



DIE HERAUSFORDERUNG 'GUTER REGULIERUNG' – ANSPRUCH UND WIRKLICHKEIT

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STANDARD COMPLAINTS

- ‘too much’ (too precise, too much attention, too ‘costly’...)
- ‘too little’ (‘holes’, no interest...)
- ‘inconsistency’ (over- and underlap)

WHAT DOES THE 'BETTER REGULATION' AGENDA SEEK TO ADDRESS

- Problems in standard-setting
 - develop better 'standards'
- Problems in information-gathering
 - reduce the costs of reporting and inspection
- Problems in behaviour-modification
 - reduce the costs of enforcement/sanctions

APPROACHES

- Standard-setting
 - Regulatory impact assessment, cost benefit analysis
 - Sunsetting/reviews
 - 1 in, X out (x=1,2,3)
 - ‘Crowdsourcing’
- Information-gathering: Cost containment approaches/‘big data’
- Behaviour-modification: ‘risk-based regulation’
- ‘Customer engagement’ - negotiated settlements (not administrative consultation exercises)

TENSIONS

- Is 'better regulation' creating 'more structured' oversight?
- Is 'better regulation' creating 'more shared' regulatory space?
- Is 'better regulation' creating more rivalry and 'less' regulation?
- Is 'better regulation' creating ad hoc opportunities for constraining gaming?

WHY BETTER REGULATION WILL ALWAYS BE UNPOPULAR

- Instruments cannot resolve tensions in policy-process, especially those of high political attention
- Better regulation initiatives usually go through issue attention cycle
- Goals of better regulation are incompatible
- Likely outcomes: tombstones, tight procedural requirements, dashed enthusiasm and hostile opposition

WHAT COULD THE ANSWER BE?

- Accept inherent tensions and side-effects
- Encourage mutual learning, avoid targets that encourage gaming on the baseline
- Consider what regulatory capacities are actually required to deal with particular problem - and where these capacities could be allocated
 - analytical capacity
 - oversight capacity
 - coordination capacity
 - delivery capacity



CONCLUSION

- Better Regulation characterised by contested instruments and contested goals
- Need to move beyond headlines towards informed conversation
- Assume fragmented regulatory regimes
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