



Paris, OECD Conference Centre, 13-14 January 2020

# AGENDA

## Background

Technological changes affect societies and economies in many ways, including via new means of communication and collaboration; new products that feature a strong service component; data as a driver of economic growth; the automation of tasks with artificial intelligence; and the emergence of new business models such as online platforms. The development of emerging technologies has consequences for the well-being and cohesion of society as a whole, as well as deep impacts on businesses in all sectors through effects on productivity, employment, skills, income distribution, trade and the environment, among other things.

The [2019 G20 Ministerial Statement on Trade and Digital Economy](#) recognises that *“harnessing the full potential of emerging technologies would benefit from more innovation enabling approaches to policy making than in the past”* and that *“governance in the digital era needs to be not only innovation-friendly but also innovative itself, while not losing legal certainty. Interoperable standards, frameworks and regulatory cooperation can help in this regard”*.

In line with this statement and with the experts’ workshop on Governance Innovation held in May 2019 at the OECD, there is a need for well-adapted and innovative regulatory policy and governance approaches to help reconcile the effectiveness and innovation-friendliness of laws and regulations for the fourth industrial revolution.

Recently, a range of innovative regulatory approaches have emerged to meet the challenges raised by emerging technologies. To better adapt regulations to ever-evolving settings, some governments have adopted experimental regulatory approaches to support testing and trialling new technologies (e.g. regulatory sandboxes). Some governments are developing more outcome-focused regulations to enable innovation to thrive by providing greater flexibility while mitigating risks to society. International regulatory cooperation has also become a critical dimension of regulatory quality and effectiveness in the digital era. Because many emerging, in particular digital, technologies are inherently cross-border, the effectiveness of regulatory action critically hinges on the capacity of policy makers and regulators to go beyond their borders to identify the relevant scale at which regulatory intervention is required and cooperate successfully with their peers in other jurisdictions.

At the same time, a key feature of emerging technologies, the digital transformation, provides great opportunities to both public and private actors to increase their capacity to advance their interests. Technological evolution offers new innovative approaches to resource-constrained governments to support more effective and efficient rulemaking. Governments can, for example, capitalise on technologies such as big data analytics, AI, the Internet of Things, cloud computing, augmented reality, unmanned aerial vehicles, blockchain and open APIs to improve the design and delivery of regulation. These methods include real-time monitoring, digital oversight of algorithm-driven economic activities and compliance by design at the code level.

## Conference objectives

The main goals are to exchange information on the need for and experience with governance innovation in the context of different sectors and different countries, both within and outside of the OECD, and to inform future OECD work.

## Agenda

### DAY ONE

**Chair: Stephan Naundorf** (Chair of OECD Regulatory Policy Committee)

9:00-10:00 **Opening Session**

**Presenters:**

- Paola Pisano** Minister for Technological Innovation and Digitization, Italy
- Keita Nishiyama** Director-General for Commerce and Information Policy Bureau, Ministry of Economy, Trade, and Industry, Japan

**Discussants:**

- Andrew Wyckoff** Director of OECD Directorate for Science, Technology and Innovation
- Marcos Bonturi** Director of OECD Directorate for Public Governance
- Luiz de Mello** Director of Policy Study Branch of the OECD's Economics Department

### Part I. Agile regulatory frameworks

10:00-11:30 **Session 1 Anticipatory regulatory policy and governance approaches**

*How are governments identifying the regulatory implications of emerging technologies and driving reforms? How can governments break regulatory silos and align their institutions to meet the challenges raised by emerging technologies? What are the implications of more responsive regulations on economic performance? What further work should the OECD do in this area?*

**Moderator: Dirk Pilat** (Deputy Director, OECD Directorate for Science, Technology and Innovation)

**Panelists:**

- **David Winickoff** (Senior Policy Analyst, Science and Technology Policy Division, STI, OECD)
- **Nikolai Malyshev** (Head of Regulatory Policy Division, GOV, OECD)
- **Masakazu Masujima** (Attorney & Partner, Mori Hamada & Matsumoto)
- **Jaee Samant** (Director General for Market Frameworks, Department for Business, Energy & Industrial Strategy, United Kingdom)
- **Asa Johansson** (Assistant Director, Structural Surveillance Division, ECO, OECD)

11:30-12:00 Coffee Break

- 12:00-13:30 **Session 2 Outcome-focused governance and regulatory approaches**  
*How can governments develop more principles-based regulation, matched with sectoral oversight? What can be expected from co- and self-regulation? What further work should the OECD do in this area?*
- Moderator: Miguel Amaral** (Senior Policy Analyst, Regulatory Policy Division, GOV, OECD)
- Panelists:**
- **Sébastien Soriano** (Chairman, French Telecom Regulator)
  - **Ruth Steinholtz** (Managing Partner, AretéWork)
  - **Pierre Habbard** (General Secretary, Trade Union Advisory Committee of the OECD)
- 13:30-15:00 Lunch
- 15:00-16:30 **Session 3 Experimental governance and regulatory approaches**  
*How are governments supporting the testing and trialling of emerging technologies with innovative approaches? How should risk based approaches evolve with new technological risks and challenges? What further work should the OECD do in this area?*
- Moderator: Audrey Plonk** (Head of Digital Economy Policy Division, STI, OECD)
- Panelists:**
- **Molly Lesher** (Senior Policy Analyst, Digital Economy Policy Division, STI, OECD)
  - **Professor Cary Coglianese** (Edward B. Shils Professor of Law and Professor of Political Science, United States)
  - **Geoff Mulgan** (Former Chief Executive Officer, Nesta)
  - **Lorenzo Allio** (Senior Policy Analyst, European Risk Forum)
- 16:30-17:00 Coffee Break
- 17:00-18:30 **Session 4 Addressing the transboundary challenges raised by emerging technologies**  
*How can governments pursue international regulatory cooperation to support the adaptation of regulatory frameworks? What further work should the OECD do in this area?*
- Moderator: Céline Kauffmann** (Deputy Head of Regulatory Policy Division, GOV, OECD)
- Panelists:**
- **Belinda Cleeland** (Head of Research and Innovation, International Organization for Standardization)
  - **Professor Theodore Christakis** (Professor of International and European Law, University Grenoble Alpes, France)
  - **Laura Navaratnam** (Manager, Innovation Hub, Financial Conduct Authority, United Kingdom)
  - **Bruce Randall** (Senior Director, Centre for Regulatory Innovation at the Treasury Board of Canada Secretariat)
- 18:30-19:30 Cocktail

## DAY TWO

**Chair: Silvia Viceconte** (Vice-Chair of OECD Committee for the Digital Economy Policy)

## **Part II. Using new technologies to achieve better outcomes and accountability**

### **9:30-11:00 Session 5 Improving compliance through data and AI**

*What are the values of data and algorithms in compliance? What risks should be monitored in what time scale and how? How can governments seize the opportunities offered by digital technologies such as real-time monitoring and AI-driven decision-making to improve enforcement activities? In what sectors and with what digital technologies is it likely to create a win-win outcome for regulators and regulated companies? What challenges do businesses face with respect to sharing their operational data with governments or third party auditors? How can policy measures align public and private sector incentives? What kind of digital architecture can facilitate B2G data sharing? What further work should the OECD do in this area?*

**Moderator: Barbara Ubaldi** (Deputy Head of Division, Public Sector Reform Division, GOV, OECD)

**Panelists:**

- **Hiroki Habuka** (Attorney & Deputy Director, Ministry of Economy, Trade, and Industry, Japan)
- **Srikanth Mangalam** (President, Public Risk Management Institute)
- **Anne Yvrande-Billon** (Vice-President, French Transport Regulatory Body)
- **David Sadek** (Vice-President, Research, Technology & Innovation, Thales)

11:00-11:30 Coffee Break

### **11:30-13:00 Session 6 How do we manage liability and accountability in an AI-driven world?**

*What is the liability risk from algorithmic decision-making? To what extent can the liability risk of algorithmic decision-making be reduced? How can it be achieved? Who should assess the size of residual risk of algorithmic decision-making and how? How can the residual risk be dealt with? What kind of liability design hits the balance between innovation and other social values?*

**Moderator: Professor Georg Borges** (Professor, Saarland University, Germany)

**Panelists:**

- **Tatsuhiko Inatani** (Associate Professor in Criminal Law, Kyoto University, Japan)
- **Mona Chammas** (Attorney & Integrity Director, Govern & Law)
- **Christoph Steck** (Director Public Policy & Internet, Telefonica)
- **Katja Schechtner** (Advisor for Innovation and Technology, International Transport Forum, OECD)

13:00-13:15 Concluding remarks from chairs