Berlin Conference on the Human Dimensions of Global Environmental Change

'Evidence for Sustainable Development'

Berlin 5-6 October 2012

IMPACT ASSESSMENT AND 'THE ENVIRONMENT' WITHIN

THE EUROPEAN COMMISSION:

A NEW RESEARCH PERSPECTIVE?

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Abstract

In the current context of economic and environmental crisis and the related complexity and uncertainties, what deciders seem to expect are i.a. robust factual evidence about the effectiveness of their policies. This call for evidence finds an answer through Impact Assessment (IA): Regulatory Impact Assessment (RIA), Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA), etc.; and more lately sustainable or integrated IA. The European Commission Impact Assessment (EC-IA) procedure is said to be one of the most institutionalised and successful of the new IA's generation. This internal ex-ante integrated evaluation applies on almost all Commission initiatives and is meant to address "all" significant economic, social and environmental impacts of these proposals. If IA's have widely been studied as evidence-based tools aiming at rationalizing decision-making contributing to the 'Better Regulation' objectives, some authors have highlighted their limits as decision-support tools feeding 'directly' scientific knowledge into the decisions, while stressing the political effects (intended or not) of these meta-instruments. Following such an effort to step back from a linear approach of decision-making, we question the political effects of the EC-IA through a cognitive approach (Muller, 2005; Radaelli and Schmidt, 2004) wondering whether EC-IA, as meta-instrument, contributes to diffuse a specific conception of "the environment" within European policy-making? Indeed, the evidence-gathering process framed through EC-IA requirements might have an impact on policy-making through this very process of "definition" of what are significant environmental impacts, not least because of the required quantification of the analysed impacts (as called for in the EC-IA guidelines). Within the scope of this paper, we will present the results of the literature review feeding into the on-going elaboration of our theoretical and methodological framework.

Acknowledgments

Keywords

I.   Introduction

When the European Commission Impact Assessment (EC-IA) procedure was launched in 2002, it raised important interests and even hopes within the environmental research community. As an integrated and systematic ex ante analysis of economic, social and environmental impacts of European Commission's proposals, EC-IA could turn out to be *The Tool* for a better integration of environmental considerations within the European Union policies. Grounded analysis of problem definition, policy objectives and options through consultations within and outside the European Commission (EC) could raise credibility, legitimacy and relevance of decisions and the environmental dimension of the procedure could concur to environmental policy integration. However, rapidly theoretical questions about integration and the possible dilution of environmental objectives in such an integrated tool have been raised. Further, evidence of a lack of elementary conditions for environmental mainstreaming were soon gathered through meta-evaluation studies of the first year of implementation (Wilkinson et al. 2004; Lee and Kirkpatrick 2006; EcoLogic et al. 2007). If the EC has since revised the guidelines to adapt to the recommendations for a more effective tool, the whole question about the EC-IA from an environmental point of view remains this double-sided issue of integration versus dilution. And beyond, what conceptualization of integration is at hand in the EC-IA, based "upon which methods and theoretical premises […] and in the context of what power relations?" (Lehtonen 2007:26) And what "representations" of "the environment" are embedded in the instrument? This is what our research aims at understanding through studying the cognitive and normative framing of this policy instrument. Within the scope of this paper we will mainly set the stage and context necessary to be able to answer this research question. Building on the EC-IA state of the art, we will propose another research perspective to study the effects of this instrument.

Studying EC-IA: a policy instrument …

Why is it relevant to study the EC-IA from an environmental policy analysis point of view? To analyse the environmental dimension of European Union policies, these last years, a whole range of researchers have focused on the "new instruments" of the European environmental policy and the "new modes of governance" in general (Heritier and Rhodes 2011; Jordan and Lenschow 2008; Salamon and Elliott 2002). We thus follow a whole trend of research studying on the public policy instruments as vector of policy change. In this perspective, public policy instruments have sometimes been approached as technical and rather neutral devices among which deciders could freely choose in order to efficiently attain their political goal (Halpern and Le Galès 2011:55–56). Pierre Lascoumes and Patrick Le Gales (2005) take some distance with such a functionalist approach of public policy instruments (Lascoumes and Le Galès 2005:31).

Instead, they highlight the normative and cognitive dimension carried by public policy instruments and their ability to generate unintended political effects of their own, precisely through the diffusion of the cognitive models they materialize (Lascoumes and Le Galès 2005:14). Dealing with policy instrumentation, these authors do not pretend to unravel a brain new research topic, but they propose a new perspective on it. They look at public policy instrument as a type of institutions, in the sociological sense, i.e. "a more or less coordinated set of rules and procedures that governs the interactions and behaviors of actors and organizations" (Lascoumes and Le Gales 2007:8)

From this point of view, a public policy instrument is defined as « a device that is both technical and social, that organizes specific social relations between the state and those it is addressed to, according to the representations and meanings it carries."(Lascoumes and Le Gales 2007:4). Therefore what we aim at is not to study the effectiveness or efficiency of the EC-IA instrument, but the "theory" embedded in the technical procedure and the (unintended) political effects the instrument generates through the renewed balance of power. Endorsing such a perspective means studying the cognitive and normative dimensions of the European Commission Impact Analysis instrument, and concretely of the EC-IA guidelines and reports.

… through a cognitive approach …

Cognitive (Muller 2005) or ideational approaches (Braun and Busch 1999) form a rather un-unified field (at the international level) covering approaches in terms of frames (Rein and Schön 1993), '*référentiels'* (Muller 2005, 2000), paradigm (Hall 1993), advocacy coalition (Paul A. Sabatier and Schlager 2000; P. A Sabatier 1998), discourse coalition (Hajer and Versteeg 2005) or narratives (Radaelli 2000). Using a traditional divide, those approaches are said to focus on ideas rather than on interests. However, as explained by Muller (2005:170) or as is underlying in Braun (1999), ideas and interest are inextricably linked as "two side of the same coin".

These approaches hold ideas, beliefs and cognition at the heart of power and domination processes. Ideas are inextricably related as much to values as to action and modes of action as they make sense out of a complex reality in order to grasp and act on it (Nahrath 1999:44). Any political solution or problem definition is rooted in a specific frame (Lenschow and Zito 1998:416) and domination of policy-making by particular discourse provide specific bias to action (Hajer and Versteeg 2005:178). From this theoretical point of view, political change happens through the re-definition (reframing) of the specific cognitive an normative "vision" of the sector at hand. It is this vision which will be at stake in the cooperative and/or conflictual relations among actors (Muller 2005:169). Hassenteufel (2011:122) very practically propose the concept of "system of representation" as encompassing these different theoretical and

conceptual frameworks of Sabatier (2000), Hall (1993), Muller (Muller 2000) and Rein and Schön (Rein and Schön 1993)[1].

EC-IA is formally presented as a tool for rationalizing the decision process: the knowledge dimension is thus considered central to the decision making-process i.a. via this instrument. But, through a cognitive approach of the instrument, we aim at answering the question of the political role of cognition, as much as we search to highlight the normative dimension of the instrument: the concept of system of representation will help us in this task.

… from an environmental point of view.

Our theoretical objective is thus to approach the EC-IA as the "the concretization of a theory" (Lascoumes and Le Galès 2005:27). Looking at the EC-IA procedure is looking at a meta-instrument of the policy process, an instrument which is not organizing the relation between politics and society, but between politics and politics. It is looking at an instrument which has not one specific sectorial policy as main object. Indeed, the integrated analysis of impacts is applied transversally to all regulation proposals of the Commission. Searching for the underlying cognitive and normative framing of EC-IA is therefore studying an instrument which effects could exert largely. Precisely, what is the underlying "system of representation" crystallised in this far-reaching instrument? And more precisely, we are interested in the representations regarding environment: is there any specificity or regularity to be found within the EC-IA guidelines and reports with regard to environmental considerations?

Indeed, the "environment" as "nature" is a culturally invented concept which has therefore to be defined (Hajer and Versteeg 2005:179–180): which nature is taken in consideration in these analysis of "economic, social and environmental" impacts of proposals? Is this conception covering the same characteristics from one IA reports to another? Where do these representations of "environment" come from and where do they travel to?

It is such an alternative perspective on EC-IA and policy appraisal we want to argue for in this paper. To do so, we will first present the EC-IA instrument: what it is supposed to be, how it looks like in practice and what can be expected from an environmental point of view. We will then briefly stop on a typology of EC-IA research leading to alternative research approaches.

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[1] According to his understanding of these various cognitive approaches, the coherence of a system of representation relies on three dimensions (or levels) along which one can decode and re-code reality: general principles which define the main orientation of a public policy; a reading grid of reality, or in other words a diagnosis on which to build this strategic orientation; reasoning and arguments to provide legitimation to strategic orientation and to link general principles to modes of action (Hassenteufel 2011:122).

II. The European Commission Impact Asessment

The European Commission Impact assessment procedure has been introduced as a central instrument within the Better Regulation (BR) and Sustainable Development (SD) EU strategies. If we follow the definition of Lascoumes and Le Galès (2005:15), as public policy instrument, the EC-IA can be studied as a type of institution, i.e. set of rules for interactions and behaviors. The EC-IA guidelines drawn in 2002, and revised twice since, offer a formal account of these rules and procedures in theory and how they should structure the behaviours and interactions of EC civil servants in charge. In this section, we will briefly present what these rules prescribe, what are their formal objectives, and synthesize insights about their concrete implementation. Eventually, a short glance on the historical and political roots of the tool will bring some lights on this picture of the instrument.

From theory…

According to the initial communication of the Commission on Impact Assessment (EC - European Commission 2002a), and the subsequent guidelines, the European Commission Impact Assessment procedure is formally and theoretically meant to study *all* the impacts of a regulation proposal (legislative or not). Through the procedure, the very definition of the policy problem at hand is analysed, as well as the pursued objective. Multiple policy options to reach that objective are identified; their potential impacts are studied, highlighting pros and cons, emerging synergies or necessary trade-offs. In line with the proportionality principle[2], proposals will be analysed in terms of "*economic, social and environmental*" impacts as well as in terms of administrative burden and simplification potential. Criteria typical of the institutional setting are also part of the analysis like EU's right to act, transposition and compliance aspects (EC - European Commission 2009b).

Concretely, the European Commission Impact Assessment procedure is supposed to run in parallel to the classic legislative process; once a proposal is added on the legislative work programme of the Commission, it has to undergo an analysis of its potential impacts. The DG responsible for the proposal is in charge of the IA process. The roadmap which lists all the analytical steps and the time line are elaborated (the planning spread on at least a year). The online consultation is organised and relevant DG's are invited to participate in an Impact Analysis Steering Group in order to take into account the expertise and perspectives of other

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[2] The significance of impacts, the policy importance and the stage of policy development are the criteria used to define the scope and depth of the impact analysis. Such a principle is necessary in and efficiency perspective and in order not to unduly charge the administrative procedures. However, it remains rather vague, despite the three criteria added in the 2009 guidelines, exposing the procedure to a high degree of subjectivity in favor of the DG lead.

policy sectors. Finally, the potential comments of the Impact Assessment Board with regard to the quality of the analysis are integrated before the report is finalised and handed out with the policy proposals to the commissioners' college.

The EC-IA stems from two EU' strategies and its objectives are derived therefrom. As an instrument of the BR policy, this procedure is meant to enhance the quality of the EU's regulatory environment to make it more coherent and efficient. The BR agenda itself is designed to serve the objectives of the Lisbon strategy, i.e. create a business-friendly environment in order to foster competitiveness, growth and therefore employment. On the other hand, as an instrument of the SD strategy, the EC-IA is meant to integrate social and environment concerns with economic objectives. So doing, the EC-IA reinforces the evidence-basis of the decision process and further coordination within the Commission. The procedure also need to account for central principles of the European Union: subsidiarity, proportionality, transparency and the systematic application of consultation minimal norms to better inform stakeholders and citizens and feed the policy process with their concerns (EC - European Commission 2002b, 2002a, 2009a, 2009b).

In short, the EC-IA guidelines depict an evidence-based decision support tool aiming at rationalizing decision-making and simplifying the EU regulation and subsequent administrative burden, as well as a communication tool aiming at promoting the debate and collect information from stakeholders enhancing the policy process and reinforcing its legitimacy, while at the same time supporting the SD agenda.

… to practice

This is what the guidelines tell us. However, as soon as the first reports are released in 2003, various meta-evaluations studied the actual design of the process showing how EC-IA was performing in practice. The results were quite mitigated (Wilkinson et al. 2004; Lee and Kirkpatrick 2006; Renda 2006; Nielsen et al. 2006; EcoLogic et al. 2007). The cornerstones of the guidelines were not to be found back in the evaluation, making the procedure rather meaningless with regard to the evidence-based rationales. The objectives of the proposal were not accurate enough to allow an analysis of potential impacts. The lack of real options was making the whole thing resemble a mere seduction operation or information process (within and outside the EC) about the already chosen preferred option defended by the DG lead.

A lot of these critics will be heard by the EC and have contributed, together with the EC commissioned TEP meta-evaluation (Watson et al. 2007), to amend the guidelines, last revised in 2009. But, with regard to the analysis of environmental impacts, the picture doesn't seem to get better: environmental (and social) impacts are far less analysed than economic impacts; negative environmental (and social) impacts are less studied and indirect impacts are ignored.

The situation is even more caricatural in terms of quantification, and a fortiori of monetisation, as only 12% of environmental and social positive impacts are calculated and 22% and 23% of their respective negative impacts (against 41 and 53% of economic positive and negative impacts) (ECA - European Court of auditors (ECA) 2010:38). According to a range of meta-evaluations (Renda 2006:69; Franz and Kirkpatrick 2007:149–150; Watson et al. 2007:82; Bizer, Lechner, and Führ 2010:32), the situation has even worsened after the first year of implementation: the rate of environmental impacts identified reach only 8% of all identified impacts (except DG ENVI IA's) in 2006-2008 (Bizer et al. 2010:32).

The TEP meta-evaluation or the Impact Assessment Bureau nuance these results, relating this imbalance to the changing nature of the proposals (Watson et al. 2007:83) or of the intervention (Watson et al. 2007:83; EC - European Commission 2011:15). According to us, it is the very nature of the tool which has to be questioned. There is an acknowledged difficulty in the analysis of environmental (and social) impacts due to lack of data and availability of consensual methods for quantification; the bias resulting from the confrontation of qualitative and quantitative analysis, where the latter is usually given more weight (Watson et al. 2007:45; EcoLogic et al. 2007:61; Bizer et al. 2010:27). Further, the very nature of quantified economic analysis tools, like cost-benefit analysis, make it complex to integrate complex characteristics of environmental issue as long term impacts, the irreversible nature of impact or distributional aspects. All these limits inherent to the tool point to a difficult consideration of environmental aspects within the impact analysis and the trade-offs.

Apart from these methodological - but not peripheral, on the contrary - issues, the general strategic priorities of the European Commission also play a direct role in the way environment is taken into account or by-sided. This political influence on the EC-IA procedure and the way it has been implemented since 2005 has been highlighted by many researchers which took note of a shift in the EC priorities in favour of the assessment of economic aspects.

A historical perspective

Back in 2002, observers could say that the EC-IA procedure stemmed from two different policy agendas. As attested by the two citations on the front page of the 2002 EC communication on impact Assessment, the EC-IA seems to owe as much to the "Good governance" and BR agendas as to the EU Sustainable Development Strategy. However, based on the early EC-IA literature, it is difficult to rank these different influences. Authors stemming from the environmental policy analysis community tend to highlight the SD root and the integration approach (Wilkinson et al. 2004:3; Lee and Kirkpatrick 2006:32; Franz and Kirkpatrick 2007:144; EcoLogic et al. 2007:18) and look at the EC-IA as an integrated impact assessment;

while authors studying the better regulation agenda from economics, politics or law departments seem to ignore other political roots and consider the EC-IA as a regular Regulatory Impact Assessment (RIA). Of course, as stated by Christopher Hood, a policy instrument can be rather ambiguous and it is by large the case of most policy instruments to be multi-purposes (Lascoumes and Le Galès 2005:15). In theory, the EC-IA has been announced like an ambitious integrated approach for the quality of the legislative and regulative environment in order to foster the Lisbon as much as the SD strategies. Still, a hierarchy within these objectives is difficult to hide and it is useful to clarify it.

Based on Andrea Renda's historical analysis of the instruments (2006) and other accounts, it seems that the former Business Impact Assessment is the direct ancestor of the current procedure rather than Environmental Impact Assessment or Strategic Environmental Assessment. In this regard, it is rather the environmental research community that has seen there an opportunity for environmental policy integration (K. Jacob, J. Hertin, and A. Volkery 2007:90). As for Sustainability Impact Assessment and the SD strategy, it could almost look like it is by coincidence (or due to a window of opportunity) of the publication of the EU SD strategy at the European Council of Gothenburg in June 2001 just before the release of the Mandelkern Group Report in November 2001 (followed by the December 2001 Laeken Council) that the conclusions of the Mandelkern Group, which inspired much of the EC-IA guidelines, have been reoriented towards an Integrated Impact Assessment rather than a mere RIA by the June2002 Communication of the Impact Assessment of the EC.

In spite of these initial intentions (and whoever successful lobbying for SD and SIA in 2001-2002), things get indeed undeniably clearer by 2005 and the communication on "Better Regulation for Growth and Jobs in the European Union". According to Renda (2006:75), the evaluation of the Lisbon Strategy has led to pressures on the EC to focus on growth, employment and the reduction of the administrative burden due to regulation. In fact, it is the Better Regulation agenda itself which is reoriented (Nielsen et al. 2006:44), and therefore, its central instrument, the EC-IA: "*While the existing impact assessment tool provides a solid basis, the Commission believes that the assessment of economic impacts must be strengthened so as to contribute to the objectives of the renewed Lisbon strategy. […] Deepening the economic analysis, which also includes competition aspects, should improve the quality of the assessment of the true impact of all proposals.*"(EC - European Commission 2005:5). The EC has developed in 2002 an ambitious and avant-gardist integrated approach which had raised expectations from environmentalists, but has clearly gone backward since.

III.   EC-IA, an instrument with multiple rationales

The EC-IA instrument has widely been studied from a rational-linear evidence-based perspective and results are mitigated, as much from a BR focus (Renda 2006; Popelier and Verlinden 2009; Watson et al. 2007), as from an environment policy integration (EPI) point of view (Wilkinson et al. 2004; Lee and Kirkpatrick 2006; Nielsen et al. 2006; EcoLogic et al. 2007; Franz and Kirkpatrick 2007; Bizer et al. 2010). But this is only one perspective research can develop to study such an instrument of the policy process. To build on the title of Ann-Katrin Bäcklund (2009), EC-IA has multiple objectives and can be studied along multiple perspectives highlighting multiple possible rationales behind the tool.

An important typology of research studying policy appraisal has been provided by Turnpenny et al (2009). To highlight and structure past and future research agenda's for policy appraisal, the authors have distinguished four types of research: those focused on the quality of design (type 1), those measuring and enhancing the performance of the tool (type 2) and eventually, researches trying to unravel and understand the politics of policy appraisal focusing on utilisation and motivation to appraise (type 3 and 4). The EC-IA literature is somehow dominated by type 1 and 2 (design and performance), i.e. a "technical" or "procedural" research perspective targeted at practitioners in order to pinpoint best practices and ameliorate the tool. Despite this, the EC-IA has also been studied by various research communities highlighting different type of rationales behind the tool: one can take a rational-linear perspective and look at EC-IA as an evidence based decision-support tool with a focal attention on design and effectiveness in order to rationalise legislation (Popelier and Verlinden 2009) and the decision making process. One can also look at EC-IA as a policy instruments which has political effect of its own, intended or not, in terms of coordination of EU policies (Adelle, Julia Hertin, and Jordan 2006), of mainstreaming (Pollack and Hafner-Burton 2010) or EPI (K. Jacob et al. 2007; Julia Hertin, Klaus, and Axel Volkery 2008), as a boundary work at the interface between science and politics (Willemijn 2007) or as instrument of political control (Radaelli and Meuwese 2010), …

These various approaches pinpoint the EC-IA (or RIA in general) as knowledge tool, coordination tool, control tool, etc. as much rationales as there are of approaches. The next section propose to structure those various approaches along the two cognitive and normative dimensions of system of representation.

A.   EC-IA research landscape

Building on similar exercises (see i.a. (Torriti 2007:248;255), we draw a bi-dimensional picture of the EC-IA research landscape. Along the cognitive and normative axes emerges a typology that distinguishes EC-IA as evidence-based decision-support tool, learning tool and political tool as will be further developed. These 'caricatural' ideal-types are based on the level of attention given to the cognitive and the normative dimension of the policy instrument at hand. Typically, a high level of attention devoted to the cognitive or knowledge dimension means valuing scientific or "expert" objective knowledge as central to a truthful and accurate understanding of problems, therefore allowing rational public action. On the other hand, importance given to the normative dimension of the tool means studying norms, interests, values and balance of power, i.e. the political dimension of the instrument. To the extreme, a focal on the first dimension implies looking at knowledge production (and use) as neutral and value-free, and the latter dimension implies focusing solely on values and power (Rametsteiner et al. 2011:63). Such a dualism is highly artificial. Indeed, norms, ideas, beliefs and values are inextricably entangled and constitute systems of representation as explained supra. However, distinguishing those dimensions in this paper has a heuristic value. It will ease structuring the different research perspectives on the EC-IA as proposed in the four boxes graphic below.
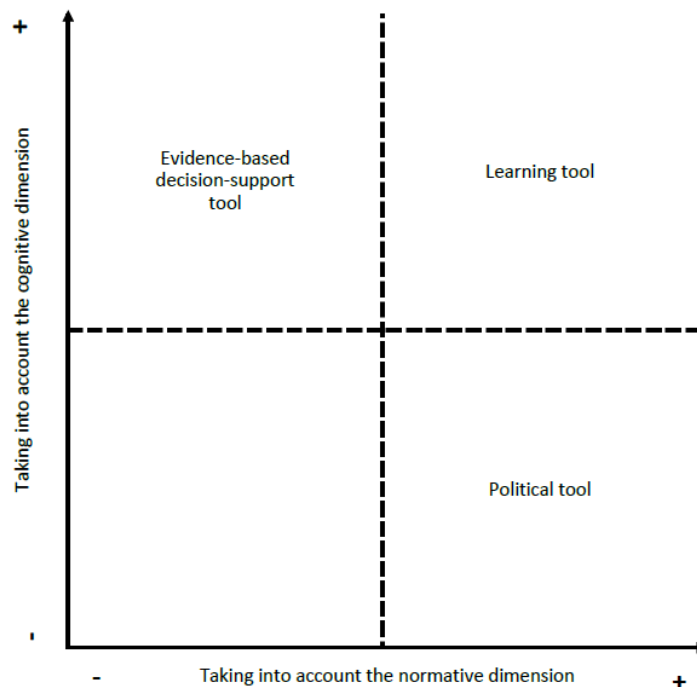

Figure 1: Typology of EC-IA research perspectives along the cognitive and normative dimension of the tool

1.   EC-IA as evidence-based decision-support tool

As mentioned earlier, a rational-linear perspective dominates the *ex-ante* policy appraisal literature in general. This literature is focused on technical aspects of the procedure's design and implementation with regard to the "best practices" typically gathered by the OECD. In this research perspective it is highly important to assess the effectiveness of the tool. This array of literature consider the decision-process as linear: knowledge is supposed to feed directly into decision. If conceived and implemented along the best practices, IA's (in general) will lead to rationalization of policy-making. As Figure 1: Typology of EC-IA research perspectives along the cognitive and normative dimension of the tool shows, the focus is here on the cognitive content of the instrument to feed decisions. Further, as in a classic approach of knowledge production, the normative dimension is denied or given very low attention. If we relate this caricatured position to Karol Weiss' typology of evaluation use (2005), we face an approach studying and aiming at an instrumental type of use of EC-IA. Instrumental use occurs when there is a direct link or linear relationships between the result of an evaluation and decision outcomes and that the informational content is used as the basis for decision making (Weiss et al, 2005, pp.13-14; Hezri, 2006, pp.134-137). This is what has traditionally been expected. However, despite efforts of practitioners, researchers and academics, it has been acknowledged that it is not the most frequent type of use as shown by Weiss (2005) and a whole literature on the science-policy interface and knowledge use (see i.a. Jasanoff 1987; van der Heijden 2000; Van den Hove 2007; Rametsteiner et al. 2011). This literature has enough attested that knowledge does not directly, unilaterally and "naturally" feed decision. Therefore "expectations for immediate and direct influence on policy and program are often frustrated" (Weiss et al. 2005:13). This focus on the knowledge dimension of the instrument raises high expectations for rational decisions, but shadows more strategic and political type of effects.

2.   EC-IA as political tool

On the other side of the graphic, opposed to an evidence-based approach is another segment of the EC-IA literature not primarily busy with IA as decision-support tool based on evidence. On this side of the graphic, one looks at the political effects of an instrument conceived as rather neutral in other research areas. This literature study "the politics of policy appraisal" (Turnpenny et al. 2009): what are the impact of this instrument on the policy process in terms of balance of power, inclusion/exclusion of actors, legislative initiative, etc. In this perspective political priorities and actors interests weigh much more than scientific knowledge to influence decision.

Within Weiss typology, this approach refers to a strategic type of use, i.e. when the evaluation is deviated from its procedural intended use to serve other purpose. Political (or symbolic or tactical) use can provide legitimation (Weiss et al. 2005:13). It occurs when the content of an evaluation is "*used to justify what decision makers want to do anyway*", when it is "*used as a sign or symbol of some other reality*", or e.g. as "*a delaying tactic, as a substitute for action or to deflect criticisms*", etc. (Hezri 2006:134–137). This type of use is often negatively connoted. There is however no harm in using evidence to strengthen one's position; but there is misuse if the decision maker distort the results (Weiss et al. 2005:14). Furthermore, beyond strategic use of evaluation results, looking at EC-IA as political tool is raising the question of unintended and "collateral" effects; for example, when the EC-IA is studied as a coordination tool across policies and DG's (Adelle et al. 2006), or as a control tool for the Secretariat General regarding the DG's or the European Members and the Parliament regarding the Commission initiatives (Radaelli and Meuwese 2010). Such a perspective focuses on the normative dimension of the instrument, on balance of powers and interests more than on the informational value-added of the *ex ante* policy appraisal.

3.   EC-IA as learning tool:

If we goes on with Weiss'typology, there is a third type of use related as much to the cognitive as to the normative side of the graphic. Conceptual use (or use for enlightenment) is said to occur when a research or study influence a user's understanding of a problem or situation even if they are not used to base decisions in a direct way (Hezri 2006:134–137). Indeed, facing the difficulty of direct use of IA's results for decision-making, the idea of indirect use emerges in various articles on EC-IA (Ruddy and Hilty 2008; Hugé and Waas 2011) as a way forward: if not direct, it is an important research trail to understand which indirect canal knowledge goes through to inform decision. Somehow, it is also comforting to think such a canal do exist and that "[d]ecision makers might not base their next decision on the evidence, but[that] they often found themselves influenced in more subtle ways in the longer term" (Weiss et al. 2005:14). Policy (or social learning) happens at different levels: deciders can learn with regard to how they conceive technical solutions, policy options with regard to a specific problem or with regard to the problem definition itself. Higher order learning (second order learning or double-loop learning) point at fundamental type of learning where the "frame" or "mental model" of an individual evolves in terms of basic beliefs and values (Grin and Graaf 1996), i.e. the deep core of Sabatier (Paul A Sabatier and Jenkins Smith 1993). Here the cognitive and normative dimensions are both at the heart of the analysis of the instrument as learning is about change in

system of representation, i.e. change in individual or organizational norms, beliefs, values and ideas.[3]

B.   EC-IA as framing tool?

Studying IA's in terms of learning is mentioned in several articles as a hint for further research. In a way, we see this trail of research as the continuation of the rationalist linear approach: taking note of the difficulties to foster direct use even through "best practices", one could try to understand by which indirect canal evaluation could feed into decision-making and policy change through the diffusion of the final outputs and how the "momentum" of the evaluation process are key elements of learning.

Looking at the sociology of knowledge, it seems that these reservations we express match with a will to overtake the *enlightment* model. According to van der Hijden, this enlightment model itself took over a period when one spoke about "different rationalities" to explain the utilisation of scientific knowledge a decade ago; this very perspective that once took over the "gap theory". These successive models led to a more social constructivist posture and the development of approaches like discourse analysis and discourse coalitions (van der Heijden 2000:144). Such a move implies for the researcher to take some distance with an instrumental perspective on knowledge utilization.

If these successive models still coexists with their respective explanation potential, we propose to develop the latter stance to study EC-IA as a potential framing tool. Keeping to the upper right corner of the graphic, which combines a focus as much on the cognitive as on the normative dimension of the tool, we want to analyse the cognitive and normative dimension of the EC-IA instrument not as learning tool towards better decision-making in a rationalist perspective along an instrumental approach to knowledge, but as an instrument which generates politico-conceptual effects of its own as shown in Figure 2. One can see learning as positively connoted, embedded in a linear mode of thinking anchored in the idea of never-ending progress of human-kind and understood as path towards rationalisation of decision and empowering of actors for the better and keeping the normative dimension on a lower explanatory level. But,

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[3] You can note that the last space of the four-square graphic hasn't been named nor presented. According to my knowledge, denying both the cognitive and normative dimensions hasn't been so far developed as a research perspective, i.e. looking at EC-IA neither as a tool based on knowledge, nor on norms and interests. Though, it might be a potential research result. In that case, EC-IA could be seen e.g. as a *legitimation tool* emptied of any relevant informational content as well as from any political objective. This view does not hold long. For example, if we develop further the parallel with Weiss' typology (Weiss, Murphy-Graham, and Birkeland 2005), such a situation could be related to a symbolic type of use due to the value associated to participation (or rather here, consultation) of public and stakeholders. However, as symbol of legitimation, the instrument holds an important normative weight and fall into the category of political tool.

emancipated from a linear-positivist stance in favor of a rather constructivist perspective studying "system of representation" (be it frames, discourse, paradigms, referential) embedded in normativity, and even ideology, the concept of "learning" could turn into the study of "framing" effects.
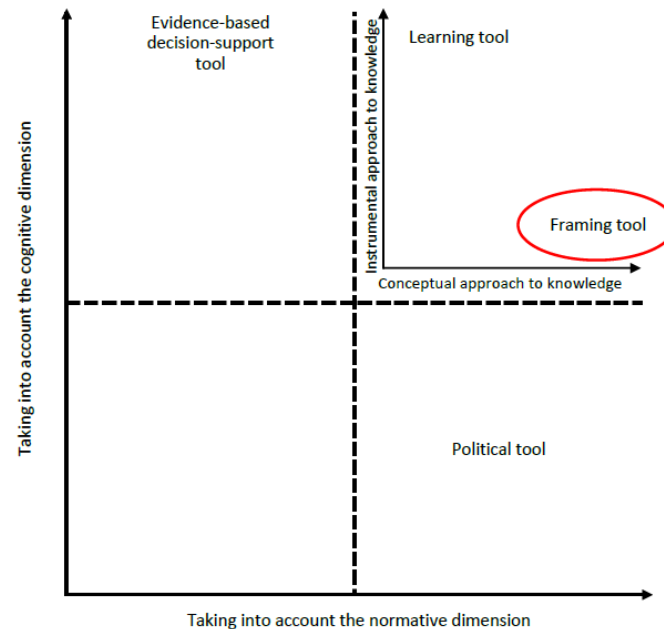

Figure 2: Typology of EC-IA research perspectives: focus on the double approach to learning/framing

Building on the EC-IA literature, and in particular on Radaelli's approach of the unintended effects of RIA (Radaelli and Meuwese 2010; Radaelli 2009, 2000) and relating this to Lascoumes and Le Galès instrumentation approach, we would like to study the EC-IA as a 'performative conceptual tool' which could have a 'framing function' through the diffusion of a specific 'system(s) of representation'. This means that we aim at understanding how EC-IA, as public policy instrument, can also be structured along system(s) of representation, and, generates normative and cognitive framing effects which might than influence the policy process; and this, in particular with regard to environment.

As explained in the introduction of this paper, a policy instrument is the product of a political "theory" and of balance of power which are crystallised and embedded in the instrument (Lascoumes and Le Galès 2005). At the same time, once implemented, the instrument gets autonomous and potentially generates political effects of its own, influencing balance of power, definition of policy problems, etc (Lascoumes and Le Galès 2005; Radaelli and Meuwese 2010). If we describe the "policy learning" perspective as the attempt to highlight how indirect use of evaluation (i.e. *enlightment*) results in 'evidence-based reframing', eventually rationalising the decision making process, than we propose to develop another perspective.

Researches could study how this systematic instrument for better regulation could generate political effects through cognitive and normative (re)framing, not due to sound science, but due to the diffusion of "system of representation" through repetition and systematic implementation of presumed "technical choices" embedded in the guidelines and the effective procedure.

Through this perspective, we are interested in identifying the definitions of 'the environment' developed and used within the European Commission via the EC-IA instrument. Indeed, 'the environment' is a socially and culturally constructed concept. Therefore identifying, analysing and if possible quantifying and monetising environmental impacts of a policy proposal is an operation which require at the same time cognitive and normative elements. Focusing on the political effects of public policy instrument through a cognitive approach of policies and politics, we wonder what 'system(s) of representation' is/are embedded in the EC-IA instrument, in particular regarding environment. Is the EC-IA mirroring the/a dominant system of representation within European Union policies or is/are marginal representations audible through this instrument? In brief, *is the EC-IA contributing to the integration of environmental considerations within EU policies and through what "system of representation"?*

What is complex, and innovative, with this research perspective is the combination of instrumentation and ideational approaches: the latter usually being applied to policy analysis, not to policy instrument analysis; and the former being applied to discourses and strategic texts, not to 'technical' reports. Moreover, such study cannot entirely rely on the environmental policy analysis literature, as it does not focus on the analysis of the European environmental policy but on the environmental aspect of European policies in general through the EC-IA lens. For example, Runhaar (2010) helps us understand the way ideational approaches can apply to impact assessment instrument; however, he focuses on how frames prevent Environmental Impact Assessment results to be used due to competing frames among potential users. He slightly touches upon the question of the framing of the assessment itself arguing it is important for the practitioners to be conscious about it and opening a trail for further research (H. Runhaar et al. 2010:346). However, the study looks at individuals' frames and not with the framing of the instrument itself. That is what we want to study. Lenschow and Zito (1998) also provide hints for the analysis; but, once again, they study the European environment policy frame, not how environment is conceived in other policy sectors.

If one supposes that there is no unified system of representation with regard to environmental objectives and action principle at the EU level (Halpern and Le Galès 2011:65); this lack of homogeneity might provide some space for marginal environmental "representations": what is the role of EC-IA? Does it contribute to their diffusion or will it only reinforce the dominant discourse; if such thing exists. Indeed, evaluation as systematic and transversal procedure can be another canal to impose the overall Commission priorities on the DG's. Building on Lehtonen's

study of the OECD environmental review, such an instrument, based on OECD conception of environment and sustainable development, can stimulate the capacity-building of environmental administration with regard to economic methods and concepts "through the constant attention they have to pay to economic aspects of environmental policy" (Lehtonen 2007:24). Systematic exposition to the same requirements of the EC-IA guidelines, i.e. repetition of the same procedure could for example bring more economic issues onto the environmental agenda while reinforcing the idea of the marginality of environmental and social issues in other DG's work (Lehtonen 2007:23).

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As temporary conclusions, let us synthesise our point of view on the state of the art of EC-IA and the research perspective derived therefrom. EC-IA, as other *ex-ante* policy appraisal procedures carried within administrations, is a public policy instrument which might be regarded as a tool with an important knowledge component and aiming at decision support and rationalization of the European regulation. As policy instrument, one can also focus on the normative dimension of EC-IA that can generate political effects, intended or not, and modify the balance of power within the decision process. With regard to the study of the integration of environmental considerations within European policies, we propose in this paper to develop researches which focus at the same time on norms and cognition as component of the instrument, i.e. on system of representation. This in order not to study, in an instrumental perspective, how we might better help knowledge into decision through 'learning', but to focus on the conceptual framing potential of such a transversal and systematic public policy instrument, if not central to, at least located at the heart of the European decision system. Such a perspective might contribute to highlight the representation of 'the environment' developed and diffused within and outside the commission. Studying representations might seem meaningless with regard to current environmental local and global challenges. However, systems of representation are the key to figure out how (policy) action comes about, be it rational or not.

IV. References

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