Regulatory policy in SEA during COVID-19 and OECD agile governance principles

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1. Update on the forthcoming policy note on regulatory policy in Southeast Asia during COVID-19

2. Update on the Draft OECD Recommendation on Agile Regulatory Governance to Harness Innovation
Policy Note on regulatory policy in Southeast Asia during COVID-19
Capturing the rich discussion of the GRPN in a policy brief

**Goal:** To leverage our conversations during the pandemic into...

- A summary of discussions from the sixth and seventh GRPN meetings
- A snapshot of AMS experiences and actions regarding regulatory governance during the crisis and how these parallel with OECD members’ experiences
- A way to support peer learning

→ Survey launched in September 2020 to add data to support the findings of GRPN sessions
Survey timeline

- **Summer 2020**: Survey construction/testing with GRPN organising team
- **Fall 2020**: Survey responses collected from all SEA countries via the GRPN main contact points
- **Winter 2021**: Data analysed and report drafted
- **Spring 2021**: Comments on report and finalisation for publishing
- **Summer 2021**: We are here
Key Messages

1. **Broad vs. target regulations**: Decision making highly centralised in the executive branch alongside ad-hoc COVID-19 coordination committees. Potentially lead to more focus on community-wide policies, i.e. for all forms of businesses, vs targeting sectoral approaches.

2. **Regulatory processes reduced**: Pandemic caused governments to change regulatory requirements, often relaxing or applying them more flexibly especially to reduce burdens and/or facilitating compliance. In some cases, specific regulatory issues needed new regulations, such as contact tracing or quarantine rules.

3. **Ex post review will be important**: Examine what changes can be considered a “gain” and where further changes may be necessary. These lessons will be important to help build flexibility into the regulatory policy making system, though data demonstrates a moderate commitment to such reviews by SEA countries.

4. **An eye towards “future-proofing”**: Reviews can help identify ways to cope with future crises, including what to activate when a crisis hits or de-activate once it has eased. Possible solutions already being considered by countries, including reforms to international regulatory cooperation, oversight and sectoral applications of better regulation principles (e.g. to trade and investment).

5. **Digital is still the future**: As in the OECD, many SEA countries clearly leveraged digital technologies to adapt quickly and ensure government functions; however, it is unclear what effect this has had on regulatory quality. Often used broadly to support stakeholder engagement, while less so for RIAs or ex post reviews, clearly offering avenues to innovate GRPs.
Draft OECD Recommendation on Agile Regulatory Governance to Harness Innovation
Key objective of the **Recommendations**: provide guidance to help governments rethink their approaches to rule making to realise the benefits of innovation

The development of the *Principles* built on the framing paper delineating the regulatory challenges raised by emerging technologies (**pacing problem, enforcement challenges, design of fit-for-purpose regulations, institutional and transboundary challenges**) and highlighting the great opportunities provided by **regulatory management tools** to overcome these challenges.
OECD Recommendation on Agile Regulatory Governance to Harness Innovation

Four main pillars:

- Adapting regulatory management tools (RIA, ex post reviews, stakeholder engagement)
- Fostering cooperation and joined-up approaches, including across borders
- Developing agile and future-proof regulations
- Adapting enforcement to the « new normal »
Ongoing public consultation: comments welcome (by close 2 July)!
THANK YOU!

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