REGULATING THE FUTURE AND THE NEW NORMAL
(or is it the future of regulation?)

2nd Webinar Session
6th ASEAN-OECD Good Regulatory Practices Network (GRPN)
5 October 2020

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OECD
Regulatory challenges in the era of digitalisation

1. Pacing problem
2. Designing “fit for purpose” regulatory frameworks
3. Regulatory enforcement
4. Institutional and trans-boundary challenge

These challenges are exacerbated by the COVID-19 pandemic
Regulatory policy and co-operation are the cornerstone of effectiveness and efficiency

Approaches:
- Anticipatory governance (e.g. horizon-scanning, scenario-planning)
- Wait and see
- Guidance
- Self-regulation and co-regulation (e.g. industry standards, ethical business regulation)
- Regulatory experiments (e.g. sandboxes, testbeds)
- Traditional regulations (e.g. outcome based regulations, means-based regulation etc.)
OECD Workstreams on Regulations & Emerging Technologies

Work programme:

1. Digitising regulatory delivery (2019/2020)
3. Digital technology & regulatory responses to COVID-19 (2021/22)
   - collaborative project & database with the World Bank
4. Data driven regulation (2021/22)
Four pillars guiding the development of the principles:

1. The governance and institutional set up supporting effective/agile/future regulation, inclusive role of oversight, foresight, and inter-ministerial cooperation
2. Designing fit for purpose regulation, including adapting the use of regulatory management tools
3. Addressing the abolition of borders through IRC
4. Adapting enforcement to a new normal
## Principles on “effective and innovation-friendly rulemaking in the Fourth Industrial Revolution”

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<tr>
<th>Milestone</th>
<th>Description</th>
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<td><strong>July-October 2020</strong></td>
<td>Scoping of the Principles and establishment of the partnerships</td>
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<td><strong>November 2020</strong></td>
<td>Detailed outlined of the Principles</td>
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<td><strong>Milestones:</strong></td>
<td>16-20 November 2020: RPC &amp; NER week</td>
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<td>Week of 23 November: High level event jointly organised with the WEF</td>
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<td><strong>March/April 2021</strong></td>
<td>Full draft of the Principles</td>
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<td><strong>Milestone:</strong></td>
<td>April 2021: RPC &amp; NER week</td>
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<td><strong>Q2/Q3 2021</strong></td>
<td>Adoption of the Principles and release of the first compilation of practices</td>
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<td><strong>Milestone:</strong></td>
<td>G7/G20</td>
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Early results: How to upgrade our systems of regulatory management

• **Focus on the principles of good regulatory governance:** Emerging technologies are inherently cross-cutting → Strong need to coordinate both nationally and internationally (including ASEAN-OECD partnerships)

• **Adopt new approaches:**
  – Foresight, horizon-scanning and scenario-planning + active engagement with stakeholders helps to address pacing problems
  – Build agility and resiliency into the regulatory system

• **Not everything needs to be a regulation:** Benefits to using soft law approaches, such as self-regulation, industry standards and ethical business regulation

• **Experimentation, experimentation, experimentation!** Crucial mechanism for policy innovation, learning and adaptation (i.e. sandboxes, testbeds, etc)
Thank you!

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

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