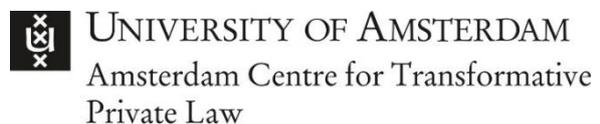


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Experimental Regulation for Social Innovations

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1. Introduction

The current economic model is damaging the social and environmental resources it relies on. This extractive model is structured by a legal system which overly focuses on economic growth instead of social and sustainable purposes. The purpose of the N-EXTLAW project is to identify how we can rethink (private) law in order to realize a non-extractive and sustainable economy. For where a legal system is based on competition and controlling organizations driven by short-term profits, organizations which tend to pursue positive contributions in the long-term experience obstructions.² **This paper takes social innovations as a starting point and explores how unnecessary regulatory burdens can be removed for this type of social innovation.**

Unnecessary regulatory burdens are experienced within many different sectors. For example, strict regulation regarding shared facilities can constrain living communities which pursue social purposes, whilst strict requirements in agriculture based upon big-scale livestock can obstruct non-extractive small-scale livestock. Moreover, regulation regarding financial and care sectors can be burdensome for non-extractive practices, and organizations which facilitate the re-use of materials often experience obstructions because of high regulatory demands. In conclusion, **the legal system is standing in the way of social practices across several different sectors** where the purpose of the obstructing rule is also not actually being served.³

This paper explores how we can create a more flexible legal framework in order to stimulate social innovations and how **experimental regulation** could facilitate such flexibility.⁴ Currently, various experimental regulations already exist in Dutch law, but often with the purpose of stimulating technological innovation.⁵ In this paper, the focus lies on developing legal experiments that stimulate social innovation. As such, existing experimental regulations that support technological innovation are taken as a starting point, with the aim of broadening their scope to include social innovation.

This paper is organized as follows. First, in section 2, two types of regulatory experiments and their functions will be discussed. This section will demonstrate the idea of experimental regulation for

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² B. Stellinga, *Dertig jaar privatisering, verzelfstandiging en marktwerking*, Amsterdam: Amsterdam University Press 2012.

³ Insights from several interviews with N-EXTLAW participants, performed in 2021 and 2022.

⁴ P.J. Huisman & N. Jak, 'Verschillende gezichten van bestuursrechtelijk maatwerk: interactie tussen wetgever, bestuur en bestuursrechter', *Gst.* 2021/45.

⁵ Ministerie van Infrastructuur en Milieu, *Praktijkervaringen Crisis- en Herstelwet, voortgangsrapportage 2015-2016*, p. 17.

fostering technological innovation and provide a brief overview of the advantages and disadvantages of experimental regulation. In this context, it is relevant to take a closer look at the methodology of experimental legal regimes. Section 3 then argues to broaden experimental regulation to social innovations and shows how this relates to existing experimental regulation, with its advantages and disadvantages. The section also consists of other suggestions for stimulating social innovations. Section 4 then concludes.

2. Legal experiments for technological innovations

Broadly speaking, regulatory experiments are **instruments which allow temporary deviations from the prevailing legal framework.**

Through these legal experiments, it is possible that a different legal regime applies to a specific group of actors during a limited period, in order to achieve a specific purpose. For example, early forms of experimentation were used in France in the 17th century to offer local authorities the possibility to adapt national laws and policies to local circumstances and budgets. The purpose of this was to pursue national policy objectives effectively, despite great diversity in the state. Nowadays however, experimental methods are increasingly used to handle the conflict between law and innovation – where law is often found to be lagging behind. Experimenting with regulation offers the possibility to **set aside applicable rules or to try out new rules** to remove the burdens that innovators experience due to the current regulatory framework.⁶ The past three decades of legal experiments in the Netherlands have been used to improve the quality of legislation and to test new regulatory approaches in different sectors, such as education, traffic safety and urban planning.⁷

Legal experiments have thus more and more been used to foster innovation and advance regulation. These experiments were mostly set up to find out how to best regulate technological innovation. For example, legal experiments within the financial sector were designed to promote technological and data-driven innovation. Moreover, legal experiments were also employed within sectors such as Telecommunications, data protection, energy and environmental protection.⁸

In this next section, different types of experiments will be discussed and their advantages and disadvantages will be shown, in order to point out that legal experiments should be used to also improve social innovation.

2.1. Sandboxes

The first type of experiment that will be discussed is the **regulatory sandbox**. These legal regimes **create a safe testbed for innovation by either allowing a selected number of innovative projects to**

⁶S. Ranchordás, 'Experimental Regulations and Regulatory Sandboxes – Law Without Order?', *Law and Method* 2021.

⁷ S. Ranchordás, 'Experimental Regulations for AI: sandboxes for Morals and Mores', *Morals and Machines* 2021/1.

⁸ A. Martin & G. Balestra, 'Using regulatory Sandboxes to Support Responsible Innovation in the Humanitarian Sector', *Global Policy* 2019, Vol. 10 (4).

deviate temporarily from the existing legal framework or by providing guidance for their compliance. Sandboxes entail a close collaboration between public and private actors. Within the European Union in particular, regulatory sandboxes are used to offer flexible, innovation-friendly and future-proof regulatory frameworks. For example, the EU coordinated Plan on AI and the recently published EU AI Regulation Proposal aim to provide a safe environment in which regulations can be experimented with in order to find out how to best regulate AI. The purpose of this is to balance innovation on AI against its potential risks.⁹

The European Council defines regulatory sandboxes as concrete frameworks which provide a structured context for experimentation, enabling (where appropriate) the testing of innovative technologies, products, services or approaches in a real-world environment, for a limited time and in a limited part of a sector/area under regulatory supervision – ensuring that appropriate safeguards are in place. Sandboxes can make it possible to introduce new ideas in cooperation with regulators and allow safeguards to be built from the start, thus facilitating and encouraging their market entry.¹⁰

In conclusion, regulatory sandboxes allow a small number of private firms, and the regulators supervising them, to engage in iterative learning by offering room for the testing of novel ideas and enabling rapid regulatory adjustments as results are produced. It is a way of testing how to best regulate new types of services by working collaboratively with private actors. Sandboxes foster a stimulating innovation climate.¹¹

2.2. Experimental regulation

The second type of experiments are those directly based on **a legal provision**. Such experimental provisions explicitly **allow a temporary derogation from a general rule**. The experimentation period expires at the end of the predetermined period, unless the legislature decides otherwise. Although temporariness is one of the main characteristics of this experiment, experimental regimes are not intended to regulate temporary situations. On the contrary, legal experiments have been used to find out by trial and error whether a particular legal instrument contributes to solving a societal problem permanently. For example, in the 1960s, several attempts were made in the United Kingdom to implement experimental laws concerning the abolition of the switch back to wintertime. The underlying idea was to inquire whether changing the clock would lead to a reduction in crime and traffic accidents, energy savings and the simulation of tourism. Experimental regulations have thus been used in to find out by trial and error how to regulate a novelty or a societal problem.¹² This example shows that experimental regulation was, and still is, also used for social innovations. However, section 3 of this paper will also discuss that even though experimental regulation has been used for social innovations, it is usually seen by regulators as a means for technological innovation only.

⁹ Sofia Ranchordás, 'Experimental Regulations for AI: Sandboxes for Morals and Mores', *Morals + Machines* 1/2021, p. 87.

¹⁰ European Council (2020): Council Conclusions on Regulatory Sandboxes and experimentation clauses as tools for an innovation-friendly, future-proof and resilient regulatory framework that masters disruptive challenges in the digital age. Document no. 1306/20.

¹¹ Allen, Hillary J. (2019), Regulatory Sandboxes. *George Washington Law Review*, vol. 97, 579-645.

¹² S. Ranchordás, 'De vele gezichten van experimentwetgeving', *Tijdschrift voor Wetgeving* 2013/1.

In order to explain the need for emphasizing the importance of the use of experimental regulation for social innovations, **the concept of experimental regulation first needs to be elaborated.**

Although in an uncertain world, citizens often seek certainty in law and legislation, modern society clearly shows that the law cannot be immutable and durable either. On the one hand there is a strive for consistency of the law, but on the other hand there is a desire to embrace modernity and innovation, while fearing its risks and uncertainties. This paradox leads to the premise that laws and regulations are coveted, but at the same time it is noted that legislation often lags behind new technological and societal developments.¹³ **The law must be able to reflect and regulate various social problems, with their inherent complexity and rapid changes** It must be more flexible and changeable to be up to date.¹⁴ As such, a certain degree of temporariness may be necessary to ensure that laws do not become obsolete. From this point of view, experimental regulation does not contradict the desire for durable legislation.¹⁵ This explains the current development of the character of experimental regulation. Where experimental regulations in the past have been used with a testing and learning purpose, nowadays the objective of experimental regulation seems to be changing. Experimental regulation is increasingly opting to **foster innovation and stimulate desired developments** without amending the law. This type of experimentation has a more permanent character. The purpose of these experiments is not to determine whether the exception lends itself to being made a general rule, but is more about achieving a specific (political) goal. For example, experimental regulation in the Netherlands have been used to improve integration of minorities in the labor market.¹⁶ This is another example where experimental regulation has already been used for social innovation. Finally, areas where experimental regulations have already been introduced are those that are highly subject to social, economic or technological developments.¹⁷

2.2.1. *The Crisis- en Herstelwet*

An example of a form of experimental regulation with this more political objective is the Dutch '**Crisis- en Herstelwet**' (Chw), which allows **experimental deviation from certain statutory provisions** under the condition that the experiment contributes to **sustainable and innovative developments** or **strengthens the economic structure**.¹⁸ In the Explanatory Memorandum it is stated that some desired spatial developments are obstructed by regulatory boundaries which offer little room for deviation for sustainable reasons.¹⁹ Because regulations can be a barrier to innovative developments which contribute to sustainability, section 2 of the Chw allows such developments or projects to be designated in order to deviate from certain regulations, such as the Soil Protection Act.

The Chw entered into force on March 31, 2010, for a period of four years. In 2013 the end date was scrapped and the Chw will be into force until the Omgevingswet replaces it. The Chw is thus used in preparation of the Omgevingswet. In 2019 the Chw was amended again in order to accelerate

¹³ W.E. Scheuerman, *Liberal Democracy and the Social Acceleration of Time*, Baltimore: The John Hopkins University Press 2004, p. xiii-xiv.

¹⁴ B.Z. Tamanaha, *A General Jurisprudence of Law and Society*, Oxford: Oxford University Press 2001.

¹⁵ S. Ranchordás, 'De vele gezichten van experimentwetgeving', *Tijdschrift voor Wetgeving* 2013/1.

¹⁶ S. Ranchordás, 'Experimental Regulations and Regulatory Sandboxes – Law Without Order?', *Law and Method* 2021.

¹⁷ S. Ranchordás, 'De vele gezichten van experimentwetgeving', *Tijdschrift voor Wetgeving* 2013/1.

¹⁸ Article 2.4. Crisis and Recovery Act.

¹⁹ MvT (*Kamerstukken II* 2009/10, 32127, 3, p. 12).

housing construction, make energy use more sustainable and ease the transition to the Omgevingswet.²⁰ Legal experimentations which are based on the Chw are thus used to reach a political goal.

For questions on the Chw, the Ministerie van Binnenlandse Zaken can be contacted and there is an online helpdesk, Kenniscentrum InfoMil. InfoMil can be contacted in order to receive an explanation of national environmental laws and regulations. At the same helpdesk, a request for the designation of a project as an innovative experiment can also be submitted. There are no formal requirements for this. The request must only contain the plan for the innovative development and an indication of the legal provisions from which the deviation is desired.²¹

2.3. The characteristics of experimental regulation

In this section the advantages and disadvantages of legal experiments will be discussed. From the disadvantages follow certain challenges which come with experimental regulation.

2.3.1. Advantages and disadvantages

Experimental regulations can be used to improve the quality of legislation as gaining information about, and experience with, a specific regulatory measure can lead to evidence-based regulation.²² In this context, experimenting with regulation offers the possibility to find out **how to solve a societal problem** through trial and error. Alongside this learning and research function, experiments can also be used to **reach consensus** as the temporariness of the experiment allows sceptics of the rule to see how the specific rule works out. This way, experiments can lead to increased support of a specific rule.²³ Furthermore, experimenting measures can be used to **promote decentralization** by allowing the implementation of legal experiments at a local level, enabling decentralized units to experiment with their own authorities and adapt national policies to local circumstances and needs. Finally, experimental regulation can play a role in stimulating desired developments to **achieve a specific (political) purpose**. The specific experimental regulations are then considered as instruments to renew or update legislation.²⁴

The experimental method does not only come with benefits, however. From a legal point of view, the nature of experimental regimes also leads to several issues. The main questions which arise are mostly due to the fact that by experimentation, exceptions to existing rules only apply to a limited group of legal subjects for a limited period. This can come into **conflict with core legal values, such as legitimacy, legal certainty, legal equality, and predictability**.²⁵ These conflicts often make legislators hesitant to implement experimental regulations. Therefore, to ensure these principles,

²⁰ Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, 'Wijziging van de Crisis- en Herstelwet in verband met het versnellen van woningbouw en het faciliteren van duurzame ontwikkeling, zoals het verduurzamen van energieverbruik', *Stb.* 2019, 216.

²¹ <https://www.infomil.nl/onderwerpen/ruimte/ruimtelijke/crisis-en-herstelwet/aanmelden-projecten/>

²² L. Mader, 'Evaluating the effects: a contribution to the quality of legislation', *22 Statute Law Review* 2001, nr. 2, 119.

²³ S. Ranchordás, 'De vele gezichten van experimentwetgeving', *Tijdschrift voor Wetgeving* 2013/1.

²⁴ M.J. Jacobs, *Experimentele wetgeving*, Deventer: Wolters Kluwer 2018/2.2.

²⁵ S. Ranchordás, 'Experimental Regulations and Regulatory Sandboxes – Law Without Order?', *Law and Method* 2021.

experimentation must be implemented transparently and a clear framework must be set out.²⁶ The experiment must be grounded on an **explicit legal basis** – a source in a statute. This legal basis should explicitly contain the objectives and function of the experiment, the deviating rules for the ‘target group’ and the duration of the experiment. In addition, the experimentation rule should specify in what way the deviation authority is used. Experimental regulations should be guided by a **clear purpose** and these laws must be **manageable**, and **efficient**. Furthermore, the duration of the experiment must be appropriate, costs must be considered and the legislator must guarantee that the experiment will be evaluated.²⁷

2.3.2. Criteria

In short, regulatory experiments are characterized by three elements: deviation from existing legal rules, for a limited duration, within territorial and/or personnel constraints.²⁸ There are however different types of experimental legal regimes which can be used for different purposes. Moreover, there are also different ways to formally establish the legal experiment.

Legal experiments can either facilitate a **derogation** from the existing legal framework or enact different rules in the context of **devolution**.

Derogation leads to a different legal regime which is only applicable to a specific part of the country for a particular period. Based on the principle of legitimacy, the primary legislator must introduce an experimental clause in the legislative basis to enable derogation from statutory rules by secondary legislation in order to facilitate this derogation. Experimenting by devolution means that lower governments get the authority to adopt new regulations on a particular area or objective which only apply within the territory.²⁹

The Dutch legislative policy on experimental regulation follows from de *Aanwijzingen voor de regelgeving*, or in other words, the ‘regulatory guidance’. The policy prescribes only one method of experimentation. If it is desirable to provide for the possibility of deviating from a higher rule in a lower rule, by way of experiment, the higher regulation shall specify **the purpose and scope of the experiment, which elements of the higher regulation may be deviated from and the maximum duration of the derogation**.³⁰ In the explanatory note it is further explained that an experiment involves determining whether a particular instrument contributes to solving a social problem. This definition is confirmed in the final report of the *Interdepartementaal Wetgevingsberaad inzake experimenteerbepalingen*, which provides a framework for the conditions of experimental regulation, but with the comment that it should be interpreted broadly. An experiment can be set up to solve a societal problem, but experiments can also play a role in stimulating desired

²⁶ S. Ranchordás, ‘Experimental Regulations and Regulatory Sandboxes – Law Without Order?’, *Law and Method* 2021.

²⁷ S. Ranchordás, ‘De vele gezichten van experimentwetgeving’, *Tijdschrift voor Wetgeving* 2013/1.

²⁸ S. Ranchordás, ‘De vele gezichten van experimentwetgeving’, *Tijdschrift voor Wetgeving* 2013/1.

²⁹ S. Ranchordás, ‘Experimental Regulations for AI: sandboxes for Morals and Mores’, *Morals and Machines* 2021/1.

³⁰ Aanwijzing 2.41.

developments. Furthermore, experiments can involve gaining experience with the implementation of a regulation by a local government before it is introduced generally.³¹

The report also divides the different ways of experimenting into three types. First, **experiments can take the form of a deviation from the law**. This type of experiment can exist in the fact that, based on the experiment, certain statutory provisions are not applied or that other regulations will be applied instead. In such cases, it is necessary to provide for an experimental basis, which makes it possible to (partially) deviate from the law. Second, **experiments can relate to subjects that are not regulated yet**. And the third type concerns **experiments which are facilitated by a delegation provision**. The law in these cases requires the authority to set further rules by order in council. Moreover, the report determines that an experiment can be set up if there is an expectation that a particular regulation may be effective, but conviction regarding its effectiveness still lacks. By experimenting on a limited scale, it is expected to gain more information about its effectiveness. In order to experiment, there must be a legal basis. This experimentation basis can refer to a lower regulation, the experimental regulation, in which the experiment can be elaborated. This type of experimentation must be distinguished from the experimental law. The experimental law does not delegate further elaboration because of the far-reaching character of the experiment and the nature of the subject matter.³²

3. Legal experiments for social innovation

The purpose of this paper is to create a more responsive and relational attitude towards social innovations and to introduce a more flexible legal framework in order to stimulate these innovations. In line with the European Commission's definition, social innovations are:

"...new ideas that meet social needs, create social relationships and form new collaborations. These innovations can be products, services or models addressing unmet needs more effectively."³³

Where the legal framework can currently be obstructing for social innovations, it is important to create room for such innovations to flourish, to improve their impact within different sectors. This starting point leads to the following suggestions, which can be divided into a public vision statement, experimental regulation bases in law, sandboxes and an experimental regulation counter.

3.1. Public vision statement

First, it is important to create awareness and a shift in our way of thinking. Therefore, a **public vision statement** by the Dutch government in which the importance of social innovations for a sustainable future is emphasized is desirable. An important part of this statement would be the call to executive authorities like municipalities to make more use of the already existing discretion to deviate from regulations where they unnecessarily obstruct social innovations. This vision statement could for instance be made in a governmental report on experimental regulation for social innovations. The aim of this statement is also to **create a different attitude towards social innovations in order to create a more supportive climate**; social innovations need to be supported by the government and

³¹ 'Het proberen waard', final report of the Interdepartementaal wetgevingsberaad inzake experimenteerbepalingen, 8 October 2021, p. 18.

³² 'Het proberen waard', final report of the Interdepartementaal wetgevingsberaad inzake experimenteerbepalingen, 8 October 2021, p. 18 – 19.

³³ See for this definition their website: https://ec.europa.eu/growth/industry/strategy/innovation/social_en

within society. This could also lead to financial participation of the private sector. Therefore, these practices must be visible. This way social innovation becomes a fundamental objective which will lead to a strong social investment climate in which social innovations are scaled up.

3.2. Experimental regulation bases in law

Secondly, there is a need for a **more flexible legal framework** in order to stimulate social innovation. The foregoing showed that experimental regulation is increasingly used to introduce a certain instrument on a smaller scale in anticipation of new legislation, to test and update the law, gain experience with the implementation of new regulation, remove any deficiencies before it is generally applied and stimulate desired developments.³⁴ This new way of using experimental regulation ties in with the purpose of the N-EXTLAW project, where the aim is not to 'experiment' in the sense of finding out how to regulate innovative products or sectors in the future. But instead, a more permanent type of legal experimentation is aimed for, with the purpose of stimulating social innovations in order to reach a specific goal – namely a non-extractive and sustainable future. And even though section 2.2 showed us that experimental regulation has already been used to stimulate innovations, the focus mainly lies on technological innovation. This is due to the lack of an explicit acknowledgement of the importance of social innovations. Therefore, in the context of experimental regulation, there is a need for explicit attention on and foundations for social innovations. Moreover, **the legal bases for social innovations need to be broadened.**

From section 2.2.1 it followed that the Chw already provides more flexibility with the purpose of promoting innovative developments, as the experimental provision of article 2.4 applies to 'innovative developments.' However, the legislator has not made clear what 'innovative' means in this provision. Currently, (almost) all the projects that fall under this experimental regulation are technological innovations. The lack of acknowledgement of social innovations leads to a small scope of the experimental provision from the Chw. Therefore, the scope of this provision should be expanded by **explicitly adding social innovations** under this. The text of the provision would be changed to 'technologically or socially innovative developments.'

In addition, the Chw gives the Dutch government the opportunity to create special facilities for innovative experiments in specific sectors. In order to stimulate social innovations, also in sectors other than the construction sector, the third element of this proposal is to introduce a similar provision to **expand the scope of the Chw to other sectoral laws**. For example, a similar experimental regulation provision in the Wet Maatschappelijke Ondersteuning might make it easier for citizen care projects to be designed according to their own wishes and needs.

3.3. Sandboxes

Third, **sandboxes** could offer the possibility to find out how to regulate certain social innovations by selecting several innovative projects to **deviate temporarily from the existing legal framework** or by providing guidance for their compliance.

In order to be a part of this experimentation, innovative projects should submit their projects at the experimental regulation counter (which will be discussed under the next section) and if these fulfil the social criteria, they can become a part of the sandbox. In this context, these can be thought of as

³⁴ M.J. Jacobs, *Experimentele wetgeving*, Deventer: Wolters Kluwer 2018.

social living communities with specific demands and needs that are totally different from 'normal' housing communities. In these cases, experimental regulation may not always offer the desired flexibility because the flexibility itself must explicitly be formulated in the experimental basis, while some projects are too innovative for the law and need space to find out how to be best designed. At the same time, the regulators may need space to explore how to best regulate this innovation. A sandbox could offer this desired space, which entails a close collaboration between the project and the regulator. This could offer the possibility for **social innovations to enter the market while finding out how to best comply with the legal framework. At the same time regulators can also find out how to best regulate this new type of social innovation.** This way of experimenting offers individual projects the needed support when entering a community with similar projects that are also a part of the sandbox. This way sandboxes enable innovative projects to enter a common space while learning from this community how to best take shape. Sandboxes enable the innovative project to actively participate to the best of their abilities while temporarily being supported by the government. This would change social innovative projects from being pioneers in developing new markets to temporary partners from the government, striving to public social services until they can stand on their own feet. These sandboxes thus will foster innovation while advancing regulation.

3.4. Experimental regulation counter

Finally, an **'experimental regulation-counter'** should be available to which organizations or individuals can go to and which has the authority to apply to the Dutch government, together with the applicant, for the flexible application of a certain legal rule. Currently, there is already a counter which supervises the projects that fall under the Chw, takes care of the intake of new projects and manages the realization of the 'Besluit uitvoering Chw', the implementing decree of the Chw. An important task is also promoting the exchange of information between the Chw projects, the team for Omgevingswet and all other parties involved. This counter was established to focus on Omgevingswet and its expertise is quite focused on technological laws. **Either this expertise should be expanded, or another counter should be established.**

Moreover, **a counter for sandboxes must be established** which is devoted to social innovative projects and strongly collaborates with the participants within the sandbox. This counter should not only fulfil formal tasks regarding the submission, but also information gatherings should be organized in order to create a learning environment within which information is exchanged between stakeholders.

Finally, **a counter that social innovations can go to with different kinds of questions regarding social innovations should be established**, possessing knowledge regarding European regulation. For example, social innovative projects could go there with questions on how to gain finance and as the European Commission provides financial support, the counter could signal this and explain how to apply.³⁵ This counter should closely collaborate with the Commission as the Commission strives to the same goal of stimulating social innovation.

³⁵ Brussels 20.2.2013 COM(2013) 83 final.

4. Conclusion

In conclusion, the current legal system is overly focused on economic growth which has led to a legal structure that unnecessarily obstructs social innovations within different sectors, such as the housing sector, the agricultural sector, the financial sector and the care sector.³⁶

The problem of the legal framework standing in the way of innovation mostly derives from the desire to seek certainty in law. On the one hand, there is a strive for consistency of the law, but on the other hand there is a desire to embrace innovation. The law often lags behind when it comes to technological and societal developments³⁷ and experimental regulation could offer a solution to this by providing a more flexible legal framework. Where experimental regulations in the past have been used with a testing and learning purpose, nowadays the objective of experimental regulation seems to be changing. Experimental regulation is increasingly opting to foster innovation and stimulate desired developments without amending the law.³⁸

An example of experimental regulation within Dutch law is the Crisis and Herstelwet which contains an experimental provision with the purpose of stimulating innovative development, primarily in the construction sector. Even though this provision speaks of ‘innovative development’, it is mostly used for fostering technological innovation. Therefore, a change in awareness is desired through the explicit acknowledgement of social innovations. The aim of this paper is to create a more responsive and relational attitude towards social innovations and to introduce a more flexible legal framework in order to stimulate social practices. A **public vision statement** could provide the needed awareness and be an incentive for local authorities to use already existing possibilities to deviate from regulations when they unnecessarily obstruct social innovations. In addition to a change in policy, regulatory changes are also needed in terms of **explicitly broadening the scope of the experimental provision of the Chw to social innovations** – not only in the construction sector but also to other sectoral laws. Moreover, **sandboxes must be created** in order to collaborate with social innovations while finding out how to best regulate such innovations. Finally, in line with this collaborative attitude, **several counters must be established** in order to support social innovations.

³⁶ Insights from several interviews with N-EXTLAW participants, performed in 2021 and 2022.

³⁷ W.E. Scheuerman, *Liberal Democracy and the Social Acceleration of Time*, Baltimore: The John Hopkins University Press 2004, p. xiii-xiv.

³⁸ S. Ranchordás, ‘De vele gezichten van experimentwetgeving’, *Tijdschrift voor Wetgeving* 2013/1.