



# **15th CONFERENCE ON GOOD REGULATORY PRACTICE (GRP 15)**

**Chiang Mai, Thailand | 24 August 2022**

**APEC ECONOMIC COMMITTEE**

**November 2022**





**Asia-Pacific  
Economic Cooperation**

# **15th Conference on Good Regulatory Practice (GRP 15)**

**Chiang Mai, Thailand | 24 August 2022**

**APEC Economic Committee**

**November 2022**

APEC Project: EC 03 2022A

Produced by  
Office of the National Economic and Social Development Council  
962 Krung Kasem Road  
Pomprab, Bangkok 10100, Thailand

For  
Asia-Pacific Economic Cooperation Secretariat  
35 Heng Mui Keng Terrace  
Singapore 119616  
Tel: (65) 68919 600  
Fax: (65) 68919 690  
Email: [info@apec.org](mailto:info@apec.org)  
Website: [www.apec.org](http://www.apec.org)

© 2022 APEC Secretariat

APEC#222-EC-04.4

## **Executive Summary**

The 15th Conference on Good Regulatory Practice (GRP15) was successfully hosted by Thailand on 24 August 2022, in a hybrid format at the Shangri-La Hotel, Chiang Mai, Thailand and via Microsoft Teams platform. The one-day Conference brought together 111 participants and experts from 19 APEC economies, including regulators, policymakers, officials involved in regulation and standards and conformance, as well as representatives from international organizations and the private sector that work on promoting good regulatory practices.

Building on recent achievements from GRP14, the 15th GRP Conference highlighted the application of good regulatory practices to mitigate the impacts of the pandemic and to accelerate post COVID-19 recovery, regulatory measures and reforms that facilitate the use of digital technology, and the use of GRP processes to support the transformation of the economy for swift, resilient, inclusive, green and innovative recovery.

While challenging circumstances like the pandemic require well-informed policy and regulatory decisions, APEC economies shared that there were significant challenges in implementing good regulatory practices (GRP) as governments were under pressure to respond quickly to keep pace with the fast-evolving pandemic. To enable timely policies and actions, economies came up with a variety of regulatory responses, ranging from waiver or exemption of regulatory requirements, shortening of administrative processes, inclusion of sunset clauses in crisis-related regulations, and adoption of digital technologies in the regulatory process.

As economies recover from the crisis, there is a need to review these regulatory responses to examine what worked and what did not. Drawing on lessons learned from APEC members, GRP should be more flexible and adaptable to better accommodate unprecedented circumstances. The fact that GRP tools were underutilized during the pandemic suggests that existing frameworks and practices need refinements to be more future proof. In this regard, the OECD concept of agile regulatory governance, which suggests a paradigm shift from the traditional 'regulate and forget' to 'adapt and learn', was highlighted in moving GRP forward.

The pandemic also calls for increased international regulatory cooperation (IRC) as a means to collect more evidence, pool resources between economies, align practices, and improve the effectiveness of domestic regulations. In the face of growing cross-border legal and regulatory challenges, IRC thinking needs to become part of the DNA of policymakers and regulators and embedded in domestic policymaking.

Digitalization should also be part of the equation when refining the regulatory framework for a post-pandemic world. On the one hand, digital technologies are unlocking innovative solutions to complex challenges, including regulatory affairs. This development, on the other hand, has prompted policymakers to devise digital regulatory management tools to ensure that existing regulations are able to keep abreast of the digitally evolving environment. Learning from private sector perspectives, digital GRP should incorporate principles of interoperability, agility, and people-centric policymaking.

The concept of regulatory sandbox was also highlighted as an innovative tool adopted by many APEC economies to stimulate innovation under regulatory supervision. Regulatory sandboxes have been introduced in a range of sectors and proved to be something that industries see benefit in. There may be value in APEC further examining how regulatory sandboxes be used by APEC economies as a good practice.

Based on the results of GRP15, this report puts forward five key recommendations for APEC economies: 1) review and evaluate their COVID-19 responses in terms of their necessity, proportionality, and impacts, as well as promote the sharing of lessons learned and good practices in crisis responses among APEC; 2) adapt traditional regulatory management tools to better accommodate unprecedented circumstances; 3) embed IRC approaches into their domestic framework; 4) enable greater experimentation to promote innovation through the piloting of new tools such as regulatory sandboxes; and 5) promote the use of digital technologies in regulatory affairs.

## Table of Contents

<b>GLOSSARY OF ACRONYMS, ABBREVIATIONS AND TERMS.....</b>	<b>- 4 -</b>
<b>1. OVERVIEW.....</b>	<b>- 5 -</b>
<b>2. EVALUATION SURVEY RESULTS.....</b>	<b>- 6 -</b>
<b>3. SUMMARY OF SESSIONS.....</b>	<b>- 7 -</b>
<b>4. CONCLUSION .....</b>	<b>- 13 -</b>
<b>5. RECOMMENDATIONS .....</b>	<b>- 14 -</b>

## Glossary of acronyms, abbreviations and terms

Ex-post evaluation/ Ex-post review	the process of assessing the effectiveness of policies and regulations once they are in force. It can be the final stage when new policies or regulations have been introduced and it is intended to know the extent of which they met the goals they served. It can also be the initial point to understand a particular situation as a result of a policy or regulation in place, providing elements to discuss the shortcomings and advantages of its existence. Ex post evaluation should not be confused with monitoring, which refers to the continuous assessment of implementation in relation to an agreed schedule <sup>1</sup>
<b>GRP</b> Good Regulatory Practices	internationally recognized processes, systems, tools and methods for improving the quality of regulations. GRP systematically implements public consultation and stakeholder engagement, as well as impact analysis of government proposals before they are implemented to make sure they are fit-for-purpose and will deliver what they are set to achieve <sup>2</sup>
<b>IRC</b> International Regulatory Cooperation	any agreement, formal or informal, between economies to promote some form of co-operation in the design, monitoring, enforcement or ex-post management of regulation <sup>3</sup>
<b>RIA</b> Regulatory Impact Assessment	the systematic process of identification and quantification of benefits and costs likely to flow from regulatory or non-regulatory options for a policy under consideration. An RIA may be based on benefit-cost analysis, cost-effectiveness analysis, business impact analysis, etc. Regulatory impact assessment is also routinely referred to as regulatory impact analysis, sometimes interchangeably <sup>4</sup>
Risk Proportionality	allocation of resources being proportional to the level of risk, and to enforcement actions being proportional to the seriousness of the violation
Regulatory Sandbox	a limited form of regulatory waiver or flexibility for firms, enabling them to test new business models with reduced regulatory requirements. Sandboxes often include mechanisms intended to ensure overarching regulatory objectives, including consumer protection. Regulatory sandboxes are typically organized and administered on a case-by-case basis by the relevant regulatory authorities <sup>5</sup>

<sup>1</sup> OECD (2018), OECD Regulatory Policy Outlook 2018, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264303072-en>

<sup>2</sup> OECD (2018), Good Regulatory Practices to Support Small and Medium Enterprises in Southeast Asia, OECD Publishing, Paris, <https://doi.org/10.1787/9789264305434-en>.

<sup>3</sup> OECD (2013), International Regulatory Co-operation: Addressing Global Challenges, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264200463-en>

<sup>4</sup> OECD (2018), OECD Regulatory Policy Outlook 2018, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264303072-en>

<sup>5</sup> OECD (2020), The role of sandboxes in promoting flexibility and innovation in the digital age, Going Digital Toolkit Policy Note, <https://goingdigital.oecd.org/toolkitnotes/the-role-of-sandboxes-in-promoting-flexibility-and-innovation-in-the-digital-age.pdf>



**CONFERENCE REPORT**  
**EC 03 2022A**  
**15th CONFERENCE ON GOOD REGULATORY PRACTICE (GRP 15)**  
**Chiang Mai, Thailand**

**1. Overview**

The **15th Conference on Good Regulatory Practice (GRP15)** was successfully hosted by Thailand on August 24, 2022, in a hybrid format at the Shangri-La Hotel, Chiang Mai, Thailand and via Microsoft Teams platform. Building on achievements from GRP14, the focus of the conference was on regulatory measures and reforms that facilitate the use of digital technology in coping with, and adapting to, a crisis, transforming the economy for swift, resilient, inclusive, green and innovative recovery, and the use of GRP processes to support this.

This one-day conference gathered 111 participants and experts joining physically and virtually<sup>6</sup> from 19 APEC economies<sup>7</sup>, including regulators, policymakers, officials involved in regulation and standards and conformance, as well as representatives from the Organisation for Economic Cooperation and Development (OECD) and the private sector<sup>8</sup> that work on promoting good regulatory practices. According to gender-disaggregated data, the conference was gender balanced in terms of attendance (49percent women, 51 percent men) and presenters (41 percent women, 59 percent men).

The conference was structured into four sessions in which 17 invited speakers, including 4 moderators address: the challenges faced by APEC economies in the post COVID-19 socio-economic recovery; the need to consider how to incorporate into regulatory frameworks the principles of competitiveness, fairness and transparency, equitable society, and sustainability; how to facilitate the application of digital technology in regulatory processes; and how to apply GRP tools to improve innovation as well as improve productivity and dynamism in light of the post COVID-19 regulatory environment.

---

<sup>6</sup> 77 on-site participants and 34 online participants

<sup>7</sup> Australia; Brunei Darussalam; Canada; People's Republic of China; Hong Kong, China; Indonesia; Japan; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; Republic of the Philippines; Republic of Korea; Russia; Singapore; Chinese Taipei; Thailand; United States; and Viet Nam.

<sup>8</sup> Google and Microsoft

## **2. Evaluation Survey Results**

After the conference, the evaluation survey was distributed to collect feedback on the conference, attendee learnings from the conference, and other recommendations. The respondents were invited to share the level of satisfaction with the conference including quality and relevance of the objectives, agenda and topics, speakers and their content, organisation of the conference, materials distributed, time allocated, level of knowledge improvement, and whether the conference achieved the objectives. There were also open-ended questions about how the respondents will apply the learnings in their respective economies, areas of improvement, and what could APEC do in future. The total number of respondents was 26.

Overall, the respondents provided positive feedback about the conference. They either agreed or strongly agreed that: the objectives of the conference were clearly defined, the conference achieved its intended objectives defined, the agenda items and topics covered were relevant, the content was well organized and easy to follow, the speakers/experts were well prepared and knowledgeable about the topic, the materials distributed were useful, and the time allotted for the conference was sufficient. The gender aspect of the conference received little negative feedback, as two respondents indicated that there was no extensive discussion of gender issues during the conference.

Along the same line, 70 percent of the respondents found the conference very relevant to them and their economy. Over 90 percent of the respondents felt their knowledge on this topic has increased after the conference. Most respondents shared that they gained a lot of updates and insights on GRP and discovered several good practices from their fellow APEC economies which would allow them to better apply GRP to their work, trial new tools and approaches, as well as sharing new knowledge and insights with relevant departments in their economy.

In terms of suggestions, many respondents provided useful comments for future conferences, such as time allocation for speakers, prior distribution of conference materials, and increased private sector engagement. Regarding next steps, respondents have suggested that there should be further discussion and follow-up projects/activities from the recommendations made by panelists, such as training and capacity building projects on GRP tools, e.g., RIA, regulatory sandboxes, and use of digital technology in regulatory affairs.

### 3. Summary of sessions

#### Keynote Session

**Dr. Veerathai Santiprabhob, former Governor of Bank of Thailand** reflected on his experience adopting good regulatory practices (GRP) during his term as Governor of the Bank of Thailand, highlighting that regulations should serve forward-looking policy objectives, contributing to economic prosperity and the wellbeing of people. To achieve these ends, six reflections were highlighted to help refine GRP: 1) regulators who are policymakers should play complementary roles in providing policy stewardship to achieve development objectives; 2) GRP should be used as a framework to induce transformative outcomes; 3) regulatory sandboxes should be incorporated into GRP to strike a balance between principle-based and technology-specific regulations; 4) regulators should engage more meaningfully with small and dispersed stakeholders, including future consumers and potential players, through communication and consultation; 5) regulations that affect economic incentives must be responsive to changing market structure and evolving environment to avoid undesirable and unintended consequences; 6) in the world of VUCA (Volatility, Uncertainty, Complexity, and Ambiguity), regulators will be expected to be more agile and act quickly and decisively to the changing circumstances.

#### Session 1: Looking back to the lessons learned from the COVID-19 Pandemic

- **COVID-19 Pandemic and related GRP tools**

In the first session, speakers discussed key challenges posed by the COVID-19 pandemic in the implementation of GRP and the conceptual framework that should be part of the calculation when adjusting GRP tools during crisis times.

**Dr. Manuel Gerardo Flores, Coordinator of the Regulatory Policy Programme in Latin America of the OECD** started the session by sharing key observations regarding GRP application during the COVID-19 crisis. To keep pace with the fast-evolving pandemic, governments were under pressure to create a quick policy response, resulting in regulatory management tools being underutilized or adapted, especially through exemptions, simplifications, shortened processes, as well as inclusion of sunset clauses. However, as economies are emerging from the crisis, GRP principles, such as independence, transparency, risk proportionality, and international regulatory cooperation (IRC), should be reapplied and

strengthened. There is also a need to move towards agile regulatory governance by replacing the traditional approach of 'regulate and forget' with a virtuous cycle of 'adapt and learn'.

**Julie Nind, Principal Advisor, Ministry of Business, Innovation and Employment, New Zealand** further reiterated the importance of IRC-based solutions in addressing global policy challenges and ensuring the effectiveness of domestic regulations. Julie suggested that IRC should be embedded in domestic policymaking and become part of regulators' DNA rather than an add-on job. To embark on an IRC path, seven suggestions were drawn from New Zealand experiences for economies to: 1) have hooks in key strategic documents; 2) take a systematic approach to IRC; 3) have IRC champions in the economy; 4) tailor an IRC option that best suits the economy's particular situation; 5) resort to the most cost-effective IRC option; 6) promote the sharing of lessons learned; and 7) build a connection with relevant international organizations in the field.

**Renee Hancher, Regulatory Policies Director, Office of WTO and Multilateral Affairs, Office of the United States Trade Representative, United States** emphasized three core principles of GRP which should be applied even in challenging circumstances like the pandemic. First is the principle of transparency. It is necessary that governments provide information about existing laws and regulations that are promulgated to the public, which should now include the global public. The second is public consultation. Governments should step up their outreach efforts to include all stakeholders, especially those who may not have been engaged in the past. The last is regulatory analysis. As the pandemic has exposed inequities in our systems, regulatory analysis needs to be adapted to address these issues. In the US, for example, the Circular A-4, which provides guidance on the implementation of regulatory analysis is currently being reviewed and updated to ensure that it considers marginalized and underserved populations.

**Jason Lange, Executive Director, Office of Best Practice Regulation Economic Division, Department of the Prime Minister and Cabinet, Australia** shared Australia's insights and lessons learned in operating Regulatory Impact Analysis (RIA) during the COVID-19 pandemic. Their existing RIA framework allows the Prime Minister to grant RIA exemption to a policy measure in an urgent and unforeseen situation, which therefore applies to COVID-19 emergency measures. However, a sunset provision was also built into major policy changes, requiring that RIA be reinstated if measures were to become permanent.

Key lessons learned from Australia include: 1) concessional measures implemented during the pandemic should not undermine the long-term integrity of RIA; 2) ex-post reviews work for

individual measures, not multiple; 3) short-term outcomes of crisis responses have long-term consequences and risks that extend post-crisis; and 4) policymakers must communicate clearly about the RIA requirements in returning to pre-COVID normality.

**James van Raalte, Executive Director, Regulatory Policy and Cooperation Directorate, Regulatory Affairs Sector, Treasury Board of Canada Secretariat, Canada** drew lessons learned from Canada's experiences in implementing GRP during the pandemic: 1) regulatory cooperation is important in addressing regulatory supply chain barriers and eliminating unnecessary burden; 2) digitalization could contribute to better service delivery in terms of digital regulatory services; 3) frequent and collaborative engagement with stakeholders was required to address the issue of regulatory humility among regulators and prevent undesirable outcome of stakeholder fatigue.

- **Real-time responses to the Covid-19 pandemic**

In this session, APEC economies shared practical examples of the application of GRP to mitigate the impacts of the pandemic and the use of GRP processes to support quality regulatory decisions, new measures and reforms that facilitate the use of digital technology in coping with, and adapting to, a crisis, and transforming the economy for swift, resilient, inclusive, and green innovative recovery.

**Dr. Asis Unyapoth, Director of Public Platform Development, Digital Government Development Agency, Thailand** introduced key digital tools adopted by the Thai government in response to COVID-19, such as mobile applications, one-stop shop platforms, e-payment, etc. These tools helped the government to effectively manage the pandemic, provided real-time data for decision-making, as well as accelerated the economy-wide adoption of digital technologies. However, challenges remain in scaling up services to support more users, ensuring citizens' data protection and privacy, and modernizing government procurement policies and processes.

**Arina Gavrikova, Chief Expert, Department of Multilateral Economic Cooperation and Special Projects, Ministry of Economic Development of the Russian Federation** shared Russia's approach to handling the COVID-19 pandemic through the alteration of the regulatory impact assessment (RIA) system. As the crisis stipulated the need for quick adoption of new normative legal acts, the COVID-19 Coordinating Committee under the Government of the

Russian Federation was granted the right to initiate adoption of the act on short notice and reduced the registration procedure duration.

**Wan Fazlin Nadia Wan Osman, Director, Malaysia Productivity Corporation, Malaysia** presented Malaysia's initiative, called MyMudah (Malaysia Mudah) Programme, which was introduced as a non-fiscal measure to help reduce unnecessary regulatory burdens on businesses in the wake of COVID-19. The MyMudah programme helped improve the quality of regulations in a proactive manner and utilized an outside-in view from the private sector by allowing businesses to share their inputs on regulatory issues that are counterproductive. After a year of successful implementation, the government decided to scale up the programme by establishing MyMudah Unit in all federal ministries and agencies, including local authorities and business associations.

**Dr. Ferry Irawan, Assistant Deputy Minister for Monetary and External Sector, Coordinating Ministry of Economic Affairs, Indonesia** shared that Malaysia's COVID-19 responses were based on the identification of the pandemic's domino effects, which include social, economic, and financial aspects. As a result, the government of Indonesia introduced the Government Regulation in Lieu of Law (PERPPU) No.1 of 2020 as a legal umbrella to take quick, extraordinary, and coordinated steps to deal with the pandemic, along with the establishment of the COVID-19 Handling and Economic Recovery Committee. From their perspective, policy responses should come from good identification of problems and policy options, as well as coordination and communication among stakeholders.

## **Session 2: Looking forward in preparation for the Post Covid-19 World**

- **The role of digital technology in crisis management and recovery**

The second session began by inviting senior representatives from global technology companies to share perspectives on the role of technology in tackling crises, diversifying trading practices as well as improving the quality of regulation and public governance. Nonetheless, while digital technologies and communication infrastructure are unlocking innovative solutions to complex challenges, speakers argue that this development also prompted policymakers to devise digital regulatory management tools to ensure that existing regulations are able to keep abreast of the digitally evolving environment.

**Eunice Huang, Head of APAC Trade Policy, Government Affairs and Public Policy, Google** shared perspectives and recommendations on the development of digital good regulatory practice. While the existing framework and principles are still relevant and applicable, Eunice suggested that there should be a delta or top-up for GRP in the digital era, which consists of three principles: 1) stakeholder engagement – there should be a mechanism to support stakeholder engagement both within and outside the government, including international regulatory cooperation; 2) interoperability – regulators should avoid economy-unique approaches which create compliance burdens and become a growth ceiling for small businesses; 3) agility – there need to be more adaptive, iterative, and flexible regulatory assessment cycles, outcome-focused or performance-based regulatory approaches, greater experimentation through regulatory sandboxes, pilot programs, and experimental licenses, as well as more than one acceptable standard of compliance.

**Dr. Jasmine Begum, Regional Director, Legal & Government Affairs, SEA and New Markets, Microsoft** shared the same perspectives, arguing that GRP needs to be adjusted to the evolving digital regulatory landscape. In this regard, Dr. Jasmine put forward the concept of good and trusted regulatory practice (GTRP) which includes three key principles: 1) interoperability of policy and technology; 2) people-centric policymaking; 3) a Virtuous circle of engagement. There is also a need to move away from reactive measures to more of a life cycle of policy approach and take into consideration the issue of shorter regulatory lifespan to grapple with the fast-changing digital regulatory landscape. Regulators, mostly trained for the analog regulatory landscape, also need to be upskilled and reskilled when developing digital policies and regulations, especially in the areas of privacy and cybersecurity.

In terms of how digital technologies can be used to improve the quality of regulations, both speakers highlighted the role of digital tools in enhancing stakeholder engagement. However, regulators need to address communication failures, especially in terms of language barriers. Eunice mentioned the GRP chapter of the United States-Mexico-Canada Agreement (USMCA) which prescribes the use of plain language in proposed and final regulations to ensure that regulations are clear, concise, and easy for the public to understand.

Both representatives agreed that the COVID-19 pandemic has presented economies with a great opportunity for a digital reset which requires a combination of infrastructure, policy, and talent in order to reap the benefits of an ever-increasingly digital world. According to their observations, data localization, a lack of digital trust, and a digital divide in underserved

populations and communities are common barriers to the effective use of digital technologies among APEC economies.

### **Conclusion: Implementing lessons learned and insights from the GRP15**

Building on lessons learned and insights from previous sessions, speakers summarized key recommendations on the application of GRP in response to crises and discussed steps that can be taken to bring the fruitful discussions of the day into practice in a timely and efficient manner.

**Dr. Manuel Gerardo Flores, Coordinator of the Regulatory Policy Programme in Latin America of the OECD** highlighted the necessity to address gaps in the existing GRP as a key message from GRP15 discussion. During the pandemic, GRP had to be adapted, simplified, or be included with shortcuts. This reflects that they are gaps in the existing GRP which need to be addressed as economies emerge from the crisis. Several critical elements need to be incorporated into GRP post-pandemic, including IRC, behavioral insights, the use of technology, and agile regulatory governance.

**Harry Vines, Assistant Director, The Office of Best Practice Regulation, The Department of Prime Minister and Cabinet, Australia** suggested that, in the context of unknown future catastrophes to the scale of COVID-19, regulators should not focus on pre-emptively making an infinite number of regulations for infinite potential variables, instead focus on developing agile regulatory systems that can react and respond to these variables. To achieve this, there should be collective understanding and mutual sharing of information among international regulators, further consideration of the adoption of regulatory sandboxes as a principle of good regulatory practices, and more innovative practices, such as Thailand's use of digital applications for COVID-19 support, and Malaysia's alternative non-fiscal support to businesses.

**Renee Hancher, Regulatory Policies Director, Office of WTO and Multilateral Affairs, Office of the United States Trade Representative, USA** shared key reflections from previous discussions:

- 1) while the pandemic has reaffirmed the importance of core GRPs, existing practices may need to be adjusted to address transboundary and global challenges;
- 2) there needs to be more openness in the regulatory process through more inclusive public consultation practices;
- 3) cross-cutting policy issues require improvements in internal coordination procedures;
- 4) regulators should strive to be more agile in terms of reviewing regulations and in crisis



responses while also exploring new innovative approaches; and 5) the role of IRC must be expanded as should the use of digital tools in the rulemaking process.

**Dr. Ferry Irawan, Assistant Deputy Minister for Monetary and External Sector, Coordinating Ministry of Economic Affairs, Indonesia** drew attention to three keywords which were repeatedly highlighted by speakers, including effective coordination among stakeholders, implementation of regulatory impact assessment (RIA), including possibility to develop a more adaptable RIA to allow timely policy responses, as well as the importance of public consultation and the potential of digital tools in facilitating the process.

With the importance of IRC being underscored, panelists further discussed practical ways for APEC economies to promote greater focus on IRC in domestic policymaking. Renee shared from US experiences that public-private partnership and high-level support can play a major role in driving IRC initiatives. Harry suggested having IRC thinking included from the design stage by taking into account the potential for international applicability. Manuel added that international organizations (IOs) are another key player in promoting IRC. Currently, there are plenty of IOs working to promote common standards in many different industries which open for all governments to engage in.

In achieving better regulation, speakers also addressed the challenges of public consultation and provided suggestions on how to enhance public participation. Ferry shared Indonesia's public participation mechanism which provides citizens with the right to be heard, the right to be considered, and the right to get an explanation. Renee agreed that there is a need to ensure that public inputs are taken into account and reflected in policy or regulatory decisions in order to build trust as a foundation for greater participation. Harry brought up the significance of design method which should allow people to fully give their opinions rather than seek to confirm the option and avoid unnecessary burden on stakeholders. Manuel added to this point that the proportionality approach and early consultation should be adopted as good practices for effective public consultation.

#### **4. Conclusion**

Main conclusions from GRP15 include:

- GRP and agreed upon principles, such as transparency, public consultation, and stakeholder engagement, have been in place for some time to ensure that policies and

regulations meet their objectives and, therefore, will remain relevant and important despite the changing operating environment;

- In dealing the fast-evolving pandemic, governments were compelled to react quickly and decisively and bypass many typical procedures, including GRP. Such responses varied from exemptions, shortened processes, inclusion of sunset clauses, and adoption of digital technologies in regulatory process and service delivery;
- As economies transition out of the crisis, it is clear that GRP should be applied. However, existing tools and practices need to be adapted to better address future challenges that undoubtedly await, as the COVID-19 pandemic already exposed gaps in the current GRP;
- In order to refine post-pandemic GRP, it is necessary to address persistent communication and coordination issues, promote the use of digital technologies in regulatory affairs, and shift towards a more agile and adaptable framework and practices while bolstering tenets like transparency, public consultation, and international regulatory cooperation;
- The global shift towards a digital economy, which creates a new regulatory environment, must also be considered. Therefore, reliance on digital tools in GRP should incorporate principles of interoperability, agility, and people-centric policymaking, as well as new regulatory concepts.

## **5. Recommendations**

Drawing on the GRP15 conclusions, it is recommended that APEC members take further steps to:

- 1. Review and evaluate their COVID-19 responses:** As economies are emerging from the crisis, this should allow regulators and policymakers to make better informed decisions based on the principles of necessity and proportionality. Therefore, policies and measures in force should be reviewed and updated in accordance with the evolution of the pandemic. There is also a need to conduct an impact assessment of legacy regulations from COVID-19, as well as evaluate their effectiveness to inform future decisions. In addition, APEC members should engage in sharing experiences and lessons learned with other economies in order to leverage international evidence and expertise to improve responses to future crises.

- 2. Adapt traditional regulatory management tools to better accommodate unprecedented circumstances:** While traditional regulatory management tools, such as regulatory impact assessment (RIA), stakeholder engagement, and ex-post evaluation, have proved to be relevant and applicable in changing operating environments such as during the pandemic, the fact that they were underutilized during the crisis reflects that there are still gaps in the existing practices, especially in terms of their flexibility and adaptability. In moving forward, there is a need to shift towards more agile and forward-looking approaches. APEC members can look at Australia's RIA framework which builds in flexibility at the design stage, allowing exemption in an urgent and unforeseen situation. This exemption is temporary in nature and periodically assessed for its necessity and proportionality.
- 3. Embed international regulatory cooperation (IRC) approaches into their domestic frameworks:** There is a spectrum of IRC options that economies can tailor to suit their particular situation, ranging from the unilateral adoption of good regulatory practices or international standards to various cooperative efforts (at the bilateral, regional, or multilateral level) that provide for the development of common regulatory positions and instruments with other economies. APEC itself has been source of IRC initiatives, such as APEC Business Travel Card, APEC Chemical Dialogue, and APEC Automotive Dialogue, however, more areas of cooperation should be explored and considered, especially in the area of digital regulations.
- 4. Enable greater experimentation through regulatory sandboxes:** To harness the benefits of innovation and technology while upholding protection for people, many economies have adopted the concept of regulatory sandbox which allows innovators to conduct live experiments in a controlled environment under regulator's supervision. This regulatory approach has been introduced in a range of sectors and has proved to be something that industries see benefit in. With the world advancing into the digital economy era, it is high time that regulatory sandboxes be incorporated into good regulatory practices. There are also opportunities for APEC to further discuss the possibilities of regional regulatory sandboxes and explore scope for cooperation, such as through common guidelines and training.
- 5. Promote the use of digital technologies in regulatory affairs:** As the COVID-19 crisis has accelerated digital transformation across the public sector, governments should capitalize on this trend to promote the use of digital technologies in areas where the use of technologies is still limited, including regulatory affairs. Several use cases from

APEC economies have demonstrated how digital technologies can be used to improve regulatory processes, such as Malaysia's MyMudah platform to gather inputs from businesses to improve the quality of regulations and Thailand's COVID-19 digital applications and online platforms for public service delivery during the pandemic which provided the government with real-time data to improve their policy and regulatory decisions.