

Agile Nations Charter

The Treasury Board of Canada Secretariat, the Danish Business Authority, the Ministry for Technological Innovation and Digitalisation of Italy, the Ministry of Economy, Trade and Industry of Japan, the Ministry of Trade and Industry of Singapore, the Ministry of Cabinet Affairs of the United Arab Emirates and the Department for Business, Energy and Industrial Strategy of the United Kingdom, hereinafter individually referred to as "the Participant" and collectively as "the Participants" have reached the following understanding:

Introduction

1. The Participants have noted the following:
 - a) Technological breakthroughs within and across the digital, biological and physical spheres are heralding a Fourth Industrial Revolution, powering a wave of innovation and entrepreneurship;
 - b) Governed well, these innovations can help drive economic growth and address the world's most pressing social and environmental challenges;
 - c) Regulators may struggle to keep pace with these innovations, especially where their effects lie partly outside their jurisdiction;
 - d) A more agile approach to rulemaking is needed in order to unlock the potential of innovation and shape it in a way that protects citizens and reflects their values; and
 - e) International co-operation is important to share knowledge and evidence and avoid unnecessary divergence in rules that inhibits cross-border innovation and hinders joint action to address common risks.

Purpose and definitions

2. The Participants have decided to establish an intergovernmental network (the 'Agile Nations') to foster co-operation on rulemaking, with a mission to make it easier for businesses within their jurisdictions to introduce and scale innovations across their markets while upholding protections for citizens and the environment.
3. For the purposes of this Charter 'rulemaking' means the way in which governments and industries develop, administer and review rules for businesses, where 'rules' means the regulations, standards and digital architecture through which governments and industries place requirements on businesses.

Promoting good practice in rulemaking

4. The Participants have reached a mutual understanding that they will each promote good practice on rulemaking within their jurisdictions that supports responsible innovation and entrepreneurship while serving citizens' interests, in which their ministries, regulators and other relevant authorities:
 - a) anticipate and identify innovations and the opportunities and risks they present in a timely way;

- b) engage widely and openly with stakeholders on how these opportunities and risks should be managed, in a way that earns trust;
 - c) consider the range of ways in which they can manage these opportunities and risks and, where regulating, do so in a proportionate way, focusing on the risk posed and minimising unnecessary costs and side effects;
 - d) seek to ensure that regulation is technology-neutral and prioritises the achievement of outcomes, not process, while providing clarity for businesses as necessary on how they can comply;
 - e) consider where approaches such as regulatory guidance, industry standards or digital architecture may enable the introduction and scaling of innovation in a more rapid and safe way, and collaborate with stakeholders on their design;
 - f) implement rules in a way that harnesses the potential of digital and other technologies to minimise the administrative burden of compliance;
 - g) enable businesses to pilot and test innovations (e.g. through regulatory sandboxes) as appropriate and in a way that supports fair and open competition, and gather learning from these tests on how rules need to adapt;
 - h) monitor the impact of rules and take timely, targeted and risk-based actions to intervene when outcomes are not being achieved; and
 - i) promote a 'whole of government' approach to unlocking opportunities and addressing risks from innovations which transcend institutional boundaries.
5. The Participants have reached a mutual understanding that they will each promote such practices on a voluntary, non-binding basis, acknowledging that in some instances other policy considerations will take precedence.
 6. The Participants acknowledge that good practice in rulemaking is evolving and will review these practices regularly, giving consideration to the work of the OECD, the World Economic Forum and other international organisations.

Fostering mutual co-operation

7. The Participants have reached a mutual understanding that they will work together to foster co-operation on rulemaking between their jurisdictions with the aim to make it easier for businesses to introduce and scale innovations across their markets while upholding protections for citizens and the environment.
8. The Participants have reached a mutual understanding that they will together foster such co-operation on a voluntary, non-binding basis, acknowledging that in some instances other policy considerations will take precedence.
9. The Participants will reach a mutual understanding as to the co-operation activities that they will pursue and the policy areas in which these will apply. Co-operation activities may include, but are not limited to:
 - a) sharing foresight and evidence on the opportunities and risks of innovation, to enable timely reforms to rules;

- b) exploring opportunities to jointly test approaches to rulemaking through collaborative initiatives;
 - c) identifying opportunities to develop interoperable rules relating to innovations;
 - d) supporting innovative firms to navigate participating governments' rules as they look to introduce and scale new ideas (e.g. cross-referrals between regulatory advice services);
 - e) co-ordinating enforcement activities as necessary to manage cross-border risks from innovations;
 - f) using government accelerators to develop shared approaches to governance of innovation; and
 - g) mutual capability-building, including sharing learning on the effectiveness of different approaches to rulemaking on innovation.
10. The Participants may also promote co-operation with and among national standards bodies and similar actors.
11. The Participants have reached a mutual understanding that they will seek to encourage business-led initiatives that support the overarching objectives of the Agile Nations.

Promoting wider co-operation

12. The Participants have reached a mutual understanding that they will singly and together promote good practice in relation to rulemaking on innovation with governments and businesses outside the Agile Nations.

Meetings and work programme

13. The Agile Nations will meet once a year in plenary with a rolling host nation who will chair the meeting. All Participants will be invited to each annual plenary meeting.
14. A joint working group of all the Participants will prepare a draft work programme for the Agile Nations that will be published at least two (2) months ahead of the annual plenary meeting, in order that Participants may consult with relevant authorities and other stakeholders within their jurisdiction.
15. The draft work programme will comprise proposed co-operation activities that the Participants would undertake on a voluntary basis. The joint working group may designate a lead Participant or Participants for each co-operation activity, with the consent of all, whose responsibility it will be to drive forward the activity with other Participants.
16. The final work programme will be decided on at the annual plenary meeting, together with the chair for the following year's meeting. The final work programme will be published by the Participants following the annual plenary meeting.
17. Each Participant may choose to opt out of one or more proposed co-operation activities in the draft work programme in line with their national interest. All Participants understand they will engage in at least one co-operation activity in the final work programme as part of their membership. Each Participant may, as appropriate, designate another institution(s) or person(s) within their jurisdiction to lead and/or participate in the initiatives.

18. The Participants will decide on a case-by-case basis how any co-operation activities or other activities of the Agile Nations will be funded and resourced.

Participation

19. Participation in the Agile Nations will be open to national governments that have either adopted, or aspire to adopt, and have put measures in place to achieve, the practices set out in this Charter.

20. Observer status will be granted to the OECD and the World Economic Forum, who would (i) attend the Plenary sessions; (ii) may make proposals for inclusion in the work programme; and (iii) participate in other activities. Observer status may be granted to other international organisations as appropriate.

21. A joint working group comprising representatives of all the Participants may develop supplementary principles and arrangements for expanding participation in the Agile Nations and deciding on Observer status.

Implementation

22. Any differences arising from the interpretation or implementation of this Charter will be settled amicably through consultations and negotiations between the Participants without reference to any third party or international tribunal.

23. This Charter is not legally binding. It will come into effect on the date of the signature of all Participants and will continue to have effect for a period of two (2) years beginning the day after that date, unless terminated by a Participant giving three (3) months written notice to the current Chair.

24. Signed electronically on 25 November 2020 in the English language. Each Participant will publish a copy of this Charter. The Participants will sign the French version of this Charter within 60 days, each version being equally valid.

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