D1.3 DATASET ON TRANSNATIONAL PRIVATE REGULATORY REGIMES - CODEBOOK

WP1 - Mapping and measuring global governance

Grant Agreement n° 822735, Research and Innovation Action

Appendix - Codebook

TRIGGER Deliverable 1.3:

Dataset on transnational private regulatory regimes

Data Filename: TRIGGER_D1.3_Dataset_Transnational_Private_Regulation_2021

This document describes the TRIGGER Deliverable 1.*3*: 'Dataset on transnational private regulatory regimes'.

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1. Introduction

Private modes of governance remain a complex and multifaceted political reality and regulatory practice at transnational and global level. They essentially manifest structures, exercise and outcomes of private cooperation and regulation in multilevel, multi-actor constellations.

Transnational private regulatory regimes (i.e., particular ways of organising and operating a sector, business, and/or activity), schemes (i.e., officially organised plans or systems), and standards (i.e., principles of quality or conduct used as a measure, norm, or model) therefore belong to one of the most vibrant areas of global governance, in which private arrangements and interests shape regulatory approaches within or across policy areas and lead to "a general trend towards the creation of multi-stakeholder organizations and regimes"[1].

In the realm of transnational private regulation, new modes of governance have emerged that foster the quality, efficiency, legitimacy, and effectiveness of the private schemes, shifting outwards the possibility frontier in the management of complex value chains and trade agreements.[2] Such private regulatory practice represents different new governance configurations and meta-regulatory approaches[3] developed by private actors as "new global rulers"[4], such as the Global Reporting Initiative, the Internet Corporation for Assigned Names and Numbers, the Forest and Marine Stewardship Councils, which lead to "a much higher concentration of regulatory power in the hands of private actors"[5].

From these developments, a number of new trends challenge global governance, such as inter alia an emerging risk of normative and regulatory fragmentation, of a legitimacy crisis, of declining accountability and of dilution of decision-making responsibilities[6].

Against this backdrop, WP1 analyses transnational private regulation regimes, schemes, and standards, which are essential to understand the current evolution of private regulation and the potential for public-private cooperation for the global good. It creates new knowledge and data on transnational private regulatory regimes, schemes, and standards, analysing different types of certification schemes (such as GRI, MSC, FSC), meta-regulatory schemes (such as ISEAL) and global private standards (IASB, IFRS, ISO). In this way, WP1 offers the necessary entry point into any further analysis on the topic by taking stock of their quality and characteristics.

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[1] Cafaggi, F. 2012. The Architecture of Transnational Private Regulation. Rochester, New York: Osgoode Hall Law School. Osgoode CLPE Research Paper, p. 3.
[2] Cafaggi, F., Renda A., and Schmidt R. 2015. International Regulatory Co-operation: Case Studies, Vol. 3. Transnational Private Regulation. OECD: Paris.
[3] Cafaggi, F. 2012, p. 2; Cafaggi, F. and Renda, A.. 2014. Measuring the Effectiveness of Transnational Private Regulation. Rochester, New York: Social Science Research Network. SSRN Scholarly Paper; Cafaggi, F. and Renda A. 2012. Public and Private Regulation. Mapping the Labyrinth, CEPS Working Document, No. 370, Centre for European Policy Studies, Brussels.
[4] Büthe T. and Mattli W. 2011. The New Global Rulers: The Privatization of Regulation in the World Economy. Princeton University Press, Princeton, New Jersey.
[5] Cafaggi, F. 2012, p. 2.
[6] Cafaggi, F. 2012, p. 2; Cafaggi, F., Renda A., and Schmidt R. 2015.

2. Methodology

As existing datasets strongly focus on transnational private-public regulation or policy area specific approaches[7], a particular focus on transnational private regulatory regimes, schemes and standards was chosen to contribute to mapping the field. For taking stock of transnational private regulation, which adds to the conceptual complexity of global governance, Deliverable 1.3 maps and codes the institutional diversity in the field. It, hence, contributes to the analysis and classification[8] of transnational private regulatory regimes, schemes, and standards.

The in-depth data collection of the dataset aims to feed into TRIGGER's four thematic deep dives and focusses most strongly on three of them, namely climate change, internet governance, sustainable development in order to feed into the work of the other work packages. The dataset maps existing transnational private regulatory regimes, schemes and standards and takes stock of the diversity of instruments, processes and partnerships applied. The entries of the dataset contain 22 variables to allow for in-depth analysis of their quality, emergence over time, and relevance:

1. **Code-ID:** Dataset numerical identifier of the scheme.
2. **Full name:** The full name of the scheme.
3. **Abbreviation:** The abbreviation of the scheme.
4. **Description:** A brief description of the scheme's focus as provided on the website.
5. **Sector of application:** The sector of the scheme.
6. **Type:** The type of the scheme.
7. **Form:** The details on the institutional quality of the scheme as provided on the website.
8. **Organisational structure:** The institutional/organisational quality of the scheme is centralised, regionally or nationally decentralised, a combination of central and de-centralised structures.
9. **Geographic scope:** The scheme covers all continents or specific continents/regions.
10. **Continental reach:** The scheme covers specific continents/regions. In case it is global in reach, it is coded accordingly.
11. **Year of establishment:** Official year of adoption/entry into force.
12. **Seat:** Geographic location of the headquarters/secretariate of the scheme.
13. **Number of members:** The number of official members.
14. **Type of members:** Type of groups and actors falling under the scheme.
15. **Formal requirements for membership/cooperation:** As defined on the website and/or accompanying documentations.

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[7] See Oliver Westerwinter, 2021. "Transnational public-private governance initiatives in world politics: Introducing a new dataset," The Review of International Organizations, Springer, vol. 16(1), pp. 137-174; Thrall, Calvin, 2020, "Replication Data for: Public-Private Governance Initiatives and Corporate Responses to Stakeholder Complaints"; Jessica F. Green, 2018, "Blurred Lines: Public-Private Interactions in Carbon Regulations"; Kolcava, Dennis; Rudolph, Lukas; Bernauer, Thomas, 2021, "Replication data for Kolcava, D., Rudolph, L. & Bernauer, T. (forthcoming). Citizen preferences on private-public co-regulation in environmental governance: Evidence from Switzerland. Global Environmental Change"; Hsueh, Lily, 2017, "Transnational Climate Governance and the Global 500: Examining Private Actor Participation by Firm-Level Factors and Dynamics"; Cao, Xun; Ward, Hugh, 2016, "Transnational Climate Governance Networks and Domestic Regulatory Action".
[8] Cafaggi, F. 2012, p.4-6.

16. **Key Standard/Label/Certificate:** The main instruments and activity.
17. **Required Conformity Assessment Type of Key Standard/Label/Certificate:** Type of conformity assessment as part of the scheme's key standard, label, or certificate.
18. **Required Assessment Frequency of Key Standard/Label/Certificate:** Frequency of conformity assessments of the scheme's key standard, label, or certificate.
19. **Assessment Procedure of Key Standard/Label/Certificate:** A brief description of the process of assessment of the scheme's key standard, label, or certificate.
20. **Validity of Key Standard/Label/Certificate:** The time period of validity of the scheme's key standard, label, or certificate.
21. **Source:** Link towards further information on the scheme.
22. **TRIGGER Area:** The TRIGGER deep dive area that the scheme relates to.

The data was collected and coded in two steps: First, as part of D1.2, a larger dataset on international (public-)private standards was scraped from the ITC standards map. For this initial machine-generated dataset, the variables were adopted from the ITC standards map. Second, the following coding scheme was the basis for the data collection. It determined which information was relevant for the data collection and is applied to describe the data. Based on the completed data collection, i.e. the final list of entries, the coding (see 'Coding description') took place. Given this two-step approach, the deliverable started with a partly pre-defined list of variables, which was then amended and coded manually.

	Name	Definition	Coding Description	Comment
1	**Code-- ID**	Dataset numerical identifier of the scheme.	Absolute value/ figure	
2	**Full Name**	The full name of the scheme.	Name	
3	**Abbreviation**	The abbreviation of the scheme.	Name	
4	**Description**	Brief description of the scheme's focus as provided on the website.	Description given by the scheme	
5	**Sector of application**	The sector of the scheme.	Name	
6	**Type**	The type of scheme.	1: Product-specific 2: Process-specific 3: Service-specific 4: Generic	
7	**Form**	The details on the institutional/organisational quality as provided on the website.	Description given by the scheme	
8	**Organisational structure**	The management and administrative structure of the scheme is centralised, regionally or nationally decentralised, a combination of central and de-centralised structures.	1: Centralised 2: Regionally decentralised 3: Nationally decentralised 4: Combination	
9	**Geographic scope**	The scheme covers all continents or specific continents/regions.	1: Global 2: Regional	

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	Name	Definition	Coding Description	Comment
10	**Continental reach**	The scheme covers specific continents/regions. In case it is global in reach (Geographic scope = 1), it is coded accordingly.	1: Africa 2: Americas 3: Asia 4: Europe 5: Oceania 0: All continents	The designation of continents follows the UN standard geographic regions classification (M49 code).
11	**Year of establishment**	Official year of adoption/entry into force.	Absolute value/ figure	
12	**Seat**	Geographic location of the headquarters/secretariate of the scheme.	1: Africa 2: Americas 3: Asia 4: Europe 5: Oceania	The designation of continents follows the UN standard geographic regions classification (M49 code).
13	**Number of members**	The number of official members.	1: up to 100 2: 101 – 500 3: 501 - 1,000 4: 1,001 - 2,000 5: more than 2,001	
14	**Type of members**	Type of groups and actors falling under the scheme.	As listed on the website	
15	**Formal requirements for membership/cooperation**	As defined on the website and/or accompanying documentations.	Description given by the scheme	
16	**Key Standard/Label/Certificate**	The main instruments and activity.	Name	
17	**Required Conformity Assessment Type of Key Standard/Label/Certificate**	Type of conformity assessment as part of the scheme's key standard, label, or certificate.	1: Third-party audit 2: Second-party audit 3: First-party audit 4: Combination	
18	**Required Assessment Frequency of Key Standard/Label/Certificate**	Frequency of conformity assessments of the scheme's key standard, label, or certificate.	1: Annual 2: Multi-annual 3: Once, with interim tests/audits 4: Once	
19	**Assessment Procedure of Key Standard/Label/Certificate**	A brief description of the process of assessment of the key scheme's standard, label, or certificate.	Description given by the scheme	
20	**Validity of Key Standard/Label/Certificate**	The time period of validity of the scheme's key standard, label, or certificate.	1: One year 2: Several years	
21	**Source**	Link towards further information on the scheme.	Website link	
22	**TRIGGER Area**	Identifier for the TRIGGER Deep Dive analysis (relevant for project-internal research purposes).	1: Climate Change 2: EU-Africa Partnership 3: Data Protection 4: Sustainable Development	

As outlined above, a combination of web-scraping and manual data collection was applied to the data collection for the variables in the dataset. The data collection started from the private and private-public regulatory approaches that were scraped by CEPS for TRIGGER Deliverable 1.2 (Dataset on International Regulatory Cooperation) from the internet using the programming

language R. Web scraping had the advantage of being more scalable but was limited to the structured data available in the online ITC standards map[9]. Based on this initial collection, the present TRIGGER Deliverable 1.3 manually cleaned and re-structured the web-scraped data to delete private-public approaches to focus on private regulation. Moreover, all entries that were not transnational in character were deleted, too. This processing of data resulted in 145 dataset entries.

To enable a comaprative analysis of the different types of transnational private regulation integrated, the dataset includes textual descriptions, information on sector of application, types of certificates, conformity assessment type, assessment frequency and procedure as well as on the validity of the certificate. To assess political economy questions of transnational private regulation in global governance, the dataset adds information on the organisations behind the transnational private regulatory approaches. Information provided for this area of analysis are type, form, organisational structure, geographic scope and continental reach, year of establishment, seat, number and type of members, membership requirements. To relate the dataset to ongoing TRIGGER analysis, also the respective TRIGGER deep dive area that the approaches relate to was added during the coding process.

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[9] ITC (n.a.): Standards Map – Your Roadmap to Sustainable Trade. Available online: http://standardsmap.org/identify

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