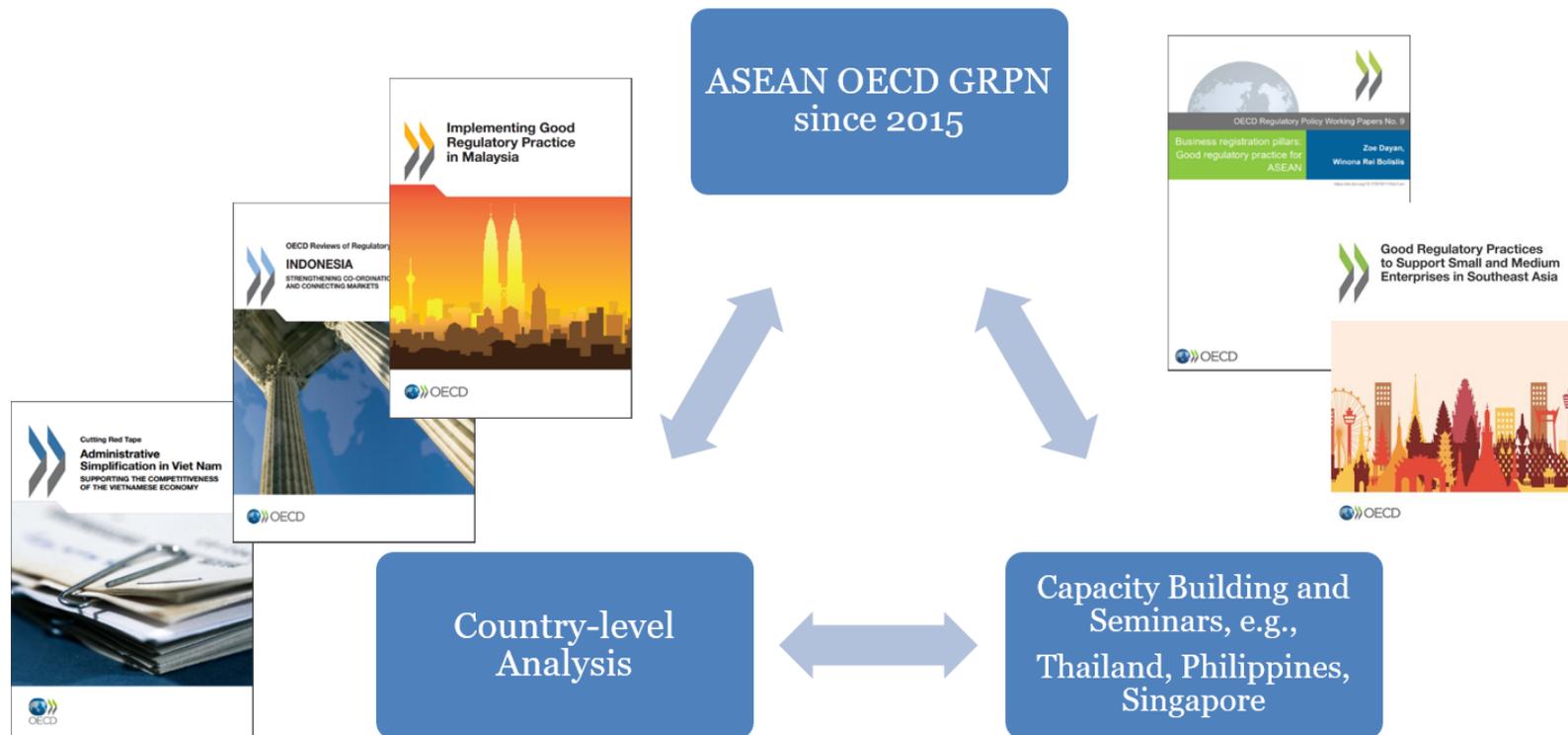
3. Future after COVID-19

- Possible reluctance for returning to deliberative policymaking
- Need to develop well resourced regulatory management system, adaptable to change (technological, crisis, etc.)
 - Strong regulatory oversight bodies
 - Renew RIA and regulatory processes: Evidence base, behavioural insights, risk management, international regulatory co-operation, *systems thinking* and *resilience*
- Post-implementation and *ex post* reviews
 - Embed monitoring processes (data, etc.) from law implementation as well as sunset or *ex post* review
- Use this experience and lessons to strengthen regulatory framework for future crisis and risk management



Thank you!

OECD work on Regulatory policy in SEA: oe.cd/3bj



Contacts: Mike.Pfister@oecd.org and James.Drummond@oecd.org