

Nya regleringar:

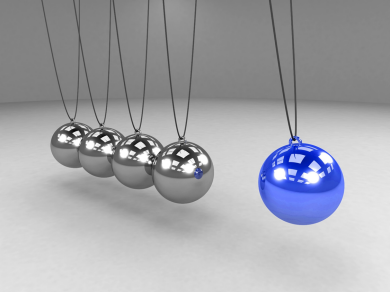
börda eller möjlighet för företag?

Estrad

Esbri

November, 2017

Åke Freij



Agenda

Regleringar och innovation: nuläge och historik

Hur hanterar företag effekten av förändrade regleringar?

Ett aktuellt exempel: General Data Protection Regulation

Varför är det viktigt att tänka positivt?

Om mig och min forskning

Affärsutvecklare / Konsult / Forskare

Jobbat i och med finansbranschen sedan 1985

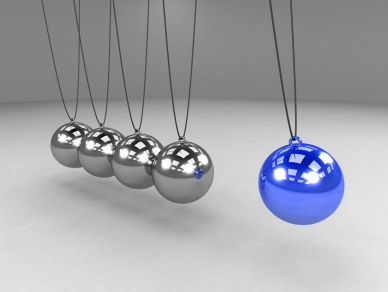
Forskat om innovation sedan 2008

Doktorand sedan 2011

Disputation Februari 2017

Studerat 20 regleringar i finansbranschen,
en över lång tid (17 år)

Avhandling: Vad gör företag för att hantera krav från regelverksförändringar?



Agenda

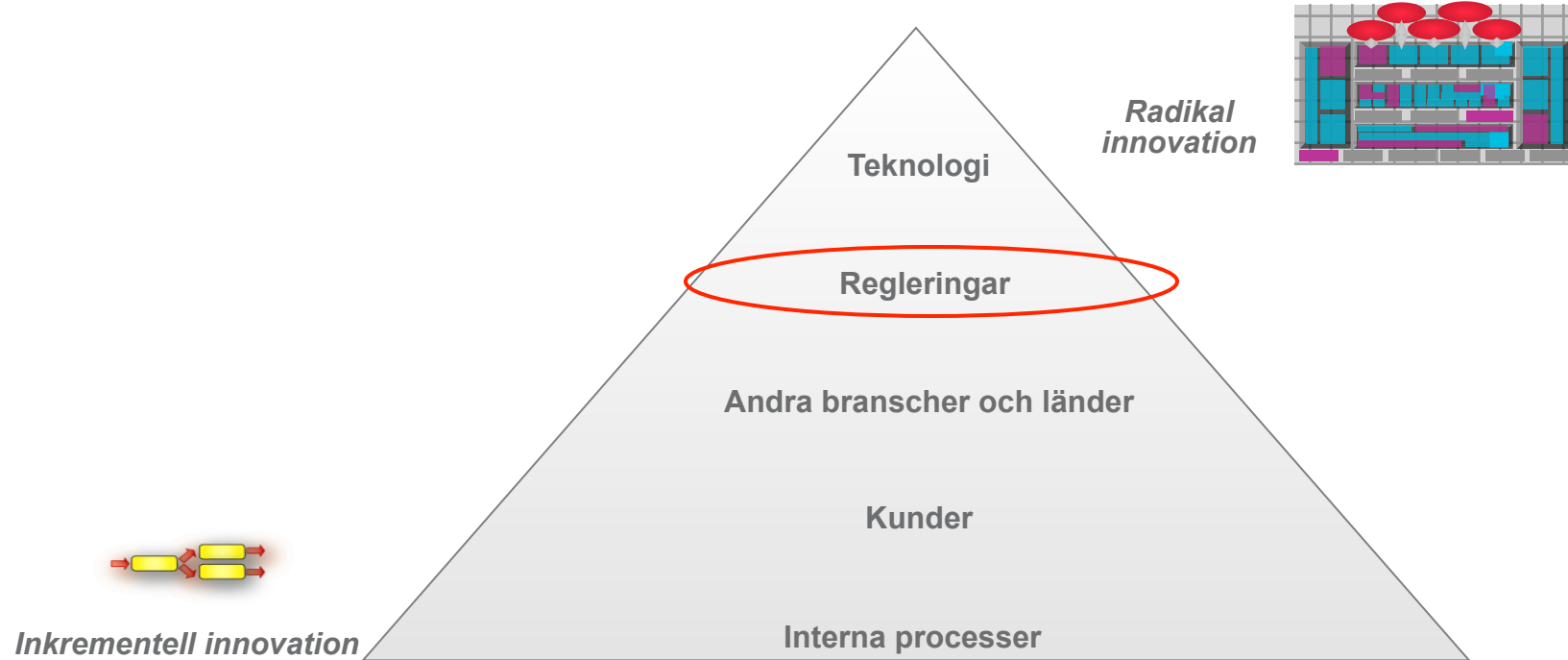
Regleringar och innovation: nuläge och historik

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Ett aktuellt exempel

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Regleringar skapar innovation



Företag är negativa till regleringar

BloombergBusiness



News

Markets

Insights

Video

JPMorgan CEO Dimon Says Overlapping Regulators Assault Banks



“We have five or six regulators or people coming after us on every different issue. It’s a hard thing to deal with.”

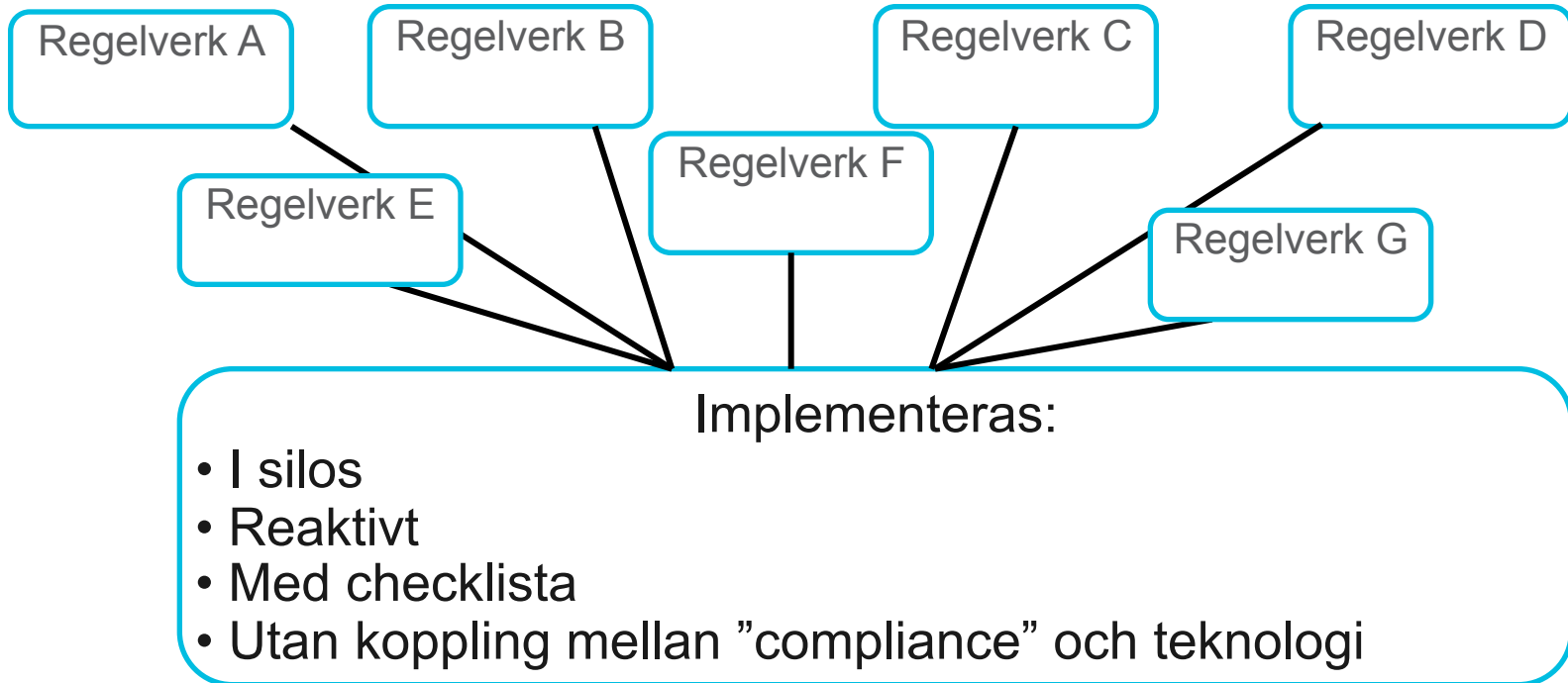
“He welcomes new things in his business, but not in the relationship of his business to his government and his society.”

Examples:

- **Child labour**
- **Food pollution**
- **Work safety**

*Theodore Levitt
Harvard Business Review
April, 1968*

Sättet att implementera är inte optimalt

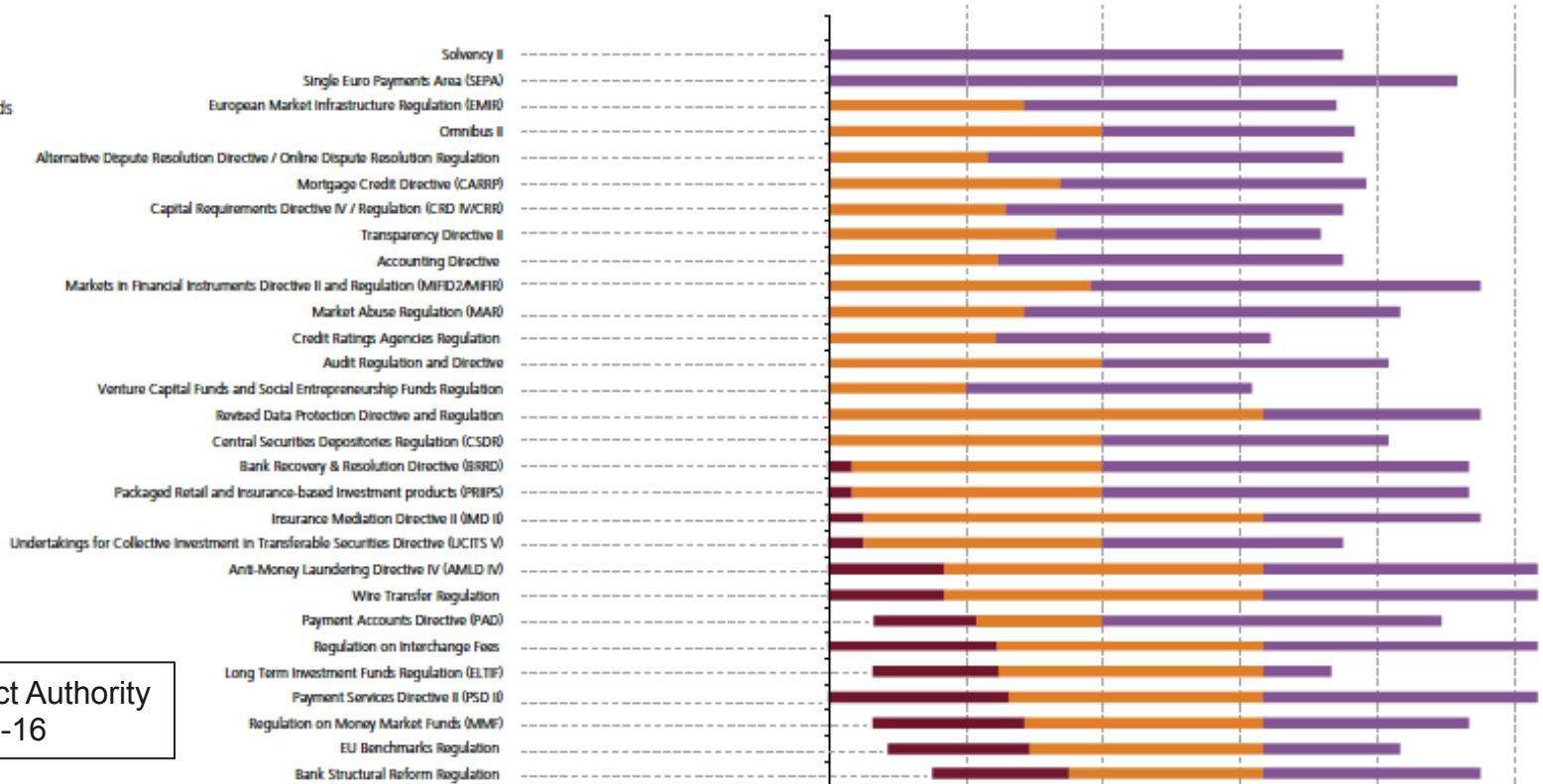


Finansbranschen: bra empiri!

Annex
2

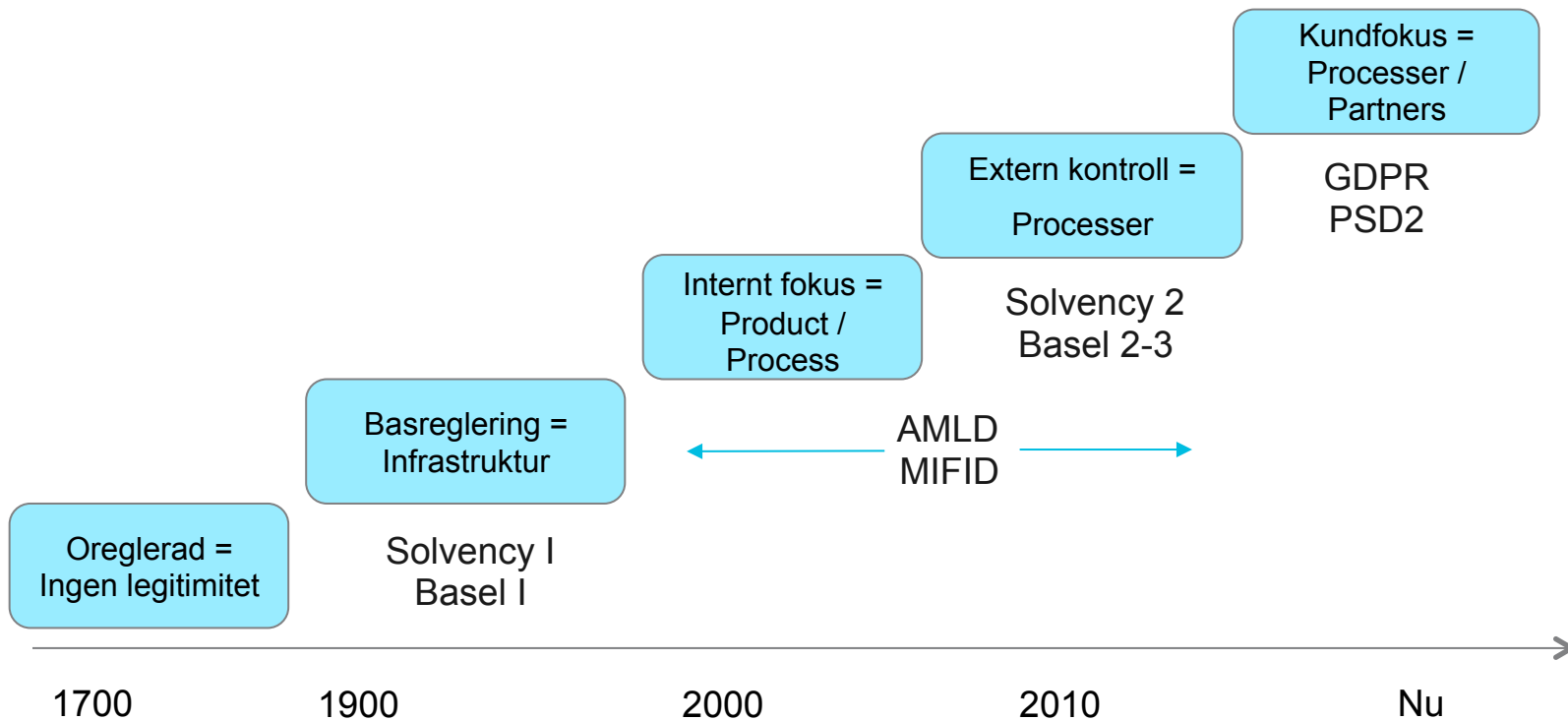
Current EU initiatives

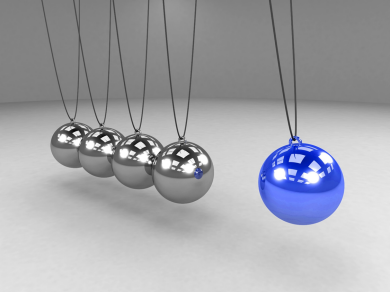
- Consultation / drafting
- Level 1 negotiation
- Transposition / Technical standards



UK Financial Conduct Authority
Business Plan, 2015-16

Regelverkens utveckling över tid





Agenda

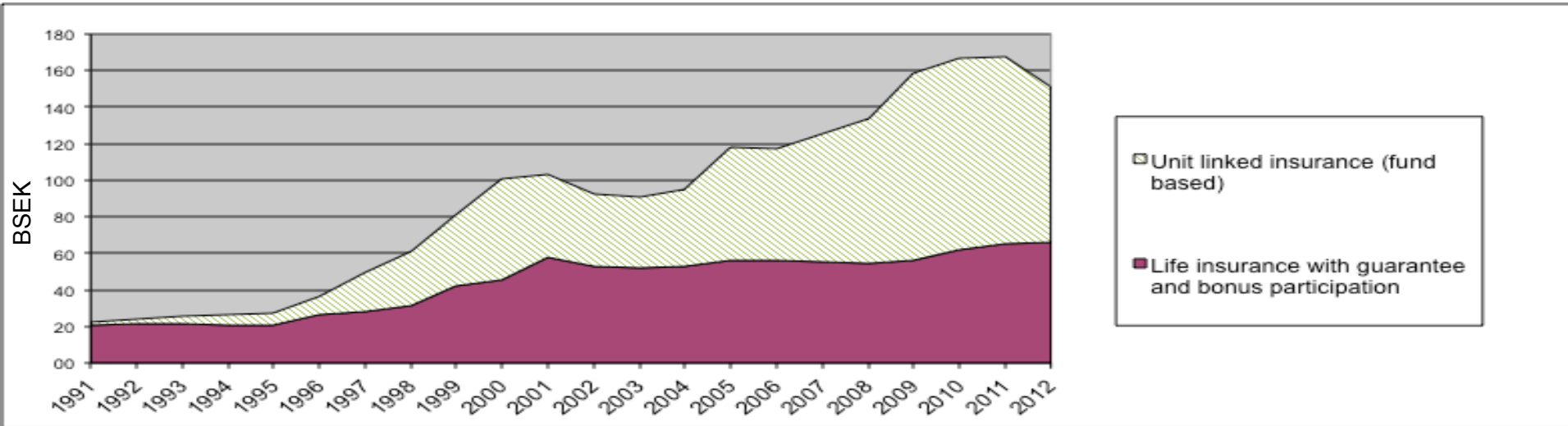
Regleringar och innovation: nuläge och historik

Hur hanterar företag effekten av förändrade regleringar?

Ett aktuellt exempel

Varför är det viktigt att tänka positivt?

Samma produkter 1740 - 1990



Från en svart T-Ford till "allt för alla"



[Bygg din BMW](#) [Nästan ny BMW](#) [Finansiera din BMW](#) [BMW återförsäljare](#) [Service, tjänster och tillbehör](#)

[Hem](#) [Alla modeller](#) [Erbjudanden](#) [Tjänstebil](#)  

1



BMW 1-serie 5d

2



BMW 2-serie Coupé



BMW 2-serie Cabriolet



BMW 2-serie Active Tourer



BMW 2-serie Gran Tourer

3



BMW 3-serie Sedan



BMW 3-serie Touring



BMW 3-serie Gran Turismo

4



BMW 4-serie Coupé



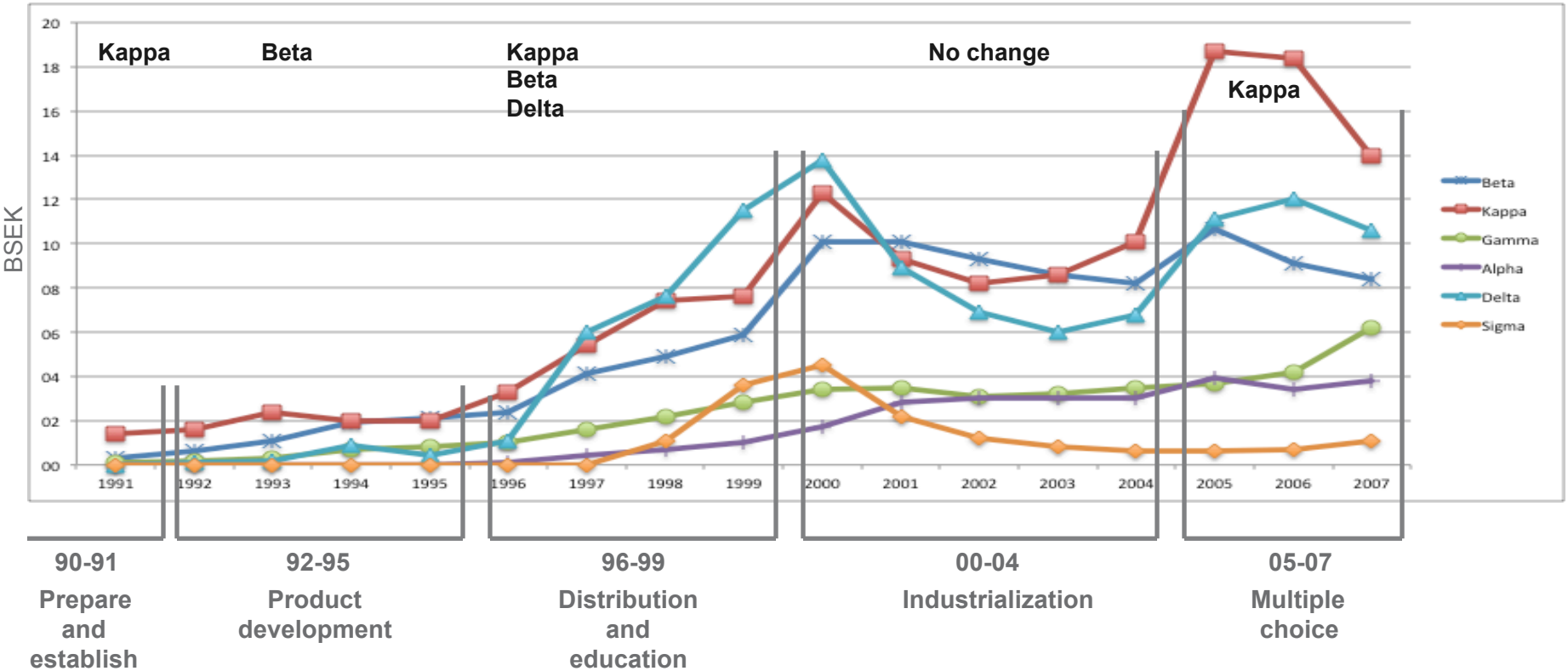
BMW 4-serie Cabriolet



BMW 4-serie Gran Coupé

Utvecklingen de första 17 åren

Successful firms:



Hur ser vi vilka företag som lyckas bäst?

	Integration of New and Existing Products, Processes, Technology	
Use of External Providers of Products, Processes, Technology	Low	High
High		
Low		

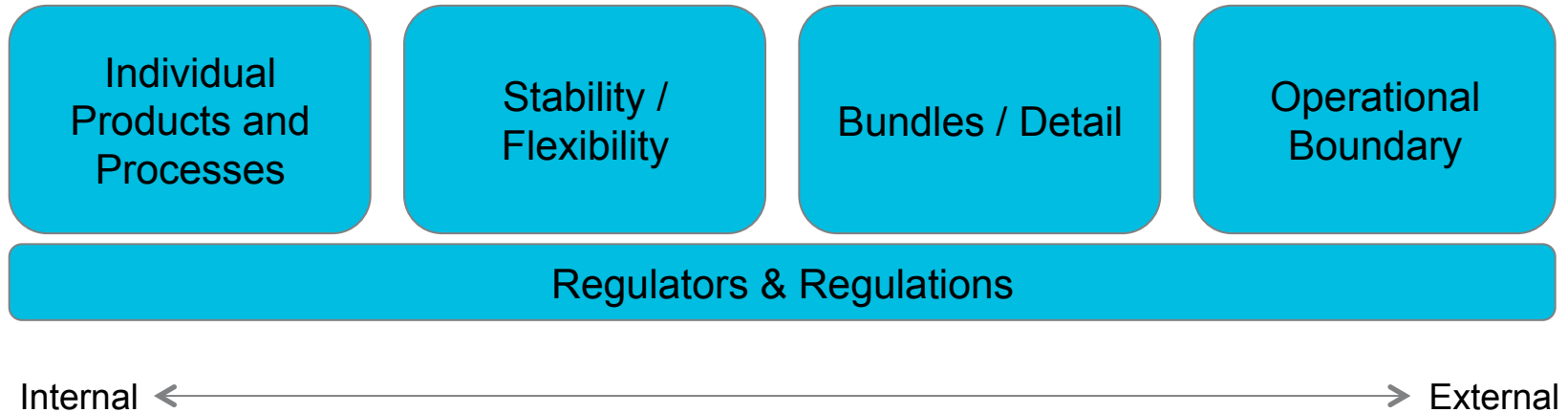
Kan vi se skillnader?

	Integration of New and Existing Products, Processes, Technology	
Use of External Providers of Products, Processes, Technology	Low	High
High		Lyckade
Low	Mindre lyckade	Mix

Finns det mönster över tid?

	Integration of New and Existing Products, Processes, Technology	
Use of External Providers of Products, Processes, Technology	Low	High
High		Till sist
Low	Först	Sedan

Skapar framgång: Företagets förmåga att hantera gränssnitt





TO

TO

EAST

WEST

NORTH

TO

31

31

601

219

NORTH

→

TO

↑

281

TO

985

TO SOUTH

SOUTH

↑

28

←

TO NORTH

→

ING
NOISE IN
RGENCY
VIOLATES

COMMERSE
SESEL F

Hur kan företag vara innovativa vid regelverksförändringar?

Establish
dominant
design

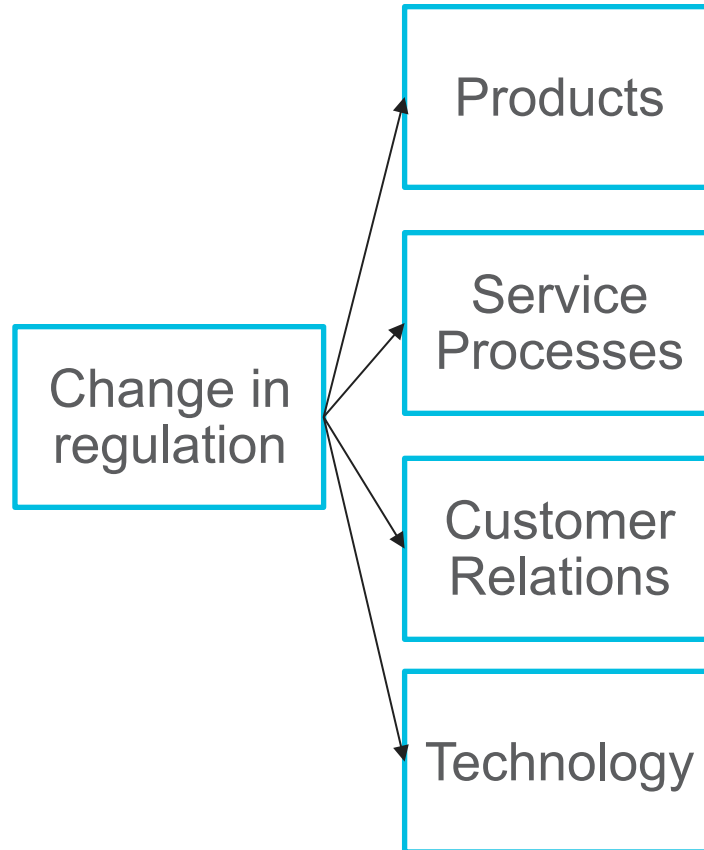
Exploit
collaboration

Explore new
technical
requirements

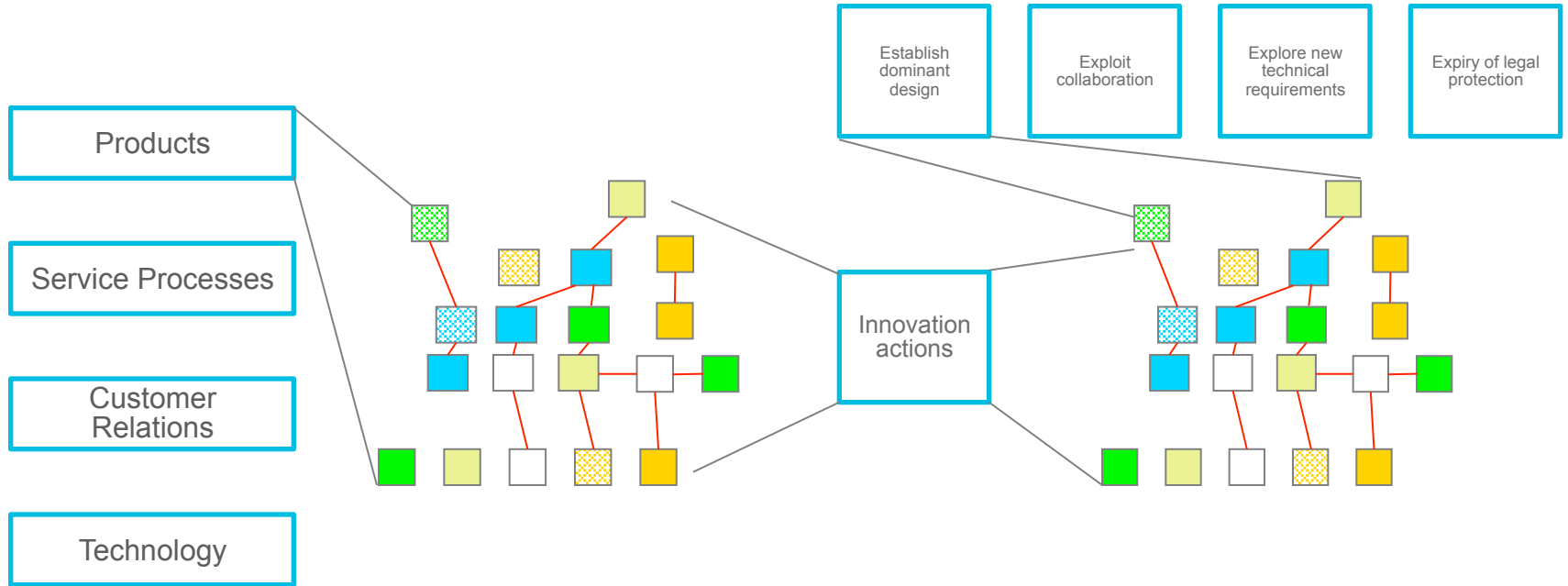
Expiry of legal
protection

*Based on own analysis of 100 academic innovation research articles
(related to regulations and regulatory change)*

Vilken påverkan har regleringar?



En bas för att skapa innovation



Tre “enkla” råd!

(1) Ge regelverksprojekten frihet utöver restriktioner från nuvarande affär

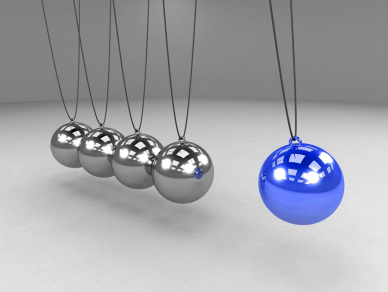
(“beyond compliance”)

(2) Koppla de lösningar som utvecklas tillbaka till kärnaffären

(“re-integrate”)

(3) Leta utanför företaget efter leverantörer av lösningar och komponenter

(“eco-system”)



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Hur hanterar företag effekten av förändrade regleringar?

Ett aktuellt exempel: General Data Protection Regulation

Varför är det viktigt att tänka positivt?

General Data Protection Regulation

I
(Legislative act)

REGULATIONS

REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 27 April 2016
on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union (the 'Charter') and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her.
- (2) The principles and rules on the protection of natural persons with regard to the processing of their personal data should, wherever their nationality or residence, respect their fundamental rights and freedoms, in particular their right to the protection of personal data. This Regulation is intended to contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, to the strengthening and the convergence of the economies within the internal market, and to the well-being of natural persons.
- (3) Directive 95/46/EC of the European Parliament and of the Council ⁽⁴⁾ seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to ensure the free flow of personal data between Member States.

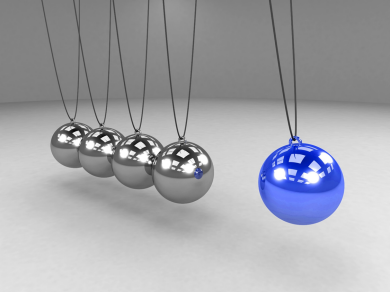
⁽¹⁾ OJ C 328, 11.7.2012, p. 96.

⁽²⁾ OJ C 141, 18.12.2012, p. 127.

⁽³⁾ Position of the European Parliament of 12 March 2014 (not yet published in the Official Journal) and position of the Council at first reading of 1 April 2014 (not yet published in the Official Journal). Position of the European Parliament of 14 April 2014.

⁽⁴⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 24.11.1995, p. 25).





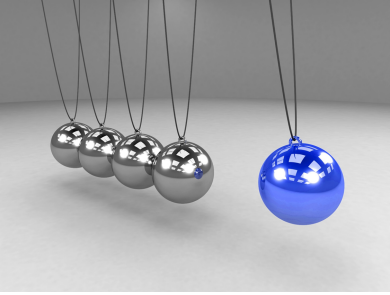
Plenty of checklists!

The GDPR at a glance, and a “to do” list to help you prepare for it

Eight things you should be doing now to prepare

This paper provides recommendations and a checklist for technical compliance with the GDPR.

The information contained in this checklist is up-to-date as at February 2017. It is not a substitute for legal advice.



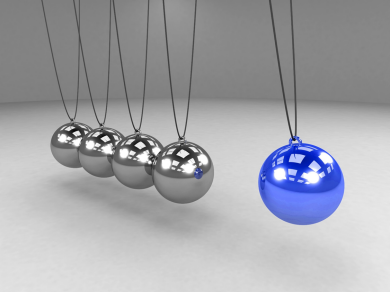
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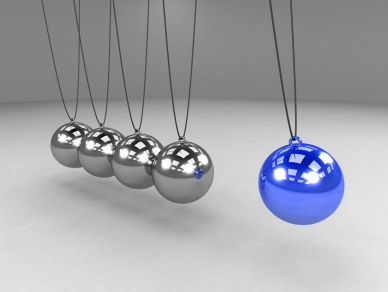
Focus on "compliance" and "avoidance"

When faced with such a complex and strict framework, an inevitable question always is: What is the risk of non-compliance?

- Hogan Lovells, 2017

Only 10 percent believe their organizations are "completely ready" to comply with the requirements of the GDPR.

- Osterman Research, 2017



Innovation is **TOTALLY** forgotten in the GDPR implementation discussion!!!

*Requiring companies to adopt high standards of data protection can also lead to **long-term improvements** for European businesses. Non-EU companies which do not have appropriate standards will be limited in their ability to operate within the EU, and **European companies will be at the forefront** if similarly high standards are adopted in third countries. Thus, regulation could act as a **stimulus to innovation and to data protection-friendly business models**. Furthermore, strong data protection regimes could offer an **opportunity to innovate** in other ways.*

Regulatory change impact focus:

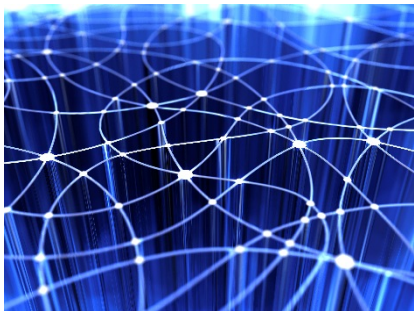
Company opportunity:	Products	Service processes	Customer relationships	Technology
Dominant designs				
Firm collaboration				
Technical requirements			GDPR	
Expiry of legal protection				

Förstå EXAKT hur GDPR skapar innovation

	Regulatory change impact focus:			
Company opportunity:	Products	Service processes	Customer relationships	Technology
Dominant designs				
Firm collaboration				
Technical requirements			GDPR	
Expiry of legal protection				

1. Analysera underliggande "Innovation actions"
2. Härled "innovation capture themes"
3. Validera mot regelverkets texter
4. Länka till existerande innovationsprojekt

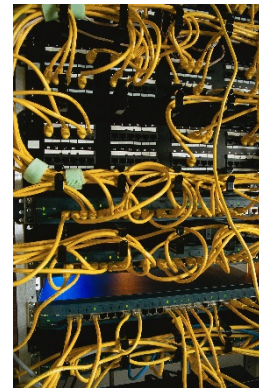
Fem sätt att skapa innovation från GDPR



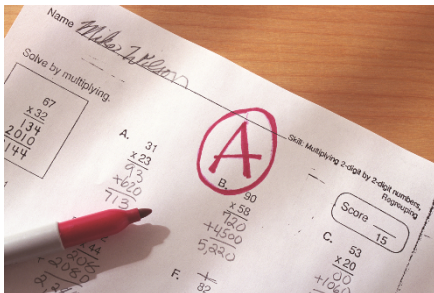
Network business



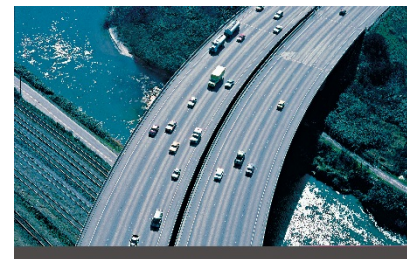
Future dynamics



Legacy value



Quality assurance



Platform design

Innovation capture theme

Theme here!

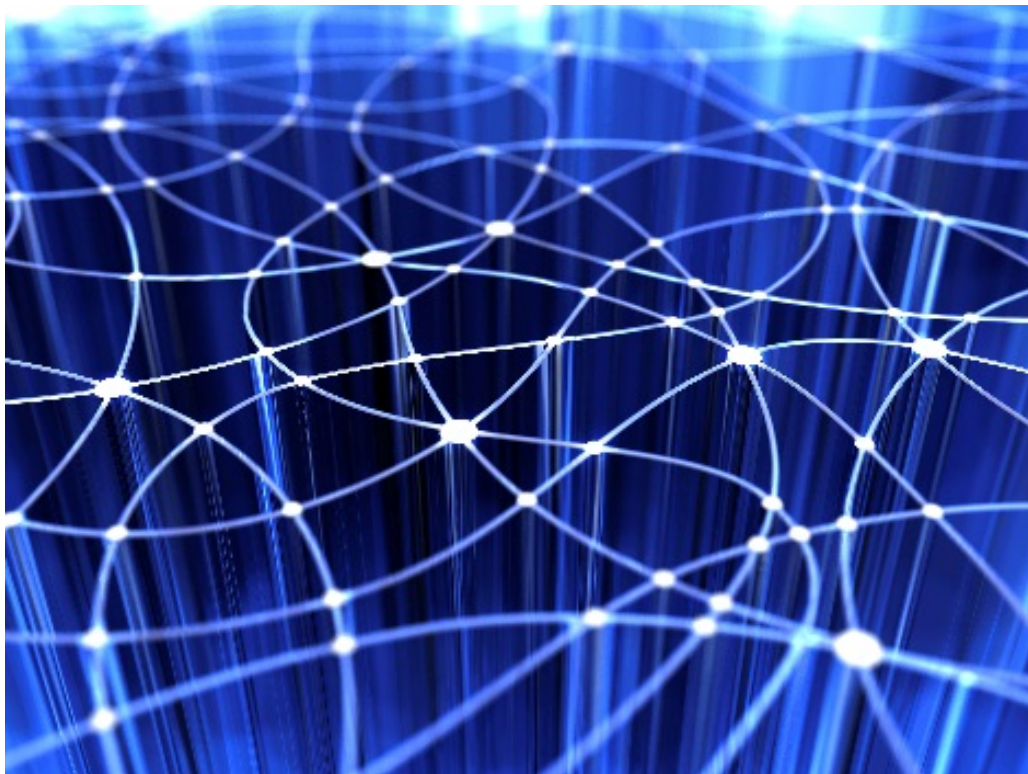
Link to GRPR Article XX

Existing "innovation" project?

Text extract from GDPR document
REGULATION (EU) 2016/679 OF THE
EUROPEAN PARLIAMENT AND OF THE
COUNCIL of 27 April 2016 .

*Text reference in
Commission staff working paper, Impact Assessment SEC(2012) 72 final*

Develop a network business model



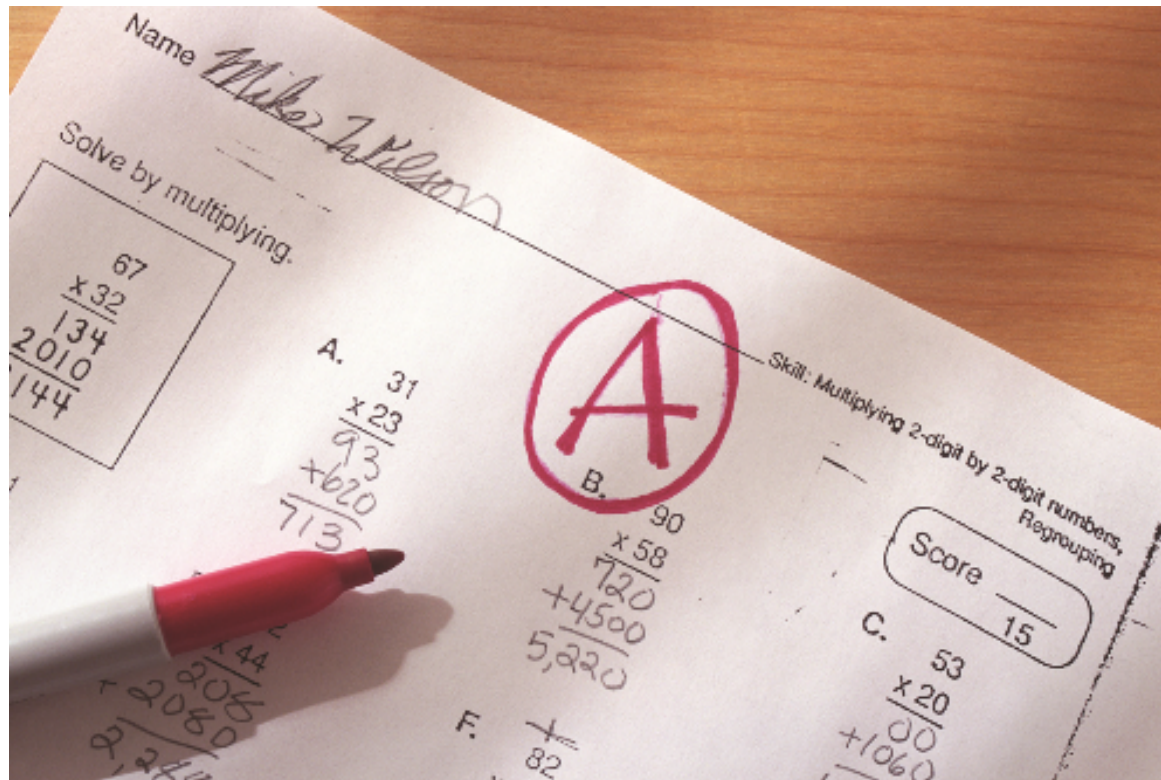
Article 17 & 97: Level of sophistication in use of data

Dynamic customer segments?

Where the controller has **made the personal data public** and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to **inform controllers** which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

The potential benefits require citizens' willingness to make use of online offerings. Lack of confidence and trust in the services, fear or potential misuse of data collected will make many potential users refrain from using these services.

Engage in a role of quality assurance



Article 80: Class actions

Evaluator of services?

The data subject shall have the right to **mandate** a not-for-profit body, organisation or association... ..**to lodge the complaint** on his or her behalf...

Member States may provide that any body, organisation or association referred to in paragraph 1 of this Article, **independently of a data subject's mandate**, has the right to lodge, in that Member State, a complaint with the supervisory ...

consider the possibility of extending the power to bring an action before the national courts to data protection authorities and to civil society associations, as well as to other associations representing data subjects' interests;

Prepare for the future dynamics of regulations



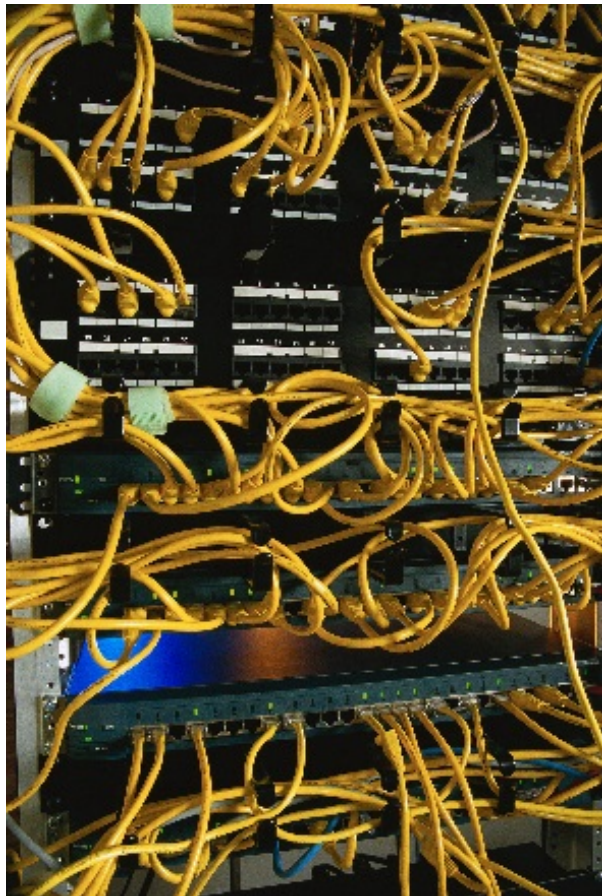
Article 98: Dynamic management moving forward

Regulatory management office?

The Commission shall, if appropriate, submit legislative proposals with a view to amending other Union legal acts on the protection of personal data, in order to ensure **uniform and consistent** protection of natural persons with regard to processing. This shall in particular concern the rules relating to the protection of natural persons with regard to processing by Union institutions, bodies, offices and agencies and on the **free movement** of such data.

Cloud computing and the exponential growth in the use of the internet have moreover changed the nature and dynamics of international data transfers.

Analyse and exploit legacy application value



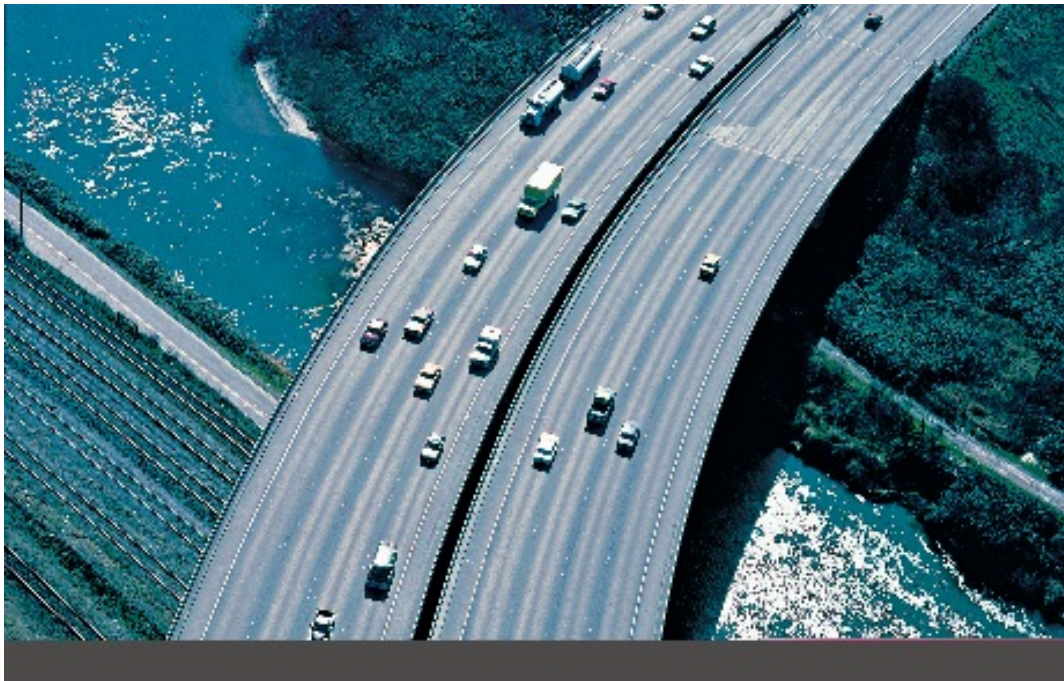
Article 32: Stable processing systems

Application portfolio management?

Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, including inter alia as appropriate... .. the ability to ensure the ongoing **confidentiality, integrity, availability and resilience of processing systems and services**.

...they are very time-consuming and demanding on human resources, and that too often they are carried out too late to be of any benefit in restructuring processing systems fundamentally, focusing instead on the minor details of such systems.

Design and develop robust and scalable platforms



Creating a single EU-wide IT system (central platform) for notifying processing, based on a common format and procedures agreed by national DPAs...

Article 12-14: Standardized solutions

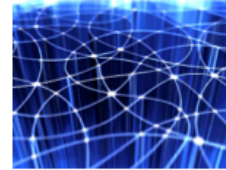
Common industry platform?

The information to be provided to data subjects pursuant to Articles 13 and 14 may be provided in combination with **standardised icons in order to give in an easily visible, intelligible and clearly legible manner** a meaningful overview of the intended processing. Where the icons are presented electronically they shall be machine-readable.

The existence of **automated decision-making**, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the **significance and the envisaged consequences** of such processing for the data subject.

Nästa steg: skapa din åtgärdsplan!

	Regulatory change impact focus:			
Company opportunity:	Products	Service processes	Customer relationships	Technology
Dominant designs		AMLD4	MIFID2	
Firm collaboration				
Technical requirements		BRRD	GDPR	
Expiry of legal protection		PSD2		



Network business



Future dynamics



Legacy value



Quality assurance

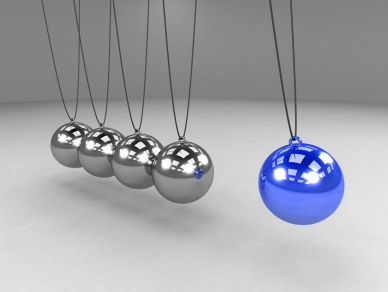


Platform design



Åtgärdsplan:

- 1) Vilka “actions” ska prioriteras?
- 2) Länkar till andra regleringar och digitalisering?
- 3) Innovationsvärde (“incremental / radical”)?



Agenda

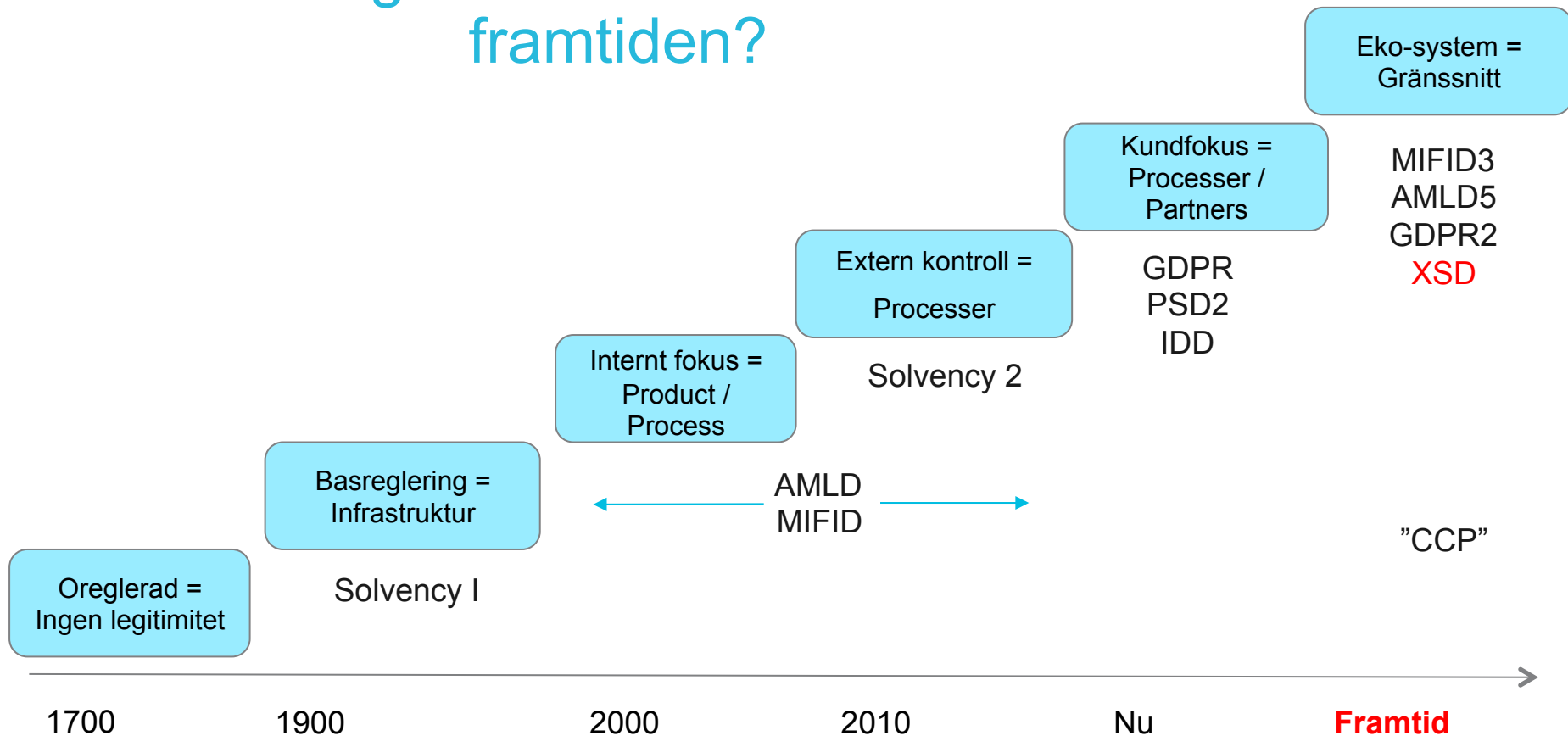
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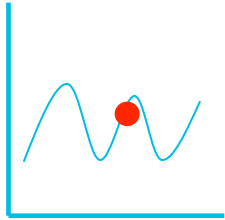
Ett aktuellt exempel

Varför är det viktigt att tänka positivt?

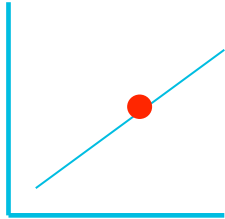
Vilka regelverk kan vi vänta oss i framtiden?



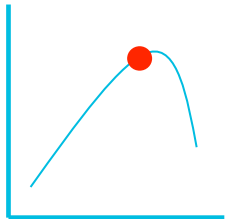
Reglering, avreglering eller "omreglering"?



Vågor



Linje



Hockeyklubba

Trump administration calls for scaling back post-crisis financial regulations

By Damian Paletta June 12



What's the future of global banking regulation?



NORTH CAROLINA
BANKING INSTITUTE

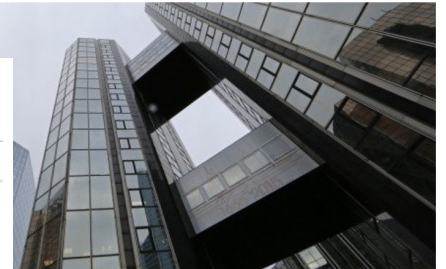
Volume 4 | Issue 1

Article 10

2000

Banking Regulation: Its History and Future

Jerry W. Markham



Från en svart T-Ford till "allt för alla"



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1



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4



BMW 4-serie Coupé



BMW 4-serie Cabriolet



BMW 4-serie Gran Coupé

Aktuellt i många branscher

Bilar

Harvard
Business
Review

REGULATION

Assessing the Sins of Volkswagen, Toyota, and General Motors

by Jeffrey Liker

SEPTEMBER 24, 2015

SAVE SHARE COMMENT TEXT SIZE PRINT \$8.95 BUY COPIES



“...admitted that it added software to its diesel engines to **fool environmental agencies** into thinking that the engines met emissions standards.”

Delningsekonomi

Science
Political science

Smarter regulation for the sharing economy

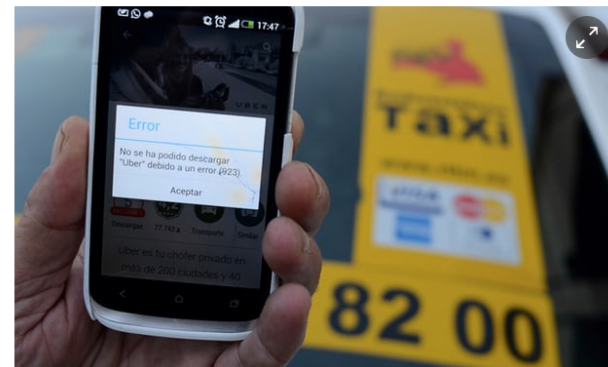
Technology-based sharing platforms are touching more and more people's lives, but policy and regulation can struggle to cope with new technologies. We need to rethink our notion of the sharing economy in order to make better regulation



<
289

Koen Frenken,
Toon Meelen,
Martijn Arets and
Pieter van de
Glint

Wednesday 20 May 2015
07:00 BST



“Most of all, the **ownership of data** generated by users through use of sharing platforms should be a major issue of regulatory concern.”

Tre “enkla” råd!

(1) Ge regelverksprojekten frihet utöver restriktioner från nuvarande affär

(“beyond compliance”)

(2) Koppla de lösningar som utvecklas tillbaka till kärnaffären

(“re-integrate”)

(3) Leta utanför företaget efter leverantörer av lösningar och komponenter

(“eco-system”)

Hur utveckla framtidens regleringar?

Efterlevnad inom specifika områden (produkt / process / teknik)

Förstå effekter på andra regelverk

Reflektera över påverkan på kunderna

Mer fokus på gränssnitt inom och mellan reglerad enhet

Se de nya regelverken som kundens dolda röst

Identifiera aktör

Spårbarhet

Återskapande

Incidenthantering

Transparens



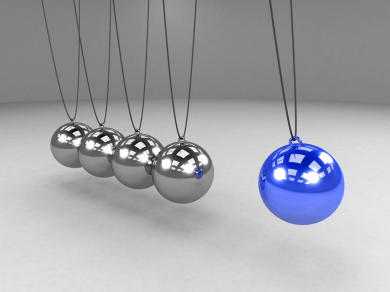
Känn mig!

Hitta mig!

Rädda mig!

Skydda mig!

Visa mig!



Agenda

Regleringar och innovation: nuläge och historik

Hur hanterar företag effekten av förändrade regleringar?

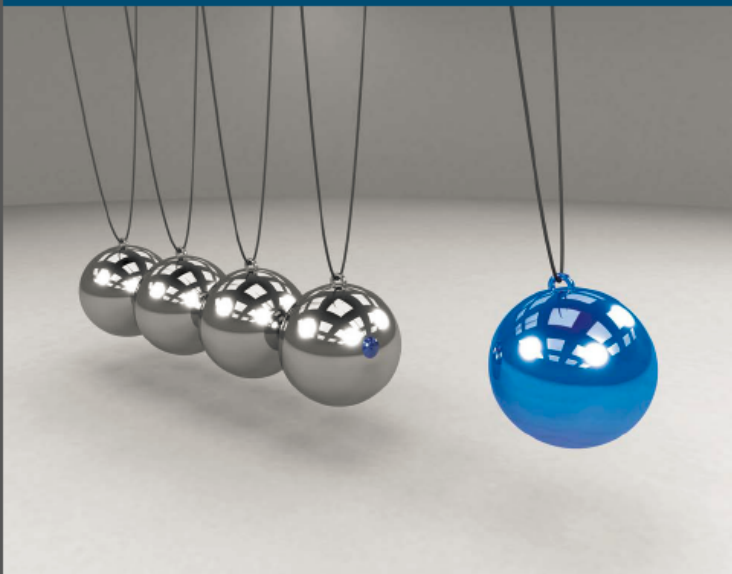
Ett aktuellt exempel

Varför är det viktigt att tänka positivt?

Mastering the Impact of Regulatory Change

The Capability of Financial Services Firms
to Manage Interfaces

Åke Freij



Vill Du veta mer?

Ladda ner och läs min doktorsavhandling:

<https://www.hhs.se/en/library/library-news/2017/new-sse-dissertation>

Kontakta mig:

ake@freijinsight.com

Linked In

Twitter: @innovationfreij