
John Turnpenny and Andrew Jordan
School of Environmental Sciences
University of East Anglia, Norwich, UK

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Abstract
Many policy systems have pledged to achieve ‘evidence based policy making’, but empirical evidence of how and why evidence is used is still in relatively short supply. Existing literature suggests that the relationship between the two is very context-specific. Ex ante policy appraisal is an increasingly popular vehicle for making the formative stages of policy making more evidence-informed, and is therefore an important new context in which to study evidence-policy relationships. This paper examines a specific key aspect of the process of evidence production and utilisation: the approach to consultation and gathering of external evidence, in the specific context of the European Commission's system of policy appraisal. Drawing on a detailed empirical review of fifty appraisals conducted between 2003 and 2005, it reveals that a significant proportion of appraisals studied contained consultations which met the process criteria outlined in the appraisal guidelines. But there are no specific rules for choosing who is consulted, or who takes part in the process, with the result that in many cases those involved in consultations are often the same few actors, and power relations between actors are critically important in determining whose influence is strongest. There have been general attempts at using a wide variety of methods for stakeholder consultation, including workshops, fora and online questionnaires. There is also often a reliance within appraisals on data supplied by interest groups, which adds to the sense that policy is made incrementally with a strong path-dependence, rather than on the basis of wherever the evidence might lead in each individual policy case. We put these findings into the context of several decades of political science and policy research, drawing on the literature on the 'messy' nature of policy processes, and hence explore the prospects for more 'rational' approaches to policy appraisal in the future.

1. Evidence utilisation: different contexts and different motives

'Evidence-based policy-making' is one of those phrases like 'sustainable development' and 'better regulation' that is difficult to disagree with, but which on further reflection raises all sorts of untried and untested issues and assumptions. The idea of pursuing a much more consistent and transparent approach to using evidence in policy-making certainly commands the support of some academics (e.g. Pearce, 1998; van Eeten, 1999) and many policy-makers (e.g. see: OECD, 2002; CEC, 2005; Her Majesty’s Government 2005), who believe that it offers to make policy more cross-sectoral, participatory and better able to handle complex policy problems such as unsustainable development (Russel & Turnpenny, 2007).

However, empirical evidence on exactly how evidence is used in policy-making is still in relatively short supply. Nutley and her colleagues make clear that while we know more than we did a decade ago, the need for more research on the evidence-policy relationship remains very acute (Nutley et al. 2007:. 316-319). Nonetheless, it appears that “the context for research uses.. [is] core to understanding when research will be used, and in what ways” (Ibid. 303) (emphasis added). However, the “study of... contextual factors and their influence on research use is largely absent” (Ibid, 263). Drawing together a comprehensive review of the literature, the most that Nutley et al. (2007: 303) can say on this matter is that:
research use is heavily contingent on the varied contexts in which it is played out... That said, our knowledge of how and the extent to which research use is influenced by different contexts is partial and emergent: more in depth studies of research use are needed (Ibid. 303)

They then identify several areas for future research, including the analysis of various “research-use enhancement strategies” (Ibid. 316), the exploration of different uses to which research is put (i.e. political, tactical and strategic), the exploration of how research affects perceptions/interests (i.e. what type of learning appears?) and the pervasive effect of power relations.

Policy appraisal is an increasingly popular ‘research-use enhancement strategy’ and therefore an important new context in which to study the relationship between evidence and policy. Studies of how well policy appraisal performs promises to go some way towards addressing some of the gaps identified by Nutley et al. (2007). But what is policy appraisal? According to Owens et al. (2004: 1944), it is that “family of ex ante techniques and procedures…. that seek to inform decision makers by predicting and evaluating the consequences of various activities according to certain conventions”. A policy appraisal typically provides “a test or judgment of some policy, with the aim to inform the decision makers on the suitability, desirability, effectiveness or efficiency of it” (de Ridder, 2006: 21). Different types of appraisal have emerged such as Strategic Environmental Assessment (SEA) and Health Impact Assessment which have a relatively sectoral focus, through to Regulatory Impact Assessment (RIA) and Sustainability Assessment which span many sectors. Commonly, these types of appraisal are harnessed to different policy appraisal tools which are used to collect and assess evidence. These include cost-benefit analysis (CBA) and cost effectiveness analysis, through to scenarios and complex computer models (for a comprehensive list, see de Ridder et al. 2007).

Radaelli and de Francesco (2007) believe the growth in different types and tools of policy appraisal the last decade has been so large as to constitute an entirely new dimension of public policy, with its own set of actors, methods and ‘rules of the game’. Radaelli (2004) has comprehensively documented the diffusion of one particular type of appraisal - RIA - across time and space. He shows that so many jurisdictions have already created - or are currently in the process of preparing – different policy appraisal systems that are modelled on RIA, that at a very broad level it is now undoubtedly the ‘standard’ form of appraisal across the world (Radaelli, 2004: 724). Similar literatures have emerged around other types of appraisal (e.g. Petts, 1999; Wood, 2003; Richardson, 2005)

As a relatively institutionalised instrument of policy making, policy appraisal seeks to encourage and where possible standardise the use of appraisal tools within policy making activities. Radaelli (2007a: 2) claims that appraisal therefore has “more general properties” than other research use enhancement strategies in the sense that it applies to “any type of regulatory decision, typically at the stage of policy formulation… no matter what the substance of the policy problem may be.” Advocates believe that it introduces “new discipline and rigor to the rulemaking process” (Harrington and Morgenstern, 2004: 3), the
primary purpose being to “enhance the empirical basis of political decisions” (Radaelli, 2004: 723).

We shall explore how these diverse motivations have affected the practice of policy appraisal and evidence utilisation in a later section. But first, it is important to understand how the specific (and increasingly common) ‘context’ of appraisal (i.e. relatively bureaucratised, in which civil servants collect and sift different forms of evidence to inform their policy making activities, following basic rules and best practices) might in principle differ from some of the other ‘contexts’ in which evidence is utilised. In the evidence based policy making literature 'research' and 'evidence' are often framed as something external to the policy process; consequently much effort has been devoted to trying either to encourage policy-makers to 'listen' to researchers, or researchers to communicate better with policy-makers. Nutley et al. (2007: 304) note that many of the theoretical models of evidence implicitly adopt such an ontology – they “tend to view policy makers and practitioners as the passive ‘targets’ of research”.

The context of policy appraisal is potentially rather different and therefore interesting because the policy-makers themselves are expected to become researchers, collating and evaluating evidence for themselves before making policy. This makes appraisal “different” (Radaelli (2007a: 3) from other forms of evidence utilisation in at least two important respects: first, it is the policy maker rather than the evidence provider that is supposed to search for and weigh the evidence; second, the evidence utilisation is supposed to occur in relation to all forms of policy making (c.f. the more isolated and ad hoc forms of commissioned research work “that are routinely commissioned by departments, but with no intention of influencing directly the decision” (Radaelli (2007a: 3).

While these characteristics of appraisal are unlikely immediately to remove all the very well known obstacles to greater evidence utilisation, it seems reasonable to investigate whether the context of policy appraisal ensures that policies are more ‘evidence-based’. After all, one of the chief purposes for undertaking an appraisal is to “make institutions think differently” (Radaelli 2007a: 3). However, we should be wary of expecting too much, because more than three decades of research on different forms of policy analysis (e.g. Weiss 1979; 1998; Owens et al. 2006) demonstrate that the relationship between appraisal systems, the evidence they reveal, and its use by policy makers in day to day policy making situations is far from straightforward. Indeed we know that the quality of many appraisals is rather low; many are rather poorly done, even according to the standards set out in the handbooks and guidelines handed out to civil servants (e.g. Wilkinson, 2004; EEAC, 2006; Renda, 2006; NAO, 2006). There are also many calls and ideas for getting appraisals to "work better" (e.g. to be carried out according to better procedure, or to be more influential on the policy direction). But the majority of the appraisal literature has struggled to explain why appraisal is not more ‘successful’ or to advocate anything other than ‘more resources’, ‘more guidance’ and ‘more high level political backing’. The potential for fruitful engagement between the appraisal and evidence utilisation literatures is therefore strong.

In this paper we therefore examine processes of evidence production and utilisation in the relatively new context of the European Commission's system of ex ante policy appraisal,
which is known as Impact Assessment (IA). The EU is a politically important context in which to study the use and non-use of evidence for at least three reasons. First, the EU is now the main source of policy at the Member State level across a very wide range of policy areas (Bache and Jordan 2006; Jordan and Liefferink 2004). Second, while more books on EU policy-making (e.g. Peterson and Bomberg 1999; Richardson 2001) have started to appear in recent years, the study of evidence use in ‘Brussels’ remains relatively under-explored beyond, that is, isolated studies of, for example, policy appraisal (e.g. Radaelli 2004, Radaelli and De Franceso 2007). Finally, the European Commission is the only EU institution to have adopted an institutionalised system of policy appraisal. Therefore IA is to all intents and purposes the EU’s system of policy appraisal.

A number of authors (e.g. Funtowicz and Ravetz 1993; Weaver & Rotmans 2006; Nutley et al 2007) have argued that evidence utilisation is likely to be greater when policy making is pluralistic, interactive (i.e. research-policy communities working together dynamically and interactively) and transparent. Arguably, policy appraisal exhibits some of these characteristics. For example, it often embraces a wide definition of evidence including diverse stakeholder perspectives. Appraisal is also supposed to involve documented consultations with relevant stakeholders to provide evidence and data, as well as, to a certain degree, legitimate the proposed policy. With this in mind, we specifically focus on the onus that the EU IA system places on policy-makers to look for and utilise evidence in a more transparent and inclusive manner, and examine how far these objectives have been met. We examine both the process and substance aspects of consultation, i.e. how the consultations were carried out and with what result. Focusing on the operation of the EU’s IA system in its first three full years of operation (i.e. 2003-2005), we therefore frame our investigation by posing three analytical questions:

1) Who was consulted, how were they chosen (e.g. self-selected by public website, private invitation), and who participated?
2) How were consultation exercises carried out (e.g. via expert groups, public meetings, responses to a set of questions on web)?
3) What influence, if any, did consultation processes have on the resulting policy proposal? Questions 1 and 2 relate to the process of

The next section summarises the wider political and institutional context of the EU and show how this has shaped the IA system. The following sections detail, respectively, the methods and empirical case selection, the analytical questions, the empirical results and a discussion section.

2. Policy appraisal at EU level: The European Commission’s IA system

In the EU, the prevailing system of policy level appraisal is the European Commission's system of Impact Assessment (IA). This system was introduced in 2002 and combines elements of Sustainability Impact Assessment with ongoing efforts to develop business impact assessment and RIA. Unlike some of the other forms of appraisal used at the programme and project level (such as SEA and Environmental Impact assessment (EIA), IA
is supposed to operate at the level of policies. It is also mean to be a more integrated form of appraisal which subsumes some of the other popular types of appraisal such as gender, business and regulatory appraisal. Some of these had previously been used at EU level and some are still employed within particular Member States.

IA only applies to major new policy initiatives. Under the system, these must undergo an internal evaluation process within the lead Commission Directorate-General to identify “the likely positive and negative impacts of proposed policy actions, enabling informed political judgements to be made about the proposal and identify trade-offs in achieving competing objectives” (CEC, 2002: 2). The basic conception is instrumentally-rational, based on a set of linear steps (CEC 2005). However, this is significantly attenuated in several key respects. First, the policy documents clarify that the policy appraisal process should be “an aid to political decision-making, not a substitute for it” (CEC 2005: 4). The aim of the options analysis is put modestly: "This may then allow the conclusion to be drawn that one option stands out above the others." (CEC 2005: 39). Second, the guidance draws attention to the limits of analysis, reminding policy officials to "flag up uncertainties and assumptions in the final… report" (CEC 2005: 39). Third, the importance of the analysis process is emphasised and consultation with stakeholders is considered a vital part of policy appraisal. Stakeholders are not limited to providing information on impacts, but should be allowed to express views on all stages of the policy appraisal, including the nature of the problem and the objectives. Despite some critical early reports on its performance (Wilkinson et al. 2004; Renda 2006), IA has undoubtedly taken root much more strongly in the EU system than some of the earlier and more sector specific types of appraisal such as environmental policy appraisal (Jordan and Schout 2006). In the next section we turn to specific analysis of how the IA system is operating in practice.

3. Evidence Utilisation in Policy Appraisal: An Analysis

Methods
The three analytical questions introduced in Section 1 were addressed using two principal methods. First, a wide variety of different documents (on the appraisal system, its origins and objectives, recent reforms; the official guidance; the appraisal reports themselves; publications by external stakeholders) were examined to generate a broad picture. Between 2003 and the end of 2005, 126 Extended Impact Assessments (known simply as ‘Impact Assessments’ from 2005) were carried out across 21 Directorate-Generals. Fifty of these were sampled to represent the approximate distribution across DGs (see Table 1).

<table>
<thead>
<tr>
<th>DG</th>
<th>no. of IAs selected (total number in brackets)</th>
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<tbody>
<tr>
<td>Agriculture (AGRI)</td>
<td>3 (5)</td>
</tr>
<tr>
<td>Competition (COMP)</td>
<td>1 (2)</td>
</tr>
<tr>
<td>Development (DEV)</td>
<td>3 (8)</td>
</tr>
<tr>
<td>Education &amp; Culture (EAC)</td>
<td>3 (7)</td>
</tr>
<tr>
<td>Enlargement (ELARG)</td>
<td>1 (2)</td>
</tr>
<tr>
<td>Employment &amp; Social Affairs (EMPL)</td>
<td>3 (7)</td>
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Second, interviews were conducted with those that participated in a sub-set (17) of the 50 cases. Semi-structured interviews with officials responsible for the policies in each case were identified as a principal data source. Overall, 22 interviews were conducted between 25 January and 23 March 2006: 7 with ‘generic’ stakeholders (i.e. actors involved in supporting and/or promoting appraisal, or with an obvious stake in the process like NGOs) and 15 with the officials that completed the appraisals. The results from these analyses are now described.

**Who was consulted, how were they chosen, and who participated?**

<table>
<thead>
<tr>
<th>GROUP</th>
<th>% of cases</th>
<th>[Consultation reported]</th>
<th>Public</th>
<th>Member States</th>
<th>Experts</th>
<th>Industry</th>
<th>Other institutions</th>
<th>NGOs</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>88</td>
<td>44</td>
<td>30</td>
<td>26</td>
<td>22</td>
<td>16</td>
<td>14</td>
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*Table 2 - Percentage of the fifty cases with explicit reference to participants from different groups*

88% of the fifty cases studied reported a consultation process as having occurred, although the extent and quality of consultation varied from case to case. Explicit reference to industry participation appeared in 22% of cases, mainly in transport, environment, fisheries and development policies. 44% of cases involved public consultation of some form, and 26% involved 'experts' - including scientists, but also experts on the relevant policy field, such as criminologists or health-care professionals, or Member State officials. Consultation with NGOs (including environmental, business, health-care, social activist and other NGOs) was reported in 14% of cases, and consultation with Member States appeared in 30%, particularly in cases where the policy proposals related to cross-border arrangements, such as sharing of police records or migration policy. Other institutions such as the European Parliament, and Inter-Service Groups (consultation within the Commission), appeared in 16% of cases. Some IAs were
extremely vague about who participated, and 12% did not carry out consultation at all, usually because it was not applicable to the type of policy or assessment. Often the perspectives included were from the established stakeholders who had been involved in the policy area before. Stakeholders were often invited to participate, rather than inviting themselves. Those most heavily involved were nearly always already known to policymakers – “we had a tight timescale and it is easier to arrange established interlocutors to attend”ii. IAs were, in many cases, regarded as an important new opportunity to report on stakeholder consultations and policy developments which may date back many years. The method of choosing stakeholders to participate in consultation was relatively ad hoc: “there are no guidelines on how to choose them”iii. Since the final decision was ultimately about compromise, interest groups clearly realised the need for lobbying at a higher level (and an earlier stage) than the stakeholder consultation. In spite of relatively high levels of reported public consultation, in the cases examined lobbying was most often found from the strongest industry groups. There is a common view that there is “too much information from too few groups, and a danger of regulatory capture”iv.

How were consultation exercises carried out?
Expert/advisory groups were mentioned in 12% of the fifty cases examined. These were not just one-off consultations/submissions but ongoing fora for discussion, and in many cases represented an established group of experts in the policy area who had advised on previous policy initiatives. The most common method of public (and indeed other sorts of) consultation was an online questionnaire (30% of cases), and workshop(s), including public invitation or otherwise, appeared in 20% of cases. In probably half the cases there was a reasonable attempt to use a variety of methods to engage a range of actors. But extensive public participation, while attempted in a significant number of cases, was found difficult to achieve in practice, both because of low public awareness of where to find ‘live’ consultations, and because the larger institutional actors were much better resourced and more influential, with established channels of communication with senior policy-makers. One official said: “our public internet consultation gained a very small number of responses – people don’t seem to care about the issues! But of course, it’s more [about] who knows where the consultation is”v. This acted as a barrier to considering other frames and broader sets of impacts and issues, and a barrier to learning from the assessment process, and to engaging with multiple stakeholders. Stakeholders are not just consulted for their opinions; in some cases, data had to be obtained from actors - such as the industry to be regulated - which have an interest in a particular policy outcome. The use of incomplete data sets and inevitable reliance on speculative assumptions in some cases led to contradictory results: "We rely on data [from industry] but [they] are not always keen to give it”vi. Conversely, in several cases, lobby groups consciously tried to influence decisions by contributing to the appraisal, by criticising it or by providing alternative figures, or even their own, alternative, appraisals.

What influence, if any, did consultation processes have on the resulting policy proposal?
In the seventeen cases studied in depth, the IA process appeared to illuminate rather than radically alter existing stakeholder interactions. There was a general feeling from stakeholders representing a variety of different interests that they “are not given enough
time to respond to proposals\textsuperscript{vii}, but this usually related to the specific policy proposal, rather than being a complaint about the stakeholders' overall influence on the policy area. The IA was often an opportunity for 'typical' positions (such as a green NGO's desire to see strict limits on environmental pollution, along with an industry's desire to avoid anything other than voluntary agreements on restriction) to be restated. But the outcomes of these exchanges were more often governed by established patterns of power dynamics and custom than by the persuasiveness of the arguments, or any special illumination achieved through the IA process. Consultation was seen by the policy officer in nearly all cases studied as a forum for enabling debate rather than for finding a ‘true’ assessment of all impacts, or for creating a shared vision - finding compromise rather than establishing consensus. Related to this point, many - although not all - appraisals justified policy proposals that are to a large extent already determined. While IA as a whole aspires to be \textit{ex ante}, policies do not simply appear with no history behind them (eg. see Dery, 1998). In effect, they are triggered by, and are hence inextricably linked to, earlier policies, initiatives and actions by EU institutions and international commitments. The IA was often therefore perceived as having a narrow purpose, namely that of informing the detailed policy design and achieving greater buy-in among a variety of potentially conflicting stakeholder positions. At least part of this drive by the EU is to counter criticism that the policy process is too remote and over-concentrated in ‘Brussels’ (see the White Paper on Governance: CEC, 2001). Whether the comparatively inclusive policy appraisal process has promoted consensus amongst stakeholders remains doubtful. In the most politicised cases studied (particularly those related to environment, development and fisheries), the interview evidence suggests that assessment may actually have led to more entrenched positions. Evidence on the perceived role of the IA can be gleaned, in part, from the timing of the official consultation on the policy in question (as opposed to the ongoing interactions with stakeholders in the policy area), and the questions asked. If this consultation comes late in the policy development process, we have found it can simply serve to legitimise or communicate decisions. Particularly in the public consultations, questions often asked for opinions on a rather narrow range of implementation options, with no space to criticise the overall policy direction.

4. Discussion

In this paper we have investigated the operation of the EU's policy appraisal system of Impact Assessment (IA) through an empirical analysis of the approach to consultation and gathering of external evidence. We aimed to address a gap identified within the evidence-based policy-making literature with an empirical analyses of the use of evidence in policy-making (as opposed to practice). Policy appraisal, as an institutionalised system which puts policy-makers in the role of research and evidence gatherers, is a particularly appropriate and exciting case study. Observations of the approach of a policy appraisal system to consultation with external stakeholders, including public and private bodies and the general public, is an important indicator of the relationship between evidence (of all types) and policy-making. This aspect is particularly relevant since there have been several calls for wider participation in knowledge gathering and input into policy-making, particularly from the 'post-normal science' fraternity.
We found that in the policy cases examined within the EU IA system, a wide range of organisational types have been consulted, including the general public. A significant proportion of the IAs studied contained consultations which met the process criteria outlined in the appraisal guidelines. But there are no specific rules for choosing who is consulted, or who takes part in the process, with the result that in many cases those involved in consultations are often the same few actors, and power relations between stakeholders are critically important in determining whose influence is strongest. This can lead to 'regulatory capture' where a few particular interests are always involved in the appraisal process. The strength and type of constraints on the role of evidence varied but tended to include political commitments, legal requirements, the positions of powerful stakeholders, public opinion and existing legal and institutional frameworks. If the policy choice was limited by these factors, administrations had little motivation to commit resources to an appraisal of options and impacts. Consequently, appraisals were then primarily used in relation to narrow policy design issues or to justify a policy post hoc. In the EU's IA system, a wide range of actors often engage with policy appraisal activities, but this does not mean that the resulting policies are necessarily 'better' (ie. of higher quality). Indeed, in some cases, this may be less likely with a wider range of participants (eg. Kidd and Fischer, 2007), due, for example, to a wider spread of conflicting views and a resort to 'lowest common denominator' policy outputs. This spread of conflicting views was particularly pronounced in the EU environmental policy cases. There have been general attempts at using a wide variety of methods for stakeholder consultation, including workshops, fora and online questionnaires. But the IA is often a way of legitimising, or refining implementation options for, pre-decided policy. There is also often a reliance within appraisals on data supplied by interest groups, which adds to the sense that policy is made incrementally with a strong path-dependence, rather than on the basis of wherever the evidence might lead in each individual policy case. Appraisal is often tied to policy outputs, but only because the appraisal occurs late in the process and is rather narrowly defined. Political decisions are made prior to appraisal processes, which are then framed as a rather technocratic exercise on a range of implementation options.

These findings should not be surprising. Discussions around enhancing evidence use in policy-making often revolve around the idea that policy-making is a largely linear process where policies are designed to address identified problems or objectives, that there is a central decision-maker who selects a policy option on the basis of 'best available evidence', and that 'better' information necessarily leads to more 'rational' policies. This can be a comforting idea, if not based particularly strongly in reality. First, most scholars of political science argue that a linear conception of the policy process is not an empirically robust model (see Sabatier and Jenkins-Smith 1993 for a critique of the model and an overview of alternative theoretical approaches). Political decision-making is characterised by discontinuities, dynamic change and a loose coupling between problems and policies (Sabatier and Jenkins-Smith 1999, Kingdon 1995). Second, it has long been accepted that there is usually no unitary decision-maker or central steering mechanism. Policy decisions are the outcome of complex actor and interest constellations and the range of available policy options is limited by institutional path-dependencies (e.g. Sabatier 1999). Third, knowledge is seen to have a far more varied role in the policy process than the positivist orientation would suggest (deLeon 1997, see also Owens et al 2004). A range of authors with a more
post-positivist orientation emphasise the important role of ideas, argumentation and discourse in shaping policy debates and ultimately decision-making (Majone 1989, Fischer and Forester 1993). In this view, knowledge is not merely constituted by factual information generated to help solve problems. Knowledge is used strategically by different actors - typically in competitive fashion - to structure policy problems and solutions, to advance their positions, and to gain influence (see also Radaelli 1995).

In our empirical work, it has been interesting to observe that the interpretation of knowledge uses is far from clear-cut. Although it can be difficult to judge whether interviewees give an honest account of their role, it was notable that there was a strong divergence of views between different actors. It seemed that both officials and stakeholders often genuinely each considered themselves as one of the more fact-oriented and 'rational' actors and accused other players of using research in a biased, strategic or symbolic way. While expressing this view may to some extent be part of the political game, it also points towards a phenomenon of competing rationalities and blurred boundaries between science and policy, facts and norms. The roles of actors contributing evidence to the political process is very variable and depends on the specific context.

To a certain extent, analysts are still taking past one another in relation to the future role of policy appraisal in the EU. The above observations may be seen by some as a 'bad' thing, requiring more resources for appraisal, and coercion into gathering more independent data, for example. But different actors have different goals from the IA process (see Radaelli & De Francesco, 2007), including greater transparency of policy-making, reducing regulatory burden on business, greater environmental protection, more 'scientifically-based' policymaking, or simply more leverage for their own interests. Open one of the many standard textbooks on policy making and/or appraisal that are currently on the market, and the same basic types of appraisal re-appear. But the way in which these are actually deployed varies from one jurisdiction to another. In order to understand the current form of IA, it needs to be viewed against the backdrop of three important and interlinked developments at EU level: the quest for ‘better governance’; the political drive for ‘better regulation’; and the continuing desire for more sustainable forms of development (Lofstedt, 2004: 238)

**Better governance**

The Irish vote (in June 2001) against the ratification of the Nice Treaty may have been the immediate trigger for the Commission to produce its 2001 White Paper on European Governance, but it followed many years of public disenchantment with the European integration project. The White Paper acknowledged that “despite its achievements, many Europeans feel alienated from the Union’s work” (CEC, 2001: 7). Governance therefore became a key priority of the Prodi Commission, the purpose being to give the EU a new direction and a fresh sense of purpose. It identified a number of key principles namely openness, participation, accountability, effectiveness and policy coherence (CEC, 2001: 10), which in turn informed a series of more concrete recommendations, including:

- opening up policy making procedures to get more people involved;
- simplifying the body of existing EU policy (the ‘acquis communitaire’), to ensure a better fit with national conditions;
- establishing and publishing minimum standards for consultation on EU policies;
Crucially, impact assessment was seen as one obvious means of delivering these objectives.

**Better regulation**

It is hardly surprising that the EU has searched for ‘better’ ways to regulate given that it is very much the archetypal “regulatory state” (Majone 1996). Radaelli (2007b: 192) argues that the origins of its Better Regulation initiatives can be traced back to the 1992 Edinburgh European Council resolution on subsidiarity and proportionality, but its roots arguably go back much further to the pursuit of simpler, more cost-effective regulation in the 1980s (e.g. the Molitor report of 1995). Be that as it may, the issue of economic competitiveness moved to the forefront of political attention in 2000, when the EU launched its Lisbon Strategy, which aimed to make the EU much more economically competitive (see also the Mandelkern report of 2001). At a fairly early stage, those advocating better forms of regulation identified the importance of improving the early or preparatory phases of policy making, and here policy appraisal was perceived as playing a major part. However, the drive for Better Regulation in the EU has encompassed a number of other elements, including regulatory simplification, the updating and also removal of outdated legislation and the measurement of administrative costs using standard, benchmarking techniques (IEEP, 2005). The Barroso Commission’s drive for Better Regulation has certainly made a mark on the IA process. In fact, in 2004 the whole system was “refocused to give greater attention to factors that are widely considered to be important to productivity and hence to the competitiveness of the EU” (CEC 2004: 5). In 2005, new guidelines were issued to civil servants that highlighted these themes (CEC 2005).

**Sustainable development**

The EU has been a signatory of important international environmental agreements on sustainable development which date back to the late 1980s, but it did not produce its own sustainable development strategy until 2001. Adopted at the June 2001 Gothenburg European Council, this called for “mechanisms to ensure that all major policy proposals include a sustainability impact assessment covering their potential economic, social and environmental consequences”. Sustainability impact assessment was supposed to bring together the various appraisal systems which had been used – rather patchily – in different parts of the Commission since the 1980s (Wilkinson et al 2002: 18-21). When the system of IA – the word ‘sustainability’ was dropped during inter-departmental fights - was eventually launched in 2002, the title page of the first Volume of technical guidance emphasised that sustainable development was “the central objective of all sectors and policies” (Wilkinson, 2004: 5). Crucially, the principle of sustainable development resonates with some of the EU’s other ideas about better governance, namely the need to make links across policy sectors and consult the public as fully as possible.

**Policy appraisal in the EU – a new context?**

Evidently, IA – like RIA - exhibits “a high degree of political malleability” (Radaelli, 2007b: 192). Since its incarnation in the early 2000s, it has found itself pulled and pushed between these three competing political priorities, without ever fully addressing any of them. Indeed, this list of potential purposes is so long, that policy appraisal has been characterized as a ‘solution in search of a problem’ (Radaelli, 2004: 734). Crucially, these aims can be as incompatible as boosting economic competitiveness in one jurisdiction to facilitating
environmental sustainability in another. Renda (2006: 19) argues that IA started off as an instrument of sustainable development policy making, and was only later redirected at the Lisbon Agenda. While there are still some directorates-general in the Commission that routinely employ SIA (e.g. DG Trade), to all intents and purposes IA is the ‘only game in town’.

But our analysis raises fundamental questions about the role of policy appraisal systems in the altogether messy world of policy-making where competing purposes for the appraisal systems are often mutually exclusive. Political leaders often perceive wide benefits to using policy appraisal, for example as a means to facilitate better policy coordination and increase the involvement of stakeholders (CEC, 2001). While the emerging institutionalisation of policy appraisal has indeed put a much needed spotlight on political decision making, allowed public scrutiny of policy proposals and introduced some bounded forms of rationality into the decision making process, one may question whether calls for ‘more appraisal’ ignore the basic fact that policy-making tends to be accretive, incremental and ad hoc. The assumption that the use of analysis in policy-making is an objective activity is also disputable, given claims that evidence is itself a social construct (Sanderson 2002) which be used by powerful actors to pursue their interests (Owens 2005; Flyvbjerg 1998). IA is truly “an aid to political decision-making, not a substitute for it” (CEC 2005: 4) - it does not aim to dispense with political processes but ease and work within them. Of course, policy appraisal (and evidence use generally) cannot be decoupled from the political landscape within which it is situated; the concept of ‘embedding' evidence-gathering activities in the person of the policy-makers has enhanced this dimension while simultaneously raising the profile of the need for some sort of evidence. Maybe the real challenge is not addressing the micro-level implementation gaps, but recognising and accepting appraisal for what it is – an inherently political exercise.

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References


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i 2003: 1 case (DG ENV); 2004: 2 (MARKT); 1 (ENV); 1 (JLS); 1 (DEV); 1(EMPL); 2005: 3 (JLS); 1 (RELEX); 2 (ENV); 2 (AGRI); 1 (TAXUD); 1 (RTD).

ii Interview with EU Policy Officer 'E'

iii Generic Interview E

iv Quote from official at the Organisation for Economic Co-operation and Development (OECD)

v Interview with EU Policy Officer 'J'
vi Interview with EU Policy Officer 'G'

vii Quote from official at the European Automobile Manufacturers' Association (ACEA)