

# Achieving better regulation through international regulatory cooperation

A work stream of the OECD Regulatory Policy Committee

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# OECD work on IRC

IRC is the subject of **Point 12 of the Recommendation on Regulatory Policy and Governance**: *In developing regulatory measures, give consideration to all relevant international standards and frameworks for co-operation in the same field and, where appropriate, their likely effects on parties outside the jurisdiction*

## **A publication released in May 2013**

summarising the knowledge to date on IRC based on a survey & 10 case studies: Competition law enforcement, Chemical safety, Consumer product safety, Coordination of tax treaties, Canada-US Regulatory Cooperation Council, EU Energy regulation, Banking supervision, Transnational private regulation, Transboundary water management





# Proposed definition of IRC

Any agreement or organisational arrangement, formal or informal, between countries (at the bilateral, regional or multilateral level) to promote some form of cooperation in the design, monitoring, enforcement, or ex-post management of regulation.

⇒ IRC is not restricted to its strict equivalence with international legal obligations, but also includes non-binding agreements and voluntary approaches.

⇒ IRC is not limited to the design phase of the regulatory governance cycle.

# Identification of 11 IRC mechanisms

**Integration /  
Harmonisation  
through supra  
national institutions  
(EU)**

**Specific negotiated  
agreements (treaties  
/ conventions)**

**Formal (umbrella  
type) regulatory co-  
operation  
partnerships (US-  
Canada RCC)**

**Inter governmental  
organizations  
(OECD)**

**Regional agreements  
with regulatory  
provisions (FTA)**

**Mutual recognition  
agreements**

**Trans-governmental  
networks of  
regulators (ICN,  
Basel)**

**Formal requirements  
to consider relevant  
frameworks in other  
jurisdictions in the  
same field**

**Recognition and  
incorporation of  
international  
standards**

**Soft law: principles,  
guidelines**

**Dialogue / Informal  
exchange of  
information**

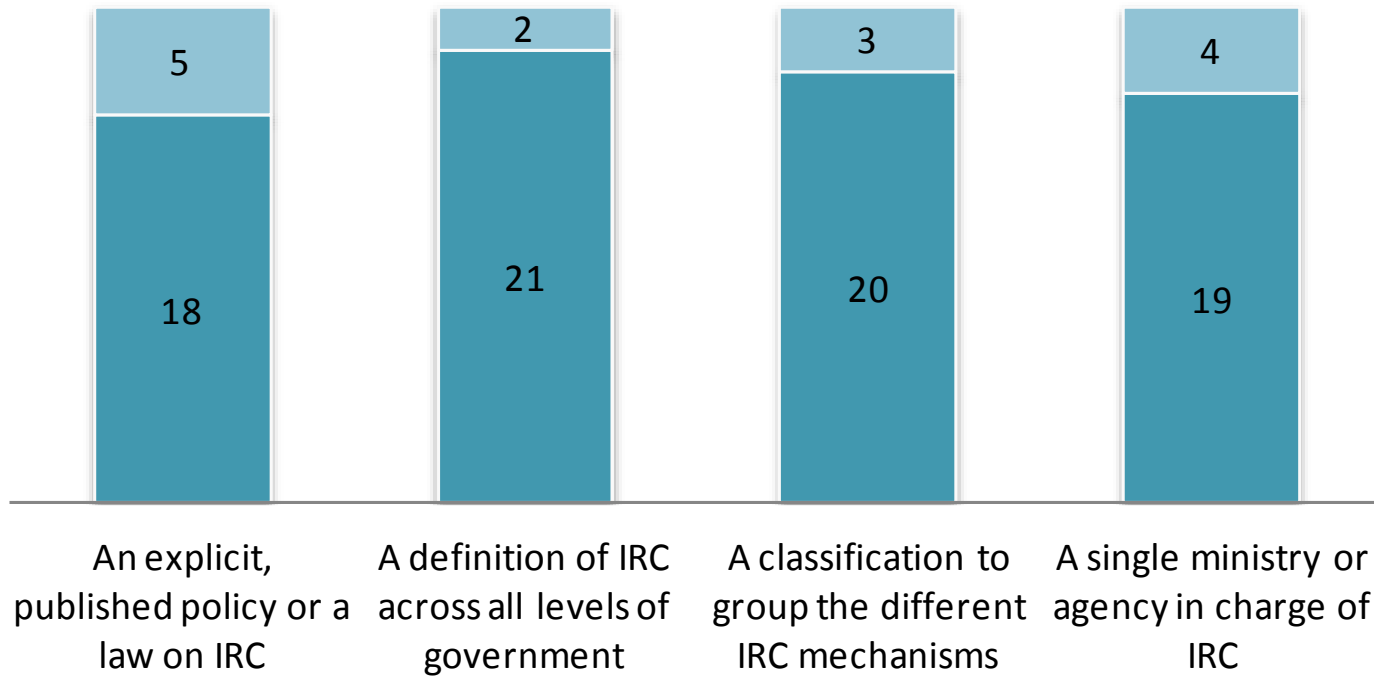
# Key trends and highlights

- Growing IRC is supported by widening range of IRC mechanisms.
- Often regulatory frictions to trade & investment arise not from diverging rules but from different enforcement mechanisms.
- The shift away from complete harmonisation of rules to more flexible regulatory cooperation mechanisms
  - The development of instruments that preserve the regulatory power of states (mutual recognition agreements)
  - The supporting role of soft law and informal cooperation and of international institutions
- The multiplication of state and non-state actors
  - The shift from a unitary model to multi modal regulatory cooperation
  - The rise of private regulation

# Diffusion of government IRC responsibilities

(Number of countries with)

■ No ■ Yes

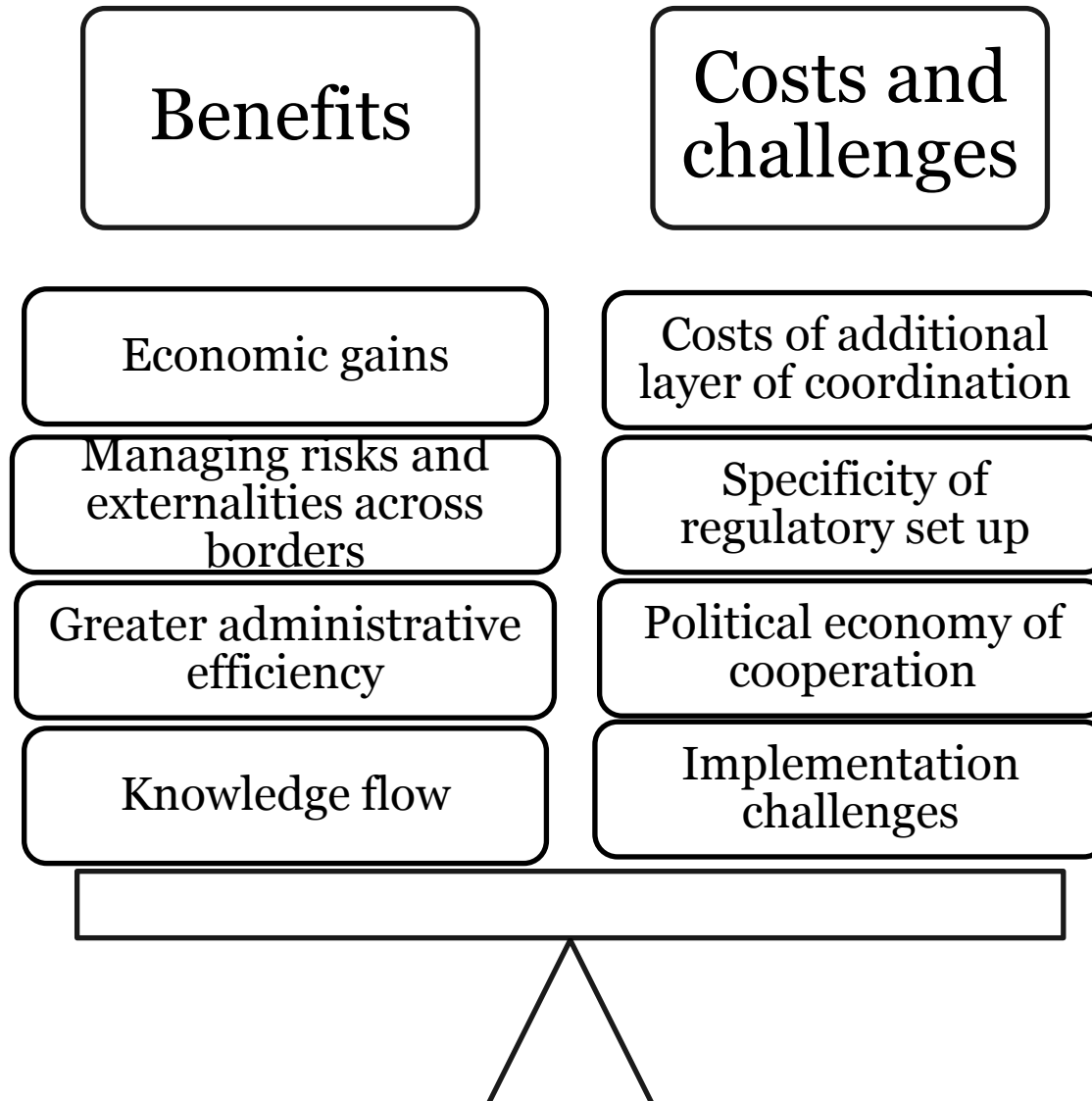


# The costs and benefits of IRC

- The paucity of quantitative evidence on benefits, challenges and costs
  - difficulty to come up with detailed information on regulatory divergences and their concrete impact
  - qualitative elements are likely to represent an important part of the benefits
- The absence of a normative framework to assess costs and benefits
  - quasi absence of systematic approaches to costs and benefits of IRC at country level
  - sector level information on benefits and costs seems to be underdeveloped (except chemical safety)
  - ad hoc nature of past experiences, limited stock taking of past failures and successes

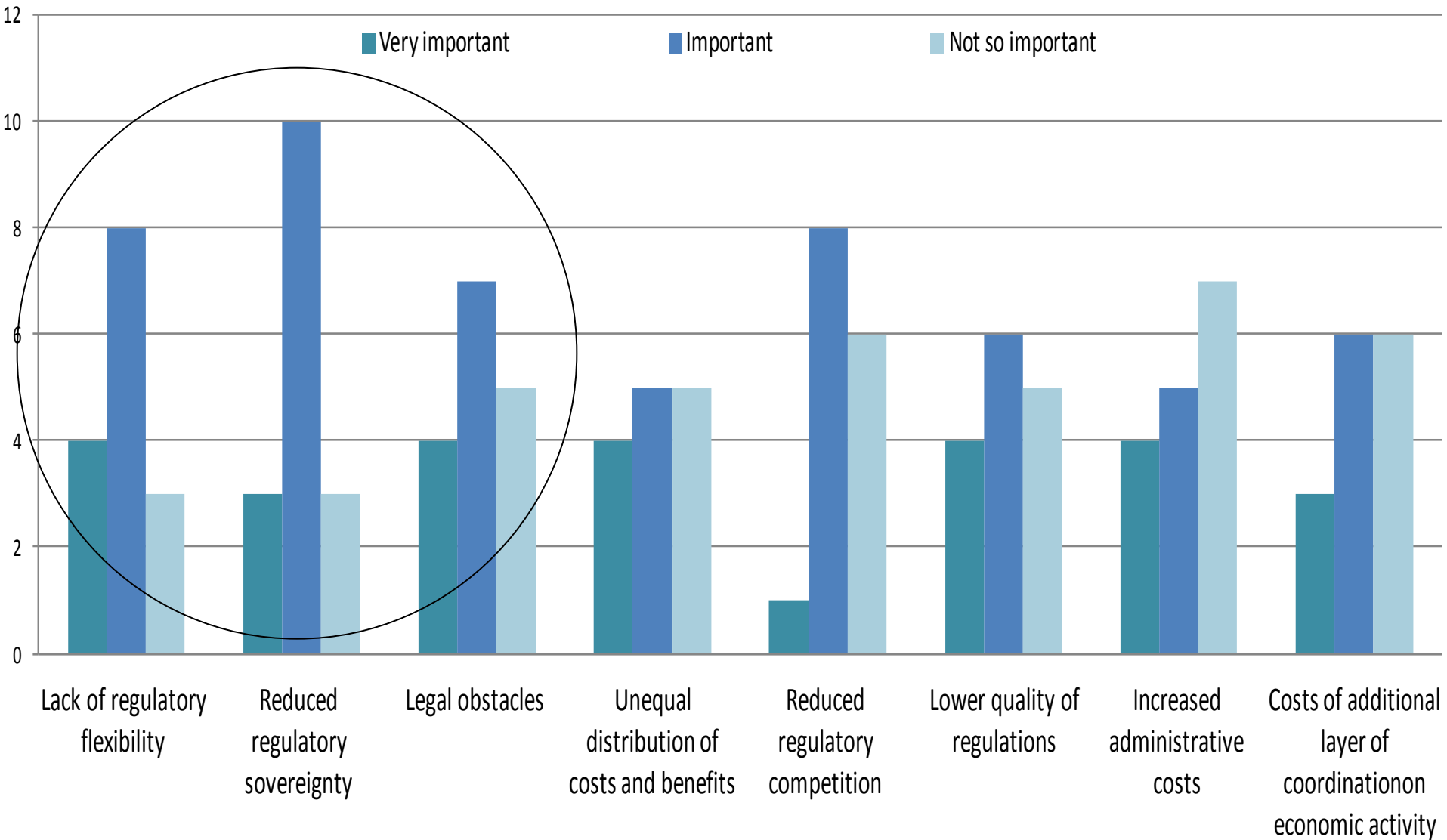


# Proposed classification





# Perceived challenges to IRC



# Next steps

1. Support the implementation of Principle 12 of the OECD Recommendation on Regulatory Policy and Governance
2. Deepen the analysis of the typology of IRC mechanisms and related benefits / costs - analyse the potential of mutual recognition agreements
3. Take stock of IRC in the framework of trade agreements
4. Review the legal and other bottlenecks to information sharing and the practices to overcome them.
5. Take stock of rule making practices of IOs



# Thank you

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