



ELSEVIER

Available online at www.sciencedirect.com

 ScienceDirect

Technological Forecasting & Social Change 75 (2008) 496–516

**Technological
Forecasting and
Social Change**

Regulatory foresight: Methodologies and selected applications

Knut Blind*

*Regulation and Innovation Competence Center Fraunhofer Institute for Systems and Innovation Research, Germany
Berlin University of Technology, Faculty Economics and Management, Chair of Innovation Economics, VWS 2,
Müller-Breslau-Str., D-10623 Berlin, Germany*

Received 28 September 2006; received in revised form 19 October 2007; accepted 1 February 2008

Abstract

This paper on regulatory foresight addresses approaches which allow future fields for regulatory action to be identified. We follow a rather wide perception of regulation and include standards and standardisation as elements of the regulatory framework. The paper presents three methodologies appropriate for performing regulatory foresight. First, an approach is presented which makes use of science and technology indicators and enables the identification of possible fields which may cause challenges for the regulatory framework and the regulatory bodies. Second, survey approaches are displayed which enable regulatory bodies to identify future needs for regulations. Finally, the usability of the Delphi methodology is discussed and results of a Delphi survey in the telecommunication area are presented. The paper concludes with a comparative analysis of the three methodological approaches regarding their effectiveness to conduct regulatory foresight.

© 2008 Elsevier Inc. All rights reserved.

Keywords: Foresight; Regulation; Standards; Indicators; Delphi Survey

1. Introduction

1.1. Background

In the last few years, the issue of regulatory impact assessment (RIA) has become very attractive, in particular among European policy-makers. In contrast to the longer tradition of impact assessment of

* Berlin University of Technology, Faculty Economics and Management, Chair of Innovation Economics, VWS 2, Müller-Breslau-Str., D-10623 Berlin, Germany. Tel.: +49 30 314 76638, +49 160 3676114 (Mob.); fax: +49 30 314 76628.

E-mail address: Knut.Blind@TU-Berlin.de.

public activities in research and development, regulatory impact assessment is a policy evaluation mechanism which has a long tradition only in the USA [1]. However, the United Kingdom started with some cost-benefit analyses of regulations in the 1980s. Other European countries like Sweden or the Netherlands followed in the mid 1990s. Among the OECD countries, regulatory impact assessment gained a certain momentum after the publication of the OECD report on best practices in impact assessment [2]. The growing interest in RIA in other countries, especially in Europe [3], reflects inter-related developments emerging over the past few years [4]. First, within a framework of tighter governmental budgets and stronger international competition, policy-makers involved in regulatory policies are being held more *accountable* for the significant economic resources, as well as the political capital invested in regulatory management systems now established in most OECD countries. Second, there is a growing interest in exploring how regulatory policies can be more *evidence-based* and supported by empirical findings. More evidence-based approaches to the assessment of regulatory quality allow a review of the effectiveness of policy tools used in practice, a review of their performance, but also an improvement of the design and implementation of future policies.

So far, we observed a strong focus on ex ante impact assessments, because they have been required in the USA for a long time, and are meanwhile also obligatory in the European Union [5] and some other industrialised countries prior to the final release of new policy measures, including new regulations. Ex ante impact assessment is required to check all possible impact dimensions and to evaluate the likelihood of their realisation and their strengths. In some European countries, like Germany, there has been a longer tradition of regulatory impact assessments in the context of technology assessment [6]. A rather new and not yet widely spread trend is the move toward ex post evaluation of regulations, which is part of the *progressive development* of regulatory policies, complementing ex ante evaluations [4]. Ex post impact assessments are able to evaluate the efficacy and the efficiency of regulatory instruments by measuring and monitoring their performance (i.e. data gathering and reporting strategies) and practices to review existing regulations.

In order to justify a similar treatment of regulation and standards, we have to mention another phenomenon which links standardisation and regulatory policies more strongly at the European level. For over twenty years, the so-called “New Approach” has been the most prominent and successful approach to link standardisation and regulatory policy. The “New Approach”, defined in a Council Resolution of May 1985, represents an innovative way of technical harmonisation. It introduces, among other things, a clear separation of responsibilities between the EC legislator and the European standards bodies CEN, CENELEC and ETSI in the legal framework allowing for the free movement of goods. EC directives define the “essential requirements”, e.g., protection of health and safety that goods must meet when they are introduced to the market. The European standards bodies have the task of drawing up the corresponding technical specifications meeting the essential requirements of the directives, compliance with which will provide a presumption of conformity with the essential requirements. Such specifications are referred to as “harmonised standards”. Although standardisation processes are driven by industry, standards are now becoming an even more important element of the regulatory infrastructure. The “New Approach”, confirmed by the recent ideas on European governance, requires the standards to be considered which complement or even substitute governmental regulations in comprehensive regulatory impact assessments, even if the standardisation processes are only moderated by the formal standardisation development organisations (SDOs) and not funded or performed by public organisations. The convergence between governmental regulation and private standardisation justifies, and indeed requires, the inclusion of standards in our analysis.

متن کامل مقاله

دریافت فوری ←

ISIArticles

مرجع مقالات تخصصی ایران

- ✓ امکان دانلود نسخه تمام متن مقالات انگلیسی
- ✓ امکان دانلود نسخه ترجمه شده مقالات
- ✓ پذیرش سفارش ترجمه تخصصی
- ✓ امکان جستجو در آرشیو جامعی از صدها موضوع و هزاران مقاله
- ✓ امکان دانلود رایگان ۲ صفحه اول هر مقاله
- ✓ امکان پرداخت اینترنتی با کلیه کارت های عضو شتاب
- ✓ دانلود فوری مقاله پس از پرداخت آنلاین
- ✓ پشتیبانی کامل خرید با بهره مندی از سیستم هوشمند رهگیری سفارشات