



# Enforcement in a Europe without borders



Exchange experiences, explore best practices, discuss common themes







Inspectorates all across Europe are taking steps to create a platform for international cooperation to enhance cross-border regulation and enforcement. That is one of the main outcomes of the **Enforcement in a Europe conference without borders** that took place on 23 February, 2016 in Amsterdam. The conference was hosted by the Netherlands Inspection Council as part of the Dutch Presidency of the Council of the European Union. In today's open markets, divergent judicial frameworks and inadequate

enforcement may have decisive effects on international trade and Europe-wide cooperation. So what do the OECD best practice principles on inspection and enforcement imply for transnational regulation? What does good governance mean in the context of European enforcement? Through presentations, workshops and debates, **Enforcement in a Europe without borders** explored common principles, best practices and future plans for effective European enforcement.







Enforcement in a Europe without borders

# Themes, highlights, views



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*'It is clear that in order to be effective, enforcers and inspectors cannot stay within the boundaries of their own country, or their own field of work. At the same time, it's not realistic to expect change to come from an increase in regulation – more rules could even be counterproductive.'*

Jan van den Bos



## Conference introduction

# The opportunities and challenges for international cooperation between inspectorates in the European Union

*There is a growing sense of urgency to enhance cooperation between national enforcement agencies within the European Union. While harmonization of the law is increasingly becoming a reality, enforcement and inspection tend to be highly differentiated. How can international cooperation between inspectorates effectively contribute to these challenges, now and in the future? The **Enforcement in a Europe without Borders** conference presented answers to this pressing question.*

## Dialogue and exchange

'A unique dialogue and an unprecedented exchange of experiences': that is how Chairman Edmond Wellenstein described the nature of the conference on **Enforcement in a Europe without Borders**. In his opening talk, the former Representative of the Netherlands to the OECD called upon the conference delegates to share their expertise, contribute to the result-oriented workshops and engage in the plenary discussions.

## Within and beyond the EU

Jan van den Bos, Chairman of the Netherlands Inspection Council and Inspector General of the Human Environment and Transport Inspectorate, emphasized the opportune timing of the conference, referring to recent issues in food safety and nuclear power security. The lack of harmonization in European enforcement and legislation is likely to create similar risks in the future, Mr Van den Bos stated. The conference thus aims to develop a platform for a solid dialogue on transnational enforcement and cross-border cooperation, within as well as beyond the EU.





A collection of essays providing scientific insights in cross-border cooperation between national inspectorates, which the Netherlands Inspection Council presented at the conference, provides the building blocks for the development of this platform. Having introduced the Netherlands Inspection Council and its continuous commitment to collaboration among inspectorates, Mr Van den Bos summarized the central themes and questions of the conference. 'Which forms of cooperation between inspectorates have the potential to overcome the challenges in enforcement and regulation that Europe is facing today? To what extent do we need more intensive international cooperation, now and in the future? And how can European countries, based on their specific legislation, culture and way of doing business, work together to achieve these results?'

Estimating that there are some 300 inspectorates across Europe, Mr Van den Bos emphasized the opportunities as well as challenges in improving collaborative enforcement across boundaries and countries.

*How can enforcement bodies become fit to face today's trends in e-commerce? A dialogue between the market, enforcement agencies and inspectorates is a good start. There are huge opportunities for a collaborative conversation between enforcers and regulators.*

*Marlene ten Ham, Ecommerce Europe*

*'The work of the European Commission and its Member States should be complementary. Issues of enforcement and inspection are linked to the broader issue of better regulation – a goal that we all share.'*

*Edmond Wellenstein*





## Keynotes and discussion

# Annetje Ottow on good European supervision

*While our societies and economies are increasingly interconnected, the work of supervisory authorities tends to be fragmented. In her presentation, Annetje Ottow, Professor of Public Economic Law at Utrecht University and Nonexecutive Director of the UK's Competition and Markets Authority, highlighted three principles for effective enforcement.*

### **Three reasons behind Europe's enforcement gaps**

'Scandals can serve as a wake-up call. Apparently, sometimes we need a crisis in order to develop adequate supervision,' Professor Ottow stated. For instance, after the financial crisis, the European Central Bank has come to act as the credible supervisor of the EU's most valuable banks. But scandals such as Volkswagen's corrupted software and PIP's flawed breast implants also suggest that there is still a gap between the realities of a connected world and the everyday practices of supervisory bodies. The resulting enforcement gap is related to the domestic focus of enforcement agencies, the lack of clear rules for cooperation and the box-ticking mentality among some inspectorates.

### **Three principles for effective enforcement across Europe**

We need a more proactive approach to European issues, which will be adopted by policymakers as well as supervisory authorities, Professor Ottow argued. Based on her previous research on good agency principles for market and competition authorities, she presented three principles for effective cross-border enforcement: independence, professionalism and institutional design. 'Impartiality, integrity, objectivity, expertise and accountability are essential to achieve truly independent supervisory bodies. But we also need to take a closer look at our mind-sets: proactive coordination means we cannot simply rely on existing regulatory systems or standard procedures.'





When it comes to the organizational structure, Professor Ottow emphasized that there is no one-size-fits-all model for effective enforcement. ‘Sometimes we need a soft approach, based on information exchange between EU Member States. At other times, more formal rules, procedures and frameworks are necessary. But generally speaking, we need to come out of our comfort zone and adopt a connecting culture. It’s all about doing a better job today than we did yesterday.’

*‘Enforcement agencies and inspectorates need to adopt a connecting culture. While there is a clear need for an institutional framework to facilitate better information sharing, the development of a collaborative culture is far more important than any rules, procedures or frameworks.’*

Annetje Ottow





## Keynotes and discussion

# Nick Malyshev on OECD best practice principles on regulatory enforcement and inspection

*The OECD's best practice principles for regulatory policy, published in 2014, have been internationally embraced as the basis for enforcement and inspection. Nick Malyshev, Head of the OECD Regulatory Policy Division, explained the eleven best practice principles and presented a new tool to support their use in regulatory practice.*

### Best practices

The development of best practice principles for enforcement and inspection, Mr Malyshev explained, stems from the growing interest in improving regulatory effectiveness, while at the same time decreasing the administrative burdens on businesses and citizens. In addition, the OECD has signalled the widespread use of inspections as an enforcement tool and the increased attention for proportionate enforcement. The eleven best practice principles that the OECD published in 2014 aim to address these issues, bringing together consolidated knowledge and providing a guideline for regulatory governance. Mr Malyshev also referred to best practices such as the so-called inspection holidays, which have been embraced by Dutch inspectorates.

### Scorecard

Based on a survey among its members, expert papers and desk research, the OECD has identified eleven principles on which effective and efficient regulatory enforcement and inspections should be based, in pursuit of the best compliance outcomes and highest regulatory quality. In its 2014 publication entitled 'Regulatory Enforcement and Inspections', which complemented its 2012 'Recommendation of the Council on Regulatory Policy and Governance', the OECD provided guidelines for applying these principles.





In his conference presentation, Mr Malyshev discussed the imminent introduction of the OECD Enforcement Scorecard, a checklist that will offer a simple tool to assess the inspection and enforcement system in a given jurisdiction or of a particular institution. 'The scorecard introduces our best practice principles in a more high-level, normative framework, which can be used as a diagnostic tool as well as a cross-national benchmarking device.'

*'If irreparable harm is at stake, enforcement cannot be left to the market.'*

Nick Malyshev





*'The European Commission is highly interested in a collaborative approach to enforcement. In a variety of ways, we're working to increase contributory arrangements complementing the formal regulatory framework.'*

*Jonathon Stoodley*

## Keynotes and discussion

### Jonathon Stoodley on smart regulation

*Presenting the European Commission's enforcement of legislation policy cycle, Jonathon Stoodley discussed the opportunities and challenges of improving regulation to strengthen enforcement. How can the EU make its legislation more effective and efficient while at the same time allowing Member States to take up their role in implementing and enforcing laws?*

#### **Cross-border communication and collaboration**

In addition to the infringement procedures that it employs to ensure compliance, the European Commission has introduced an increasing number of cooperative arrangements to supplement and precede formal frameworks. An estimated 75% of issues can be resolved through cooperative measures, said Mr Stoodley, Head of the Unit for Evaluation, Regulatory Fitness and Performance of the European Commission, in his presentation. 'It's clear that real results can come out of cooperative initiatives. At the same time, increased transparency about legislative design and public consultations about future plans are key.' A large number of EU interventions are laid down in directives, which require national transposition into laws and regulations. Member States are responsible for the implementation and enforcement of these national frameworks. For this reason, cross-border communication and collaboration will help to support legislative initiatives that foster compliance, Mr Stoodley argued.

#### **Better Regulation Agenda**

As Mr Stoodley emphasized, the EU's Better Regulation Agenda aims to support effective enforcement practices. This will be done, for instance, through improving the preparation of new legislation. 'Allowing stakeholders to contribute to implementation plans, we can make sure that legislative measures will be manageable and practical.' In addition, the European Commission is looking for options to make legal requirements more effective while reducing duplication. 'For companies, most notably in the transport sector, the consequences of additional requirements and the variety of approaches to control and enforcement are substantial. Therefore, the European Commission aims to manage the overall horizontal impact of EU law – across sectors as well as within sectors.'





*'Although at this moment there is a lack of European enforcement, we must be careful to avoid overinstitutionalization. There is no such thing as the perfect system for enforcement and compliance. As a society, we must ask ourselves what we expect from enforcement.'*

Haico van der Voort, Delft University of Technology

## Keynotes and discussion

### Panel debates on cross-border cooperation

*What will happen if we fail to address the current challenges in cross-border enforcement and regulation in the European Union? Three contributors to the **Enforcement in a Europe without borders** conference paper discussed their views, highlighting findings from the critical reflection on cross-country cooperation that they undertook as part of their study. Subsequently, the audience engaged in a plenary discussion about current and future issues in EU-wide enforcement and inspection.*

#### Informal networks and best persons

In a panel discussion, Esther Versluis of Maastricht University, Florentin Blanc of the World Bank Group and Martijn Groenleer of Tilburg University discussed the necessity to change the status quo and proposed ways to move forward. Professor Versluis emphasized the need to develop institutional frameworks as well as informal networks based on trust. 'We should acknowledge the importance of informal networks and respect the cultural differences between Member States, but we cannot rely on bottom-up initiatives to create effective enforcement at the EU level.' In a similar vein, Mr Blanc argued for a balance between formal and informal approaches, using assessments, tools and checklists provided by, for instance, the OECD. Professor Groenleer drew attention to the key role for best persons. 'The way forward is not so much about best practices: it's about exemplary practitioners, their mind-sets and skill sets. If anything should be done now, it's professionalizing the professionals, both sectorally and cross-sectorally.'

#### Enforcement, inspection and regulation

In the subsequent interactive plenary session, Edmond Wellenstein presented three statements and asked the conference delegates to cast their votes. Is there space for a EU-wide policy or standards for effective and efficient regulatory enforcement and inspections? Should enforcement be regulated more extensively and with greater



precision at the EU level? Do rapid changes like the growth of Internet trade make cooperation between enforcement agencies in EU Member States more urgent than ever? While the large majority of attendees (85.1%) considered EU-wide policies or standards for enforcement and inspections a top priority, a distinct minority (37.8%) was in favour of a – new – European enforcement agency to regulate and control this development. In a similar vein, the overwhelming majority of conference delegates (89.3%) agreed with the statement that cooperation between enforcement agencies in the EU deserves more attention.

### **A balanced approach to inspection, supervision and regulation**

Annetje Ottow, Nick Malyshev and Jonathon Stoodley engaged in a lively debate with the audience to explore these issues in further depth. Both the panellists and the conference delegates pointed out that public opinion and political debates tend to favour deterrence rather than consolidative arrangements. As Chris Fonteijn, Chairman of the Board of the Netherlands Authority for Consumers and Markets, put it: ‘We advocate responsive regulation but it’s a hard sell. The general public, politicians and media increasingly focus on deterrence and zero tolerance: enforcement is expected to be hard and ruthless.’ This trend implies a new challenge for enforcers and regulators alike: to engage proactively in the public debate in order to steer the conversation towards a balanced approach to inspection, supervision and regulation.

### **Conference paper on cross-border cooperation**

In ‘[Cross-border cooperation between national inspectorates](#)’, a collection of academic essays commissioned by the Netherlands Inspection Council and edited by the Netherlands School of Public Administration (NSOB), nine researchers explore how regulation, enforcement and compliance can be organized more effectively in the context of Europe-wide issues. The research conducted for the publication focuses on the interaction between European and national initiatives in regulation and enforcement. The NSOB study reveals a practical and conceptual variety in the ways that national inspectorates establish cross-border cooperation. These variations concern, for instance, the availability of budgets, the use of best practices, the adoption of enforcement models and the levels of professional training. Taken together, the five essays sketch a broad perspective on the supply and demand of cross-border cooperation and provide a vocabulary that could foster a more precise transnational debate about ways to engage in collaborative efforts. As co-author, Haico van der Voort states: ‘There is no such thing as the perfect system for regulation and enforcement. Rather, as a society we must ask ourselves what we expect from inspectorates and enforcement agencies – and acknowledge that incidents cannot always be prevented completely.’

*‘In order to tackle regulatory issues, great efforts are focused on creating new laws. However, legislation will not be effective unless it is complied with and properly implemented. The creation of a European inspectorate may be necessary to develop a level playing field in legislation as well as in enforcement.’*

Harry Paul, the Netherlands Food and Consumer Product Safety Authority







*‘Enforcement needs to build more on trust. Rather than focusing solely on addressing those who violate rules, we must focus on rewarding the vast majority who are compliant.’*

*Frédérique Six, VU University Amsterdam*



## Workshop

# Internet trade

*E-commerce is a prime example of the globalization of our societies. The growing trend in Internet trade creates new risks and challenges for enforcement and inspection. Conference delegates joined Giorgio Sincovich of Europol, Hans Ingels of the European Commission and other experts – from countries all over Europe – in an interactive workshop on trends, facts, myths and challenges.*

### **E-commerce trends, online fraud, enforcement issues**

Ecommerce Europe’s Secretary General Marlene ten Ham described the main trends in Internet trade, highlighting themes such as digitalization, virtual reality and corporate social responsibility. With legal issues being the top barrier to growth for e-commerce companies, Mrs Ten Ham called for more harmonization among the 28 different sets of rules for data protection, contract law, tax administration and other legislation.

Following a presentation on Internet fraud by Giorgio Sincovich of Europol, Hans Ingels described the challenges that arise from the growing distance between national enforcement agencies, traders and consumers. While identification of transnational traders is considered a major issue, the suboptimal cooperation between enforcement agencies further adds to Europe’s enforcement gaps.

### **This workshop’s main conclusions**

Internet trade is not entirely novel, but the scale and speed of online shopping are unprecedented. This raises both fantastic opportunities and a complex set of issues in regulation and enforcement, which call for improved ways of coordination and resource sharing, Florentin Blanc concluded in response to the workshop debates. The workshop participants agreed that new technologies, including artificial intelligence, may be necessary in order to address regulatory challenges while at the same time seizing market opportunities. In addition, traditional enforcement may need to be supplemented by consumer empowerment through awareness raising.



## Workshop

# International cooperation between inspectorates

*Regular meetings between inspectorates and regulators from different countries are likely to contribute to the exchange and expansion of knowledge.*

*A workshop hosted by the Netherlands Inspectorate for Youth Care exchanged a wide range of best practices for the organization of successful, result-driven meetings.*

### **Collaborative networks and peer review systems**

Jooske Vos and Mari Murel of EPSO, a network of supervisory organizations in health, social, mental and youth care from twenty European countries, gave an overview of conferences, meetings, master classes, brainstorm sessions and other platforms for dialogue that it has created. Drawing upon these experiences, EPSO has identified three conditions for successful international collaboration: the right selection of contributors, the focus on specific topics and the adequate organization of events.

Gonnie van Amelsvoort of the Netherlands Inspectorate of Education outlined the current strategy of the Standing International Conference of Inspectorates (SICI), the organization of national and regional inspectorates of education in Europe. The strategy is based on three pillars: knowledge management for national inspection systems, resource building for inspectorates, and the professional development of inspectors. More specifically, SICI stimulates joint initiatives to develop knowledge databases, research projects and tailor-made instruments and procedures for inspections. In this way, SICI's 36 members will be able to gain expertise from the most comprehensive data pool about school quality in Europe.

What can I learn from my colleagues? Do we perform inspections in the same manner? These were some of the topics raised by Lieven Viaene in his presentation on the Inspectorate of Education in Flanders' system of peer review, which is part of its mission to improve inspections.





Building upon the OECD's definition, the Inspectorate of Education discussed peer review as a tool for cooperation and change. For instance, peer review procedures promote reflective enquiry, reciprocal learning and the exchange of best practices. A joint inspection in primary education that the Dutch and Flemish inspectorates undertook in 2014 and 2015 illustrated the four-step approach to executing peer review for transborder inspection.

### **This workshop's main conclusions**

In his summary of the workshop, Kees Reedijk signalled a widely shared ambition, and even eagerness, among inspectorates to cooperate more intensively, in particular through informal networks. 'Cooperation is a stepping stone, not just for the improvement of enforcement but also for the excellent performance of inspectorates.' Among the preferred reasons, outcomes and conditions for international cooperation discussed by workshop participants were knowledge sharing, mutual trust and transparency, and toplevel support to organize and support collaborative networks.

*'Collaboration is in the genes of the Netherlands Healthcare Inspectorate. We're always trying to bring actors together based on the question: What matters to you? One person's perfect solution may not be suitable for someone else. That's an approach that may also be useful to create a shared culture to address regulatory and enforcement issues within the EU.'*

Ronnie van Diemen, the Netherlands Healthcare Inspectorate





## Workshop

# Good market surveillance

*The CE mark was designed to guarantee that products comply with European legislation on product safety, health and the environment. Supervision on the proper use of the CE mark is a shared responsibility of EU Member States. The Netherlands Food and Consumer Product Safety Authority invited conference delegates to join an interactive workshop discussion on key indicators for product safety and the distinctive features of adequate supervision.*

### **Indicators for market surveillance and administrative cooperation for enforcement**

Jane van 't Hoff and Diny van Est presented the findings of a study by the Netherlands Court of Audit on CE marking. The Netherlands Court of Audit analysed data from Europe's rapid alert system for dangerous non-food products (RAPEX) and ICSMS, the Internet-supported information and communication system for Pan-European market surveillance. The study highlighted the importance of building knowledge on CE-specific indicators.

Anna Stattin, Senior Advisor at the Swedish Board for Accreditation and Conformity Assessment (Swedac), argued that indicators for market surveillance require a combination of quantitative and qualitative data. According to Mrs Stattin, experiences with systems such as RAPEX and ICSMS demonstrate the need to find a balance between administrative burdens and added value when using indicators to assess the quality of market surveillance.

In his presentation, Lucio Cocciantelli, Head of the Swiss Federal Office of Communications (OFCOM), discussed a case of administrative cooperation (ADCO) for enforcement of the EU Directive on Radio and Telecommunications Terminal Equipment. With sixteen authorities collaborating on campaigns to check on drones and similar devices, the ADCO has been widely perceived as a best practice of well-established and well-functioning EU-wide market surveillance.





### **This workshop's main conclusions**

Referring to the highlights of the workshop discussion, Donald Macrae summarized the main issues and solutions in today's international market surveillance. 'The main issue does not concern the complexity or diversity of European regulations, or even the regulatory system as such, but implementation: there is a lack of consensus on how to implement and enforce rules, both on a national level and across borders.' In addition, enforcement agencies are faced with more issues than they can handle, given their limited resources. With regard to potential solutions to these issues, the workshop participants proposed further to study the ADCO model as an approach to cross-border enforcement, to extend the use of formal EU inspections of Member States' enforcement, and to review the mandates of enforcement bodies.

*'I am pleased to hear that we are striving for more harmonization, without overreacting by creating a one-size-fits-all system. What works for one country may not work for another. I think we should respect our cultural differences.'*

Marc du Maine, the Netherlands Ministry of Infrastructure and the Environment





## Workshop

# Making European law work for inspectorates and companies

*Complicated, unnecessarily detailed, inconsistent; the quality of European legislation is frequently under attack. In a workshop hosted by the Netherlands Inspectorate for Social Affairs and Employment, experts from Lithuania, the United Kingdom and the Netherlands shared their views on new initiatives to make enforcement of European regulations more effective, starting from the observation that both the organization of enforcement agencies and the legislation as such may be in need of improvement.*

### **Make it Work and Primary Authorities**

Jan Teekens, Policy Advisor at the Netherlands Ministry of Infrastructure and the Environment, outlined the results of the Make it Work project. The project, which was initiated by the Netherlands, the United Kingdom and Germany, explored ways to enhance the effectiveness of European environmental legislation. Project members drafted sixteen principles for compliance assurance, which will support inspectorates in conducting compliance activities.

Acknowledging the commercial sector's interests in consistent application of rules across the European Union, Graham Russell from the Better Regulation Delivery Office described the work of the UK's Primary Authority. Its aim is to ensure transparency and accountability of regulations and to avoid regulatory capture. The Primary Authority serves as a single point of contact for businesses operating across the country, providing robust, bespoke advice that must be respected by all local regulators. In addition, the authority creates a steady flow of information between local authorities in order to drive improvements in compliance, target enforcement resources where they are most needed, and formulate consistent and proportionate responses to noncompliance. According to Mr Russell, the Primary Authority's work could inspire similar initiatives in Europe, creating the potential for a mutual recognition system.





Professor Paul Leinster of Cranfield University and Elmer de Bruin of the Dutch Transport Operators Association presented their views on environmental assessment. Professor Leinster reminded the audience that regulators and enforcers tend to be influenced by political demands and public expectations. ‘We need to be clear about the independence of regulations and propagate risk-based enforcement.’ Mr De Bruin emphasized the importance of mutual recognition of enforcement schemes and called for the creation of a Primary Authority in the area of transport and logistics.

### **This workshop’s main conclusions**

In his summary of the workshop debates, Giedrius Kadziauskas signalled a lack of consensus regarding regulatory enforcement, which poses difficulties for cross-border entrepreneurship. Therefore, better rule making is key: legislation should be simple, efficient, understandable and enforceable. Initiatives such as the Make it Work project and the UK’s Primary Authority could provide useful guidelines on international regulation, in particular when it comes to legislation of environmental compliance issues. Their experiences underscore the need for cooperation between enforcement agencies and regulatory bodies in the legislative process, which would create room for a more uniform horizontal approach to the enforcement.

*‘There is a definite need to develop informal networks for learning from one another, in addition to formal structures for cross-border cooperation. I’m convinced that enforcement and inspection can be further improved through information sharing on common issues and through sector-specific collaboration, creating a mix of informal contacts and formal frameworks.’*

*Lex van Dijk, the Netherlands Inspectorate for Social Affairs and Employment*





*‘The conference shows that there’s a widely shared ambition to improve the quality of enforcement and inspection professionalism – and to avoid regulatory fragmentation and duplication. The way forward lies in moving this result- and problem-oriented approach to the next level.’*

Edmond Wellenstein

## Closing plenary session

# The three-pronged approach to cross-border enforcement

*The **Enforcement in a Europe without borders** conference marked the beginning of a new initiative to harmonize inspection and enforcement. In a lively closing session, delegates embraced a three-pronged approach aiming to bring European enforcement to the next level.*

## Inspection and enforcement in a connecting culture

Having exchanged ideas and experiences from different policy areas, workshop participants presented ideas for a more effective and efficient compliance assurance strategy, which would be of benefit to both inspecting authorities and businesses. Florentin Blanc, Kees Reedijk, Donald Macrae and Giedrius Kadziauskas joined Chairman Edmond Wellenstein on stage to present insights from the conference workshops. These ideas created the building blocks for a three-pronged approach to the issue of cross-border enforcement, which Edmond Wellenstein presented as the main outcome of the conference. ‘Supervision and enforcement take place in an increasingly interconnected world. If we fail to acknowledge this, there is a risk of crises,’ Wellenstein said in response to the workshop results. ‘In addition, a connecting culture requires inspectorates and enforcement agencies to develop new mind-sets and new skill sets. At the same time, in view of ever scarcer resources, there is a need for inspection and enforcement bodies to identify priority issues.’ The workshops brought to the fore ideas to address this challenge.

## Three-pronged approach

Referring to the plenary debates and workshop discussions that took place during the conference, Chairman Edmond Wellenstein signalled an eagerness to enhance cooperation between inspectorates and enforcement agencies alike. The ambition to create close collaboration could be further developed, firstly, through the development of professionalism within the EU and beyond, for instance through peer review and the application of OECD’s new Scorecard.





Secondly, the conference highlighted the need to improve national collaboration, including cooperation between law making on the one hand and enforcement practice on the other. The exchange of experiences from (international) collaborative networks could stimulate knowledge development on this topic.

Thirdly, the conference explicitly put on the agenda the importance of influencing the institutional level to combine better regulation with better enforcement. Identifying the main areas of concern, the wider adoption of the EU's REFIT platform could foster collaborative efforts to make European law work better for inspection and enforcement.

### Continuous debate for cooperative networks

Dutch Inspection Council Chairman Jan van den Bos thanked the conference delegates for their insights and thought-provoking suggestions on how to deal with the multifaceted profession of enforcement in a European context. Mr Van den Bos called upon the attendees to continue the debate on collaboration, taking into account sector-specific knowledge as well as general insights from policy, science and the industry. The Netherlands Inspection Council aims to bring the conference outcomes to the attention of Slovakia, which will take over the Presidency of the Council of the European Union in 2016. 'The conference results show that both enforcement agencies and inspectorates are committed to improving cooperative networks, which will align all parties involved in regulatory compliance across the EU – and beyond.'

### The conference results

The **Enforcement in a Europe without borders** conference presented a three-pronged approach to enhance international collaboration in enforcement, inspection and regulation. Acknowledging that the way forward lies in improving result- and problem-oriented strategies, the conference highlighted three ambitions for the future:

1. Stimulating professionalism in inspection and enforcement through knowledge exchange, the development of best practices, the adoption of peer review, and the use of tools such as the OECD's Scorecard.
2. Improving national cooperation, i.e., enhancing collaboration between enforcement agencies on national levels, for instance to make the lawmaking process better geared towards enforcement practices.
3. Influencing institutional levels, i.e., creating common agendas within and beyond the European Union, for example via the Regulatory Fitness and Performance Programme.

*'There is a broad awareness of the need to collaborate between inspectorates, on national as well as international levels. As an intermediary country, the Netherlands could contribute to creating a stronger sense of urgency for common actions. International cooperation should be a "need to have", not a "nice to have".'*

Peter Spijkerman  
Radiocommunications Agency Netherlands





## Conference highlights

*'Crises are always followed by change. We should anticipate future changes because we never know how serious the next crisis will turn out to be. The EU's lack of integrated enforcement means that the regulatory system is not robust enough to absorb a serious shock.'*

Florentin Blanc, World Bank Group

*'There is an enormous variation in enforcement and inspection practices in Europe, often quite rightly so, given the differences in culture. Nevertheless, joint training of enforcers and inspectors at both national and European levels is a top priority.'*

Martijn Groenleer, Tilburg University

*'Effective enforcement and inspection start with informal networks, which foster feelings of mutual trust. Enforcers, inspectors and regulators need to be able to talk openly about the issues that they're facing so they can mutually benefit from one another's expertise.'*

Esther Versluis, Maastricht University

*'Peer review can only be successful if, like other quality assessment schemes, it is taken up as a continuous cycle.'*

Lieven Viaene, the Inspectorate of Education in Flanders







## Conference highlights

*'Regulators rather than companies need to learn to trust one another. There is a strong culture of distrust among us. We need to work on that.'*

Martine Blondeel, Environmental Inspectorate Division of the Flemish government

*'We need to be patient. It may take years, perhaps even generations to harmonize Europe's enforcement practices.'*

Haico van der Voort, Delft University of Technology

*'More use can be made of research that reveals whether something works. Impact assessment tools can be used to align the development of regulatory policy with its delivery.'*

Donald Macrae, Consultant

*'The current connected economy creates opportunities as well as risks. The connectedness of Europe means that we all suffer if supervision fails, as the financial crisis has shown.'*

Annetje Ottow, Utrecht University





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