



Department for  
Business, Energy  
& Industrial Strategy

# International Regulatory Cooperation Strategy

Summary of call for evidence responses

June 2022



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# Contents

Introduction	4
High level summary of call for evidence responses	6
Part 1 – regulators, standards bodies and similar types of organisations	7
Question 4 – IRC initiatives	7
Question 5 – challenges of IRC initiatives	8
Question 6 – government support	11
Part 2 – industry groups and business organisations	13
Question 7 – accommodating the needs of industry	13
Question 8 – engaging with industry	14
Part 3 – other organisations and additional responses	15
Question 9	15
Other points to note: sector specific challenges and emerging tech	16
Conclusion and next steps	17
Annex 1: call for evidence questions	18
Annex 2: list of respondents	20

# Introduction

In September 2020, the Government published the [International Regulatory Cooperation for a Global Britain](#) report in response to the [OECD Review of International Regulatory Cooperation of the UK](#).

In the report, the Government welcomed the OECD's paper and set out a plan to address each of the OECD's recommendation themes. It also issued a call for evidence to regulators, standards bodies, business, industry and other key stakeholders to ensure that the Government's future IRC strategy aligns with the needs of the wider regulatory and business community.

The call for evidence ran from 2 September 2020 to 25 November 2020 and had the following aims:

- To gather evidence to map the existing landscape of IRC activities undertaken by these organisations
- To understand the future priorities of these organisations in relation to IRC
- To inform the development of a package of measures (such as training, guidance and access to information / networks) to support these organisations in identifying and pursuing IRC opportunities.

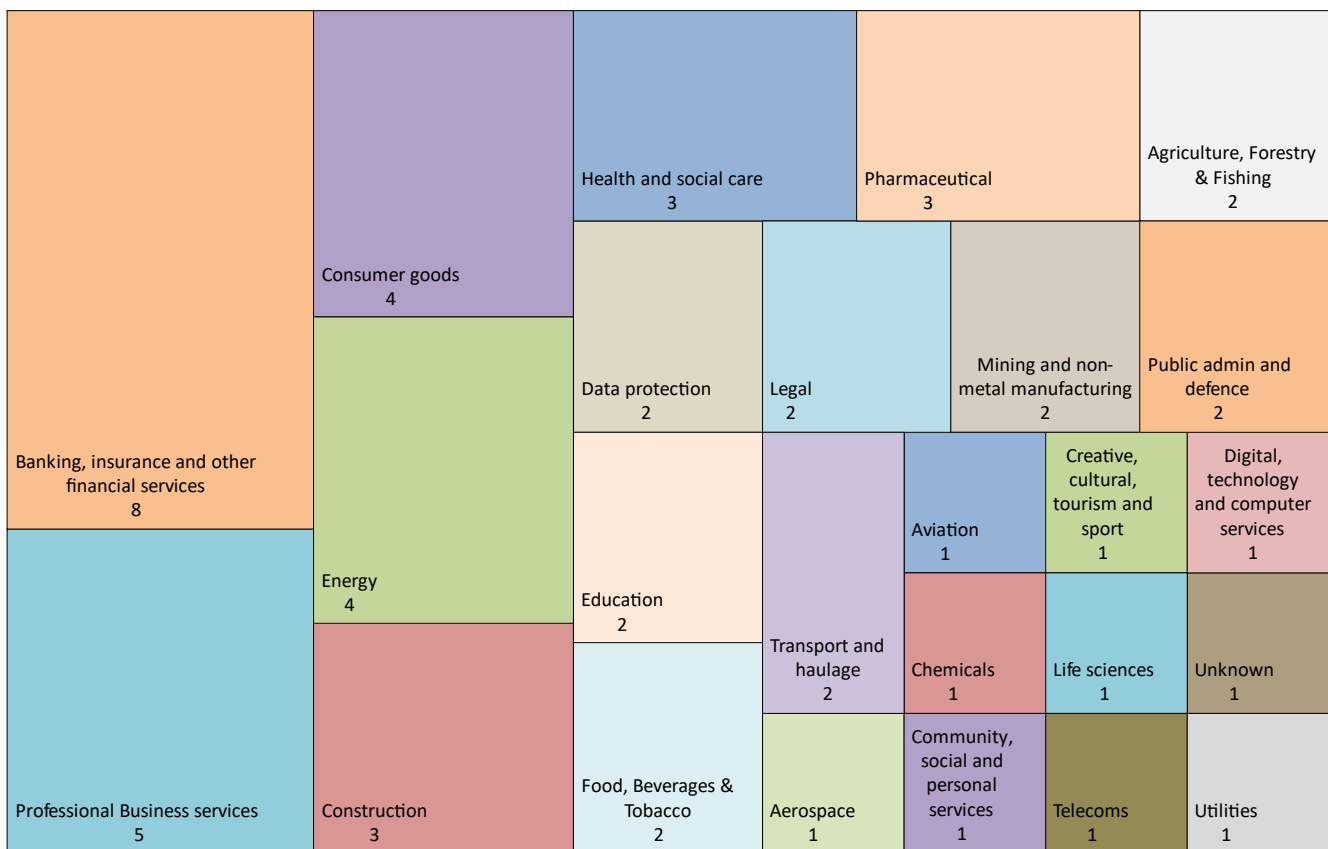
We received 57 responses in total from regulators, standards bodies, industry organisations, businesses and academia from 25 different sectors.<sup>1</sup> This paper summarises those responses, which have helped us build a picture of the current landscape of IRC initiatives and the challenges faced by key regulatory stakeholders. These responses also provided suggestions for measures that the Government could take to facilitate IRC opportunities. Some questions were targeted at specific types of stakeholders (see Annex 1 for the full set of call for evidence questions). Since responses received came from a broad range of sectors (as shown in figure 1), an in-depth cross-sectoral analysis has not been conducted.

Proposals put forward by stakeholders will be used to inform policy development of the Government's IRC Strategy. We would like to thank all those who provided responses to the call for evidence.

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<sup>1</sup> This includes one response received after the call for evidence closing date and has been included in the analysis. A list of respondents who agreed to the publication of their response is at Annex 2.

**Figure 1: breakdown of respondents per market or sector**



## High level summary of responses

The majority of respondents had a good understanding of IRC and its benefits. Eighty per cent of regulators, standards bodies and similar types of organisations who responded provided details of existing IRC initiatives that they engage in, either on a bilateral, plurilateral and multilateral basis.

This group described their experiences of the challenges they face to scaling up and/or sustaining their IRC initiatives. These include resource pressures; sharing information when regulating new and emerging technologies; a changing and unpredictable geopolitical environment; and an already fragmented international landscape that can prove difficult to navigate. Additional government guidance and networking were commonly cited areas where the Government could provide additional support.

Industry groups and business organisations stated the benefits of regulatory alignment with foreign jurisdictions or international instruments to reduce non-tariff and market access barriers. Increased engagement with the Government could help to limited regulatory friction and help to identify trade barriers and other unnecessary burdens that businesses experience. A clearer articulation of the benefits of IRC and how it can benefit businesses would also be welcome from this group.

Responses from other organisations, including academia and charities, also highlighted the benefits of regulatory alignment and reinforced the need for a holistic approach to IRC which involves regulators and business sectors. Others favoured a 'light-touch' IRC Strategy that allows a flexible approach to IRC.

# Part 1 – regulators, standards bodies and similar types of organisations

The first part of the consultation was aimed at regulators, standards bodies and similar types of organisations. These organisations represented the majority of responses, 40 in total (70%), with 35 of responses coming from regulators, three from standards bodies and two from government departments. The first three questions asked respondents for basic information on their organisation.<sup>2</sup>

## Question 4 – IRC initiatives

The first substantive question asked respondents to provide a comprehensive overview of the IRC activities and initiatives they already undertake. In summary, 32 respondents provided details of IRC initiatives that they have undertaken. Out of the 32 responses, 22 have engaged, or continue to engage, both bilaterally and multilaterally. Seven engage with multilateral organisations only and three engage solely on a bilateral basis.

Responses showed that engagement in multilateral organisations was both broad and deep. Regulators, standards bodies and other organisations are members of, and have been represented at, a range of multilateral groups and agencies, including the United Nations, Organisation for Economic Co-operation and Development, World Trade Organization, World Bank and European Union bodies. Comments highlighted how membership of working groups at multilateral organisations may lead to increased bilateral IRC initiatives.

Bilateral engagement was also broad. A number of respondents have signed memoranda of understanding with counterparts or similar sectoral organisations in partner countries. Commonly cited countries with whom relationships have been established include Australia, Canada, New Zealand, the US and EU member states. Other countries include Brazil, China, Canada, India and Singapore, amongst others.

The majority of regulators and standards bodies highlighted the value of IRC for businesses, consumers and encouraging innovation. Respondents recognised that, due to the interconnectedness of global issues, it is becoming increasingly difficult to regulate markets that impact UK consumers in isolation without cross-border coordination. International cooperation provides UK regulators and standards bodies the opportunity to strengthen leadership on the global stage to influence regulatory standards in the post-Brexit world.

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<sup>2</sup> Question numbers in the headings correspond with the questions asked in the call for evidence. See Annex 1 for the full set of call for evidence questions.

## Question 5 – challenges of IRC initiatives

This question aimed to identify what the common challenges were for regulators, standards bodies and similar organisations engaging in IRC initiatives. They fell into five broad themes.

### Limited resources

Ten out of 33 respondents to this question (30%) cited their lack of sustained resources to invest in long-term relationship development with international regulators, particularly in multilateral forums. Therefore, international cooperation is often done on an ad hoc basis, whereby measuring the medium to long-term benefits of sustained engagement is challenging.

For example, one organisation noted that it has no dedicated financial or personnel resources to undertake work on IRC initiatives. It relies on negotiating financial support from stakeholders or reallocating existing resources. Initiatives do not always receive sustained funding and therefore face difficulty building long-term relationships with counterparts or similar international organisations to produce tangible impacts. As a result, the organisation often lacks the evidence base to demonstrate that additional resources should be invested in IRC initiatives. The following quote from a health regulator illustrates this point:

*“Regulators and governments from other countries often seek to learn from us and how we operate. Sharing best practice, reviewing legislation, and offering guidance to these bodies is a very time and resource-intensive activity... limiting the amount of international engagement we are capable of doing.”*

Another response cited the high levels of staff turnover and the loss of institutional memory as a significant challenge. Relationships are often forged with international counterparts or groupings over time but are quickly lost when individuals maintaining those key relationships leave the organisation.

It is also resource-intensive to ascertain whether there is sufficient alignment between the UK’s regulatory frameworks and those of other countries to take discussions forward with international counterparts. A respondent cited that, due to its wide scope across a number of sectors, keeping abreast of important international developments proves challenging. Some regulators also face a lack of staff with strong policy background or technical expertise to support expert working groups at multilateral organisations.

Limited resource of counterpart country regulators was also cited as a barrier to substantive cooperative activity, particularly when a UK regulator is seeking to apply the extraterritorial scope of domestic regulation. One regulator found that:

*“While the prospects for cooperation are more promising with jurisdictions which have similarly structured independent regulation (as opposed to self-regulation by professional bodies)... these organisations are often also financially constrained and small in size, which makes deep and fruitful cooperation difficult.”*



## Information sharing and legislation

The sharing of information was referenced as a challenge to IRC faced by ten respondents (30%). According to the evidence received, there are several reasons for this. First, engagement with international organisations in countries where national security threats are a concern means that regulators are cautious about sharing sensitive information. Additional guidance from the Government on the parameters of information that can and cannot be shared was requested.

*Note: respondents may wish to refer to the International Commissioner's Office's (ICO) guidance on data protection regarding [international transfers](#) and [national security and defence under the General Data Protection Regulation \(GDPR\)](#).*

Second, differences in the way in which information is shared across regulators, due to variations in data collection methods and systems used, is another barrier to effective regulatory cooperation. An example given explained that raw operator data submission and aggregated data or different metrics used means that like-for-like figures are not easily comparable. Although some commonality can be reached at a high level, standardisation at a more granular level has proven more difficult.

Third, some regulators cited data protection laws as a reason that sensitive data cannot be shared with international counterparts or organisations. One response stated that an Act under which it operates does not allow it to provide investigative assistance to another international authority except in respect to UK infringements.

The same regulator said that, under another Act, its ability to share confidential information with international counterparts to strength respective analysis and discuss the coordination of solutions to address malpractice and protect consumers is limited. While the Act allows for the provision of sharing information in some instances, certain conditions mean that in practice it is difficult, slow and burdensome.

Some international partners are also restricted to how they use information provided by UK regulators, according to another respondent. If information is used by an international regulator beyond a specific purpose for which it was shared without seeking consent, it may be committing a breach of UK law.

Another response explained that the wording of data protection laws does not explicitly enable cooperation with foreign country regulators in other sectors if concerns around fraud or scams are uncovered. A further respondent noted that even though it can discuss policies and trends with regulatory counterparts, it is often not able to focus on detailed casework and instances of regulatory concern where data sharing is involved without great challenge.

## Access to, or engaging in, international multilateral forums

Eight respondents (24%) from a range of sectors highlighted the challenge to effective IRC caused by difficulties in accessing, or engaging with, international organisations. According to responses received, this may be due to a regulator lacking the awareness of which multilateral forums are most relevant and effective for driving its international objectives, particularly those

with limited resources for international engagement. Regulators also cited the difficulty of connecting with the right people in a particular organisation. They found that identifying the relevant contact in an international organisation can be time consuming.

The lack of a 'seat at the table' can result in disadvantages for regulators and standards bodies. A commonly referenced implication is the inability to establish relationships with counterparts to progress areas of cooperation and the sharing of information and knowledge. It also means that regulators are unable to influence decisions in these organisations during the early stages of drafting regulation to avoid divergence of regulations and standards-setting.

Respondents cited a lack of intelligence of national contexts, such as civil society frameworks and the wider international regulatory environment. According to one regulator, this can mean that – for a small and self-financing organisation – it becomes difficult to keep abreast of important developments in technologies in the international sphere and therefore falls a step behind on setting regulation.

Some respondents also highlighted some challenges of working in multilateral forums, even as a member. In one example, many multilateral initiatives are only open to members of specific working groups, or the details are only shared with internationally respected experts. The strict invitations policy of some organisations can make it difficult for regulators to ensure engagement in the working group initiatives, as it may be the case that a more suitable candidate cannot substitute for invitee. Another example cited that in one multilateral forum, consensus is required by all its almost 100 members, making it difficult to progress initiatives past their conception stage.

### **Fragmented regulatory frameworks**

Nine respondents (27%), also from a range of sectors, highlighted the fragmented and inconsistent regulatory environment across different countries as a barrier to IRC.

International jurisdictions often interpret and implement their regulatory frameworks in different ways, with varying levels of appetite for enforcement. This may limit a regulator or standards body's engagement to those jurisdictions whose regulatory frameworks are similar to those in the UK, or of which they have existing knowledge and expertise, in order to share best practice and lessons learned. Substantial resources may be required to invest in building trusting relationships to understand the regulatory architecture within which they are operating.

The fragmented nature of existing regulations and markets is a further challenge which may, according to one response, "*disincentivise or prevent market participants from undertaking certain cross-border activities, leading to less choice and/or higher costs for end users.*"

### **Cultural barriers**

Six respondents (18%), including those from creative, cultural, tourism and sport, life sciences and pharmaceutical sectors, highlighted that differences in cultural norms, societal values and ways of working can lead to considerably varying levels of rules and standards being applied. Another cited that a challenge that often arises when working with international organisations is an unwillingness to open themselves up to scrutiny and review from peers and other

organisations, therefore potentially missing out on the benefits of positive outcomes and improved organisational performance.

Different interpretations of the same legislation was another challenge referenced by regulators which have hampered collaborative efforts when working with international partners.

## Question 6 – government support

The next question aimed at regulators, standards bodies and similar types of organisations solicited ideas on how the Government could support these organisations to undertake IRC through the development of a strategy. We received 30 responses to this question which fell into three broad categories.

### **Government guidance**

Ten respondents (33%), from sectors including the construction and agriculture, forestry and fishing, suggested that the provision of government guidance on how to conduct effective IRC would be beneficial to regulators and standards bodies. Such guidance could come in the form of training opportunities on aspects such as international engagement, communication and diplomacy.

A response received requested practical support on developing memoranda of understanding or mutual recognition agreements, such as providing draft templates, points of consideration, potential pitfalls and the requirement for consultation. Another identified guidance on developing strategy and project management tools as areas where the Government could support their IRC efforts.

On standards, a respondent highlighted the lack of awareness of the role of standards and how standards are delivered for the benefit of the UK. The respondent felt that standards are often confused with regulation and overlooked in favour of the more familiar regulatory approach. A better understanding of the role of voluntary standards would support positive, proportionate and value for money outcomes. It would also raise awareness of the role of international standards as an instrument of UK soft power around the world.

*Note: the published [Standards for the Fourth Industrial Revolution: HMG-NQI action plan](#) seeks to address this issue by raising the awareness of how standards and the wider NQI can help to foster innovation and the deployment of emerging technologies.*

One response stated that a clearer understanding of the Government's priorities would help regulators identify where their priorities align, including on areas such as regulatory diplomacy. Another respondent asked for a clearer sense of purpose and an assessment of their importance when being asked to feed into coordination initiatives. This would help with prioritising which initiatives to engage with due to regulators' limited resources.

## **Facilitate networking**

Nine organisations (30%) from this group proposed ideas relating to the creation/facilitation of networks between government departments, regulators, standards bodies and other relevant organisations, both at home and abroad.

As above, respondents described the challenges of accessing key international contacts and multilateral groupings, and the associated resources involved. They suggested that building strong networks would enable regulators and standards bodies to identify where and how other organisations are engaged in IRC and offer opportunities for collaboration. It could facilitate the sharing of knowledge and information, particularly in critical emerging areas, such as cyber security, data privacy, cross-border data transfers, FinTech and RegTech. It could also encourage training opportunities on aspects of international regulatory diplomacy such as international engagement, communication and diplomacy, and allow less experienced or smaller regulators to learn from others.

Another respondent suggested the value of having access to a domestic directory of regulators by sector with a summary of their regulatory role and remit with contact information which could be used to identify shared interests. This could also be used to identify international counterparts for each domestic regulator or piece of regulation. A directory to connect domestic regulators to key FCDO and DIT country desks would also provide useful for gathering key in-country intelligence, such as market or policy developments, particularly in countries where geopolitical relationships with the UK or market conditions are complex.

*Note: The Foreign, Commonwealth and Development Office (FCDO), through its Regulatory Diplomacy initiative, will utilise its international network to promote information-sharing on international engagement between government departments, regulators and the business community to create a coherent approach to influencing standards development and regulation internationally, in line with UK priorities. Details on Regulatory Diplomacy can be found in the IRC strategy.*

## **Funding**

Five respondents (17%), including from medical, life sciences and research sectors, highlighted the importance of having funding arrangements in place to support the level of the Government's ambition on IRC and its initiatives. One response said that sustained financial assistance could be used for a dedicated in-house delivery team focused solely on IRC. Another suggested that funding could be used to invest in the storage of data which has basic interoperability allows it to be shared easily to support research and international regulatory collaboration.

## Part 2 – industry groups and business organisations

The second part of the consultation was aimed at industry groups and business organisations. We received 15 responses (26%) – seven of these being industry groups and eight being individual businesses.

### Question 7 – accommodating the needs of industry

This question asked for ways in which the Government's IRC strategy could accommodate the needs of industry. We received 14 responses in total. Industry groups generally placed emphasis on achieving regulatory alignment between the UK and other countries in order to promote trade and avoid unnecessary trade barriers for UK industries.

As well as regulation, the UK's role in setting and influencing international standards was recognised. Standards should be developed with a strong and robust evidence base that encourage a 'best in class' rather than a 'lowest common denominator' approach to consumer protection. Businesses and the consumer goods sector also focused on mutual recognition of product conformity assessments and globally recognised standards.

We received eight responses (57%) from industry groups and the business community, including from those in chemical, transport and haulage, and banking, insurance and other financial sectors, which highlighted that trade and market access barriers should be avoided as far as possible in order to promote trade opportunities, maximise the return on research and development investments and reduce the burdens on businesses. An appropriate level of regulatory alignment can also improve the efficiency of cross-border operations, encourage international companies to locate in the UK and enable UK-based firms to complete globally. Increased collaboration between the Government and UK businesses can help to identify and avoid unintentional barriers. Even where trade and regulatory alignment across borders is not possible, collaboration and strong communication channels can provide early visibility of potential changes in regulation and help businesses to prepare accordingly.

In addition, industry groups called for a more streamlined framework for business consultation with the Government that minimises the burden on businesses; a clear distinction of the roles of Whitehall departments and how the IRC strategy relates to trade agreements and work on market access; and an articulation of government-wide priorities and objectives so that industry can maximise commercial opportunities in line with national interests.

Respondents from the business community sought a clear definition of IRC and how initiatives have the potential to benefit businesses in practical terms.

*Note: an IRC definition and the benefits of IRC to business will be set out in the IRC strategy.*

## Question 8 – engaging with industry

The next question posed to industry groups and business organisations asked about ways in which the Government can best engage with industry on issues of IRC to identify regulatory frictions and specific initiatives.

International collaboration, particularly encouraged by the financial, medical and technology industries in responses received, was highlighted as a critical factor to ensuring regulatory alignment in sectors such as artificial intelligence, fintech and the digital economy. One respondent from the banking and insurance sector expressed concern that global risks, such as cyber-attacks, pandemics and climate-related risks, are increasingly the focus of individual-nation approaches, rather than the regional, if not global, approaches required. Joint regulator and industry initiatives can help to develop new solutions, particularly where they involve international banks that are subject to numerous regulatory regimes and can advise on balancing new regulation against what firms are capable of implementing.

From the eight responses received, the most commonly cited suggestion was to establish forums, or expand existing ones, to increase engagement with industry on regulatory issues and facilitate information exchange to better understand the commercial impacts of regulatory decisions before implementation. Open hearings could be chaired by the Government on topics of significant regulatory development. Another response proposed using an expert taskforce as a way of increasing engagement. This would be made up of industry participants, such as individuals representing UK regulators, industry, businesses or other appropriate groups or organisations.

## Part 3 – other organisations and additional responses

### Question 9

The remaining responses came from academics, charities or other groups. One respondent highlighted how diverging national regulatory approaches can pose challenges to effective cross-border regulation, which is becoming vastly more complex and challenging to supervise, and therefore emphasised the importance of international harmonisation. Another response suggested that the IRC strategy should adopt an approach to IRC where all national stakeholders, including the Government, businesses and society, should have shared national goals of prosperity, vibrancy, innovation, protection and sustainability. The IRC strategy should focus on communication and cooperation between multiple individual silos of business sectors, regulators and government departments to improve consistency and coordination of initiatives.

Some additional responses favoured a 'light-touch' IRC strategy that underlines the potential benefits and opportunities to engage with international partners and avoids being overly prescriptive and allows a flexible and proportionate approach.

## Other points to note: sector specific challenges and emerging tech

There are also a number of important regulatory issues which affect the legal sector in specific ways and present particular challenges (e.g. around independence and privacy, such as anti-money laundering initiatives, cyber security and data protection rules). The fact that IRC efforts on these topics are handled on a much broader basis than the legal sector can present challenges for regulators. In addition, a key challenge for regulators that work within a statutory framework is demonstrating a direct link between IRC initiatives and the delivery of policies necessary to meet statutory duties.

In the medical health sector, the lack of development of legislation and regulatory regimes for more complex technological issues – as well as their moral and ethical considerations – in other countries can cause challenges for businesses operating with new and emerging technology. For example, the differing mix of private and publicly funded medical treatment in other jurisdictions can create different professional cultures around issues like patient choice, and this can affect what treatments are available to patients and what is marketed in those countries.

Similar challenges are faced regarding data protection and its cross sectoral application. As the cross-regulatory nature of the digital economy increases, there is a recognised intersection between data protection, data security and privacy rights, and other sectors. This may mean regulators need to interrogate data misuse and privacy rights access across the whole spectrum of the digital economy and collaborate to address systemic issues across different territories. There was a broader recognition that whilst emerging technologies and innovation bring huge opportunities, they can also create complexity and uncertainty for the public and for regulators in how to assess and manage any emerging risks. Wider political uncertainty and the changing political landscape can also increase the challenge of international cooperation due to increased competition, rather than collaboration, between regulators.



## Conclusion and next steps

The call for evidence has provided useful insights from a broad range of government stakeholders and has been well received by the Better Regulation Executive. The responses drew on a number of challenges that regulatory stakeholders face when working with international partners and helpful suggestions on ways to engage with industry. Along with the OECD recommendations in its review of the UK's IRC practices, the call for evidence responses will help to ensure the Government's IRC strategy aligns with the needs of the wider regulatory and business community.

As recommended by the OECD, the Government will publish an ambitious IRC strategy which will set out the policies, tools and defined roles of government departments and regulators to facilitate IRC. It will seek to embed IRC considerations within existing government guidance and throughout the rule-making cycle to ensure a holistic IRC vision across Government, both domestic and international. It will also aim to update initiatives, awareness and guidance to government departments and regulators on good IRC practices.

The IRC strategy will seek to align with the Government's wider approach to regulation. From July to October 2021, the Government launched a [consultation on reforming the UK's framework for better regulation](#) to ensure that it remains fit for purpose and reduces unnecessary burdens while boosting innovation, competition and growth across the UK. This was a joint consultation between the Department for Business, Energy & Industrial Strategy and the Cabinet Office, and led by the BEIS Secretary of State and the Cabinet Office Minister of State. The [consultation outcome on reforming the framework for better regulation](#) was published on 31<sup>st</sup> January 2022, along with the [Benefits of Brexit](#) paper which set out how the Government will use its new found freedoms to transform the UK into the best regulated economy in the world.

# Annex 1: call for evidence questions

Some questions in this call for evidence are aimed at specific types of stakeholder based on the type of organisation they represent. Please respond only to the questions relevant to your type of organisation as directed.

## Question 1

What is the name of your organisation?

## Question 2

What type of organisation are you?

- a) Regulator, standards body or similar type of organisation
- b) Business organisation (either a company or a business representation group or trade association)
- c) Other

## Question 3

Please provide some brief background on the role, remit or purpose of your organisation.

If you answered A (regulator, standards body or similar type of organisation) in response to question 2, please answer the following questions. **These questions (number 4 – 6) are for these organisations only.**

## Question 4

What international regulatory cooperation initiatives, if any, does your organisation undertake? Please provide a comprehensive overview.

This may include, for example, participation in international forums, membership of international networks, being involved in the development of international standards or instruments, formal cooperation with international organisations or counterparts (through a Memorandum of Understanding for example) and international enforcement initiatives. Note this list is not exhaustive.

## Question 5

In your experience, what are the challenges for regulators, standards bodies and similar organisations in engaging in international regulatory cooperation initiatives?

## Question 6

How can the government support regulators, standards bodies and similar organisations in undertaking international regulatory cooperation through the development of a strategy?

For example, what guidance, information or training could be made available. Please also identify other ways that the government could provide support.

If you answered B (business organisations) in response to question 2, please answer the following questions. **These questions (number 7 - 8) are for business organisations only.**

### **Question 7**

In what ways can the government's international regulatory cooperation strategy accommodate the needs of industry?

### **Question 8**

How can the government best engage with industry on issues of international regulatory cooperation, in order to identify regulatory frictions and specific initiatives that could benefit businesses?

**This final question is aimed at all types of stakeholders and organisations.**

### **Question 9**

Please provide any views that might inform the government's international cooperation strategy.

Organisations who have answered questions 4 - 8 can provide any additional comments or views not already captured in their response here.

## Annex 2: list of respondents

The below organisations agreed for their responses to be published. The remaining 37 respondents either did not respond to their organisation's name being published or declined.

### **Regulators and standards bodies or similar type of organisation**

Architects Registration Board

British Standards Institution

Civil Aviation Authority

CILEx Regulation

Edinburgh Assay Office

Environment Agency

Food Standards Agency

Human Fertilisation and Embryology Authority

Institute of Chartered Accountants in England and Wales

Intellectual Property Office

Offshore Petroleum Regulator for Environment and Decommissioning

United Kingdom Accreditation Service

### **Business organisation (either company or representative group)**

Association of the British Pharmaceutical Industry

British Industrial Truck Association

Chemical Industries Association

Lloyd's of London

London Metal Exchange

techUK

### **Other organisations**

Financial Markets Law Committee

Which?

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