

# From symbolic politics to policy learning?

A comparative case study of policy changes in the context of impact assessment in France, Germany and Italy

Berlin, Spring 2021

**Enora Palaric**

Dissertation submitted to the Hertie School  
in partial fulfilment of the requirements for the degree of

**Doctor rerum politicarum (Dr. rer. pol.)**

in the

**Doctoral programme in Governance**

# Advisors

## **First advisor**

Prof. Dr. Gerhard Hammerschmid  
Hertie School

## **Second advisor**

Prof. Dr. Eva Heidbreder  
Otto-von Guericke Universität Magdeburg

## **Third advisor**

Prof. Dr. Kai Wegrich  
Hertie School

## SUMMARY

---

This thesis examines the causal process that led to policy change in the field of impact assessment (IA) in France, Germany and Italy since the mid-2000s. I seek to understand whether changes to the goals and/or ends of IA may be explained by symbolic politics or by a domestic learning process. Additionally, I aim to find out how and under which conditions policy learning results in policy change, and how the policy process affects the type of policy change that is adopted. Based on the policy diffusion literature, the policy learning framework and the Multiple Streams Framework, I operationalise three different causal mechanisms: symbolic politics, problem-oriented learning and power-oriented learning. Using document analysis and expert interviews, I trace the causal process that resulted in nine selected cases of policy change.

I find that in most cases policy changes resulted from a domestic learning process, whereby domestic entities defined policy problems and/or goals, acquired and diffused knowledge, and adopted measures to implement and enforce the policy change. This shows that France, Germany and Italy have gone beyond the symbolic phase in the implementation of IA. In Germany and Italy, recent policy changes may be explained by problem-oriented learning. Domestic entrepreneurs identified problems in the implementation of IA and aimed at improving the performance of the instrument. In these two countries stable organisations with a mandate to evaluate IA were the main policy entrepreneurs. They facilitated the acquisition of knowledge on IA, acted as learning fora, and largely contributed to disseminating knowledge and setting the policy agenda.

With respect to how and under which conditions policy lessons may be translated into policy change, findings show that this depends on the ability of policy entrepreneurs to use windows of opportunities such as changes of government to translate the acquired knowledge into policy change. I find that because the type of causal mechanism affects who learns and what is learnt, problem-oriented learning tends to result in incremental change of the means of IA, while power-oriented learning is more conducive to redefining the ends of IA.

*À mes parents*

*À mon conjoint*

*À mon fils*

## ACKNOWLEDGEMENTS

---

First and foremost, I would like to extend my warm thanks to my three supervisors, Prof. Dr. Gerhard Hammerschmid, Prof. Dr. Eva Heidbreder, and Prof. Dr. Kai Wegrich. I am extremely grateful for their guidance and their support during the long journey that has been the dissertation.

This research would not have been possible without the many experts who took the time to meet with me and share their views and their experience of impact assessment in their country. I would like to thank in particular Fabrizio di Mascio from the Osservatorio AIR, who helped organise interviews with very knowledgeable Italian experts.

I would like also like to thank my family and my friends for their support and their patience. They made sure that I never felt alone during the ups and the downs of the PhD life!

I would like to express all my gratitude to the friends who provided comments and feedback on early versions of this thesis: Franca König, Mickael Maillé and Maïke Rackwitz. I also especially appreciated the comments I received during the 2019 EGPA PhD conference in Belfast and the two WIPS seminars where I presented my research at the Hertie School.

Lastly, I owe a special thanks to the incredible PhD team and the library staff at the Hertie School, who always made their best to support me during the last four years.

To all again : my warmest thanks!

# TABLE OF CONTENTS

---

LIST OF TABLES .....	11
LIST OF FIGURES .....	11
LIST OF ABBREVIATIONS.....	12
INTRODUCTION .....	14
PART I- THEORETICAL FRAMEWORK, RESEARCH DESIGN AND METHODOLOGY.....	19
Chapter 1: EXPLAINING POLICY CHANGE IN THE FIELD OF IMPACT ASSESSMENT: RESEARCH PUZZLES AND THEORETICAL FRAMEWORK .....	20
I- Diffusion and learning: research puzzle and relevance for theory and practice .....	20
I.1) Implementation of transferred policies and policy changes: the continuation of symbolic politics or domestic learning?.....	20
<i>I.1.1) Puzzle and research question: how can we explain policy changes in the context of IA?....</i>	20
<i>I.1.2) Two competitive hypotheses: symbolic politics and policy learning .....</i>	22
<i>I.1.3) Relevance of the puzzle and research question .....</i>	24
I.2) Research gaps on policy learning and policy change .....	24
II- Theoretical framework: combining policy learning and the Multiple Streams Framework .....	27
II.1) The policy learning framework .....	27
II.2) The Multiple Streams Framework.....	31
<i>II.2.1) Main assumptions of the Multiple Streams Framework .....</i>	31
<i>II.2.2) The Multiple Streams Framework and policy entrepreneurship .....</i>	33
II.3) Combining the policy learning framework and the Multiple Streams Framework .....	34
Chapter 2- SYMBOLIC POLITICS, POWER-ORIENTED OR PROBLEM-ORIENTED LEARNING? A CONCEPTUAL FRAMEWORK TO EXPLAIN POLICY CHANGE IN IMPACT ASSESSMENT AND ITS OPERATIONALISATION .....	37
I- Symbolic politics as a causal mechanism of policy change: model and operationalisation .....	38
I.1) Cause of the policy change.....	38
I.2) Process of selection of policy alternatives .....	39
I.3) Policy adoption.....	40
I.4) Policy implementation .....	40
II- Combining policy learning and the Multiple Streams Framework: causal mechanisms of problem-oriented and power-oriented learning and their operationalisation .....	40
II.1) Cause of the policy change.....	41
II.2) Process of selection of policy alternatives .....	42
II.3) Process of agenda –setting .....	45
II.4) Policy adoption.....	46
II.5) Policy implementation .....	46
III- Summary of the differences and possible combinations between causal mechanisms .....	47

IV- Policy capacity as a necessary condition of policy learning? .....	48
Chapter 3: CASE SELECTION, METHODOLOGY AND DATA .....	51
I- Case selection.....	51
I.1) France, Germany and Italy: analysing impact assessment in legalistic countries.....	51
I.2) Criteria for selecting cases of policy change .....	52
II- Methodology and methods: theory testing process tracing and qualitative content analysis .....	55
II.1) Testing the presence of the causal mechanism with minimalist process tracing.....	55
II.2) Analysing causal process observations: qualitative content analysis (coding) as a complementary method .....	56
III- Data: expert interviews and document .....	58
III.1) Criteria for the selection of documents to analyse.....	58
III.2) Criteria for the selection of experts and method used for the interviews .....	58
IV- Limitations of the method and data .....	59
PART II- ANALYSIS: INTRODUCTION OF IMPACT ASSESSMENT AND POLICY CHANGES IN FRANCE, GERMANY AND ITALY .....	61
Chapter 4: HISTORY AND ORIGINAL FEATURES OF IMPACT ASSESSMENT IN FRANCE, GERMANY AND ITALY (1971- 2008) .....	62
I- A brief history of the emergence and international diffusion of impact assessment (1971- 2008)..	63
I.1) The origins of impact assessment .....	63
I.2) The transnational diffusion of impact assessment: the OECD and the EU as key “carriers” and promoters the innovation .....	65
I.3) “Diffusion without convergence” in the form and practice of impact assessment.....	67
II- Policy-making tradition and the “first wave” of impact assessment in France, Germany and Italy: first experimentations and failures .....	68
II.1) Policy-making tradition and the introduction of impact assessment in France (1992-2008).....	68
II.2) Policy-making tradition and the introduction of impact assessment in Germany (1984-2006)....	71
II.3) Policy-making tradition and the introduction of impact assessment in Italy (1999-2005).....	75
II.4) First comparison of policy-making traditions and initial experiences with impact assessment....	79
III- The “second wave” of impact assessment in France, Germany and Italy: impact assessment becomes compulsory by law .....	81
III.1) The reform of 2008 in France: impact assessment becomes a constitutional obligation .....	81
<i>III.1.1) The 2008 constitutional reform</i> .....	81
<i>III.1.2) Main features of impact assessment in France following the reform</i> .....	82
<i>III.1.3) Mechanisms for the evaluation of the implementation of impact assessment in France</i> .	84
III.2) The 2006 reform in Germany: adoption of the standard cost model and creation of the National Regulatory Council .....	84
<i>III.2.1) The 2006 law on the National Regulatory Council</i> .....	84
<i>III.2.2) Main features of impact assessment in Germany following the reform</i> .....	86
<i>III.2.3) Mechanisms for the evaluation of impact assessment in Germany</i> .....	88

III.3) The 2005 reform in Italy: end of the experimentation phase and legal obligation to conduct impact assessment .....	89
<i>III.3.1) The 2005 simplification law and the 2008 decree</i> .....	89
<i>III.3.2) Main features of impact assessment in Italy following the reform</i> .....	90
<i>III.3.3) Mechanisms for the evaluation of impact assessment in Italy</i> .....	91
III.4) Comparison of impact assessment in France, Germany, and Italy following the “second wave” of IA.....	92
Chapter 5: CASE STUDIES OF POLICY CHANGE PROCESSES IN THE CONTEXT OF IMPACT ASSESSMENT .....	96
I- Policy changes in the field of impact assessment in France after 2008.....	96
I.1) Introduction of the obligation to assess the impact of draft bills on gender equality (2012) .....	97
<i>I.1.1) Cause of the policy change</i> .....	97
<i>I.1.2) Process of selection of policy alternatives and motives of policy entrepreneurs</i> .....	98
<i>I.1.3) Process of agenda-setting</i> .....	100
<i>I.1.4) Policy adoption and implementation</i> .....	100
I.2) Introduction of the obligation to assess the inclusion of measures for people with disabilities (2012) .....	101
<i>I.2.1) Cause of the policy change</i> .....	101
<i>I.2.2) Process of selection of policy alternatives and motives of policy entrepreneurs</i> .....	101
<i>I.2.3) Process of agenda-setting</i> .....	102
<i>I.2.4) Policy adoption and implementation</i> .....	102
I.3) Introduction of the obligation to assess the impact of draft bills on youth (2016).....	103
<i>I.3.1) Cause of the policy change</i> .....	103
<i>I.3.2) Process of selection of policy alternatives and motives of policy entrepreneurs</i> .....	104
<i>I.3.3) Process of agenda-setting</i> .....	106
<i>I.3.4) Policy adoption and implementation</i> .....	107
I.4) Summary of causal mechanisms of policy change in France .....	108
II- Policy changes in the field of impact assessment in Germany after 2006.....	111
II.1) Introduction of the “sustainability check” (2009).....	111
<i>II.1.1) Cause of the policy change</i> .....	111
<i>II.1.2) Process of selection of policy alternatives and motives of policy entrepreneurs</i> .....	114
<i>II.1.3) Process of agenda-setting</i> .....	116
<i>II.1.4) Policy adoption and implementation</i> .....	116
II.2) Evaluation of compliance costs and extension of the mandate of the National Regulatory Council (2011) .....	116
<i>II.2.1) Cause of the policy change</i> .....	117
<i>II.2.2) Process of selection of policy alternatives and motives of policy entrepreneurs</i> .....	118
<i>II.2.3) Process of agenda-setting</i> .....	119



II.2.4) <i>Policy adoption and implementation</i> .....	120
II.3) Introduction of the “One in, one out” principle (2015) .....	121
II.3.1) <i>Cause of the policy change</i> .....	121
II.3.2) <i>Process of selection of policy alternatives and motives of policy entrepreneur</i> .....	121
II.3.3) <i>Process of agenda-setting</i> .....	122
II.3.4) <i>Policy adoption and implementation</i> .....	124
II.4) Introduction of guidelines on the “SME test” (2015).....	124
II.4.1) <i>Cause of the policy change and motives of policy entrepreneurs</i> .....	124
II.4.2) <i>Process of selection of policy alternatives and motives of policy entrepreneurs</i> .....	126
II.4.3) <i>Process of agenda-setting</i> .....	127
II.4.4) <i>Policy adoption and implementation</i> .....	128
II.5) Summary of the causal mechanisms of policy change in Germany .....	128
III- Policy changes in the field of impact assessment in Italy after 2008.....	132
III.1) Measurement of the administrative costs and introduction of the SME test in IA (2011).....	132
III.1.1) <i>Cause of the policy change</i> .....	132
III.1.2) <i>Process of selection of policy alternatives and motives of policy entrepreneurs</i> .....	133
III.1.3) <i>Process of agenda-setting</i> .....	134
III.1.4) <i>Policy adoption and implementation</i> .....	134
III.2) Modification of the regulation on impact assessment (2017/2018) .....	135
III.2.1) <i>Cause of the policy change</i> .....	135
III.2.2) <i>Process of selection of policy alternatives and motives of policy entrepreneurs</i> .....	137
III.2.3) <i>Process of agenda-setting</i> .....	138
III.2.4) <i>Policy adoption and implementation</i> .....	139
III.5) Summary of the causal mechanisms of policy change in Italy .....	139
Chapter 6: COMPARATIVE ANALYSIS OF THE PROCESS AND CONDITIONS OF POLICY CHANGE IN FRANCE, GERMANY AND ITALY .....	142
I- Is policy change in the context of impact assessment the result of a domestic policy learning process?.....	142
I.1) Policy learning as the main causal mechanism in recent cases of policy change .....	142
I.2) A complex reality: combinations of policy learning and symbolic politics .....	144
I.3) Policy capacity as a necessary condition for policy learning? The key role of stable organisations and evaluation for problem-oriented learning .....	147
II- Improving our understanding of policy learning mechanisms: key findings on the causal process and scope conditions.....	149
II.1) The relation between problem or power-oriented process, complexity and openness in policy learning mechanisms.....	149
II.2) Translating policy learning into policy change: causal mechanism and scope conditions .....	151
II.2.1) <i>The role of policy entrepreneurs in agenda-setting</i> .....	152

II.2.2) <i>The opening of a political window as a necessary condition for policy change in power-oriented learning?</i> .....	153
III- How does the policy learning process affect policy outcome? Key findings and further research	156
III.1) Policy learning process and type of policy change.....	156
III.2) Policy performance and avenues for further research .....	157
CONCLUSION .....	160
I- Conceptualising and operationalising symbolic politics and policy learning: presentation of the model and contribution to the literature on learning and policy processes .....	161
II- Policy learning and policy change in the context of impact assessment: key findings and contribution to empirical knowledge on impact assessment and learning .....	163
III- Limitations, implications and further research .....	166
III.1) Limitations and suggestions for further research on policy learning and the policy process ....	166
III.2) Implications of the findings for theory and practice.....	168
REFERENCES .....	170
ANNEXES.....	185
Annex 1: Operationalisation of the causal mechanisms .....	186
Annex 2: List of cases .....	191
Annex 3: List of interviews .....	192
Annex 4: Coding scheme .....	193
Annex 5: Example of an interview guide .....	204
Annex 6: List of coded documents .....	206

**LIST OF TABLES**

---

Table 1: Comparison between the causal mechanisms of symbolic politics, power-oriented and problem-oriented learning ..... 47

Table 2: Selected cases for policy change in France, Germany and Italy ..... 55

Table 3: Characteristics of the French, German and Italian administrative and policy-making systems ..... 80

Table 4: Summary of the main features of impact assessment in France, Germany and Italy following the “second wave” of IA ..... 93

Table 5: summary of causal mechanisms in the French policy change cases ..... 109

Table 6. : summary of causal mechanisms in the German policy change cases ..... 129

Table 7: summary of causal mechanisms in the Italian policy change cases ..... 140

Table 8: Comparison of the predominant mechanism of policy change in the nine selected cases .. 144

Table 9: Comparison of policy capacity in the cases of policy learning ..... 147

Table 10: Degree of complexity and openness of the policy learning process ..... 150

Table 11: Main policy entrepreneurs in the policy learning cases ..... 153

Table 12: Comparison of policy capacity in cases of policy learning ..... 154

Table 13: Type of policy change in the policy learning cases ..... 157

**LIST OF FIGURES**

---

Figure 1: Main parts of the causal mechanisms ..... 38

Figure 2: Step model of deductive category application in qualitative content analysis ..... 57

Figure 3: Evolution of the number of countries that adopted IA across OECD countries (1974-2016) 65

## LIST OF ABBREVIATIONS

---

ACF	Advocacy Coalition Framework
ATN	Legal and technical assessment ( <i>analisi tecnico normativa</i> )
AIR	Regulatory Impact Assessment ( <i>Analisi d'impatto della regolazione</i> )
BMI	Ministry of the Interior ( <i>Bundesministerium des Innern</i> )
BMWi	Federal Ministry of Economic Affairs and Energy ( <i>Bundesministerium für Wirtschaft und Energie</i> )
CCA	Compliance costs assessment
CDU	Cristlich Demokratische Union Deutschlands
CIJ	Interministerial committees on youth ( <i>Comité Interministériel de la Jeunesse</i> )
COJ	Council for youth policies ( <i>Conseil d'orientation des politiques jeunesses</i> )
CSU	Cristlich Sozialen Union in Bayern
CPO	Causal Process Observation
DAGL	Department for legal affairs ( <i>Dipartimento Affari Giuridici e Legislativi</i> )
DJEPVA	Directorate in charge of youth with the Ministry of Education ( <i>Direction de la jeunesse, de l'éducation populaire et de la vie associative</i> )
EC	European Commission
EIA	Environmental impact assessment
EU	European Union
FDP	Freie Demokraten
FFJ	French Youth Forum ( <i>Forum Français de la Jeunesse</i> )
GFA	Impact Assessment ( <i>Gesetzesfolgenabschätzung</i> )
GGO	Joint Rules of Procedure of the Federal Ministries ( <i>Gemeinsame Geschäftsordnung der Bundesministerien</i> )
IA	Impact Assessment
MSF	Multiple Streams Framework
NGO	Non-Governmental Organisation
NRC	National Regulatory Council ( <i>Nationaler Normenkontrollrat</i> )
OECD	Organisation for Economic Cooperation and Development
PBnE	Parliamentary Advisory Council for Sustainable Development ( <i>Parlamentarischer Beirat für Nachhaltige Entwicklung</i> )
RIA	Regulatory Impact Assessment
SBA	Small Business Act
SCM	Standard Cost Model

SEA	Strategic Environmental Assessment
SGG	General Secretariat of the Government ( <i>Secrétariat général du government</i> )
SIA	Sustainability Impact Assessment
SME	Small and Medium Enterprise
SPD	Sozialdemokratische Partei Deutschlands
SRU	German Advisory Council on the Environment ( <i>Sachverständigenrat für Umweltfragen</i> )
UK	United Kingdom
US	United States
VIR	Ex post evaluation ( <i>Verifica d'impatto della regolamentazione</i> )

## INTRODUCTION

---

Despite the claim by a large part of the literature that many policies diffused across countries are adopted for mere symbolic reasons, and are not compatible with the domestic context (Schnell, 2015; Radaelli, 2004, Stone, 2004), we observe that many such policies prove resilient and evolve over time in adopting countries (see chapter 1- I.1.1). The broad diffusion of “impact assessment” (IA) as a transnational norm of governance is a case in point. “Evidence-informed policy-making” and “Better Regulation” have been part of the reform agenda of many governments and have been strongly advocated by international organisations such as the OECD and the European Union since the 1990s (Francesco, 2016). These meta-policies, i.e. policies on policy-making, aim at responding to several challenges of governments such as improving the effectiveness of regulation, boosting the efficiency of the public sector or cutting red tape (Jann & Wegrich, 2019). One of their key principles is to conduct IA, in order to assess the impact of potential policy options when drafting and adopting laws or regulations. IA designates both the process of assessing the impact of policy alternatives and the final product, usually in the form of a document summarising the process, and the result of the analysis (Dunlop & Radaelli, 2016).

Studies regarding the diffusion of IAs show that emulation and mimicry have presented key mechanisms in the adoption of Better Regulation instruments by several European countries (e.g. Francesco, 2016; Heidbreder et al., 2011; Lianos et al., 2016; Natalini, 2010). Scholars have often found that Better Regulation reforms are window dressing activities aimed at responding to public and political pressure against over-regulation and bureaucracy (e.g. Radaelli, 2005; Wegrich, 2009). In this vein, IA has been described as a “typical solution in search of a problem” (Radaelli, 2004, p. 734). Although the design and practices of IA vary broadly across countries (Lianos and Fazekas, 2014), previous studies have shown that a majority of adopting countries have encountered difficulties in integrating this principle in their administrative and political processes (Adelle & Weiland, 2012; Turnpenny et al., 2008). Additionally, there is evidence of the low quality of IAs and of their ineffectiveness in informing the policy process in many countries (Jacobs, 2016; Newman et al., 2017; Nilsson et al., 2008; Staroňová, 2010). In legalistic countries in particular, the rational and economic approach to policy formulation promoted by IA appears less compatible with the legalistic culture of public administration (De Francesco, 2013; Radaelli, 2010; Renda, 2011). Yet, IA has proved very resilient over time and many EU countries have adopted important changes to IA in more recent years, as shown for instance by the OECD reviews on regulatory policy (e.g. OECD, 2019, 2018). This research aims at explaining this apparent contradiction by answering the following research question: how can we explain policy changes in the context of IA?

The literature offers two possible explanations for recent policy changes in the context of IA. On the one hand, policy changes may be the result of the continuation of normative pressure. Policy communities and policy-makers continue to be socialised in transnational networks and may be seeking legitimacy by adopting new standards and norms in the area of IA, and/or by following recommendations on the implementation of IA in their countries. On the other hand, policy changes may be the result of an increased local ownership of the instrument over time and of policy learning. In this thesis, I define policy learning as a domestic process of acquisition/reception, translation and dissemination of knowledge in order to attain domestically defined political or policy goals.

Another aim of this research is to improve our understanding of the mechanisms of policy learning, as "there remain many unknowns about the extent and mechanisms of policy learning and the conditions and its effect on policy change" (Moyson et al., 2017, p. 165). Moreover, further work is needed to define and operationalise policy learning (Gilardi & Radaelli, 2012) as a mechanism of policy change. I thus aim at answering the following sub-questions: how and under which conditions does policy learning result in policy change? How does the learning process affect the type of policy change adopted? This thesis builds on recent contributions to the policy learning literature and suggest two different mechanisms of policy learning: power-oriented learning and problem-oriented learning (Trein, 2018). I conceptualise and operationalise these two learning mechanisms by combining Heikkila and Gerlak's (2013) model of collective learning with Kingdon's (2014) Multiple Streams Framework.

To sum up, this thesis seeks to find out what happens after a country transfers a policy, and whether we observe a domestic learning process or the continuation of symbolic politics over time. Understanding whether transnational standards are adapted to the domestic context, and whether they evolve over time to respond to domestic problems or policy goals, rather than to signal international credibility, appears very relevant both for theory and practice. Albeit a domestic learning process is not a sufficient condition for effective implementation nor positive policy outcomes, the development literature has long shown that "country ownership" is a key factor in the effective implementation of reforms transferred from abroad (Booth, 2012; Khan & Sharma, 2001). In the field of IA, a key element for better understanding country performance in implementing IA is examining to what extent domestic actors have learnt from their experience and the experience of others with IA, and adapted the principle to their own needs. However, we have little knowledge about how countries implemented IA and how it has evolved over time in single countries, in particular in non-Anglo-Saxon countries.

This thesis focuses on policy changes in the context of IA in France, Germany and Italy. These countries share a strong legalistic administrative culture (Kuhlmann & Wollmann, 2014; Ongaro, 2008; Painter & Peters, 2010). Earlier studies have shown that a country's legalistic tradition is a barrier in the adoption

of IA (Francesco, 2012) and in its integration in the policy process (De Francesco, 2013; Turnpenny et al., 2008). Ministerial staff in legalistic countries are not familiar with the quasi-scientific method of enquiry and the economic approach of IA (Turnpenny et al., 2008). On the other hand, these countries have accumulated a long experience in IA. Germany first introduced IA in the federal policy process in 1984 and can be considered an early adopter of IA, while France and Italy formally adopted IA in 1993 and 1999 respectively in the midst of the diffusion wave that followed the recommendations of the OECD Council to adopt IA in 1995 (Francesco, 2012; Lianos et al., 2016; OECD, 1995). Domestic actors thus had sufficient time to engage in a “trial and error” process (Rogers, 1983) and go beyond the experimental phase. In fact, while there is evidence that in these three countries IA remained a mere formal requirement in the first years after the adoption (e.g. Radaelli, 2005; Veit, 2010), there have been important reforms of IA in the mid-2000s. France was the first country to make it a constitutional obligation in 2008<sup>1</sup>. Germany adopted a law in 2006<sup>2</sup> that strengthened considerably the institutions to design and control the quality of impact assessments, and in Italy IA was made compulsory by law in 2005 and implemented by decree in 2008<sup>3</sup>. Yet, there is also evidence of the continuous influence of transnational standards such as the Standard Cost Model (SCM), which was adopted for instance in Germany in 2006.

I analyse all cases of policy change since the key reforms adopted in these countries in the mid-2000s. In this thesis, policy changes refer to changes to the goal, scope, governance, process, and/or tools and methods of IA that fulfil the following cumulative criteria: i) they apply to all central government organisations involved in the regulatory process, (ii) they are compulsory, (iii) they have been formalised by the executive or the parliament. Based on this selection criteria, I identify nine cases of policy change. In France, the introduction of the obligation to assess the impact of draft bills on gender equality (FR1) and the introduction of the obligation to assess the inclusion of measures for people with disabilities (FR2) in 2012, as well as the introduction of the obligation to assess the impact of draft bills on youth (FR3) in 2016. In Germany, the introduction of the “sustainability check” (DE1) in 2009, the quantification of compliance costs and extension of the mandate of the National Regulatory Council (DE2) in 2011, as well as the introduction of the “One in, one out” principle (DE3) and of the guidelines on the “SME test” (DE4) in 2015. In Italy, the measurement of the administrative costs and introduction of the SME test (IT1) in 2011 and the modification of the regulation on IA (IT2) in 2017/18.

I use qualitative content analysis of documents and expert interviews to trace the causal process of policy change in the nine selected cases. I find that in most cases policy changes resulted from a

---

<sup>1</sup> LOI constitutionnelle no 2008-724 du 23 juillet 2008 de modernisation des institutions de la Ve République.

<sup>2</sup> Gesetz zur Einsetzung eines Nationalen Normenkontrollrates vom 14. August 2006 (BGBl. I S.1866)

<sup>3</sup> Decreto n.170 recante "Regolamento recante disciplina attuativa dell'analisi dell'impatto della regolamentazione (AIR), ai sensi dell'articolo 14, comma 5, della legge 28 novembre 2005, n. 246".



domestic learning process, whereby domestic entities defined policy problems and/or goals, acquired and diffused knowledge, and adopted measures to implement and enforce the policy change. This shows that France, Germany and Italy have gone beyond the symbolic phase in the implementation of IA. In Germany and Italy, recent policy changes may be explained by problem-oriented learning. Domestic entrepreneurs identified problems in the implementation of IA and aimed at improving the performance of the instrument. In these two countries stable organisations with a mandate to evaluate IA were the main policy entrepreneurs. They facilitated the acquisition of knowledge on IA, acted as learning fora, and largely contributed to disseminating knowledge and setting the policy agenda. With respect to how and under which conditions policy lessons may be translated into policy change, findings show that this depends on the ability of policy entrepreneurs to use windows of opportunities such as changes of government to translate the acquired knowledge into policy change. I find that because the type of causal mechanism affects who learns and what is learnt, problem-oriented learning tends to result in incremental change of the means of IA, while power-oriented learning is more conducive to redefining the ends of IA.

This thesis provides an important contribution to theory and practice. First, I address key limitations of the policy learning literature. I offer a clear conceptualisation and operationalisation of policy learning and the null hypothesis of symbolic politics as causal mechanisms of policy change. By doing so, I address the criticism that the learning hypothesis cannot be falsified (Gilardi and Radaelli, 2012). Furthermore, as the policy learning framework does not provide sufficient explanation on how learning and cognitive change may result in policy change, I combine policy learning with the Multiple Streams Framework and build a model that explains all parts of the causal mechanism. Additionally, I extend Heikkila and Gerlak's (2013) model of collective policy learning by taking into account the cause of policy learning and the varieties of entities and activities involved in learning processes, building on recent contributions to the literature (Dunlop & Radaelli, 2013; Trein, 2018). Second, this thesis contributes to improving empirical knowledge on IA. I provide the first comparative history of the evolution of IA in France, Germany and Italy. I also offer a detailed analysis of recent cases of policy changes in these three countries, thus shading light on the evolution of this instrument beyond the Anglo-Saxon realm. More generally, I show how a policy that has been broadly diffused and adopted as a result of normative pressure may evolve at the domestic level over time. Beyond the debate on convergence or divergence of policies, I highlight how, even more than twenty year after the transfer of a policy, there may be a simultaneous trend of emulation and lesson-drawing from the transnational level on the one hand, and a domestic process of adaptation and translation of the policy on the other hand.

This thesis is structured in the following way. In chapter 1, I present the puzzle and research gaps behind the research questions, and the relevance of these questions. I discuss the main assumptions and limitations of the theoretical frameworks used to answer the research questions: policy learning and the Multiple Streams Framework. I demonstrate how the value of combining both frameworks, and how their main assumptions are compatible and complementary.

Chapter 2 includes a presentation of the conceptual model and an operationalisation of the three causal mechanisms derived from the literature on policy diffusion and policy learning: symbolic politics, power-oriented learning and problem-oriented learning. I also formulate a hypothesis regarding the institutional conditions required for policy learning to occur

In chapter 3, I define the criteria for the selection of the cases and I justify the use of process tracing as a methodology to answer the research question and trace mechanisms of learning or symbolic politics. In addition, I describe the type of data used and how the data was collected and analysed using qualitative content analysis.

Chapter 4 puts the cases in context, by introducing the main characteristics of the policy-making system in France, Germany and Italy. For these three countries, I depict the history of IA since the instrument was first introduced at the national level. I provide an account of the important reforms that were adopted in the mid-2000s and describe the different features of the IA system following these reforms.

In chapter 5, I trace the causal mechanism in the nine cases of policy change that were selected. I analyse the cause of the change, the process of selection of policy alternatives and agenda-setting, and the adoption and implementation of the policy, by focusing on the entities and activities involved at each stage of the causal mechanism.

In chapter 6, I provide a comparative analysis of the causal mechanism and the main condition for learning and policy change. I answer the research question and hypotheses and give some further insights on the performance of the policies adopted.

In the conclusion, I summarise the key findings of the thesis, I outline the limitations of the analysis and discuss potential avenues for future research.

**PART I- THEORETICAL FRAMEWORK,  
RESEARCH DESIGN AND  
METHODOLOGY**

# **Chapter 1: EXPLAINING POLICY CHANGE IN THE FIELD OF IMPACT ASSESSMENT: RESEARCH PUZZLES AND THEORETICAL FRAMEWORK**

---

In the introduction to this thesis, I briefly presented the background of this research and the research question I aim to answer. Despite the claim by the literature that many policies diffused across countries are adopted for mere symbolic reasons, and are not compatible with the domestic context, we observe that many such policies prove resilient and evolve over time in adopting countries. This research seeks to explain what happens after a country transfers a policy, and whether we observe a domestic learning process or the continuation of symbolic politics over time.

This chapter aims at presenting in-depth the research question and theoretical framework. In the first part of the chapter I will present the main research puzzle and its relevance (I.1), the current gaps in the literature that this thesis seeks to address (I.2), and the research question and sub-questions derived from them. In the second part of the chapter, I will describe the theoretical framework that will be used to answer the research question: a combination of the policy learning framework (II.1) and the Multiple Streams Framework (II.2)

## **I- Diffusion and learning: research puzzle and relevance for theory and practice**

### **I.1) Implementation of transferred policies and policy changes: the continuation of symbolic politics or domestic learning?**

#### ***I.1.1) Puzzle and research question: how can we explain policy changes in the context of IA?***

The transnational diffusion of policies is described in the literature as a growing phenomenon, in particular in the fields of public management and regulatory policies (Dobbin et al., 2007; Sahlin & Wedlin, 2008; Stone, 2012). According to neo-institutionalist theory, some ideas circulated by legitimate actors and organisations become “rational myths” and broadly accepted standards and norms of organisation (Czarniawska-Joerges & Sevón, 1996; Meyer & Rowan, 1977; Sahlin & Wedlin, 2008). These standards and norms are diffused within transnational policy networks and epistemic communities, or communities of practice (Haas, 1992; Stone, 2004; Walker, 1989; Wenger, 2008), exerting what can be called a “normative pressure” on actors and organisations that are part of such networks (DiMaggio & Powell, 1991). These entities are forced to “adopt the language and forms of the new agenda, at least superficially” (Goldfinch & Wallis, 2010, p. 1112) in order to appear legitimate. When “socialization, persuasion, or the desire to signal credibility takes the place of pure utilitarianism” (Meseguer, 2006, p. 36), transnational standards and norms are adopted for symbolic rather than functional purposes (Gilardi, 2004).

The literature on diffusion has shown that the adoption of an innovation across countries displays an S-shaped pattern. While the diffusion starts slowly, it gathers speed once a certain number of countries have adopted the innovation, and then progressively slows down over time (Weyland, 2006). Diffusion studies have often confirmed Di Maggio and Powell's statement that "as an innovation spreads, a threshold is reached beyond which adoption provides legitimacy rather than improves performance" (1983, p. 148) and imitation/mimicry becomes the main mechanism of diffusion (Levitt & March, 1988). As a result, a critic that is often addressed by the literature is that these transnational standards and norms of "best practice" are often "one size fits all" and not suited to the domestic context (Schnell, 2015; Tödtling & Trippel, 2005). This can lead to "window-dressing" and pure formal adoption of policies, without actual implementation (Radaelli, 2004; Stone, 2004).

Yet, the main puzzle behind this research is that in many countries such standards and norms have proved quite resilient over time. There are many examples of countries that have transferred a policy out of a desire to signal international credibility, where we observe that the policy has persisted and undergone important developments over time. This includes in particular reforms inspired by broadly diffused standards of perceived effective and modern government, such as the "New Public Management" (e.g. Goldfinch and Wallis, 2010; Moynihan, 2006a) or "Open Government" (Chatfield & Reddick, 2018; Fraundorfer, 2017) agendas. However, it is quite striking that policy diffusion scholars often neglect what happens once a policy is transferred, and how the domestic and transnational levels interact over time (Dussauge-Laguna, 2012; Francesco, 2016).

The broad diffusion of "impact assessment" (IA) as a transnational norm of governance from the 1990s is a case in point. Policy networks promoted the adoption of various forms of IA and developed standards on IA such as the standards on "Improving the Quality of Government Regulation" adopted by the OECD in 1995 (OECD, 1995) or those on the Standard Cost Model released by the international SCM network in 2005 (SCM Network, 2005). Participation in transnational networks sharing knowledge about regulatory policy is the most important predictor for the adoption of IA (De Francesco, 2012) and IA has been described as a "typical solution in search of a problem" (Radaelli, 2004, p. 734) (see chapter 4- I.2). Hence, studies regarding the diffusion of IA show that emulation and mimicry were key mechanisms in the adoption of IA by several European countries (e.g. Francesco, 2016; Heidbreder et al., 2011; Lianos et al., 2016; Natalini, 2010). This may explain why previous studies have shown that a majority of adopting countries have encountered difficulties in integrating this principle in their administrative and political processes (Adelle & Weiland, 2012; Turnpenny et al., 2008), and why it has remained a mere formal requirement in many countries several years after adoption (Radaelli, 2005; Staroňová, 2010). In legalistic countries in particular, the rational and economic approach to policy formulation promoted by IA appears less compatible with the legalistic culture of public administration

(De Francesco, 2013; Radaelli, 2010; Renda, 2011) (see also chapter 4- 1.3). Yet, IA has proved very resilient over time and many EU countries have adopted important changes to the goals, governance and instruments of IA in more recent years, as shown for instance by the OECD reviews on regulatory policy (e.g. OECD, 2019, 2018). This research aims at explaining this apparent contradiction by answering the following research question: how can we explain policy changes in the context of IA?

### ***1.1.2) Two competitive hypotheses: symbolic politics and policy learning***

Following Hall, I define policy change as a “deliberate attempt to adjust the goals or techniques of policy in response to past experience and new information” (Hall, 1993, p. 278). According to this definition, knowledge is the key driver of policy change, although it may be used in different ways and for different purposes. The literature offers two possible explanations for recent policy changes in the context of IA: they may result from the continuation of symbolic politics and normative pressure exerted by transnational policy networks, or from a process of domestic policy learning.

On the one hand, policy changes may be the result of the continuation of normative pressure. Policy communities and policy-makers in particular continue to be socialized in transnational networks and may be seeking legitimacy by adopting new standards and norms in the area of IA, and/or by following recommendations on the implementation of IA in their countries. In fact, since the starting point of our case study analyses in 2005 (see chapter 4), we observe continuous normative pressure from transnational organisations to implement IA and diffuse new best practices (see also chapter 4.1). The OECD continues to play a role of standardization and dissemination of knowledge (Mahon & McBride, 2009) by publishing standards and recommendations and by diffusing information on IA. In the area of regulatory policy, the OECD updated its standards on regulatory policy in 2005 and 2012 (OECD, 2005; OECD Regulatory Policy Committee, 2012). The OECD also set new standards on the governance of IA, for instance by advocating for the creation of regulatory oversight bodies (OECD, 2018; Staroňová, 2017), or on how to evaluate the performance of regulatory policy and regulatory management tools and programmes in the Framework for Regulatory Policy Evaluation (Arndt & Bounds, 2016; OECD, 2014b). It is also promoting new norms in the field of regulatory policy, such as the use of behavioural insights in the design of regulations (Lunn, 2014). Furthermore, through peer review and “naming and shaming”, the OECD has a function of “multilateral surveillance” (Marcussen, 2004; Pagani, 2002). The Regulatory Policy Division of the OECD conducts country reviews of regulatory policy in member and non-member states<sup>4</sup> and since 2015 produces a Regulatory policy outlook every three years (OECD, 2015a, 2018) that includes country profiles and rankings. These exercises of benchmarking and indicators of regulatory quality act as important reform incentives in public administration, as they

---

<sup>4</sup> OECD website (accessed on the 9<sup>th</sup> April 2019). <http://www.oecd.org/gov/regulatory-policy/recommendations-guidelines.htm>

provide comparative knowledge and “increase the interdependence of governments within transnational networks through both learning and competition” (De Francesco, 2016). The EU is another important transnational agent for the diffusion of IA (Lianos & Karliuk, 2014). In 2002, the European Commission launched an Action Plan on simplifying and improving the regulatory environment (European Commission, 2002), which came in the wake of an increased attention towards competitiveness at the EU level (Renda, 2006, 2016). A Communication on “Better Regulation” (European Commission, 2005) from 2005 emphasizes that all Member States should adopt “Better Regulation” tools. The EU has also developed new standards on IA, for instance by recommending to conduct “SME tests” to measure the impact of draft regulation on small businesses (European Commission, 2008, 2011). While “Better Regulation” initiatives have been a cornerstone of EU policy in the last years (Wiener, 2006), the EU institutions have limited competences to monitor their implementation in the member states. However, in 2005 the European Commission published a “Scoreboard on Better Regulation” (Wiener, 2006). Furthermore, the country reports prepared by the European Commission in the context of the European Semester and the multilateral surveillance of macroeconomic and structural reforms include in some cases evaluations of regulatory instruments such as IA. Hence, policy changes may be explained by the willingness of domestic actors to symbolically comply with the new standards and recommendations issued at the transnational level.

On the other hand, policy changes may be the result of a domestic learning process. According to the literature on the translation of innovations, the institutionalisation of transferred policies is a process that takes time (Dussauge-Laguna, 2012). Once an innovation is implemented and adapted to the national context, “the policy transfer ends and endogenous forces of mutation take over. Local ownership becomes more pronounced” (Stone 2012, p.489) and a “creative process” takes place whereby domestic actors adapt standards (Mahon & McBride, 2009). The centrality of learning in the implementation of policies is highlighted by many theories of the policy process and by the implementation literature. Grin and Van de Graaf (1996, p. 315) conceptualise implementation as learning, or “as communicative action between policy actors and their target groups” and between policy actors and implementers. The authors draw on the Advocacy Coalition Framework (ACF) designed by Sabatier (1988), that rejects the conceptualisation of the policy cycle as sequential stages, along with other theories of the policy process such as the Multiple Streams Framework. Instead, these theories ascribe a key role to knowledge, policy learning and feedback loops at all stages of the policy process, and not solely the evaluation process (Gains & Stoker, 2011; Jenkins-Smith & Sabatier, 1994; D. Nohrstedt, 2010; Wegrich & Jann, 2006). This would imply that – when implementing IA- domestic actors learn from their experience, develop their own knowledge of the innovation, and progressively adapt it to their own needs and goals (Meseguer, 2006; K. G. Weyland, 2004), rendering transnational standards less influential. I thus formulate the following hypothesis:

*Hypothesis: Policy change in the field of impact assessment is the result of a domestic learning process.*

### **1.1.3) Relevance of the puzzle and research question**

The question of the reception of policies transferred by at the domestic level, and whether we find that a process of learning occurs over time, appears very relevant both for theory and practice.

Although it is broadly admitted that ideas transform as they are transferred (Holm Pedersen, 2007) and that diffusion does not result in the convergence of policies due to the persistence of national culture and institutions (Beckert, 2010; Knill, 2005; Pollitt, 2001), it is of paramount importance to understand whether transnational standards are adapted to the domestic context, and whether they evolve over time to respond to domestic problems or policy goals, rather than to signal international credibility. Albeit a domestic learning process is not a sufficient condition for effective implementation nor positive policy outcomes, the development literature has long shown that “country ownership” is a key factor in the effective implementation of reforms transferred from abroad (Booth, 2012; Khan & Sharma, 2001).

In the field of impact assessment (IA), we have little knowledge about how countries implemented IA and how it has evolved over time in single countries, despite the wealth of academic and non-academic literature on this topic. While it appears that most countries struggle in implementing this reform, it is unclear to what extent recent policy changes are due to a domestic learning process. The capacity of specific countries to draft IA and to integrate it in policy-making is largely dependent on the specific domestic features of public administration and the policy formulation process (Radaelli, 2005; Turnpenny et al., 2008). Hence, a key element for better understanding country performances in implementing IA is examining to what extent domestic actors have learnt from their experience and the experience of others with IA, and adapted the principle to their own needs<sup>5</sup>.

### **1.2) Research gaps on policy learning and policy change**

However, an important issue for answering the research question is that we know relatively little about policy learning as a causal mechanism, despite the large amount of academic literature on policy learning and the broad claim that learning is a key mechanism of policy change. Hence, in addition to answering the puzzle and research question presented above, this thesis aims at filling several research gaps by testing some assumptions on the mechanism of policy learning.

---

<sup>5</sup> Although this is by now way sufficient to understand country performances (see chapter 6).



First, the difference between policy learning and the null hypothesis of symbolic politics is unclear, although policy learning scholars have argued that there should be a clear distinction between both concepts (Heikkila & Gerlak, 2013; May, 1992). Policy learning has been over-conceptualised yet insufficiently tested empirically (Dunlop and Radaelli, 2013). This resulted in very broad and conflicting definitions of learning (C. J. Bennett & Howlett, 1992; R. Freeman, 2008) and difficulties for the operationalisation and measurement of the concept. As stated by Gilardi and Radaelli (2012, p. 162):

*“if the null hypothesis of not-learning is not specified, pretty much everything can become “learning” and the measurement of the dependent variable is biased.”*

Learning both defines a process (independent variable) and the products emerging from such a process (dependent variable) (Heikkila and Gerlak, 2013). As a process, learning entails activities of acquisition translation and dissemination of knowledge (see chapter 2-II). As a product, learning designates a cognitive change, which Dunlop and Radaelli (2013, p. 923) define as the “updating of beliefs about policy” and Sabatier as “relatively enduring alterations of thought or behavioural intentions” (Sabatier, 1988, p. 133). However, one should keep in mind that cognitive change may or may not result in behavioural change (Easterby-Smith et al., 2000; Fiol & Lyles, 1985; Heikkila & Gerlak, 2013; Levy, 1994). Moreover, there can be behavioural change other than policy change, for instance a change of strategy, organisational routines, individual behaviours (Argote, 2011). Conversely, there may be behavioural change without learning, i.e. without activities of acquisition and dissemination of knowledge nor cognitive change. This is why the link between the learning process and the policy change should be unpacked in order to confirm causality and rule out symbolic politics (Heikkila & Gerlak, 2013). Nonetheless, many empirical studies of learning do not sufficiently demonstrate this causal link. Further effort is thus required to operationalise and distinguish symbolic politics and policy learning, both as causal processes (independent variables) and products (dependent variables).

Second, no clear picture has emerged from the literature about the relationship between learning as a process, learning as a product (cognitive change), and policy change. This is surprising, as learning theories consider knowledge and changes in ideas - and the resulting alterations of agents’ beliefs and policy preferences - as central causes of policy change (Grin & Loeber, 2006; Moyson, 2017). A great number of empirical studies have sought to identify ideas as causes of policy change, despite the difficulty of such an endeavour (Parsons, 2002). Yet, we do not have much knowledge on (i) the conditions under which policy learning is expected to occur, and (ii) how the type of learning process is expected to affect the type of policy change adopted.

First, while it is broadly admitted that institutions create opportunities and constraints for policy learning and policy change (Grin & Loeber, 2006; Stone, 2012), it remains unclear under what conditions learning is expected to occur. Although institutional conditions are likely to be very context

dependent, the focus on single case studies has resulted in a limited generalizability of findings on policy learning.

Second, it is unclear how the learning process affects the type of policy change adopted (incremental vs paradigmatic). Following the lead of Lindblom's seminal work the "science of muddling through" (1959), early studies on policy change focused on the incremental nature of policy change. However, Hall (1993) introduced a useful distinction between changes to policy instruments without changes to "the hierarchy of goals behind a policy" (p. 279) and changes to the policy goals themselves, or what could be called the "means" and the "ends" of a policy (Michael Howlett & Cashore, 2009). When the goals of the policy are redefined, policy change can be described as "paradigmatic". A majority of scholars argue that learning is not sufficient to produce policy change, especially if these changes are paradigmatic in nature (Michael Howlett & Cashore, 2009; Moyson et al., 2017). One reason for this is the stability of institutions and the path-dependency created by earlier policy decisions (Baumgartner et al., 2018; Michael Howlett & Cashore, 2009; D. Nohrstedt, 2010) as well as institutional constraints such as the resources and institutional position of the learning agents (Herweg et al., 2015; Daniel Nohrstedt, 2005). As argued by policy feedback theorists "decisions taken at t1 alter the calculations for decisions at t2, which becomes more and more entrenched further in time" (Marier, 2012, p. 402). This limits available policy options and what can be perceived as acceptable and feasible by policy-makers. Another reason is the stability of core policy beliefs, norms and values, that constrain policy actors' ideas about appropriate policy options (Cashore & Howlett, 2007). One very influential framework for studying policy processes, the Advocacy Coalition Framework developed by Sabatier (Jenkins-Smith & Sabatier, 1994; Sabatier, 1988; Sabatier & Weible, 2006), considers that experience and new information may alter policy beliefs and eventually secondary beliefs on instrumental decisions to reach the policy goals. However, according to the framework individuals change their "deep core beliefs" only when facing a shock that shakes the fundamental normative and ontological beliefs that form the basic personal philosophy of agents (Jenkins-Smith et al., 2017; Daniel Nohrstedt, 2005; Sabatier, 1988). However, some studies have found evidence that there can be paradigmatic change without exogenous factors, through more incremental processes such as negotiated agreements between policy actors (Coleman et al., 1996; Sabatier and Weible, 2007). Furthermore, beliefs may remain stable despite external shocks (Cashore & Howlett, 2007; Daniel Nohrstedt, 2005). Hence, it is possible that the characteristics of the policy process affect the type of policy change adopted.

The research gaps that I have just presented lead to the following sub-questions to the main research question: how and under which conditions does policy learning result in policy change? How does the learning process affect the type of policy change adopted?

## **II- Theoretical framework: combining policy learning and the Multiple Streams Framework**

In order to answer the research questions and fill the research gaps on policy learning, I will combine two theoretical frameworks with a long tradition in the study of policy processes: the policy learning framework and the Multiple Streams Framework.

### **II.1) The policy learning framework**

The study of policy learning has a rich history in social science and different traditions rooted in questions such as how knowledge utilisation shapes public policy, how policy-makers learn about what works in public policies and how social problems are solved under conditions of uncertainty<sup>6</sup>. In the 1990s, the field gained more attention as authors such as May (1992) and Benett and Howlett (1992) developed typologies of learning (Dunlop et al., 2018) that are still widely used in the literature. However, such typologies focus their attention on the products of learning, in particular on policy outcomes, to the detriment of the learning process. Recent academic contributions have put learning back on the research agenda and have contributed to refining the analytical framework (Dunlop & Radaelli, 2018) by improving our understanding of collective learning processes.

Heikkila and Gerlak's (2013) model of collective policy learning has proved particularly useful. According to the model, policy learning processes start with the acquisition or reception of new information. Information can be acquired by one or more individuals and can result from the individuals' own experience or the observation of others, intentional search for new information, reception of new information, or from "active dialogue or deliberation among organisational members or across networks of actors with diverse bases of knowledge" (Heikkila & Gerlak, 2013, p. 488). The second phase of the learning process in Heikkila and Gerlak's model is the translation of information, whereby individuals in a group interpret the meaning of new information and apply such information to a new context. This can imply an individual analysis of the information, or dialogue with others to create a collective meaning. Translation is also the result of the bounded rationality of learners, as individuals use inferential shortcuts to select and process information (Heikkila & Gerlak, 2013; Simon, 1991) and pre-existing beliefs and attitudes affect how knowledge is assimilated (Gilardi, 2010; K. Weyland, 2006). Authors focusing on the translation of knowledge from one policy setting to another have also found that knowledge is often 'edited' by domestic actors, and that the content and the meaning of knowledge may change as policies are recontextualised (Czarniawska-Joerges & Sevón, 1996; Sahlin & Wedlin, 2008; Stone, 2012). Lastly, Heikkila and Gerlak's model (2013) includes a phase of dissemination of knowledge across the group and beyond, in order for individual knowledge to be

---

<sup>6</sup> See Dunlop et al., 2018 for a recent account of the roots and developments of the policy learning literature.

developed into shared knowledge. This implies activities of deliberation to select policy alternatives within the group and activities of communication in order to disseminate the knowledge acquired beyond the group, in particular to policy-makers (See chapter 2-II).

Recent contributions to the policy learning literature have also refined existing typologies of learning (Dunlop & Radaelli, 2013). The policy learning framework is useful to better understand learning mechanisms, and can help shed light on how knowledge is used by actors at different analytical levels and on what type of learning activities lead to a particular cognitive or policy product. Learning processes may involve a variety of entities and activities, and is embedded in a specific cultural and institutional context. The context and the process themselves affect how actors adopt a similar understanding of policy issue, and shape the policy solutions that these actors ultimately adopt and implement (Heikkila & Gerlak, 2013). Consequently, the literature has focused on different types of learning processes. Together with Heikkila and Gerlak's (2013) model of collective policy learning, they form the basis of the learning mechanisms that I operationalise in chapter 2.

A first key distinction between types of learning processes are the entities involved, i.e. "the range of social or state actors that are the subjects of the learning process" (C. J. Bennett & Howlett, 1992, p. 278). Policy learning may be conceptualised and analysed as a process taking place at the government level, at the societal level, or as an interaction of the two (C. J. Bennett & Howlett, 1992). The field of government learning is closely related to the analysis of organisational learning in the public sector and to the literature on policy evaluation and policy analysis in government (Leeuw, 2000). Etheredge's (1981) tradition of "government learning" focuses on state actors and intragovernmental activities. As a field of study, Etheredge (1981, p. 74) defines government learning as "the analysis of executive-branch learning processes". Related literature is often concerned with the normative question of how to improve the intelligence and effectiveness of government (Common, 2004; Etheredge & Short, 1983; Leicester, 2007). Studies of government learning are interested both in instrumental learning regarding the effectiveness of specific policies, and in the conditions for and barriers to learning in public sector organisations, focusing on cultural and structural variables such as shared norms and experience, resources, or political pressure (Dekker, 2004; Mahler, 1997; Moynihan & Landuyt, 2009; Olejarski et al., 2019). However, the connection between the organisational learning and policy learning literature remains unclear (Common, 2004). Many scholars have highlighted the role of organisational learning in institutional change (Baez & Abolafia, 2002; Ohemeng, 2017) but there has been limited research on the role of organisational learning in policy change. Further research is needed to clarify how knowledge gained within public sector organisations is disseminated from the meso-level of the organisation to the macro-level of the political system (Gains & Stoker, 2011).

While government learning focuses on learning processes within public sector organisations, scholars emphasise that state actors do not act in a vacuum and that learning is not just an individual cognitive process, but rather a product of social relations (Dunlop & Radaelli, 2013). There is a consensus around the prevalence of professional networks and communities of practices as a key resource for organisational learning (Rashman et al., 2009; Wenger, 2008). Public sector organisations respond to expectations from users and a range of stakeholders (Rashman et al., 2009) and adapt to societal changes. The social learning approaches that emerged following Hecló's seminal work on social policies in the United Kingdom (1974) still attribute a key role to officials and state actors in learning processes. However, these approaches take a broader view of the range of actors involved in policy processes and focus on interactions between state and societal actors (Hall, 1993; Pemberton, 2000). In such a view, learning is a process of social participation within "communities of practice", epistemic communities and policy networks (Hall, 1993; Pemberton, 2003; Wenger, 2008) who interact regularly and share their experiences in order to learn collectively.

The type and range of entities involved in learning processes is closely connected with the debate on the level of analysis chosen to study the learning process. Learning can be observed at the individual, organisational, and broader societal levels (Dunlop & Radaelli, 2013). While theorists usually agree that only individuals learn, learning is increasingly conceptualised in the literature as a collective and collaborative endeavour (Grin & Loeber, 2006). Organisational theorists such as Herberg (1981) and Fiol and Lyles (1985) have noted that learning is more than the sum of individuals' learning, as organisations preserve memories of learning systems and transmit "behaviors, mental maps, norms and values over time" (Hedberg, 1981, p. 6). As Heikkila and Gerlak (2013, p.484) very accurately put it:

*"it is not just how individuals learn in policy process that is important but also how groups of individuals in collective policy contexts learn that is critical for understanding policy issues and solutions and translating that knowledge into policy change."*

Historically, different of the policy learning literature have focused on different levels of analysis: micro-level approaches at the individual level, meso-level approaches at the organisational level, and macro-level approaches at the level of the entire political system or at the societal level (Moyson et al., 2017). However, more recently there have been efforts to reconcile these approaches and connect the different levels by looking at the micro-foundations of learning (individual level), the interactions in a constellation of individual actors (micro-micro mechanisms) and the micro-to-macro relations of aggregation transforming individual phenomena and social interaction into collective learning (Dunlop & Radaelli, 2017). Combining these levels of analysis appears essential to obtain a better understanding of the relationship between policy learning and policy change, since upscaling the knowledge from the individual to the collective level requires efforts to disseminate knowledge

(Heikkila & Gerlak, 2013) and depends of several institutional factors, such as rules governing the exchange of information and decision-making (Moyson et al., 2017). Hence, finding evidence of policy learning at the individual level is not sufficient to conclude that there has been a broader process of collective learning and that such process may have resulted in policy change.

Another important difference between learning processes relates to learning activities, or the what, how, and when of the learning process (C. J. Bennett & Howlett, 1992). First, the policy learning literature has engaged early on in discussing the varieties of goals and object(s) of learning, “why one learns and what one learns” (Dunlop & Radaelli, 2013, p. 605). In particular May’s (1992) distinction between the different foci of policy learning has proved very influential. In his view, policy learning may relate to i) policy instruments and implementation designs, ii) policy problems, scope of policy, or policy goals, iii) or to political feasibility and policy processes (May, 1992, p. 336). Building on this distinction, Trein (2018) distinguishes between “problem-oriented learning”, that is concerned with “puzzling” over a policy, and “power-oriented learning”, that is concerned with attaining strategic or political goals. Second, there are important variations as to “how” communities of actors learn. We find important variations in the sources of knowledge (Dibella et al., 1996), and how learning agents may access them. The current literature highlights that learning processes can be intentional or by-products of day to day policy-making and change (Kamkhaji & Radaelli, 2017). They can result from complex analytical processes or from observation and superficial analysis (Dolowitz, 2009). Learning agents may learn from their own experience (experiential learning) or by observing others’ experience, in a trial and error or more systematic way (May, 1992). For instance, the policy transfer literature emphasizes that drawing lessons from other countries is a standard mechanism of policy learning. The organisational learning literature has also shown that the importance of the transfer of knowledge between organisations or communities, and between units within an organisation (Argote, 2011; Easterby-Smith et al., 2000). The starting point of the learning process may also be the reception rather than an intentional collection of new information (Heikkila & Gerlak, 2013).

A limitation of the policy learning literature is its normative dimension. As already mentioned, early studies of policy learning defined learning by its outcome and associated learning with notions of cognitive progress or improvement, and better policy outcomes. However, by decoupling the analysis of learning process and learning outcome, more recent scholarship has highlighted numerous examples of failed learning and “negative lessons” (Dunlop, 2017; Moynihan, 2006). According to Levitt and March (1988, p. 335), “the same processes that yield experiential wisdom produce superstitious learning, competency traps, and erroneous inferences”. Actors may be rationally motivated but they are unlikely to change their core beliefs and are bounded by their imperfect cognitive ability to learn about complex policy problems (Moyson, 2017; Sabatier & Weible, 2006; K. Weyland, 2006). As the

"weight of new information depends on prior beliefs" (Gilardi, 2010, p. 651), the cognitive change produced by new evidence will vary according to the views held by the individual prior to the learning process. Furthermore, the literature on implementation shows that a phenomenon of "decoupling" between the intent of the policy-makers and subsequent implementation is the norm rather than the exception (deLeon & deLeon, 2002; Pressman & Wildavsky, 1984). Hence, I do not assume that policy learning necessarily results in better policy outcomes. Instead, I contend that researchers should determine empirically if learning processes did yield an improved understanding of policy problems and goals and positive policy outcomes.

## **II.2) The Multiple Streams Framework**

### ***II.2.1) Main assumptions of the Multiple Streams Framework***

I use the Multiple Streams Framework (MSF) developed by Kingdon in 1984 in the seminal work "Agendas, Alternatives, and Public Policies" as a complementary analytical framework. The framework was originally developed by Kingdon to understand agenda-setting and policy formulation in the US, focusing on the health and transportation sectors. However, in the last thirty years the MSF has been used in a prolific way to explain policy formulation in a variety of policy fields on all continents (Jones et al., 2016; Rawat & Morris, 2016) and has been applied more recently to other stages of the policy process, in particular decision-making and implementation (Herweg et al., 2018). The MSF aims at explaining why policy and political actors attend to certain issues and not others at any given time. Rejecting the idea of rational policy-making, the MSF posits that policy-making is characterised by conditions of ambiguity. Since policy-makers have unclear preferences and limited cognitive abilities to deal with several issues at a time, decisions are taken under severe time constraints and the attention dedicated to a specific issue depends on policy-makers' perception of the acuity of a policy problem and the availability of policy solutions. Inspired by the Garbage Can Model (Cohen et al., 1972), Kingdon posits that policy processes are characterised by three different "streams": problems are recognised in the problem stream, policy ideas are generated in the policy stream, and political events occur in the political stream. Each of the three processes - problem recognition, the generation of policy proposals, and political events - can act as an impetus or as a constraint on the policy-making process. While the same agents may be involved in several streams, there is a specialisation of participants, for instance politicians in the political stream or academics, party experts and policy advisers in the policy stream (Herweg et al., 2015; Rawat & Morris, 2016). Kingdon conceptualises these streams as independent, each one having their own dynamic and developments. However, following other scholars' arguments, I reckon that the streams should rather be conceptualised as interdependent or less strictly separated (Mucciaroni, 1992; Robinson & Eller, 2010).

Policy learning and the generation of idea in the MSF occurs at the level of the policy sub-system rather than the political system (Herweg et al., 2018). A policy subsystem can be defined as a social network encompassing political relations among people coming from different institutions and organisations in the larger system, who are concerned with similar policy areas and policy problems (J. L. Freeman & Stevens, 1987; Michael Howlett et al., 2017; Sabatier & Weible, 2007). The policy network scholarship has shown broad variations between networks regarding the number of participants, the degree of integration, the level of resources and the power distribution (Marsh & Rhodes, 1992; Pemberton, 2000). Scholars usually situate networks between two ends of a continuum, from the highly integrated and closed policy communities described by Walker (1989) to the loosely coupled and open issue networks described by Hecl (1974). The MSF accommodates the idea that several types of networks with varying degrees of integration may be involved in the policy process. Kingdon uses both the terms issue networks and policy community and provides only a vague definition of visible and hidden participants in the policy process. According to Herweg's (2016) useful clarification of the policy community concept in the MSF, the broader issue network is conceived as being involved in circulating ideas and setting the agenda, while the "policy community" is a smaller faction of the issue network composed of "specialists in a given policy area" (Kingdon, 2014, p. 117) who are involved in specifying policy alternatives. This is compatible with the analysis of learning within public sector organisations, as restricted communities within these organisations may be involved in the selection of policy alternatives, while being influenced by ideas defined in broader policy networks. For convenience, I use the term policy communities throughout this thesis to encompass different types of networks. I define empirically what the relevant entities are, and the boundaries of the network(s) involved at the different stages of the policy process (see chapter 5).

The process of generation of ideas and alternatives is influenced by the structure and the degree of integration of the policy community, as more fragmented communities are characterized by more instability and a reduced capacity to develop a common language and a common vision. Within these communities, key agents named "policy entrepreneurs" play an important role in promoting ideas and "softening up" policy communities and the broader public so that certain ideas gain importance. Kingdon affirms that "ideas may sweep policy communities like fads, or may be built gradually through a process of constant discussion, speeches, hearings and bill introductions" (Kingdon, 2014, p. 17). Given such assumption, the MSF is quite useful to reconcile the individual level and the collective level in the analysis of policy learning processes.

Another value of Kingdon's approach is that he provides a framework for understanding how ideas developed within the policy stream can result in policy change. According to the MSF, policy change is made possible by the opening of windows of opportunities in the problem stream or in the political



stream. In the problem stream, the attention of policy-makers may be captured by negative feedback from current programmes, the personal experience of policy-makers, budgetary conditions, the publication of indicators or focusing events. Attention to a specific problem depends on the perception of policy-makers that a specific issue should be addressed, rather than an objective and rationale measure of how serious and urgent this issue may be. In the political stream, windows open as a result of interest group campaigns or following elections or changes in government. For instance new members of parliament will want to push for their pet projects or newly elected governments will want to implement the changes promised in their election manifesto (Herweg et al., 2018). While Kingdon proposes the 'national mood' as a further variable, scholars have long pointed out the difficulty to operationalise the variable and its limited analytical value (Herweg et al., 2018). It is thus not included as an indicator (see chapter 2 and annex 1). The MSF conceptualises the opening window as a necessary condition of change, but this does not guarantee the adoption of a policy. In other words, the opening of a window is not sufficient to change the policy agenda. The other streams have to be ripe and a policy entrepreneur has to "couple the streams", by presenting a policy solutions to the problems that have caught policy-makers' attention or by taking advantage of a change of government/political majority to push for specific policy solutions that had previously been identified in the policy stream.

### ***II.2.2) The Multiple Streams Framework and policy entrepreneurship***

Kingdon's "pioneering" use of the concept gave rise to a broad literature on policy entrepreneurship (Mintrom & Norman, 2009) in theories of policy and institutional change. This concept is very useful to understand how learning processes within organisations and policy networks are translated into policy changes. Policy entrepreneurs, also sometimes named "policy brokers" or "policy champions", can be best described as agents or advocates of policy change (Mintrom & Norman, 2009; Schneider et al., 1995) who "engage in the act of "creative discovery" by creating or exploiting new opportunities to push forward their ideas" (Teske & Schneider, 1994, p. 331). While early studies on policy entrepreneurship focused on the actions of exceptional individuals, more recent accounts show that groups of individuals and organisations can act as policy entrepreneurs (Catney & Henneberry, 2016). Furthermore, according to the idea of collective entrepreneurship (Roberts, 1992), "like-minded individuals with different skills, knowledge and positions [may] work towards policy change, both simultaneously and at different stages in the policy process" (Herweg et al., 2015, p. 445).

Policy entrepreneurs may act from outside the formal governmental system, they may hold political leadership positions in parliament or government or appointed positions in government (Roberts & King, 1991; Schneider et al., 1995; Teske & Schneider, 1994). Policy entrepreneurs within public sector organisations, also called "bureaucratic entrepreneurs", may be civil servants but also political advisors

and appointed policy experts in charge of counselling ministers (Gains & Stoker, 2011; Smith, 2011). They often act as carriers of ideas, diffusing policy innovations from their professional communities to their organisation (Gains & Stoker, 2011; Teodoro, 2009). What characterizes policy entrepreneurs compared to other actors in the policy process is that they “invest their resources—time, energy, reputation, and sometimes money—in the hope of a future return” (Kingdon, 2014, p. 122). They participate actively in framing and drawing attention to policy problems and defining what issues are paid attention to, and in presenting innovative policy solutions (Catney & Henneberry, 2016; Gains & Stoker, 2011; Mintrom & Norman, 2009). Entrepreneurs stand out compared to other actors because of their role in “coupling the streams”, i.e. responding to perceived problems or political events by advocating for specific solutions (Kingdon, 2014).

### **II.3) Combining the policy learning framework and the Multiple Streams Framework**

Why should we combine the policy learning framework and the Multiple Streams Framework, and are these frameworks compatible? In the following section, I show that both frameworks are complementary, as they enable researchers to explain different stages of the policy process. The frameworks also show a strong compatibility, as they both seek to explain the role of ideas and knowledge in the formulation of policies (Béland, 2016; Cairney & Jones, 2016).

There are several reasons why we should combine the policy learning framework and the MSF. First, both frameworks are complementary and focus on different stages of the policy process. While the MSF focuses on policy formulation and the agenda-setting phase, learning explains the phase of acquisition of knowledge prior to the formulation of policy, and why a policy may be revisited after adoption and implementation (Kuenzler, 2018). Second, combining the policy learning framework to the MSF enables researchers to tackle some of the limitations of policy learning. In fact, an important limitation of the policy learning framework is that it does not provide explanations on how learning and cognitive change may result in policy change. The additional value of the MSF with respect to the policy learning framework is that it proposes a causal mechanism for the translation of ideas into policy change. By focusing on the policy formulation and agenda-setting stage, the MSF explains how some policy issues are put on the political agenda (see II.1 and II.2). Contrary to the policy learning framework, the MSF also enables researcher to better understand under which conditions learning may result in policy change, or what factors may facilitate or hinder learning (Kuenzler, 2018). Furthermore, the value of combining the policy learning framework with the MSF is that it enables researchers to distinguish between learning processes within policies communities and political processes within the political stream. By using this framework, we do not assume that policy learning by policy communities results in learning by policy-makers involved in the final decisions. Instead, we

can distinguish empirically between both processes. Furthermore, while Kingdon called for moving away from rationalistic and individualistic models of policy-making, the MSF does not exclude that actors may be motivated by self-interest (Béland, 2016), seeking for instance to be reelected or to increase their turf. As Zahariadis puts it (2014, p. 45), the MSF “is a good way of exploring the impact of ideas without necessarily denying the importance of self-interest”. This is compatible with the concept of “power-oriented learning” (Trein, 2018) (see chapter 2-II). Learning scholars also highlight that different groups can compete in the production of information and have different “parochial” objectives and agendas (Leeuw, 2000).

In addition to being complementary, policy learning and the MSF are compatible frameworks and can be combined without distorting the main assumptions of each framework. Although the MSF does not use the concept of learning, explaining the role of ideas in policy-making is at the core of the framework (Béland, 2016; Cairney & Jones, 2016). Within the problem stream, various sources of knowledge are used to recognise problems (see also chapter 2), such as feedback on existing policies or indicators. This process is close to the experiential learning and epistemic learning described in the policy learning literature (Dunlop & Radaelli, 2017). Within the policy stream, the process of selection of ideas and generation of policy alternatives within policy communities is akin to a process of collective learning. In fact, several authors using the MSF showed how epistemic knowledge (Weible, 2008) or knowledge developed in other countries (Cairney & Jones, 2016; Lovell, 2016) is used by policy communities to identify policy alternatives. The way knowledge is used by policy entrepreneurs to “couple the streams” (see II.2) and advocate for policy change is also key to understand how the acquisition of knowledge by a policy community may result in change (Blum, 2018). Knowledge is used to legitimise ideas and substantiate claims on feasibility of policy alternatives, and stated “a principal strategy for policy entrepreneurs is to seek the right opportunity to utilize expert-based information to place an issue on an agenda, match an idea to a problem, and advocate for policy change” (Weible, 2008, p. 617). Ritter et al. (2018) for instance show how knowledge was used by policy entrepreneurs to align problem definitions with policy solutions in advocating for specific drug policies. While the role of knowledge and ideas in the policy process permeates most empirical studies using the MSF, these studies rarely focus on how knowledge is acquired and disseminated within policy communities. The policy learning framework can thus strengthen the MSF, by zooming in on some parts of the policy process. The few studies that used both frameworks show the added value of such an approach. Kuenzler (2018) successfully combines the MSF and policy learning framework to explain the adoption of tobacco prevention policies. Zohnhölfer (2016) shows how learning from experiences abroad within the policy stream played an important role in the adoption of the Hartz IV reform in Germany.

A review of thirty years of application of the MSF (Rawat & Morris, 2016) shows that the MSF is often used in conjunction with other theories. Several authors claim that the MSF on its own is often not sufficient to explain policy change and argue for combining the MSF with other frameworks (Michael Howlett, 2019). When carefully operationalised and in combination with other analytical frameworks, the MSF's value lies in that it "explain a large part of the policy process and, in doing so, contribute insights to other theories" (Cairney & Jones, 2016, p. 40). Similarly, the policy learning framework is often combined with other theories of the policy process as it only partially explains why and how policies are adopted (Dunlop & Radaelli, 2018).

The aim of this work will not be to test all assumptions of the MSF, but by combining in an innovative way the MSF with the policy learning literature, I hope to achieve a better understanding of policy learning processes and how they affect policy change. In chapter 2, I will describe and operationalise the causal mechanisms derived from both these frameworks. By using these two frameworks, I can focus on the different stages of the policy process and explain the motive of change, how knowledge was acquired and used by agents, how the policy was put on the agenda, and under which conditions learning may result in policy change.

## **Chapter 2- SYMBOLIC POLITICS, POWER-ORIENTED OR PROBLEM-ORIENTED LEARNING? A CONCEPTUAL FRAMEWORK TO EXPLAIN POLICY CHANGE IN IMPACT ASSESSMENT AND ITS OPERATIONALISATION**

---

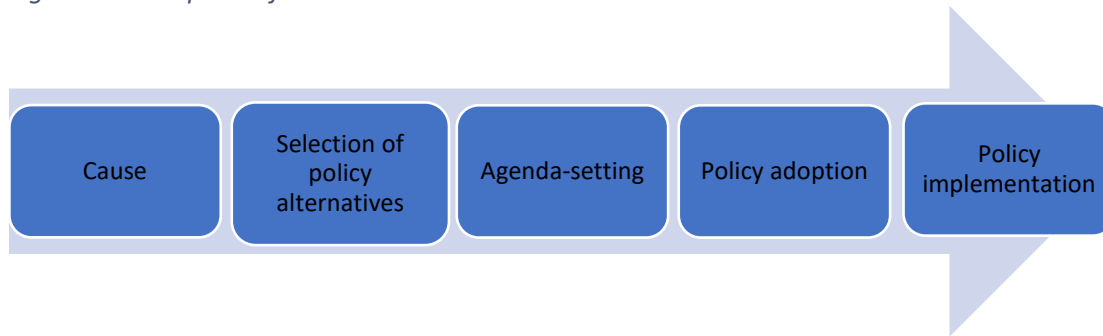
In chapter 1, I introduced the puzzle behind this research and the main research questions. I seek to understand whether recent policy changes in the field of impact assessment (IA) are the result of symbolic politics, or of a domestic learning process. Furthermore, I aim to test the mechanisms of policy learning, to find out how and under which conditions policy learning may result in policy change and how the policy process affects the type of policy change that is adopted.

In this chapter, I propose a model and operationalise three possible causal mechanisms of policy change, based on the policy diffusion literature, the policy learning framework and the Multiple Streams Framework: symbolic politics, power-oriented learning and problem-oriented learning. I describe what are the parts composing each of this mechanism and the expected causal process observations (indicators) for each of these parts: the cause and motive of policy entrepreneurs, the process of selection of policy alternatives, the process of agenda-setting<sup>7</sup>, policy adoption, and policy implementation (see the summary table in annex 1 and figure 1). The first part of the chapter presents the mechanism of symbolic politics. The second part of the chapter presents the two different learning mechanisms (power-oriented and problem-oriented) and summarizes the main differences and possible combinations between each of the mechanisms conceptualised. In the last part of the chapter, I present a hypothesis on the required institutional conditions required for policy learning to occur.

---

<sup>7</sup> For symbolic politics there is no phase of agenda-setting at the domestic level, as the agenda is set by transnational actors (see cause- 1.1).

Figure 1: Main parts of the causal mechanisms



Source: author's elaboration based on Heikkila and Gerlak (2013) and Kingdon (2014)

## I- Symbolic politics as a causal mechanism of policy change: model and operationalisation

This section aims at conceptualising and operationalising the mechanism of symbolic politics, as a null-hypothesis of non-learning. As explained in chapter 1, one of the weaknesses of the policy learning literature is that the hypothesis of non-learning is often not specified. In order to test whether recent policy changes in the context of IA are the result of policy learning, I thus suggest an alternative of model of non-learning, the symbolic politics mechanism. The model and its operationalisation is derived from the policy diffusion literature and neo-institutionalist theory, as well as on the literature on knowledge utilisation.

### I.1) Cause of the policy change

In symbolic politics the cause of policy change is the normative pressure that transnational organisations or policy networks exert on governments. According to neo-institutionalist accounts of policy-making, organisations are fundamentally concerned by securing legitimacy rather than maximising performance or expanding power (Boswell, 2009). Organisations seek to appear legitimate by following socially constructed appropriate norms and behaviours (Lee & Strang, 2006). Normative pressure from professional networks and international organisations and hegemonic ideas may be an important vectors of policy change (DiMaggio & Powell, 1991; Dobbin et al., 2007).

Indicators of normative pressure as a cause of change include: i) recommendations to adopt a policy change (either general or specifically addressed to the country); ii) transnational diffusion of the policy change beyond “early adopters” (i.e. a majority of EU or OECD countries have already adopted the innovation), iii) evidence of contacts between transnational organisations or networks and the actors involved in the policy change at the domestic level (e.g. participation in conferences, meetings etc). The timing of the change should also suggest that the policy change results from normative pressure,

for instance if the policy change directly follows the adoption of standards or recommendations, or the adoption of the reform by neighbouring countries.

## **I.2) Process of selection of policy alternatives**

In symbolic politics, the goals, the content of the policy and the agenda are set by transnational organisations and policy networks rather than by domestic actors. While domestic entrepreneurs socialised within transnational networks act as relays and advocate the policy change at the domestic level, there is no domestic definition of policy problems nor policy goals. Instead, the policy change is driven by the “solution” and the standards that are defined at the transnational level. Policy alternatives are not selected based on a careful consideration of policy options, they are copied from existing norms and professional standards in an unreflective manner (Marsh & Sharman, 2009).

The main motive of domestic policy entrepreneurs is to secure legitimacy. Although governments are not coerced into adopting a specific policy change, they follow and imitate available standards to demonstrate their modernity and compliance with best practices (K. Weyland, 2005), “independently of the functions they perform” (Meseguer & Gilardi, 2009, p. 530). By emulating others and adopting existing standards, they also reduce the uncertainty caused by ambiguous policy problems and unclear solutions (DiMaggio & Powell, 1991; Rogers, 1983). Emulation can be the result of a conscious choice or of the internalisation of broadly accepted norms and values (Börzel and Risse, 2012).

The literature on policy transfer and organisational isomorphism has shown that copying and imitation of perceived best practices in other countries or other organisations is a common process (Haunschild & Miner, 1997; Marsh & Evans, 2012). While this implies that adopting countries or organisations remain close to the model they copy, there may be slight adaptations. However, following the literature on knowledge utilisation, the knowledge of existing norms and standards is used in a “symbolic way”, for legitimising purposes or to substantiate choices (Amara et al., 2004; Newman et al., 2017). In this case, knowledge produced in other countries or organisations and broadly accepted professional norms represent vectors of change and provide domestic actors with the sufficient “epistemic authority” to justify the policy change (Boswell, 2009). The absence of definition of policy problems or goals by the actors involved in the policy change at the domestic level, copying of existing norms and standards with limited national adaptations, and the absence of activities of acquisition of knowledge by the actors involved in the policy change are thus indicators of symbolic politics at this stage of the policy process.

### **I.3) Policy adoption**

The next part of the causal mechanism is the adoption of the policy change. In order to confirm that the change results from normative pressure and the emulation of existing transnational standards and norms, I should find that the regulation adopted to reform IA or accompanying documents refer to transnational standards and norms and/or adoption of the policy change by other countries, and that there is a close similarity between the policy change and the ideas promoted by transnational organisations and policy networks.

### **I.4) Policy implementation**

Lastly, the adoption of symbolic policy changes should be broadly communicated but followed by limited steps towards the implementation of the change (Radaelli, 2009), what is also commonly referred to as “window dressing” (Huber, 2006). Since Edelman’s seminal work on the symbolic uses of politics (1985), political scientists have shown the importance of myths, rituals and other symbolic forms in daily politics and policy-making. Policy changes *per se*, for instance the enactment of legislation, can be powerful signals sent to others, regardless of the actual substance of the policy and its actual implementation. For instance, by adopting broadly accepted standards such as the introduction of a sustainability impact assessment, governments can signal modernity and their interest for environmental issues at the transnational and domestic levels. While policy substance and performance may not be the goal pursued by policy-makers, I do not understand symbolic policies as deliberately designed to fail and to be ineffective (Bache et al., 2015). My argument is that policy changes aim at sending a signal rather than producing specific policy outcomes (Bache et al., 2015; Boswell, 2009).

Indicators of symbolic change and limited implementation are: i) the absence of discussions at the political or administrative level about how to implement the policy change; ii) the lack of administrative or political measures taken to ensure implementation, such as method guidelines, training, processes to control the implementation; iii) and accounts by bureaucrats and domestic policy actors that the reform has not been enforced.

## **II- Combining policy learning and the Multiple Streams Framework: causal mechanisms of problem-oriented and power-oriented learning and their operationalisation**

The following section aims at hypothesising the causal mechanisms of problem-oriented and power-oriented learning (Trein, 2018). I extend Heikkila and Gerlak’s (2013) model of collective learning by combining it with Kingdon’s (2014) Multiple Streams Framework.



Policy learning implies “redefining one’s interest on the basis of knowledge” (Common, 2004, p. 447). In order to argue that policy change is the result of policy learning, one should be able to link the outcome to a learning process (C. J. Bennett & Howlett, 1992; Heikkila & Gerlak, 2013). Policy learning implies a domestic process of acquisition/reception, translation and dissemination of knowledge in order to attain domestically defined political or policy goals. While knowledge may be acquired by observing others, we should find evidence of such learning activities to exclude symbolic politics as a mechanism of change. Tracing a learning process implies identifying *activities* as well as the *entities* who engage in learning activities (Machamer et al., 2000).

### **II.1) Cause of the policy change**

The starting point of problem-oriented learning is the identification and recognition of a problem at the domestic level, i.e. the acquisition and dissemination of knowledge about a problem. Not every condition is perceived as a problem, policy actors should be convinced that something should and can be done about this condition (Kingdon, 2014). This is particularly true in the case of meta-policies, as these are non-politicised issues that relate to the inner workings of government and are not advocated by powerful interest groups nor specialist ministries (Jann & Wegrich, 2019). Policy problems do not magically appear on the policy agenda, they are the result of agents framing the problem and providing convincing arguments that policy-makers should deal with these issues. One way to capture the attention of policy-makers is to provide feedback on current policies that are not working as planned or have unanticipated consequences. Feedback can be linked to the own experience of government officials or mandarins, evaluations of the implementation of a policy, complaints addressed to governments by experts or policy-makers (Kingdon, 2014). A problem may be identified in the implementation of IA, because public sector organisations do not comply with the existing policy on IA or because such policy has unexpected negative effects. Policy-makers can also be made aware of new policy issues, or “rediscover” recurrent issues, by the publication of indicators. For instance, policy actors may perceive an increase of red tape for businesses as a policy problem because of a degrading position in the Ease of Doing Business Index of the World Bank. Lastly, policy elites may be mobilised as a result of sudden and harmful events that focus the attention of policy-makers and the public alike (Birkland, 1997, 2007; Kingdon, 2014), although such events are rather unlikely. For instance, following an environmental disaster, agents may frame this problem as the result of a failure in assessing the environmental impact of draft legislation, thus spurring a learning process on IA.

The starting point of power-oriented learning is not the identification of a problem, but competition over policy formulation and the definition of strategic goals by certain domestic actors. The literature on bureaucratic politics has long shown that public sector organisations compete over resources and seek to protect or expand their turf (Bach & Wegrich, 2019). Although IA serves as an instrument of

coordination for the interdepartmental formulation of policy, it may also be used as an instrument of control and interfere in the “turf” of some public sector organisations (Jann & Wegrich, 2019). The literature on IA has also shown that in the United-States in particular, IAs are used by the federal government as an instrument to control regulatory policy by independent agencies (De Francesco, 2013; Renda, 2006; Rose-Ackerman & Perroud, 2014). Although IA is usually applied to primary as well as secondary legislation rather than regulation by independent agencies in the EU, it can be used by policy actors to exert control over the policy formulation process. Furthermore, depending on the design and type of impact measured, IA can draw attention on certain policy issues and provide more influence to certain policy communities over the policy formulation process. This is why the design of IA systems and “what types of impact are assessed and how” (Wegrich, 2013, p. 407) is subject of conflicts and contestations across policy subsystems. Conflicts may arise regarding what type of impacts should be measured and the methodology for measurement, which organisations are in charge of drafting IA, or controlling the quality of IA etc.

## **II.2) Process of selection of policy alternatives**

The next stage of the causal mechanisms of problem-oriented and power-oriented learning is the acquisition and dissemination of knowledge on policy solutions and the selection of policy alternatives. These stages may occur simultaneously or as consecutive phases of the causal mechanism, depending on how many actors are involved in this process. There may be a different the degree of “openness” at this stage of the process. I define the degree of openness as the number of entities (learners) that are involved in acquiring information. On one end of the continuum, learning happens within a single organisation/a small group of individuals, whereas on the other end of the continuum knowledge is acquired and disseminated within the broader policy community (see also chapter 1- II.1). Additionally, there may be different degrees of “complexity” in the activities of acquisition of information and dissemination of knowledge. According to my model, on the one hand complexity relates to the number and variety of the sources of knowledge used and actors involved in transmitting the knowledge (teachers), ranging from the use of one’s experience to the use of epistemic knowledge and the comparison of others’ experience. On the other hand, complexity refers to the activities of acquisition of knowledge, ranging from a superficial analysis and simple reception and translation of information to the elaborate collection and analysis of data.

In the phase of acquisition/reception of information (Heikkila and Gerlak, 2013), individuals collect and receive information, alone or in concert with other individuals in the organisation or the policy community. The information may come from the experience of the individuals themselves, other individuals in the organisation or network, or individuals outside of these networks. Information may also be acquired from the experience of other countries, for instance by meeting with officials from

other countries or using written or oral accounts of other countries' experience. This may imply a recombination and translation of policy ideas that were already circulating within organisations or policy communities, in order to respond to the specific problem identified or the strategic goal of the policy actors. As Kingdon (2014) underlines, policy ideas are rarely new, they continuously resurface and some elements may be recombined into "new" policy proposals. In addition to their or others' experience, learners may rely on experts to facilitate their learning (epistemic learning). In this case "knowledge is deployed by a limited set of expert actors to narrow discussion with the aim of reaching a technical policy solution" (Dunlop & Radaelli, 2013, p. 603). They can meet or audition with experts, appoint an expert committee in charge of defining policy solutions (Heikkila & Gerlak, 2013; Lipshitz et al., 2002). While the boundaries of 'expertise' may vary, I encompass in the definition of experts individuals whose main task is to produce knowledge, including academic researchers, political consultants, and think tanks (Boswell, 2009; Stehr & Grundmann, 2014).

In the next stage of the causal mechanism, entrepreneurs disseminate the acquired knowledge within public sector organisations and/or policy networks. While the MSF and the literature on policy entrepreneurship do not establish a clear distinction between agents involved in framing the problems and those advocating for specific policy alternatives, Knaggård (2016) calls for distinguishing empirically between entrepreneurs who frame certain conditions as problems within the problem stream, and entrepreneurs who couple certain policy solutions to problems or events within the political stream. While some entrepreneurs may be involved in both activities, this analytical distinction enables us to account for variations of entities involved in the causal process and to distinguish between problem-oriented and power-oriented communities. In order for individual knowledge to be developed into shared knowledge among members of the organisation or policy community, the knowledge has to be embedded across the group (Argote, 2011; Heikkila & Gerlak, 2013). Other members or key members of the organisation or policy community have to accept the policy solutions. This part of the causal mechanism implies repeated interactions and activities of deliberation within the organisation or policy community (Heikkila and Gerlak, 2013), such as for instance a meeting or a parliamentary debate, and activities of communication such as conferences, the publication of a report etc. Dissemination of knowledge is a relatively easy process within a small group of individuals from the same organisation, but more complex when it happens at the level of the policy subsystem, i.e. within the policy community. It has been described by Kingdon (2014) as a process of "softening up" within the policy stream:

*"To some degree ideas float freely through the policy primeval soup. But their advocates do not allow the process to be completely free-floating. In addition to starting discussion of their proposals, they push their ideas in many different forums. These entrepreneurs attempt to "soften up" both policy communities, which tend to be inertia-bound and resistant to major*

*changes, and larger publics, getting them used to new ideas and building acceptance for their proposals. Without this preliminary work, a proposal sprung even at a propitious time is likely to fall on deaf ears.”* (Kingdon, 2014, p. 127)

The process of disseminating knowledge and trying to gain acceptance for new policy ideas runs to some degree parallel to the next stage of the causal mechanism, i.e. selecting policy alternatives. Policy entrepreneurs test out their policy ideas within the policy community. Through deliberation with other policy actors, they select the most feasible options, those that are broadly accepted by the policy community and have the most chance of receptivity among policy-makers (Kingdon, 2014). This depends on various factors such as the values of the community, the technical feasibility, the cost of the measure (Kingdon, 2014). Entrepreneurs do not select ideas based solely on a rational cost-benefit analysis of the most adequate policy alternative to respond to the policy problem or attain their strategic goal. Among the policy alternatives available they will choose those that have the best chance of resulting in policy change. In the case of IA for instance, policy actors may identify the low compliance of ministries with the obligation to conduct IA as a problem. While policy communities may identify sanctions as one of the potential solutions, entrepreneurs may not select this idea if they anticipate resistance from policy-makers, and instead advocate other ideas that appear more feasible, such as an increased control from the center of government.

While I expect variations in the process of acquisition of knowledge and selection of policy alternatives depending on the degree of openness and complexity of learning, the type of entities and activities should not be affected by whether learning is problem-oriented or power-oriented at this stage of the causal mechanism. However, the content of learning should differ and reflect the cause of learning (see II.1). In problem-oriented learning, knowledge is used in an instrumental way. Learning agents seek to respond to the identified problem(s) and increase the performance of IA. In power-oriented learning, the aim of the acquisition of information is not to find out what are the best policy solutions to a previously identified problem, but to gather knowledge on the best ways to achieve their own political and strategic aims. Learning agents seek to increase their control over the policy process or draw attention to certain policy issues (May, 1992; Trein, 2018). Knowledge is not used in a symbolic nor an instrumental manner, but in a strategic way to “serve power related goals of individuals and organisations” (Trein, 2018, p. 247). Policy change in the context of IA may thus result from strategic learning of entrepreneurs who seek to use IA as a tool to raise the attention towards a specific policy issue, to gain more control over the action of other ministries, or influence over the policy choices made when regulations are drafted.

### **II.3) Process of agenda –setting**

The next phase of the causal mechanisms is agenda-setting, a process whereby policy entrepreneurs seek to catch the attention of policy-makers and convince them to adopt the policy change. Catching the attention of policy-makers in the field of IA is rendered more difficult by the low visibility and politicisation of this issue. To this end, entrepreneurs can engage in various activities such as meeting with political parties/policy-makers, organising conferences, publishing reports, drafting regulations etc. In line with the idea of collective entrepreneurship, policy entrepreneurs at this stage of the process are not necessarily the same individuals or groups of individuals as those involved in the acquisition of knowledge and selection of policy solutions (Mintrom & Vergari, 1996).

According to the MSF (see also chapter 1- II.2), policy entrepreneurs draw the attention of policy-makers by using windows of opportunity to push for change. In problem-oriented learning, policy entrepreneurs try to convince policy-makers to adopt the policy change by communicating knowledge on the policy problem and the related solution, thus coupling the problem and policy streams. However, in power-oriented learning the cause of the change is not the identification of a problem, but the policy entrepreneur's willingness to increase their influence over the policy process or to draw the attention on a policy issue. In order to build broader support for their policy idea and capture the attention of policy communities and policy-makers alike, policy entrepreneurs have to find a window of opportunity. Hence, I expect that the ability of policy entrepreneurs to translate learning into policy change depends on the successful coupling of the policy solution with events in the political stream, i.e. the opening of a "political window" (Kingdon, 2014). I operationalise a political window as a change of majority in government/the parliament. In order to confirm the existence of a political window, there should be evidence that entrepreneurs used this window of opportunity to draw the attention of the newly elected policy-makers, for instance by securing positions in the new government or meeting with candidates during an electoral campaign.

The success of policy entrepreneurs in putting policy alternatives on the political agenda depends on several other factors. There has been extensive debate around the qualities and resources required from policy entrepreneurs to be successful in influencing policy agendas and policy choices. Scholars have highlighted as key qualities the willingness to experiment and accept risk and failure (Teske & Schneider, 1994), social and negotiating skills (Catney & Henneberry, 2016; Kingdon, 2014), reputation and expertise, as well as a capacity to communicate epistemic knowledge to policy-makers (Smith, 2011). This knowledge and expertise may include knowledge of the policy process and experience of government (Teske & Schneider, 1994). Furthermore, a key resource required from entrepreneurs is engagement in relevant policy networks (Balla, 2001; Mintrom & Vergari, 1996). Entrepreneurs "draw upon professional networks as resources to aid their pursuit of innovations" (Teodoro, 2009, p. 176).

They secure political/legislative actions by acquiring power and building coalitions of supporters (Mintrom & Norman, 2009; Ohemeng, 2017). A core condition for their success is access to policy-makers (Gains & Stoker, 2011; Herweg et al., 2015). Access to policy-makers can take different forms and may be operationalised in different manners. It can mean formal access through for instance meetings, written notes and reports etc., as well as informal access through direct and informal encounters and personal ties (Smith, 2011). Although it would go beyond the scope of this thesis to test all of the factors I just outlined, a key indicator for agenda-setting by policy entrepreneurs is thus access/contact to policy-makers involved in the change directly or via an intermediary such as a policy advisor.

#### **II.4) Policy adoption**

In the next stage of the causal mechanism, the policy is adopted as a result of learning. The change should be causally linked with the preceding stages of the causal mechanism. One limitation of Kingdon's framework is that it focuses on the stage of agenda-setting but neglects the decision stage. It provides limited explanation for how key policy-makers adopting a policy idea may result in actual policy change (Herweg et al., 2015, p. 445). However, Zahariadis (1992) has shown that Kingdon's model may be used to explain the whole process of policy formulation, including agenda-setting and decision-making. This approach is valid under the condition that there are no significant veto players and the issue has a low political salience (Herweg et al., 2015). As the field of IA meets these criteria, I expect that once key players within the executive from the political majority are convinced to adopt the policy change, the policy is enacted without significant change from the idea promoted by entrepreneurs. There should thus be evidence that policy-makers adopted the policy idea after contacts with entrepreneurs, and a close similarity between the content of the policy and the ideas promoted by the policy entrepreneurs.

The main expected difference between power-oriented and problem-oriented learning regards the content of the policy. In cases of power-oriented learning, there should be evidence that the change increases the control of learners over the policy process. In cases of problem-oriented learning, policy change are justified in documents primarily as a response to the identified policy problem, although there may be combinations with power-oriented policies (see III).

#### **II.5) Policy implementation**

Contrary to symbolic politics, I expect that the policy is actually implemented and enforced in cases of policy learning. There should be evidence of discussions at the political or administrative level about how to implement the policy. Additionally, administrative or political measures should be taken to ensure implementation such as guidelines, training, effective control process, sanctions for non-

compliance etc., and there should be accounts by bureaucrats and domestic policy actors that these measures have actually been enforced.

However, this does not mean that the policy is effective nor that the policy changes adopted following learning always achieve the desired policy outcome. Learning does not necessarily result in an improved understanding of policies and other factors may affect the implementation of the changes (see section I.2.2).

### III- Summary of the differences and possible combinations between causal mechanisms

Table 1 summarizes the main differences between the causal mechanisms of symbolic politics, power-oriented and problem-oriented learning in different phases of the causal process. Annex 1 contains a more detailed description of the expected causal process observations.

*Table 1: Comparison between the causal mechanisms of symbolic politics, power-oriented and problem-oriented learning*

	<b>Symbolic politics</b>	<b>Power-oriented learning</b>	<b>Problem oriented-learning</b>
<b>Cause</b>	Transnational organisations or policy networks exert normative pressure on government.	Competition over the formulation of policies.	Domestic actors/communities recognise a problem.
<b>Process of selection of policy alternatives &amp; Motive of policy entrepreneur(s)</b>	Domestic actors/communities emulate existing norms and professional standards. Motive: securing legitimacy.	Domestic actors/communities acquire and translate knowledge on potential policy solutions to reach their strategic goal. Motive: exerting control over the policy process/policy formulation, drawing attention to a policy.	Domestic actors/communities acquire and translate knowledge on the policy problem and potential policy solutions. Motive: improving policy performance, redefining the goal or scope of a policy.
<b>Process of agenda-setting</b>	N.A.	Policy entrepreneurs seek to draw the attention of policymakers and to convince them to adopt the change.	Policy entrepreneurs seek to draw the attention of policymakers and to convince them to adopt the change.
<b>Policy adoption</b>	The policy is adopted.	The policy is adopted.	The policy is adopted.
<b>Policy implementation</b>	Limited implementation of the policy	Implementation of the policy	Implementation of the policy

*Source: author's elaboration based on Heikkila and Gerlak, 2013; Marsh and Sharman, 2009; May, 1992; Trein, 2018.*

The three mechanisms I described in sections I and II are ideal types, but I expect that individual cases may display different elements of these mechanisms. First, symbolic politics may co-exist with policy learning processes and even reinforce the latest. Standards and knowledge developed within epistemic and professional networks are often used as a basis for learning (Mahon and McBride, 2008; Rose, 1991). Furthermore, normative pressure can empower domestic policy entrepreneurs and facilitate learning (Schnell, 2015) and create a window of opportunity for policy change. Lastly, it is quite likely that policy-makers wishing to improve policy performance or change policy goals select policy solutions that would also secure them legitimacy.

Second, there may be cases where we observe both power-oriented and problem-oriented learning. It is likely that in many cases policy entrepreneurs both seek to respond to a policy problem and to increase their influence over the policy process when selecting policy alternatives. Moreover, different sets of actors involved in the policy process may have different motives for engaging in learning activities and/or adopting the policy change. While some actors may want to respond to a policy problem and improve the performance of IA, others may seek legitimacy or want to increase their control over the policy process.

#### **IV- Policy capacity as a necessary condition of policy learning?**

The hypothesised causal mechanism is insufficient to explain why some policy lessons result in policy change while others do not. Although the focus of the learning and Multiple Streams frameworks lie on agency, "ideas only become a decisive causal factor under specific institutional and political conditions" (Béland, 2009, p. 702). While the causal mechanisms outlined earlier focus on the role of learning agents, I expect institutions to affect the causal process and the outcome. First, institutions facilitate or hinder the learning process and affect the selection of policy ideas (Béland, 2009; Nilsson, 2006; Rawat & Morris, 2016). Second, they facilitate or hinder the translation of learning into policy change and affect the content of policy change. The political context also strongly affects how agents learn and how knowledge is used by policy-makers (Weiss, 1993). However, we have little knowledge on how exactly institutions matter and what are the scope conditions for policy change following policy learning.

In this thesis, I will examine the role of policy capacity as a key condition identified by the literature on policy and organisational learning (Michael Howlett & Joshi-Koop, 2011; Newman et al., 2017). Policy capacity refers to the ability of policy actors to access, produce and disseminate information for the formulation of public policies (Newman et al., 2017). It should be distinguished from administrative and state capacity, i.e. the capacity to operate and administrate government programmes and to influence society (Edwards, 2009). Although the focus of the literature on policy capacity lies on



governmental capacities, scholars concede that non-state actors are increasingly involved in policy formulation and decision-making, and that their policy capacity affects the policy process and government's performance (Sapeha et al., 2019; Wu et al., 2015).

Policy capacity is a key condition for learning, as it affects the ability of public sector organisations and policy networks to acquire, translate and disseminate knowledge. Policy actors can effectively address policy problems and make informed choices only if they have the ability to assess the implications of these choices and make appropriate use of knowledge (Mukherjee & Bali, 2019; Painter & Pierre, 2005; Wu et al., 2015). Although the importance of policy capacity is widely recognised in the literature, the concept has been defined and operationalised in a variety of ways (Wu et al., 2015). Many authors focus on individual-level factors, such as the level of expertise of actors involved in knowledge acquisition and policy formulation (Newman et al., 2017) and their capacity to access and analyse technical and scientific knowledge (M. Howlett, 2015). Other authors have highlighted organisational resources such as the range and quality of the data available (Edwards, 2009) or the number of personnel dedicated to analysis and knowledge sharing (Edwards, 2009). While individual and organisational resources are key factors in policy learning processes, it would go beyond the scope of this analysis to assess systematically the resources of all actors involved in the policy process. I will thus focus on a key institutional dimension of policy capacity highlighted in the literature, i.e. the existence of a machinery and processes for collecting and analysing data and disseminating information (Pattyn & Brans, 2015; Wu et al., 2015). It should be stressed that in this analysis policy capacity is not referring to the policy capacity of single ministries, which is a key element for the successful implementation of IA and the quality of the IA themselves, but rather to the capacity to produce and disseminate information on the governance and implementation of IA more generally, and how IA should be designed in each country.

In the field of IA, I thus operationalise policy capacity as i) the presence of a stable network or organisation, ii) having a mandate for collecting and disseminating data on IA. Stable networks and organisations are understood as organisations that are either independent or situated within central government and network of practitioners and/or experts whose task is to coordinate and/or, control, evaluate the implementation of IA. This should be a formalised task rather than an ad hoc commitment, with a long-term mandate. These organisations should have a mandate to collect and report data on the implementation of IA, and report these data to policy-makers, for instance by publishing annual reports or sending a policy brief. I expect that stable organisations facilitate the acquisition and dissemination of knowledge, as they provide regular learning forums for public sector organisations and policy networks (Moynihan & Landuyt, 2009). Furthermore, they can acquire policy capacity and build their own expertise to acquire and diffuse knowledge over time, for instance by

evaluating domestic practices on impact assessment. Furthermore, by having a mandate to learn and disseminate their findings, they can act as “certified teachers” (Dunlop & Radaelli, 2017) and policy entrepreneurs *vis-à-vis* the executive, thus facilitating the translation of learning into policy change (Kingdon, 2014; Mintrom & Norman, 2009). In the context of metapolicies, Jann and Wegrich (2019) have shown that generalists in charge of cross-cutting meta-policies are disadvantaged compared to specialist units within the administration, as they are representing diffused and minimally organised interests. They argue that generalists should form stable organisations and networks of their own in order to imitate the strategies of specialist units trying to influence the direction of policies. In view of such arguments, I formulate the following hypothesis:

*Hypothesis 2: A necessary condition for learning in the field of impact assessment is the presence of a stable network or organisation with a mandate for collecting and disseminating data on impact assessment.*

The next chapters will aim at testing the hypotheses and the three causal mechanisms that I operationalised in this chapter. In the following chapter, I will present the methodology and the data that I used to answer the research question, and reflect on the limitations of the methodology.

## Chapter 3: CASE SELECTION, METHODOLOGY AND DATA

---

### I- Case selection

#### I.1) France, Germany and Italy: analysing impact assessment in legalistic countries

In order to analyse the mechanisms behind policy change in implementing countries' approach to impact assessments (IA), the empirics focuses on three countries: France, Germany and Italy. First, these countries share a strong legalistic administrative culture (Kuhlmann & Wollmann, 2014; Ongaro, 2008; Painter & Peters, 2010). Administrative traditions or culture are usually conceived as inhibiting forces in administrative reforms, that contribute in filtering or resisting changes and innovation (Meyer-Sahling & Yesilkagit, 2011; Yesilkagit, 2010). In the case of the three countries under study, as stated by Kickert (2008, p. 3):

*"This tradition has roots in the nineteenth century history of state formation, particularly the establishment of the liberal Rechtsstaat in continental Europe, and the legalistic tradition is still prevailing in these three countries. Legalism in the French, German and Italian administrations appeared to have a major impact on managerial reforms in these countries, especially in the sense that they were hard to introduce and sustain."*

As for managerialism, IA originated in Anglo-Saxon countries, where the defense of public interest is a core value of the public sector and public administration is staffed with generalists (Lianos & Karliuk, 2014; Pollitt & Bouckaert, 2011). In legalistic countries on the other hand, lawyers are predominant in the civil service. There is a strong emphasis on compliance to legal and administrative rules and processes, while efficiency goals tend to remain secondary (Peci & Sobral, 2011). Earlier studies have shown that a country's legalistic tradition is a barrier in the adoption of IA (Francesco, 2012) and in its integration in the policy process (De Francesco, 2013; Turnpenny et al., 2008). Ministerial staff in legalistic countries are not familiar with the quasi-scientific method of enquiry and the economic approach of IA (Turnpenny et al., 2008). As noted by Radaelli (2010, p. 171), IA

*"is based on managerial notions of decision-making such as 'problem definition' and the rational appraisal of options. Its aim is to push public managers away from more political/legalistic approaches to policy formulation towards new forms of performance accountability."*

The compatibility of IA with the administrative and political settings in France, Germany and Italy was thus considered relatively low when the innovation was first adopted.

Existing studies have shown that IA require a long process of institutionalisation and that late adopters have not gone beyond the stage of symbolic adoption yet (Adelle & Weiland, 2012; Francesco, 2016;

Staroňová, 2010). However, the three countries under analysis are neither frontrunners nor laggards in the adoption of IA (Renda, 2011). Germany first introduced IA in the federal policy process in 1984 and can be considered an early adopter of IA, while France and Italy formally adopted IA in 1993 and 1999 respectively, in the midst of the diffusion wave that followed the recommendations of the OECD Council to adopt IA in 1995 (Francesco, 2012; Lianos et al., 2016; OECD, 1995). Domestic actors thus had sufficient time to engage in a “trial and error” process (Rogers, 1983) and go beyond the experimental phase. In fact, while there is evidence that in these three countries IA remained a mere formal requirement in the first years after the adoption (e.g. Radaelli, 2005; Veit, 2010), there have been important reforms of IA in the mid-2000s. France was the first country to make it a constitutional obligation in 2008<sup>8</sup>. Germany adopted a law in 2006<sup>9</sup> that strengthened considerably the institutions to design and control the quality of impact assessments, and in Italy IA was made compulsory by law in 2005 and implemented by decree in 2008<sup>10</sup>. However, we have little knowledge about what happened in these countries since these key reforms. The analysis thus aims at understanding policy change following the first experimentation phase and the reforms of the mid-2000s. I will examine whether we observe a continuation of symbolic politics or whether these countries have undergone a process of learning whereby domestic actors have sought to redefine the ends and the means of IA and to adapt them to the domestic context, and how such process is eventually taking shape.

## **I.2) Criteria for selecting cases of policy change**

To this end, the analysis focuses on cases of policy change in each of the three countries previously identified. Following the advice by Bennett and Checkel (2015), these cases are defined by spatial, temporal and topical bounds. In terms of spatial bounds, the cases focus on impact assessment (IA) in the three country under analysis, at the central level of government. I thus exclude from the case selection policy changes that relate to IA at sub-national levels of government, as well as IA on EU regulations. I also exclude policy changes that relate to IA in regulatory agencies, although this practice is also well established. In particular in Italy, the field of IA within regulatory agencies is in many respects more dynamic than at the central government level (OECD, 2013a). However, as regulatory agencies have their own legal and institutional framework for IA, including them in the analysis would go beyond the scope of this research. Furthermore, in France the cases selected include only policy changes regarding IA for draft legislation and exclude IA on draft regulations from the scope of the analysis. The legislative domain (*domaine de la loi*) and the regulatory domain (*domaine du règlement*)

---

<sup>8</sup> LOI constitutionnelle no 2008-724 du 23 juillet 2008 de modernisation des institutions de la Ve République.

<sup>9</sup> Gesetz zur Einsetzung eines Nationalen Normenkontrollrates vom 14. August 2006 (BGBl. I S.1866)

<sup>10</sup> Decreto n.170 recante "Regolamento recante disciplina attuativa dell'analisi dell'impatto della regolamentazione (AIR), ai sensi dell'articolo 14, comma 5, della legge 28 novembre 2005, n. 246".

are completely separate legal orders under articles 34 and 37 of the French constitution, and hence subject to different rules concerning IA.

The temporal bound of our analysis is situated between the mid-2000s and the present. Hence, I select cases of policy change that occurred after the reform of 2006 in Germany and the reforms of 2008 in France and Italy. Within a case, I choose a flexible and pragmatic approach to set the temporal bounds. Kingdon (2014, p. 124) warned against attempting to trace the origin of a policy idea, as

*“the origins become less important than the processes of mutation and recombination that occur as ideas continuously confront one another and are refined until they are ready to enter a serious decision stage. Thus the order ideas are tried out sometimes approaches randomness, but the key to understanding the process is knowing the conditions under which ideas survive.”*

Following such advice, I do not attempt to go back to the ‘roots’ of the idea but I trace the process back to entities and activities that can be considered directly relevant to the policy change. I determine this bound thanks to the data collected during interviews and the documents analysis and I address the question of the temporal bound in the description of each case study (see chapter 5). This explains why some case studies cover a few months before the policy change while other include several years. While events occurring after the policy change are not part of the research question, I include legal or administrative steps that were taken to implement the policy change, for instance the publication of guidelines or a pilot phase to test the policy change. Furthermore, as cases within each country are analysed in a sequential order, I investigate whether the perception that previous reforms failed (for instance case 1 in country X) was a cause of policy change (for instance case 2 or 3 in country X).

As for the topical bound, impact assessments encompass a variety of processes and practices. The literature however generally agrees that IA designates the process of analysing the expected impact of a draft regulation before its adoption (see chapter 1). Evaluations of the adoption of a policy ex post, i.e. after the adoption of such policy, or general assessments and analysis of a policy field are thus not considered in the case selection. IA is concerned with a specific regulation and is conducted following a formal process defined by law. For instance, a study published by an ad hoc committee in order to offer recommendations for policy reform is not an IA as defined in this analysis, although the conclusion of the committee may inform the policy decision and may be used in the actual IA. Additionally, policy changes regarding the process of consultation prior to the adoption of a draft regulation is included within the topical bound of the cases only when the policy change explicitly links consultation with the process of IA. To be included in the case selection, the policy change should regard the following dimensions of impact assessment (Lianos et al., 2016; Renda, 2011):

- the goals: is the rationale of IA to reduce the administrative burden, improve the quality of regulation, mainstream a policy etc.;
- the scope: what type of impact is considered (economic, social, environmental etc.) and what type of legislation is covered (primary legislation, secondary legislation, regulation by agencies etc.);
- the governance of IA: what are the rules for IA, how constraining are they, are there specific organisations in place for conducting or controlling IA, what is their degree of independence/authority etc.;
- the process: at which stage of the policy-process is IA conducted, are stakeholders or citizens consulted, is there a process of control, are IAs published etc.;
- the tools and methods: are qualitative methods and/or quantitative methods used, are there specific tools to support the analysis of impact etc.

I focus on cases of policy change fulfilling the following cumulative criteria: (i) they apply to all central government organisations involved in the regulatory process, (ii) they are compulsory, (iii) they have been formalised by the executive or the parliament. Hence, I do not take into account changes within single implementing organisations nor changes of practices, except if these changes are part of the causal mechanism of policy change. For instance, the adoption of a recommendation to measure the expected benefits of draft regulation by the German State Secretary committee for administrative burden reduction (*Staatssekretärsausschuss Bürokratieabbau*) is not included in the case selection, as it remains optional for the federal ministries. Likewise, the recent decisions by the both the French and Italian Councils of State (*Conseil d'Etat* and *Consiglio di Stato*) to increase their control over the quality of the government's impact assessments is excluded from the case selection. These are unilateral decisions taken by these organisations, which have not been formalised by the governments nor the parliaments of these countries.

Following these criteria, I select a total of nine cases: three cases in France, four cases in Germany and two cases in Italy (see table 2). While the initial selection in France included a fourth case on the introduction in 2015 of an impact assessment for decentralised central government administrative bodies (*administrations territoriales d'Etat*), the case was dropped because of a lack of available data.

Table 2: Selected cases for policy change in France, Germany and Italy

France	Germany	Italy
FR1- Introduction of the obligation to assess the impact of draft bills on gender equality (2012)	DE1- Introduction of the “sustainability check” (2008)	IT1- Measurement of the administrative costs and introduction of the SME test in IA (2011)
FR2- Introduction of the obligation to assess the inclusion of measures for people with disabilities (2012)	DE2- Evaluation of compliance costs and extension of the mandate of the National Regulatory Council (2011)	IT2- Modification of the regulation on impact assessment (2017/2018)
FR3- Introduction of the obligation to assess the impact of draft bills on youth (2016)	DE3- Introduction of the “One in, one out” principle (2015)	
	DE4- Introduction of guidelines on the “SME test” (2015)	

Source: author’s elaboration

**II- Methodology and methods: theory testing process tracing and qualitative content analysis**

**II.1) Testing the presence of the causal mechanism with minimalist process tracing**

The method selected to answer the research question is theory testing process tracing. The purpose of this variant of process tracing is to find out whether a causal mechanism is present, and whether it functions as theorized (Beach & Pedersen, 2016, p. 12). Process tracing is deemed particularly adapted for “zooming in on the ways in which learning processes lead to learning products” (Heikkila & Gerlak, 2013, p. 502). Process tracing originated in the field of cognitive psychology in the United-States and designated a set of “techniques for examining the intermediate steps in cognitive mental processes to better understand the heuristics through which humans make decisions” (Bennett & Checkel, 2015, p. 5). In this research, I do not focus solely on individual but also on meso- and macro-level phenomena of learning. However, individual cognitive processes form the basis of collective learning processes. The analysis thus aims at better understanding whether learning occurred and the intermediate steps through which individuals and groups of individuals made decisions.

The analysis investigates whether the learning mechanism is present or absent in the nine selected cases (see section I.2) and functions as theorised. Given the number of cases selected, this entails a minimalist form of process tracing (Beach, 2017). The objective is to identify (i) whether learning can account for the outcome (policy change), and (ii) if learning is causally relevant, which learning mechanism we observe in the cases, i.e. problem-oriented or power-oriented learning (see chapter 2). While the analysis unpacks the causal arrow between the cause and the outcome, I do not analyse all

parts of the causal mechanism at the same level of detail as would be the case in system-type process tracing. The advantage of using this comparative approach is that I can “shed light on generalizable causal mechanisms linking causes and outcomes within a population of causally similar cases” (Beach, 2017, p.1) and the scope conditions under which learning and policy change can occur. Furthermore, the comparative approach allows me to take the issue of equifinality into account, i.e. the idea that different causes and causal mechanisms can lead to the same outcome (A. Bennett & Checkel, 2015; Ragin, 2000).

Process tracing uses mechanistic evidence from within a case to make inferences about causal explanations (Beach, 2017; A. Bennett & Checkel, 2015). Causal mechanisms are defined by Falletti and Lynch (2009, p. 1143) as “portable concepts that explain how and why a hypothesized cause, in a given context, contributes to a particular outcome”. Mechanisms comprise both *entities* and *activities* that generate observable processes and outcomes (A. Bennett & Checkel, 2015; Machamer et al., 2000). It would go beyond the scope of this thesis to engage in a discussion of ontological debates about the nature of causality. Nevertheless, it is important to clarify that the deterministic variant of process tracing that I follow (Trampusch & Palier, 2016) is not concerned with patterns of association between X and Y but with “the theoretical process whereby X produces Y and the transmission of what can be termed causal forces from X to Y” (Beach & Pedersen, 2016, p. 25).

The claim that the cause (X) is linked to the outcome (Y) should be substantiated by causal observations of the theorized context, cause, processes and outcomes (Brady & Collier, 2004; Rohlfing, 2014). Chapter 2 and annex 1 include the list of causal observations (or indicators) expected in order to confirm (parts of) the causal mechanisms of problem-oriented and power-oriented learning. This includes three types of evidence: (i) sequential evidence, i.e. the temporal order of events expected in the causal mechanism; (ii) trace evidence, which presence suffices to confirm the causal mechanism, for instance the document of a draft legislation as evidence that a legislation was drafted; (iii) and account evidence, i.e. the content of the empirical material such as an interview or the minutes of a meeting (Beach & Pedersen, 2016). I collect the data (see section II.2) based on the operationalisation of the causal mechanism and the expected causal observations.

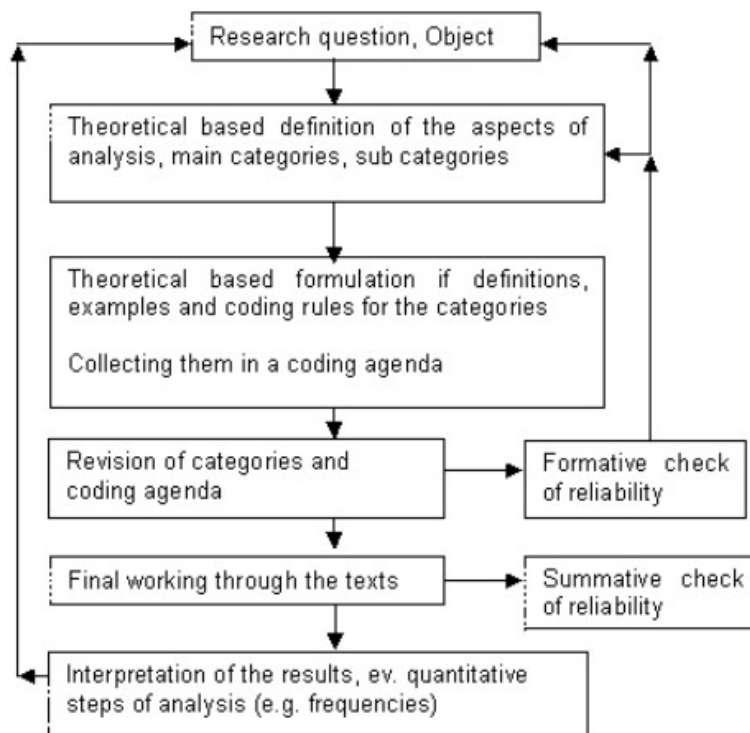
## **II.2) Analysing causal process observations: qualitative content analysis (coding) as a complementary method**

In order to systematize the collection and analysis of causal observations, I use as a complementary method qualitative content analysis, based on Mayring’s model of deductive category application (Mayring, 2000) (see figure 2). In light of the research question, I defined what aspects of the data sources should be analysed as well as the main categories and sub-categories. I designed a coding



scheme and provided definitions, examples and coding rules for the categories (see annex 5). Lastly, I adjusted and revised the categories in the course of the analysis and, after a second round of coding, I checked for consistency and controlled the quality of the coding. The coding scheme aims at tracing in different data sources the rationale for impact assessment: the rationale for IA, the cause of the policy change, the goals of policy change, the activities comprising the causal mechanism, the type of change, and how it was implemented (see annex 5). In order to facilitate the management and the analysis of the data, I coded with the support of the Maxqda software. The final coding scheme comprises 51 categories and 3,674 codes. It should be noted however that the number of codes is not relevant when following a deterministic rather than probabilistic ontology. As a mechanism is either considered present or absent, there are no differences in degrees. Hence a single code may be evidence of (part of) a mechanism after evaluating its content, accuracy and probability, while a great number of codes may not be accepted as evidence after careful consideration. For instance, an interviewee in the government may repeatedly state that the policy change was the result of evaluations of the practice of impact assessment by domestic experts. On the other hand, another interviewee may consider that the advice of domestic experts was not taken into consideration and that the policy change was the result of pressures from the OECD, and the sequence of events offers additional evidence that learning by or from domestic experts is not causally relevant. In this case the evidence that supports the second explanation is deemed stronger regardless of the number of codes.

Figure 2: Step model of deductive category application in qualitative content analysis



Source: (Mayring, 2000)

### **III- Data: expert interviews and document**

#### **III.1) Criteria for the selection of documents to analyse**

In order to achieve the type of evidential diversity required by Bayesian reasoning (Howson & Urbach, 2005), I use two types of data sources: expert interviews and documents. The data collection was conducted in two phases. In a first phase, I collected data in order to map the population of cases, i.e. cases of policy changes in the field of IA in France, Germany and Italy. To this aim, I collected all legislative and regulatory documents as well as guidelines published by the government that related to ex-ante evaluation, as well as evaluation reports. Furthermore, I conducted exploratory interviews to better understand the national context, the relevant actors, the history and current developments in the field of impact assessments in the three countries under analysis. Following this phase, I selected the cases presented in section I.2. The exploratory interviews and the documents collected that were not causally relevant for one of the cases were not coded (see annex 3).

The second phase of the data collection aimed at finding evidence of the causal observations expected to confirm the hypothesis. In process tracing, the selection of the sources is driven by theory and aims at selecting the type of evidence that best enables us to test the theory depending on pre-defined expected causal observations (Beach & Pedersen, 2016; Collier, 2011). The collected documents were all primary sources, their selection depended on their availability and relevance for the case. They included all evaluation documents specifically regarding ex ante evaluation in the three countries analysed, legislative and regulatory documents as well as guidelines related to the nine cases of policy change. Depending on the case, other types of documents were collected and coded: policy papers, legislative proposals, transcripts of auditions/meetings/speeches, parliamentary debates/media reports, electoral programmes, coalition agreements, press releases. The type and number of documents selected and coded varied according to the case and some documents pertained to more than one case. For the cases in which system-type process tracing is conducted, a greater number of document was collected. In total, 87 documents were collected and coded for the nine cases.

#### **III.2) Criteria for the selection of experts and method used for the interviews**

To identify experts for interviews, I used stakeholder sampling as a purposive sampling strategy (Palys, 2008). Random sampling is not advisable in process tracing as

*“the goal of process tracing is to obtain information about well-defined and specific events and processes, and the most appropriate sampling procedures are thus those that identify the key political actors - those who have had the most involvement with the processes of interest. The aim is not to draw a representative sample of a larger population of political actors that can be used as the basis to make generalizations about the full population, but to draw a sample that*

*includes the most important political players who have participated in the political events being studied.” (Tansey, 2007, p. 765)*

During the document analysis, I identified relevant actors of the policy community who were involved in the debates on impact assessment at the domestic level and/or in the policy change. Furthermore, in order to get a better contextual knowledge, I identified practitioners who were not involved in the political events but have a strong expertise in the field of impact assessment and the latest policy developments. I aimed for interviewing respondents from a wide scope of institutions in the executive, legislative and judiciary branches as well as non-government organisations. In order to improve comparability across interviews and cases, I designed an interview guide for conducting an hour-long semi-structured expert interviews. The questions related to the role of the interviewees and other actors in the policy change, the cause and the goal of the policy change, the activities conducted in this context (for instance meetings or publications), the perceived impact of such activities on policy change and the perceived effectiveness of the policy change. The questions varied in order to adapt to the national context and the specific expertise or experience of the interviewee (see annex 6 for an example of interview guide), but for interviews regarding a same case a majority of questions can be found in several or all interviews. Some interviews pertain to one case while other interviewees had expertise on several cases. In total, 26 semi-structured expert interviews<sup>11</sup> were conducted: 10 in France, 9 in Germany and 6 in Italy. The interviews were conducted in several rounds between September 2018 and August 2020. A number of interviews were held by phone, due in part to the travel restrictions enforced to tackle the COVID-19 epidemic. The interviews were conducted in the native language of the interviewees (French, German and Italian) and recorded. The length of the interviews varied between 30 minutes and 90 minutes. After each round of interviews, the recordings were transcribed on a word document in the original language and coded (when pertaining to a specific case—see annex 3). In two cases, interviewees did not consent to recording and I only used written notes. Interviewees were asked for their explicit consent to be recorded and quoted in the dissertation, and the recordings and transcriptions were saved on a secure server at the Hertie School. Annex 3 provides detailed information about the interviews.

#### **IV- Limitations of the method and data**

This section deals with the challenges and limitations inherent to the method and data selected. Although process tracing is a key tool to draw descriptive and causal inference in specific cases (Collier, 2011), an important limitation of this method is that within-case evidence does not tell whether the mechanism is found or not in a broader population of cases (Reykers & Beach, 2017). In order to

---

<sup>11</sup> Five interviews in Germany, seven interviews in France, one interview with a former member of the OECD.

improve the generalisability of my findings, I have chosen a comparative small n-design and minimalist process tracing approach. This enables me to compare the entire population of cases of policy change in the context of IA in the three countries under analysis since the mid-2000s. This considerably strengthens the reliability of the results that I have presented, but the trade-off is that it was not possible to discuss in detail for each case the different parts of the causal mechanism, as would be the case for a single case study design and detailed process tracing methodology.

Another limitation of process tracing is that researchers often do not have access to the empirical evidence that would be required to substantially update our confidence in a given hypothesis (Reykers & Beach, 2017). While documents were generally available, some internal documents reflecting debates and discussions within the administration or the government were not available and I thus had to rely on accounts by participants. In several cases, it was also not possible to interview relevant actors because they could not be identified or were not willing to be interviewed. Furthermore, some parts of the hypothesized causal mechanisms were easier to trace in documents, while others were more implicit or observable only through the account of interviewees. The availability of data was sometimes also hindered by the fact that some cases happened more than ten years ago. Some actors could not be identified and the relevant actors in several cases could not remember the chain of event, or were not sure about the accuracy of their memory.

This brings us to another limitation with regard to the reliability and the quality of the data collected. All data collected reflects subjective viewpoints and the authors of the documents and interviewees may – consciously or unconsciously- exaggerate their role in the policy change, or have a different perception of how events occurred. In order to reconstruct the events as accurately as possible, I triangulated the data from various written sources and interviewees in different organisations. Despite the limitations of the data, the advantage of the process tracing method is that it enables a complete transparency on the inferential value of each evidence and that researchers update their confidence in the hypothesis only if or when the evidence passes the empirical tests designed to this effect.

**PART II- ANALYSIS: INTRODUCTION OF  
IMPACT ASSESSMENT AND POLICY  
CHANGES IN FRANCE, GERMANY AND  
ITALY**

## **Chapter 4: HISTORY AND ORIGINAL FEATURES OF IMPACT ASSESSMENT IN FRANCE, GERMANY AND ITALY (1971- 2008)**

---

The aim of this analysis is to explain policy changes in the field of impact assessment (IA) in France, Germany and Italy since the key reforms of the mid-2000s in each of these countries, and to find out whether these changes are the result of domestic learning processes. To this end, a better understanding of the roots of IA at the international level and in each of these countries is required. This chapter examines how IA emerged and was diffused across countries, and how it was first adopted in France, Germany and Italy.

The first part of this chapter provides an overview of the different origins and rationales of IA from the 1970s. It shows how IA emerged as a key principle of “Better Regulation” initiatives and was broadly diffused across OECD countries. It highlights how IA varies broadly across countries in practice, despite a common “label”.

The second part of this chapter depicts the characteristics of the policy-making system in France, Germany and Italy. It presents the drivers behind the introduction of IA in each country between the mid-1980s and mid-1990s, what I call the “first wave” of IA in these countries. It shows how France, Germany and Italy have translated the innovation into their domestic policy system and which difficulties they have faced in the early years of experimentation. The policy-making systems and first experiences with IA are compared in section II.4.

In the last part of the chapter, the analysis focuses on the “second wave” of IA in these countries. Between 2005 and 2008, France, Germany and Italy have all adopted a reform strengthening considerably IA. The origin of the reforms and the resulting features of IA systems in the three countries are analysed, and compared in section III.4. These reforms provide the starting point for the analysis of our cases of policy change in chapter 5.

This chapter is based primarily on secondary sources such as empirical literature<sup>12</sup> and OECD reports, complemented by an analysis of relevant national regulations. Interviews conducted with experts also provided an important background knowledge and contributed to the identification of relevant (legal) sources.

---

<sup>12</sup> I tried to include as many sources in English as possible, but I relied on sources in French, German and Italian when no sources were available in English.

## **I- A brief history of the emergence and international diffusion of impact assessment (1971- 2008)**

This section traces the different origins of impact assessment (IA). It shows how it emerged as an international norm for the formulation of regulation from the 1970s. IA was actively promoted as an instrument of “Better Regulation” by key transnational networks such as the OECD and the EU. Although it has been adopted by all OECD countries, the diffusion of the principle has not resulted in a convergence in practice. The IA “label” covers a broad array of goals, scope, governance structures, and methodology, and scholars find that there was still a significant “adoption-implementation gap” by the mid-2000s (Renda, 2011).

### **I.1) The origins of impact assessment**

As introduced in chapter 1, IA aims at measuring the impact of a regulation or a law *ex-ante*, i.e. before its adoption. As an analytical process, the objective of IA is to support the formulation of a policy, for instance by assessing the potential effects of a range of policy options, collecting indicators on costs and benefits, consulting stakeholders. As a final product, IA is a document summarizing the process and the result of the analysis, with the aim of providing information to support decision-making (Denolle, 2011; Dunlop & Radaelli, 2016). IA shall not be understood as a precise model but as “an administrative principle based on different methodological approaches” (Francesco, 2012, p. 1285). The variety of approaches to IA (see also section I.3) can be explained in part by the various origins of the instrument. We can trace three main origins of IA: Regulatory impact assessments (RIA), Environmental impact assessment (EIA), and sectoral assessments procedures (Hertin, 2016).

Regulatory Impact Assessment (RIA) is “the oldest and most common form of impact assessment used in OECD member countries” (OECD, 2010, p. 6). We can date the idea of RIA back to 19th century France, where a form of cost-benefit assessment was first used in infrastructure projects (Lianos & Karliuk, 2014). In the 1930s, the US Army Corps of Engineers started to use a cost-benefit analysis for infrastructure projects (Lianos & Karliuk, 2014), and this approach was progressively extended to the preparation of regulation. In response to the increasing costs that businesses faced to comply with environmental regulation, the Nixon administration asked regulatory agencies such as the Environmental Protection Agency to prepare a Quality of Life review for proposed regulation that included an estimation of costs and a presentation of regulatory alternatives (Tozzi, 2011). This idea of minimizing costs for businesses through the ex-ante assessment of regulation was taken a step further by Ronald Reagan, who launched a “regulatory relief campaign” in order to reduce the burdens created by regulation (Eads et al., 1984). In 1981, Ronald Reagan adopted the Executive Order 12291, requiring that federal agencies perform a Regulatory Impact Analysis on all major regulations and submit these RIA to the Office of Management and Budget (OMB) for review. In this view, the objective of IA is to

“maximize net benefits”, i.e. “choose the least costly way of achieving any given regulatory objective” (Miller, 2011, p. 94). Despite heavy critics at the time (Lianos & Karliuk, 2014), this approach has been used by every US President since then (Woods, 2018).

The second origin of IA is Environmental Impact Assessment (EIA), which was developed initially in the United States to fulfill a requirement of the National Environmental Policy Act adopted in 1969 (Caldwell, 1988) and was introduced in many other OECD countries. The rationale for the introduction of EIA is very different from RIA, which aim at improving regulatory quality and fostering economic growth. Initially, EIA applied only to infrastructure projects rather than regulation, but the scope was extended to policies and regulations with the emergence of Strategic Environmental Assessment (SEA) in the 1980s (Hertin, 2016). In the EU, a directive adopted in 2001<sup>13</sup> required that Member States conduct a SEA before adopting public plans or programmes.

The third origin of IA is sectoral assessments procedures. These types of IA focus on measuring the ex-ante impact of a regulation on specific populations or recipients of the norms, or focus on the measurement of a specific type of impact. One prominent example of these sectoral assessments is the so-called “gender assessment”, that aims to assess the impact of a regulation on gender equality and women’s rights. They are directly inspired by the principle of “gender mainstreaming”, according to which gender equality and women’s rights should be taken into account in all public policies, because they are by nature transversal issues that permeate all policy areas. Gender mainstreaming came into existence at the Fourth UN Conference on Women in Beijing in 1995 and was broadly diffused across the world in the decades after (Woodward, 2001), becoming a key principle at the EU level following the Amsterdam Treaty signed on the 1<sup>st</sup> May 1999. Other forms of sectoral assessment include *inter alia* Competition impact assessment, Poverty impact assessment, or Trade impact assessment (OECD, 2010).

Increasingly, different sector-specific approaches are merged into “integrated assessments”. Integrated IA seek to assess a broad array of potential impacts of a regulation and illustrate the trade-offs implied in policy-making. In particular, an increasing number of countries have introduced a “Sustainability Impact Assessment” (SIA). SIA is derived from EIA and SEA, but the aim is to explore the combined economic, environmental and social impacts of policies rather than exclusively the environmental impact (OECD, 2010; Pope et al., 2004). The most prominent example is the integrated IA system introduced by the European Commission in 2002. Since this reform, the EU IA system is not centred exclusively on regulatory quality, but aims also at anticipating the consequences of proposed regulations on the economy, the environment, and the society (Jacob et al., 2008). According to the

---

<sup>13</sup> Directive 2001/42/EC



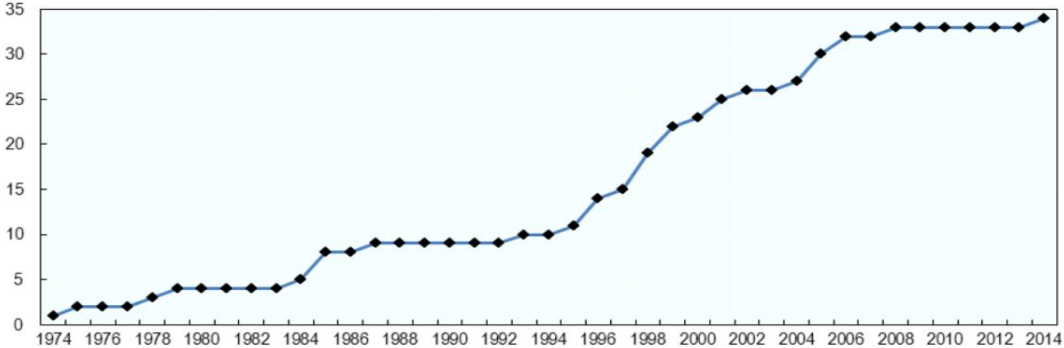
EU guidelines for an integrated impact assessment<sup>14</sup>, IA “helps to ensure coherence of Commission policies and consistency with Treaty objectives and high level objectives such as the Lisbon and Sustainable Development Strategies”.

All the forms of IA that I presented in this section are considered in this analysis, as long as they fulfill the criteria set in chapter 3 (see chapter 3- 1.2). In order to encompass all forms of IA, I deliberately use the term Impact Assessment (IA) rather than Regulatory Impact Assessment (RIA).

**1.2) The transnational diffusion of impact assessment: the OECD and the EU as key “carriers” and promoters the innovation**

Since the introduction of the Quality of Life Review in the United-States in 1971, all OECD countries have adopted a form of impact assessment (OECD, 2018). Studies on the diffusion of impact assessment show that transnational organisations have played a key role as “carriers” of the innovation and “transfer agents” (De Francesco, 2013; Sahlin & Wedlin, 2008; Stone, 2004). In particular, the EU and the OECD have been widely influential, by providing knowledge and standards on IA, building networks of experts and practitioners, and monitoring the implementation of the reforms in these countries (see also chapter 1.1). De Francesco (2012) shows that participation in transnational networks sharing knowledge about regulatory policy is the most important predictor for the adoption of IA. The influence of the OECD and the EU in the transnational diffusion of IA is confirmed by the timing of the diffusion. While the diffusion of IA happened slowly from the 1970s to the 1990s (see Figure 3), the movement accelerated significantly by the mid-1990s, following the adoption of the recommendations on regulatory reforms by the OECD Council (Francesco, 2012; OECD, 1995). In the EU, another wave of diffusion can be observed from the mid-2000s, after the European Commission adopted an integrated IA system (Francesco, 2012).

Figure 3: Evolution of the number of countries that adopted IA across OECD countries (1974-2016)



Source: OECD (2015)

<sup>14</sup> Par 4. COM (2002) 276 final. Communication from the Commission on Impact Assessment. Brussels, 05.06.2002.

In the area of regulatory policy, the Council of the OECD first adopted a set of standards on “Improving the Quality of Government Regulation” in 1995 (OECD, 1995) that included recommendations for conducting IA. Following these regulations, the OECD conducted regular regulatory reviews, for instance in Italy in 2001, and in France and Germany in 2004. These standards and reviews were an important impulse for the adoption of IA in France and Italy (see section II of this chapter).

In Europe, a form of IA on infrastructure projects has been long practiced. France and Germany adopted requirements to conduct Environmental Impact Assessment for infrastructure projects in 1975 and 1976 respectively. Nevertheless, the US approach to conduct IA on draft regulations did not take root until the mid-1980s. The first countries to adopt a form of IA in the EU were Germany in 1984 (see II.2.2), followed in 1985 by the United Kingdom, the Netherlands and Sweden. The United Kingdom played a key role in the diffusion of IA to the EU level. Similar to the Reagan administration, Margaret Thatcher pursued a business-friendly agenda of reduction of the administration costs and sought to transform the administrative culture by pursuing reforms inspired by “New Public Management”. The Thatcher administration introduced the so-called “compliance costs assessment” (CCA), whereby administrations were required to measure the costs that would incur to businesses in order to comply with the draft regulation (Renda, 2006). During the UK Presidency of the EU Council in 1986, the European Commission adopted a “Business Impact Assessment” that was largely inspired by the UK example (Renda, 2006). In the 1990s, the Netherlands invented a method that aimed at quantifying administrative costs created by regulation, the “Standard Cost Model” (SCM). The Netherlands and the EU - as well as a transnational network named the SCM network- promoted actively the adoption of this innovation. The SCM directly influenced the 2005 reform of IA in Germany (see section III.2 of this chapter). In the case of the SCM, mechanisms of diffusion and Europeanization overlapped and interacted to contribute to the adoption of this tool in most EU Member States (Heidbreder et al., 2011).

Concomitantly, the European Commission launched an “Action Plan on simplifying and improving the regulatory environment” in 2002 (European Commission, 2002), and adopted guidelines for an integrated impact assessment<sup>15</sup> to assess the economic, social and environmental impact of draft regulations (See section I.1). Moreover, the 2005 Communication on 'Better Regulation' (European Commission, 2005) emphasized that all Member States should adopt Better Regulation tools. Although these developments at the EU level do not seem to have directly affected the early years of IA in the three countries under analysis (see chapter 2), they contributed to keep Better Regulation reforms on the political agenda of EU Member States (Lodge, 2005; Natalini, 2010).

---

<sup>15</sup> COM (2002) 276 final. Communication from the Commission on Impact Assessment. Brussels, 05.06.2002.

### **I.3) “Diffusion without convergence” in the form and practice of impact assessment**

While the transnational diffusion of impact assessment (IA) has been impressive, existing comparative studies of the diffusion and implementation of impact assessment show that – despite a common label – practices vary broadly across countries (Peci & Sobral, 2011). Radaelli (2005) talks of a diffusion without convergence”, while Lianos and Fazekas (2014) observe a “patchwork of practices”. IA systems vary across countries regarding their goal, scope, governance model, processes and methods (Renda, 2011) (see also chapter 3). Based on the degree of formalisation, methodological sophistication, and extensiveness of consultation, Lianos and Fazekas (2014) empirically establish four different models of IA<sup>16</sup>. On one end of the spectrum, rudimentary IA are not very detailed, use non sophisticated methods, do not rely on extensive consultations of stakeholders, do not assess alternative policy options, and are not endorsed at the political level. On the other end of this spectrum, symbiotic IA are lengthy, quantify costs and benefits and assess policy alternatives. They are based on consultations of stakeholders and are endorsed at the political level. While Lianos and Fazekas find that rudimentary IAs are commonly used, their comparison of IA practices across Europe points “towards a dynamically changing IA landscape where both shallow and well-developed IA practices increasingly spread” (Lianos et al., 2016, p. 294).

Beyond how IA systems were designed in each country, practice has shown that there are also important differences in the degree of effective implementation, both within and across countries. Several shortcomings have been identified by scholars, such as the low number of IA actually produced (Renda, 2011), the low integration of IA into the policy-making process (Turnpenny et al., 2008) and the low quality of the IA produced (Staroňová, 2010). Existing studies have shown that the domestic political and administrative context matters in how the IA has been translated and implemented in each country (De Francesco et al., 2012; Radaelli, 2005). Scholars have highlighted factors such as the existence of a community of domestic stakeholders creating demand for the innovation and sufficient bureaucratic capacity to conduct IA (De Francesco et al., 2012). A key factor identified is the administrative culture, as the legal logic of certain public administration systems is deemed less compatible with the economic logic of IA, as it has been conceived in the United States (Radaelli, 2005). As noted by Renda (2011, p. 81),

*“the first countries that managed to mainstream RIA into their policymaking process were notably common law countries (...). Other countries, in particular civil law countries, have committed resources to the development of ex ante RIA practices, but for many years have failed to fully implement RIA for a substantial part of their flow of legislation. Accordingly, a*

---

<sup>16</sup> Rudimentary IA, cost-benefit analysis IA, cost-effectiveness IA, participatory IA, and symbiotic IA.

*conspicuous adoption-implementation gap has emerged, as observed by several scholars in the past few years.”*

However, as I have shown in chapter 1, there have been only few studies on the implementation of IA in recent years, in particular in civil law countries with a legalistic administrative culture. In the next sections of this chapter, I describe the early years of impact assessment in France, Germany and Italy and to what extent the adoption of IA and policy changes until 2008 were influenced by the interaction with transnational networks and Europeanization. I also reflect on how the domestic political and administrative context may affect the translation and implementation of IA.

## **II- Policy-making tradition and the “first wave” of impact assessment in France, Germany and Italy: first experimentations and failures**

France, Germany, and Italy are three countries characterised by a legalistic administrative culture. IA was formally adopted as early as 1984 in Germany, followed by France (1995) and Italy (1999). This section will present the characteristics of the policy-making process and administrative culture in these countries, what the rationale behind the adoption of IA was, and how IA was translated and implemented until the key reforms of the mid-2000s (see section III).

### **II.1) Policy-making tradition and the introduction of impact assessment in France (1992-2008)**

#### ***II.1.1) Characteristics of the French policy-making process and administrative culture***

France is characterised by a unitary and centralised state structure. Sub-national levels of government have gained increasing powers after a succession of decentralisation reforms since the 1980s. They acquired regulatory powers with the revision of the constitution in 2003<sup>17</sup>, although these are limited to the “exertion of their power”. Regulatory power in France is thus nearly exclusively in the hands of the central level of government.

Furthermore, the executive has ample regulatory competences in France. Article 34 of the constitution of the French Republic<sup>18</sup> lists the policy areas that shall be ruled by law (*domaine de la loi*), and thus circumscribes the powers of the parliament. The French parliament is composed of a higher chamber directly elected by the citizens, the National Assembly (*Assemblée Nationale*), and a lower chamber representing local governments, the Senate (*Sénat*). In policy areas that are not a prerogative of lawmakers, the government may regulate by adopting decrees or circulars (*domaine du règlement - article 37 of the Constitution*). France is a semi-presidential regime and authority is thus shared

---

<sup>17</sup> Article 72.3 of the Constitution of the French Republic.

<sup>18</sup> Constitution of the 4th October 1958.

between the head of the State (the President of the Republic) and the head of the government (the Prime Minister). Regulatory power (*pouvoir réglementaire*) is usually in the hands of the Prime Minister (article 21 of the Constitution), except for the most important regulations, i.e. decrees debated in the Council of Ministers (article 13 of the Constitution). Since different rules and procedures apply to regulations and bills – including different IA procedures – this analysis will focus on IA regarding draft bills (see chapter 3). Beyond its regulatory power, the executive has significant influence over legislative policy areas. First, the government may ask the parliament to grant the authorization to adopt acts (edicts- *ordonnances*) that relate to the legislative competences of the parliament (article 38 of the constitution). Second, the government shares the right of legislative initiatives with members of the parliament (article 39 of the Constitution)<sup>19</sup>. In practice, about 65% of the laws adopted by the parliament were initiated by the government<sup>20</sup>. The influence of the government over the policy agenda is reinforced by the majoritarian electoral system, as the majority elected in the parliament usually supports the President of the Republic and the government<sup>21</sup>. The constitutional reform of 2008 increased the powers of parliament, i.e. by extending the number of policy areas in the legislative domain, strengthening the function of control and evaluation of the legislative chambers, giving more control over the legislative agenda to opposition parties (see also III.1). This resulted in an increase of the number of laws initiated by members of the parliament. However, the parliament remains relatively weak in France, in particular in its functions of evaluation and control (De Padirac, 2018).

In France, there are no formal rules concerning the procedures for drafting legislation within the government. In practice, one or several ministers are in charge of preparing a draft bill. While the goals and main measures of the text are set at the political level, civil servants are relatively autonomous in the legal and technical definition of problems and solutions, and in the formulation of draft bills (Chevallier, 2011). The French administrative tradition is usually defined as legalistic or Napoleonic (Ongaro, 2008; Peters, 2008). Access to civil service is closed and there is a predominance of legal skills, while staff members with more technical and economic skills are usually employed in specialised research departments (OECD, 2010a). Historically, the law making process is a technocratic process that relies mostly on the knowledge of civil servants rather than external expertise (Restier-Melleray, 1990) and the participation of society in policy-making is limited (Huxley et al., 2016).

---

<sup>19</sup> Draft norms initiated by the government are called bills (*projets de loi*), while norms initiated by members of parliament are called legislative proposals (*propositions de loi*).

<sup>20</sup><http://www2.assemblee-nationale.fr/decouvrir-l-assemblee/folder/l-elaboration-de-la-loi/le-parcours-de-la-loi/la-preparation-et-l-initiative-des-textes-legislatifs>. Information retrieved on the 12.10.2020.

<sup>21</sup> Except in situations of « cohabitation », whereby the President of the Republic belongs to a different party than the majority in parliament and the Prime Minister. However, this situation has not occurred in France since the constitutional reform of 2000. The reform aimed at avoiding the political deadlocks that resulted from cohabitations by aligning the mandate of the President of the Republic with the five year mandate of the parliament. Prior to this reform, the President of the Republic was elected for a seven year mandate.

Ministries coordinate their views during interministerial meetings, which are organised by the General Secretariat of the Government (*Secrétariat Général du Gouvernement- SGG*), a department under the authority of the Prime Minister, and chaired by a member of the Prime Minister's cabinet. In case of disagreement, the Prime Minister arbitrates between ministries, usually in close coordination with the cabinet of the President of the Republic. In specific cases, the draft legislation is sent for consultation to bodies such as the Economic, Social and Environmental Council. According to article 39 of the Constitution, the State Council (*Conseil d'État*) also has to be consulted on all draft bills, but its opinion is not binding. The State Council is a hybrid institution staffed by senior civil servants, which acts both as legal advisor to the government and as the highest administrative court. The State Council ensures that the legal procedure has been respected, that the draft bill is in line with constitutional requirements and international obligations. While it refrains from expressing an opinion on political goals, the State Council may also comment on specific measures contained in the draft bill. A final text is then adopted by the Council of ministers and the Prime Minister introduces it to one of the chambers of parliament.

### ***II.1.2) Introduction and original features of impact assessment in France***

In France, the first type of IA can be dated back to the 1970s, but it applied exclusively to environmental projects and regulations (Denolle, 2011). Concomitantly, from the 1970s onwards administrative reforms adopted a strong focus on simplification and improving the relationship with users (Bartoli et al., 2016). These two agendas came together at the beginning of the 1990s, when the international Committee for the simplification of administrative formalities (Cosiform) recommended that ministries produce an impact statement (*fiche d'impact*) for draft regulations incurring additional administrative burden for citizens, businesses, and the public administration<sup>22</sup>. In the context of an increased focus on regulatory quality at the international level, French mandarins became concerned with the regulatory burden and legal uncertainty created by "regulatory inflation", or the increasing quantity and instability of norms. In 1991, the French State Council produced an annual report on legal certainty (Conseil d'Etat, 1991) and further highlighted the issue of the increasing number and decreasing quality of regulations adopted.

In 1994, the Prime Minister Edouard Balladur appointed a committee to reflect on the responsibilities and organisation of the state. In the report sent to the Prime Minister (Picq, 1994), the committee estimated that around 8,000 laws and 8,000 decrees were in effect at the time and deplored that the number and the length of the laws adopted every year were increasing. Among the simplification measures proposed to remedy this perceived burden, the Commission suggested to make IA

---

<sup>22</sup> Circulaire du 9 septembre 1992 du Ministre de la fonction publique relative à la fiche d'impact ; Circulaire du Premier Ministre du 2 janvier 1993, relative aux règles d'élaboration, de signature et de publication des textes.

compulsory for every draft bill in order to measure the consequences for the legal order, the budgetary implications, as well as the costs incurred on businesses and the society as a whole. While this recommendation was not immediately followed by effects, in 1995 the Council of the OECD adopted recommendations calling OECD member states to assess the costs and benefits of regulations on businesses, citizens and public administration (OECD, 1995). These recommendations had a strong influence in the adoption of the circular regarding the experimentation of an impact assessment (*étude d'impact*) for draft bills and draft decrees<sup>23</sup>. In the circular, the Prime Minister Alain Juppé lamented that “despite the regular instructions provided by [his] predecessors”, ministries did not provide information of the expected costs and benefits of draft bills and decrees. The circular extended the scope of IA and provided for the first time a clear definition of the type of impacts that should be considered, including expected benefits, the consequences on employment, on other general interests such as the protection of the environment, on the budget, on the administrative burden, and on legal clarity. However, the circular did not foresee any sanction in case of non-compliance and did not provide clear guidelines on methods.

In 1997, two reports by the State Council and the Central Committee on the Cost and Regulation of public services judged that the quality of impact assessments was insufficient and did not contribute to the government’s decision-making (Combrade, 2015; Conseil d’Etat, 1997). As a response to these negative evaluations, two circulars adopted in 1998<sup>24</sup> and in 2003<sup>25</sup> institutionalised IA beyond the experimentation phase, but introduced a more flexible procedure to strengthen the practice of IA in France (Denolle, 2011). According to the 2003 circular, IAs should not be conducted systematically but the government shall decide on a case by case basis whether to conduct IA or not, depending on the importance of expected impact. Despite this “trial and error” process, these circulars did not result in the effective implementation and institutionalisation of IA in France (Cabrespines, 2019; Goasguen & Mallot, 2009). This explains why IA was substantially reformed in 2008 and even enshrined in the constitution (see III.1).

## **II.2) Policy-making tradition and the introduction of impact assessment in Germany (1984-2006)**

### ***II.2.1) Characteristics of the German policy-making process and administrative culture***

Germany is characterised by a federal organisation of the state, whereby *Länder* have a right to legislate in a number of areas defined by the constitution<sup>26</sup>. *Länder* contribute to shaping draft

---

<sup>23</sup> Circulaire du 21 novembre 1995 relative à l'expérimentation d'une étude d'impact accompagnant les projets de loi et de décret en Conseil d'État. The “*décrets en Conseil d'Etat*”, decrees taken after the advice of the State Council.

<sup>24</sup> Circulaire du Premier ministre du 26 janvier 1998 relative à l'étude d'impact des projets de loi et de décret en Conseil d'Etat.

<sup>25</sup> Circulaire du 26 août 2003 relative à la maîtrise de l'inflation normative et à l'amélioration de la qualité de la réglementation, circulaire du 30 septembre 2003 relative à la qualité de la réglementation

<sup>26</sup> Article 70 of the Basic Law.

legislation at the federal level, through consultation and negotiation. They also vote on draft legislative proposals via their representatives in the *Bundesrat* (OECD, 2010b). Cooperative federalism and intertwined policy-making were perceived as causes for the lengthiness of legislative procedures in Germany (Reutter, 2007). A reform of the federal system in 2006<sup>27</sup> aimed at streamlining decision-making processes and avoiding deadlocks by clarifying the legislative competencies of each level of government and reducing the number of laws that would require the approval of the *Bundesrat*.

The German political system is based on consensus and compromise (OECD, 2010b). Because of its mixed member proportional representation system, the Bundestag tends to be politically fragmented and several parties are required to form a government. A large part of the policy and legislative programme is defined during lengthy negotiations to form a coalition, and included in a coalition agreement. As coalitions often span the political spectrum, this results in limited leeway for the definition of policy options during the phase of preparation of legislative proposals.

According to article 76 of the Basic Law, legislative proposals may come from the federal government, the Bundesrat, or -within the Bundestag- from at least 5% of the members of the Bundestag or a parliamentary group ("*Mitte des Bundestages*"). However, in practice a great majority of the legislative proposals (around 80%) come from the federal government (Hartmann & Kamm, 2014) and the federal government also contributes to the formulation of draft legislation by providing assistance for the drafting of draft laws proposed by parliamentary groups (*Formulierungshilfe für Gesetzentwürfe aus der Mitte des Bundestages*) (OECD, 2010b). Following article 80 of the Basic Law, the executive may also be authorised by law to issue *Rechtsverordnungen*, i.e. legal acts taken by the executive within the bounds set by the authorising law.

At the federal government level, the policy formulation process is regulated by article 65 of the Basic Law for the Federal Republic of Germany (*Grundgesetz*). According to the Basic Law, the Chancellor determines and is responsible for the general policy guidelines (principle of chancellor leadership- *Kanzlerprinzip*). The federal government takes a collegial decision by a majority vote (principle of joint cabinet decision-making- *Kollegialprinzip*), but the chancellor and has the ultimate decision power in case of disagreement between ministries. Nevertheless – and within the limits set by the chancellor – federal ministers have a strong autonomy in initiating legislation in their policy area (principle of ministerial autonomy- *Ressortprinzip*) (Fleischer, 2012; OECD, 2010b).

Beyond article 65 of the Basic Law, since 1958 the respective responsibilities of the Chancellery and federal ministries are included in the Joint Rules of Procedure of the Federal Ministries (*Gemeinsame Geschäftsordnung der Bundesministerien*, GGO). According to article 15 of the Joint Rules of Procedure

---

<sup>27</sup> Föderalismusreformbegleitgesetz vom 5. September 2006.



(2009), one ministry acts as lead ministry (*Federführung*) and develops a draft legislative proposal. Policies are not developed across organisations, however the lead ministry is in charge of consulting other ministries in their policy area and getting their approval before the cabinet votes on the proposal. The Ministries of Justice and of the Interior are always involved in preparing the draft legislation and checking its compatibility with the Basic Law and other norms, while the Ministry of Finance shall always be consulted if the draft legislation affects taxes, income or expenditures (Fleischer, 2012). In particular, the Ministry of the Interior check that ministries comply with the GGO, and the Ministry of Justice verifies the quality of the formulation of the draft legislation. The chancellor thus acts as a coordinator and arbiter between ministries in case of conflict, rather than as a driver of policy-making. The Joint Rules of Procedure (article 47) also require that ministries consult early and extensively with a range of stakeholders, but here again the principle of ministerial autonomy prevails and each ministry is free to organise consultation processes as it sees fit (OECD, 2010b).

As is the case in France, civil servants play a key role in the formulation of policies. Political superiors are usually scarcely involved in drafting legislation, except when policies are initiated at the political level or in case of crises or “highly sensitive and publicly debated issues” (Fleischer, 2012, p. 80). Due to the German *Rechtsstaat* tradition, a majority of civil servants have a legal training. Policy-making is focused on compliance with the existing legal order, as policy-making may be submitted to judicial review (Bach et al., 2016).

### ***II.2.2) Introduction and original features of impact assessment in Germany***

In Germany, the 1960s-1970s were characterised by a focus on rationalisation and planning in administrative reform (Veit, 2010). Along with Sweden, Germany was an early adopter of evaluation and social experimentation in Europe (Wollmann, 2003). Federal ministries created administrative units for planning and evaluation, and budget was earmarked for evaluation functions (Wollmann, 2003). While this wave of evaluation focused mostly on ex-post evaluation, in 1976 the government led by the social democrat Helmut Schmidt adopted an important reform of the common procedures of the federal ministries (*Gemeinsame Geschäftsordnung der Bundesministerien*, GGO), that regulated how ministries shall organise and collaborate, including in drafting regulation. The new GGO introduced obligations to present the impact of draft regulations on specific groups such as consumers, or on certain types of impact such as the budget and the environment (Jantz & Veit, 2018; Veit, 2010). Germany already had a community of experts involved in academic debates on IA from the 1970s (Bürger et al., 2009) and at first the country experimented with this instrument quite independently from developments in Anglo-Saxon countries.

After the election of the Christian democrat Helmut Kohl as chancellor in 1982, simplification and the reduction of red tape (*'Entbürokratisierung'*) became a political priority, and the new government pursued an agenda of privatisation and deregulation in line with the NPM movement (Veit, 2010). Germany also became the first EU country to require a form of IA on draft regulation. The “blue test questions”<sup>28</sup> introduced in 1984 are rather another instrument for the rationalisation of the policy-making process, aiming at assessing more systematically the necessity, the effectiveness, and the cost of planned regulations. Federal ministries were requested to answer a set of ten questions (divided in sub-questions) when drafting regulation and ministers were in charge of ensuring that legislative proposals were checked according to the blue test questions early in the regulatory process (Zeitz, 2016). This form of IA was thus quite different from the model promoted in the US and in the UK at the same time, which was centred on the economy. However, in 1998 the “Lean state” expert commission appointed by Helmut Kohl criticised the mere formal compliance and the lack of substantive assessment of the impact of regulation and called for a reform of the “blue test questions” and more transparency of the results (Kluge, 2010; Sachverständigenrat „Schlanker Staat“, 1998).

By the end of the 1990s, there was a shift in the political agenda from an emphasis on deregulation and simplification towards the goal of improving the effectiveness and the acceptance of legislation (Veit, 2010; Zeitz, 2016). In 1998, the newly elected government Schröder initiated the programme “modern state, modern administration” (*“Moderne Staat, moderne Verwaltung”*) and adopted a reform of the GGO in 2000<sup>29</sup>. Following this reform, the blue test questions and the ex-ante assessment (*Gesetzesfolgenabschätzung- GFA*) of all significant effects of a regulation became core aspects of the common procedures (Veit, 2010; Zypries & Peters, 2000). In order to strengthen this principle further, the Ministry of the Interior published a handbook and guidelines on IA developed by researchers from the Speyer University for administrative sciences (Böhret & Konzendorf, 2001).

Parallel to the changes on IA introduced in §44 of the GGO, the 2000 reform of the GGO introduced the principle of “gender mainstreaming” and requested in §2 that all federal ministries take into account gender equality in all political, regulatory and administrative measures adopted at the federal level<sup>30</sup>. In 2005, the federal Ministry for Family, Women and Youth published guidelines on the so-called „gender check“, or gender sensitive impact assessment (*Geschlechterdifferenzierte Gesetzesfolgenabschätzung*) (Bundesministerium für Familie, Senioren, Frauen und Jugend, 2005).

However, empirical studies find that gender equality played only a minor role in the formulation of laws in federal ministries in Germany (Lewalter, 2013). As for other aspects of IA, despite their

---

<sup>28</sup> Prüffragen für Rechtsvorschriften des Bundes, Kabinettsbeschluss vom 11.12.1984.

<sup>29</sup> Gemeinsame Geschäftsordnung der Bundesministerien, Kabinettsbeschluss vom 26. 07.2000.

<sup>30</sup> § 2 Gemeinsame Geschäftsordnung der Bundesministerien, Kabinettsbeschluss vom 26. 07. 2000.

integration in the GGO and the adoption of procedural and methodological guidelines, the “blue test questions” appeared as a mere formal exercise because of a lack of political commitment, administrative resistances within federal ministries, and a poor understanding of the methodology of IA (Bürger et al., 2009; Konzendorf, 2009; Zeitz, 2016). Twenty years after the introduction of IA, the OECD highlighted the lack of resources and formal sanctions in case of non-compliance to the “blue test questions”, and pointed out that “promising conceptual work to develop RIA has not yet been translated into practical measures for application in day-to-day ministry business” (OECD, 2004a, p. 76). This may explain why the focus of IA strongly shifted in 2006 towards a focus on the measurement of administrative costs, with a strong commitment at the political level, a well-defined methodology, and the setting of an oversight structure (see III.2).

### **II.3) Policy-making tradition and the introduction of impact assessment in Italy (1999-2005)**

#### ***II.3.1) Characteristics of the Italian policy-making process and administrative culture***

Italy became a Republic in 1948 following a referendum to decide the abolition of the monarchy. The Italian state structure used to be unitary, but a wave of decentralisation reforms began in the 1990s. These reforms aimed at clarifying the responsibilities of each level of government, but also at strengthening democratic accountability. This followed an important political corruption scandal<sup>31</sup> that resulted in a complete reorganisation of the Italian state and administration, and the advent of a “second Italian Republic” (Guzzini, 1995; Lippi, 2011; Vanucci, 2009). In particular, the 2001 constitutional reform resulted in a redistribution of legislative competences across levels of government. Regions acquired exclusive legislative competence for matters that are not reserved to the central government and legislative competence in areas of concurrent power (article 117 of the Constitution), whereas before 2001 regions could legislate only on specific matters detailed in the constitution (OECD, 2013a). Municipalities and provinces also acquired regulatory powers regarding the organisation and implementation of the competences assigned to them. Because of these extensive reforms, the Italian state structure is now often described as “quasi-federalist” (Breton & Fraschini, 2016).

In matters reserved to state law however, the central government has a strong influence over the legislative process. The right of legislative initiative in Italy is shared by the government, members of the parliament seating in the Chamber of Deputies (*Camera dei deputati*) or the Senate (*Senato*), the

---

<sup>31</sup> In the words of Vanucci (2009, p. 234–235), “The widespread nature of political and administrative corruption in Italy became a major – and for a certain period the main – political issue during the 1990s. February 1992 saw the start of the *mani pulite* (‘clean hands’) judicial inquiry in Milan (...). In a couple of years, six former prime ministers, more than five hundred members of parliament and several thousand local and public administrators had become caught up in the investigations. The scandal they produced led to a dramatic crisis of the political system: in a few months, most leading political figures had been forced to resign or go into exile; the major parties disappeared or underwent radical transformation; new parties emerged on the scene to fill the political vacuum left by the old.”

National Council of Economy and Labour, the Regional Councils, as well as popular initiatives signed by a minimum 50,000 citizens (articles 71, 99 and 121 of the Constitution)<sup>32</sup>. Despite the large number of actors who may initiate laws, in practice between 55% and 75% of the laws that are passed in parliament are initiated by the government, depending on the legislative term (Camera dei deputati, Osservatorio sulla legislazione, 2020). The government may also exert legislative power in two cases (articles 76 and 77 of the Constitution). One such case is the adoption of a delegated law by the parliament, which enables the government to adopt legislative decrees (*decreti legislativi*) having the force of law, for a limited period of time and on specific matters defined in the law. Government may also adopt decree-laws (*decreti-legge*) in case of an emergency requiring immediate legislative action. The decree shall be converted into law by the parliament under 60 days, otherwise it becomes void. In practice decree-laws are used very frequently by government, and around 40% of the laws passed in parliament are laws converting governmental decree-laws (Camera dei deputati, Osservatorio sulla legislazione, 2020). The government may also adopt secondary regulatory acts (*regolamenti del governo*) to organise public administration or rule on matters that are not exclusively reserved to law<sup>33</sup>, as well as decrees of the President of the Council and Ministerial Decrees. Such regulatory acts are not subject to the obligation to conduct IA (see sections II.2 and III.2).

Regarding the formulation of draft bills and normative acts by the central government, each ministry is responsible for drafting the text in its area of competence and consulting the relevant stakeholders. However, as head of the government, the President of the Council (*Presidente del Consiglio*) is responsible for coordinating the activities of the ministers and conducting the general policy of the government (Article 95 of the constitution). To this effect, ministries shall submit draft bills and other acts to the department for legal affairs (*Dipartimento Affari Giuridici e Legislativi - DAGL*) of the structure supporting the President of the Council (*Presidenza del Consiglio*). The DAGL is responsible for collecting and compiling the opinions of other ministries on the text. In particular, the Ministry of Economic Affairs and Finance (*Ragioneria Generale dello Stato*) shall review bills that have budgetary implications. For normative acts of the government (other than draft bills), the government is also bound to collect the opinion of the State Council (*Consiglio di Stato*)<sup>34</sup>. The DAGL also chairs preparatory meetings between the heads of the legislative offices of the ministries or the ministers' cabinet, that help define the content of the act and settle potential conflicts before it is discussed in the Council of Ministers (OECD, 2013a). Once the draft normative act is adopted by the Council of Ministers, it is either sent to the parliament to be passed into law, or published in the Official Gazette.

---

<sup>32</sup> Draft norms initiated by the government are called bills (*disegni di legge*), while norms initiated by other actors are called legislative proposals (*proposte di legge*).

<sup>33</sup> Art. 17, Legge 23 agosto 1988, n. 400. Disciplina dell'attività di Governo e ordinamento della Presidenza del Consiglio dei Ministri (GU Serie Generale n.214 del 12-09-1988 - Suppl. Ordinario n. 86).

<sup>34</sup> Art. 12, d.P.R. 24 novembre 1971, n. 1199

The President of the Republic also has important policy-making functions in Italy. As head of State and guardian of the Constitution, he or she authorizes the government to present bills and is responsible for promulgating laws (article 87). He or she may also refuse to sign legislative acts and return them to the chambers of parliament for new deliberations before promulgation (article 74 of the Constitution). While this “suspensive veto” has been used with parsimony by the presidents<sup>35</sup>, it is frequent that they intervene informally to influence discussions during the parliamentary stage, to avoid clashes with the government during the promulgation phase (Grimaldi, 2011, p. 115). Due to the implosion of the party system in the early 1990s and the political instability that has characterized Italy since then, the political role of the President of the Republic has been growing in the last three decades (Grimaldi, 2011).

One of the main features of the Italian political system is the instability of its party system and political coalitions (Fabbrini, 2009). Although a bipolar system emerged in 1993 after the proportional electoral system was replaced by a quasi-majoritarian system<sup>36</sup>, coalitions remain fragmented and characterised by rivalries and conflicts (Fabbrini, 2009). There is evidence that the resulting instability of political leadership in Italy affects the capacity of the country to adopt and implement administrative reforms, irrespective of the political salience of the issue (Mele & Ongaro, 2014). This lack of policy and implementation capacity, combined with the clientelism of political elites, explain in part the historic low levels of trust in policy-makers (Furlong, 1994).

As a result of political instability, ministerial advisers and senior civil servants in ministerial cabinets have gained increased powers in policy coordination, thus “filling the void of governing capacity left by the failed institutionalisation of the new party system” (Di Mascio & Natalini, 2013). Since the 1990s, reforms of the civil service have resulted in the increasing politicisation of senior civil servants and the introduction of managerial approaches and techniques, such as incentives based on performance and open recruitment procedure (Cristofoli et al., 2011). However, there is an important implementation gap in these reforms (Kickert, 2007; Ongaro & Valotti, 2008), and the key features of the Napoleonic administrative system have not been altered (Ongaro et al., 2016). As in France and Germany, the Italian civil service remains characterized by the predominance of administrative lawyers and legalistic thinking.

### ***II.3.2) Introduction and original features of impact assessment in Italy***

Italy adopted “Better Regulation” (BR) policies more recently than France and Germany. The first BR initiatives were adopted in the 1990s, with a strong focus on simplification (Natalini, 2010). Before the

---

<sup>35</sup> Only fifteen times between 1994 and 2010 (Grimaldi, 2011)

<sup>36</sup> In 2005 a new electoral law reinstated a form of proportional representation. However, the coalition obtaining the highest number of votes is allocated an important seat bonus in order to ensure that the parliament is not too fragmented (Pasquino, 2007).

introduction of IA there were no requirements to justify draft norms, with the exception of the budgetary impact assessment imposed by the constitution (Article 81) (OECD, 2001).

However, when the coalition led by Romano Prodi came to power in 1996, the focus of BR policies was broadened to include also codification and IA. The Prodi government was committed to increasing competition and market openness, and improving the credibility of his country at the international level. To this end, he decided in 1998 that the country would undergo a regulatory review by the OECD (Natalini, 2010). In order to comply with the OECD evaluation criteria, the first simplification law was adopted in 1999<sup>37</sup> (Natalini, 2010). As a pilot project, the law introduces the obligation for all ministries to assess the impact of draft regulations on the organisation of public administrations, as well as the activities of citizens and businesses. A directive adopted in 2000 by the President of the Council<sup>38</sup> to implement this provision of the law stipulates that IA shall be experimented for one year. The directive requires that two different reports be attached to draft bills and normative acts: the legal and technical assessment (*analisi tecnico normativa- ATN*) and the regulatory impact assessment (*Analisi d'impatto della regolazione- AIR*). While the ATN shall assess the impact of the draft regulation on the existing legal framework (Siclari, 2002), according to the directive IA aims at evaluating whether a regulation is necessary and at choosing which regulatory intervention would be the most efficient. IA shall include two phases: a "preliminary assessment" in order to identify the problem and objectives of the norm, provide an assessment of the different policy options and select the most appropriate intervention (OECD, 2013a). The second step implies a more in-depth assessment of the draft proposal.

In 2001, another directive of the President of the Council<sup>39</sup> provided detailed guidelines for the preparation of IA. Despite these guidelines and training provided to ministerial staff (OECD, 2001), the experimentation of IA was limited to a few non-very complex draft bills (Mattarella, 2010) and the introduction of IA "did not generate any transformation in the regulatory process" (Natalini, 2010, p. 337). According to some scholars, the difficult implementation of IA may be explained by an insufficient translation and adaptation of this Anglo-Saxon innovation to fit domestic processes of policy formulation (Greco, 2009; Natalini, 2003). It should also be noted that in 2003 a law introduced the obligation for independent regulatory agencies to conduct regulatory impact assessments (RIA)<sup>40</sup>. However, RIA in regulatory agencies is not included in this analysis (see chapter 2.1) and it would go beyond the scope of this work to discuss developments in this field<sup>41</sup>.

---

<sup>37</sup> Art. 8, Legge 8 marzo 1999 N.50

<sup>38</sup> Direttiva del 27 marzo 2000, Analisi tecnico-normativa e analisi dell'impatto e della regolamentazione. Pubblicata sulla Gazzetta ufficiale n. 118 del 23 maggio 2000.

<sup>39</sup> Direttiva del 21 settembre 2001. Guida alla sperimentazione dell'analisi di impatto della regolamentazione (AIR). Pubblicata sulla Gazzetta Ufficiale, n.249 del 25 ottobre 2001.

<sup>40</sup> Legge del 29 luglio 2003 n.229 , articolo 12.

<sup>41</sup> For more information see the publications of the Osservatorio sull'Analisi di Impatto della Regolazione: <https://www.osservatorioair.it/>

#### **II.4) First comparison of policy-making traditions and initial experiences with impact assessment**

From this brief overview of the policy-making system in France, Germany and Italy, we find that the three countries are similar in many respects, but also display important differences. Because France has a unitary state structure and majoritarian political system, the central government enjoys a vast influence over the policy-making process. In Italy and Germany, the power of central government is limited by the fact that normative powers are shared with sub-national levels of government and that parties usually have to form coalitions to win the support of the parliament. Despite these differences, the executive does play a strong role in initiating and formulating laws in all three countries. In Germany for instance, the executive provides support to members of the parliament in the formulation of their draft laws. In Italy, the executive has important normative competences - for instance in emergency situations - although the parliament retains an oversight function. This domestic context matters to understand how IA was translated and implemented in each country. The policy-making process and the normative competence of central government affects the scope and the process of IA.

In all three countries, the formulation of policies and draft bills is decentralised in a lead ministry. Other ministries are consulted and express their agreement or disagreement with the initial proposal. The policy formulation process is thus characterised by “negative coordination” and a focus on avoiding conflict, rather than by a “positive coordination” aiming at finding common solutions and collaborating on the formulation of policies (Peters, 2018; Scharpf, 1997). However, while the policy formulation is coordinated by the centre of government in France and Italy, in Germany the Chancellery has more limited coordination power. Furthermore, in France, Germany and Italy, civil servants with a legal training enjoy a key role in the formulation of draft bills. This contrasts with the “US model”, where analysis are conducted mainly by economic experts.

Table 3: Characteristics of the French, German and Italian administrative and policy-making systems

	France	Germany	Italy
<b>State structure</b>	Unitary but decentralised	Federal	Quasi-federal
<b>Political system</b>	Majoritarian. High control of central government over normative agenda.	Proportional. Stable coalitions, normative agenda defined in coalition agreements.	Majoritarian (1993-2005), proportional (since 2005). Fragmented and unstable coalitions and discontinuity of political agenda.
<b>Normative power</b>	Nearly exclusively at the national level. Limited normative power of the central government but high influence over policymaking due to right of initiative and control over the majority in parliament.	Shared between the federal government and the <i>Länder</i> . Limited normative power of the central government but high influence over policy-making due to right of initiative and support to the formulation of draft laws by members of parliament.	Shared between the national level and the regions. Important normative power of the central government.
<b>Policy formulation process</b>	Decentralised formulation. Centralised coordination.	Decentralised formulation and coordination.	Decentralised formulation. Centralised coordination.
<b>PA culture</b>	Legalistic	Legalistic	Legalistic

Source: author's elaboration

Lastly, transnational networks have not played the same role in the adoption of IA in the three countries. Germany adopted IA as soon as 1984, ten years before the OECD adopted standards of regulatory quality that encouraged countries such as France and Italy to adopt this principle. In Italy, the interest of policy-makers for “Better Regulation” and simplification is recent, and the result of a combination of external pressures from the OECD and the EU, as well as a domestic political and economic factors.

Despite these differences, our analysis shows that these countries all have in common a long period of experimentation, failed implementation, and adjustments between the first adoption of IA and the mid-2000s. According to accounts from scholars and practitioners, none of the three countries were successful in integrating this practice in the formulation of policies following this “first wave” of IA. However, while the domestic context has affected how IA has been translated and implemented, we



should not presume that IA is incompatible with the French, German and Italian policy-making system, nor that IA is doomed to failure.

### **III- The “second wave” of impact assessment in France, Germany and Italy: impact assessment becomes compulsory by law**

Another common feature of the three countries is that all seem to have concluded that the effective implementation of IA would require more stringent legal obligations. In Italy, the experimentation phase ended in 2005, when a law extended the scope of application of IA. In Germany, a law adopted in 2006 changed the country’s approach to IA and introduced new governance structures, albeit the former system remained in place. Lastly, France was the first country to make IA a constitutional obligation in 2008.

#### **III.1) The reform of 2008 in France: impact assessment becomes a constitutional obligation**

##### ***III.1.1) The 2008 constitutional reform***

In 2004, an OECD report on regulatory reform in France (OECD, 2004b, p. 41) noted that the “relative disappointment seen today with regard to the impact studies seems to have been met in France by a degree of indifference”. However, in the mid-2000s the issue of the “regulatory inflation” and the resulting administrative burden and decreased legal certainty came at the forefront of political discussions following several prominent reports (Conseil d’Etat, 2006; Lasserre, 2004; Warsmann et al., 2009). This issue was presented as a threat also to economic growth in a context of regulatory competition between developed countries. In this context, IA was perceived as a key tool to improve the quality of regulation and put on the reform agenda of the government. In particular, the 2006 annual report of the State Council (Conseil d’Etat, 2006) recommended that the rules on IA be enshrined in the constitution to improve its effectiveness. As noted by Perroud (2018), in contrast with the recommendations of the OECD, the goal of the State Council was not to increase the use of evidence and economic evaluation in policy-making. Rather, the interest of the State Council in IA reflects a broader strategy of this institution to increase its influence on administrative reforms and public policies, and go beyond its function of administrative judge, in the context of a fierce competition between different groups of senior civil servants (Perroud, 2018).

Following this report, the General Secretariat of the Government created a working group to reflect on the measures that could be taken to respond to the issues and recommendations of the State Council. The working group highlighted that the international standing and economic attractiveness of France was affected by the perceived degradation of regulatory quality in the country, and called for

“rethinking the normative process in order to adapt it to the challenge of normative inflation” (Secrétariat général du gouvernement, 2006, p. 6). The working group highlights that one of the main instruments used to this effect by other countries is IA, but that in France the results have been disappointing because they have not been properly integrated into policy processes nor into interdepartmental coordination.

These discussions around a reform of IA inspired the committee on the modernisation of the institutions, which drafted recommendations to the government for the reform of the constitution (Balladur, 2008). The committee perceived IA as an instrument that could both improve regulatory quality, and strengthen the control of the parliament over the quality of regulation (Denolle, 2011). The main goal of the constitutional reform was indeed to increase the powers of the parliament, as the President of the Republic had gained *de facto* increasing powers – in particular in the formulation of regulations – and the parliament could not exert sufficient check on the executive (Balladur, 2008) (see also section II.1).

Following, the constitutional law<sup>42</sup> in 2008, the new article 39 of the Constitution states that an organic law shall set rules on the presentation of draft bills submitted to the parliament. It gives additional power to the Conference of presidents of the National Assembly and of the Senate, which may refuse to put a draft bill to the vote if it does not fulfil the conditions set by the organic law. In case the parliament and the government disagree, the French constitutional court (*Conseil constitutionnel*) shall rule on the matter. The organic law adopted in 2009<sup>43</sup> to implement these provisions sets clear rules on the procedure and content of IA, and makes IA a constitutional obligation.

### **III.1.2) Main features of impact assessment in France following the reform**

Article 8 of the organic law defines which items should be included in IA. IA shall discuss the objectives of the law, the different options possible beyond the adoption of a new norm, and why the proposed norm is required. IA in France have a strong legal and procedural component, they shall include an assessment on the impact of the draft bill on the internal legal order as well as its articulation with EU law, implementation measures that should be adopted, how these legal provisions apply to overseas territories, the list of consultations held in preparation of the norm. However, IA also aim at measuring the expected socio-economic impacts. Article 8 requires that IA include “the evaluation of the economic, financial, social and environmental consequences, as well as the financial cost-benefit expected for each category of public administrations, private persons and legal entities, and provides

---

<sup>42</sup> LOI constitutionnelle no 2008-724 du 23 juillet 2008 de modernisation des institutions de la Ve République.

<sup>43</sup> LOI organique n° 2009-403 du 15 avril 2009 relative à l'application des articles 34-1, 39 et 44 de la Constitution. The organic law does not apply to government regulations (nor budget laws and constitutional laws), although some requirements to assess the impact of regulations for instance on local governments, businesses and citizens, the situation of disabled people, gender equality, the youth, were introduced later on.

information on the methodology of the measurement”. In addition, IA shall evaluate the expected consequences of the draft bill on public employment.

The reform adopted in 2009 only applies to draft bills, with the exception of certain types of draft bills such as draft bills to revise the constitution, draft budget bills, draft bills to ratify international treaties (article 11 of the 2009 organic law). Normative texts adopted by the executive (*ordonnances*), and regulatory documents such as decrees (*décrets* and *décrets en Conseil d’État*) are not subject to the same obligations, although they represent a large amount of the normative production in France. Furthermore, there is no obligation to assess the impact of laws initiated by members of the parliament, nor amendments to draft bills. Hence, the 2008 reform defined a broad scope for IA in terms of impact, but a relatively narrow scope in terms of the type of regulation covered by the new obligation, despite the objective to reduce “normative inflation” and improve regulatory quality. According to some estimations, at least half of the laws published in the Official Journal are not submitted to an IA (interview FR4, 24.10.2018).

While the organic law defines the scope and list of items included in IA, the procedure for preparing and controlling IAs, as well as the objectives and the methods, are not clearly defined in the organic law. The organic law originally included a provision requesting that the government conducts the IA from the beginning of the preparatory work on the draft bill. However, this provision was struck down by the Constitutional Court<sup>44</sup> on the ground that the organic law may only set rules on the presentation of draft bills, not on the organisation of the government. However, in 2012 the General Secretariat of the Government published guidelines for the preparation of impact assessments (Secrétariat général du gouvernement, 2012) defining the procedure of IA. It requested that ministries assess potential impacts from the beginning of the legislative project.

According to the guidelines, IAs should be written by the administration placed under the authority of the Minister in charge of presenting the draft bill to the parliament (*ministère porteur*). Nevertheless, the General Secretariat of the government (SGG) – placed under the authority of the Prime Minister – is the “control tower and the coordination structure of the evaluation process of IA” (interview FR4, 24.10.2018). It shall validate in advance the main items of the analysis, the contributions from other ministries and eventually external actors, and the deadlines for submitting the IA. The draft bill may be transmitted to the State Council only if the IA is deemed “sufficient” by the cabinet of Prime Minister and the SGG. The 2008 reform led to a reorganisation of the General Secretariat of the Government and the creation of a unit for regulatory quality (*département de la qualité du droit*). However, the General Secretariat controls only the formal compliance to the requirements of the organic law, it does

---

<sup>44</sup> Décision n° 2009-579 DC du 9 avril 2009

not have the resources nor the mandate to control the substance of the analysis. This is even more the case as the unit in charge of controlling the IA is separate from the units in charge of coordinating the preparation of the draft bill and the policy choices that are made (interview FR6, 12.03.2020). The State Council also exerts a control over IA. It controls the formal compliance with the 2009 organic law, but it may also express an opinion on the quality of the analysis (Conseil d'Etat, 2016). However, substantive control is limited as the State Council does not have the economic expertise to control the quality of the analysis. Moreover, the parliament exerts a formal control as the Conference of presidents of the National Assembly and of the Senate may refuse to put to the vote a draft bill that does not include an IA.

Regarding the methodology of IA, the SGG guidelines do not provide any indication on the methodology that should be followed to assess the impact of draft bills, except for a general recommendation to “make an effort” to quantify the effects. They only refer to an extranet portal<sup>45</sup> providing a list of methods by type of impact and examples of completed IAs.

### ***III.1.3) Mechanisms for the evaluation of the implementation of impact assessment in France***

The organic law of 2009 did not foresee any mechanism to evaluate and report on the implementation of IA. Although the General Secretariat of the government, the State Council and the parliament all have a mandate to control the formal compliance of single IA to the organic law, monitoring is limited to single IA. They have no mandate to evaluate the overall compliance and quality of IA, potential barriers to their implementation, nor possible solutions to improve the rules and practice of IA.

However, all these institutions have produced evaluation reports on Better Regulation and IA, albeit in an *ad hoc* and voluntary basis. In a regulatory review of France, the OECD noted that “France stands out (positively) in terms of the large number of reports on regulatory quality” and recommended to evaluate the implementation of IA on a regular basis ” (OECD, 2010a, p. 17).

## **III.2) The 2006 reform in Germany: adoption of the standard cost model and creation of the National Regulatory Council**

### ***III.2.1) The 2006 law on the National Regulatory Council***

In Germany ,following the formation of coalition government between the Christian democrats (CDU/CSU) and the Socialist party (SPD) headed by Angela Merkel in autumn 2005, the focus of Better Regulation policies i moved towards the reduction of the administrative burden (*Bürokratieabbau*). While measures against the bureaucratic burden had already been part of most government programmes in the former twenty years (Wegrich, 2009), in anticipation of the 2005 election, the

---

<sup>45</sup> <http://evaluation-prealable.pm.ader.gouv.fr/>

leader of the CDU/CSU parliamentary group in the Bundestag Norbert Röttgen was tasked with finding innovative ideas to reduce the administrative burden (Kluge, 2010). He created a working group of CDU legal experts to help him in this endeavour.

Since the 1990s, the Netherlands was experimenting with a new method call the Standard Cost Model (SCM) to measure administrative costs incurred by new and existing regulation (see I.1). Administrative costs encompass additional information obligation and administrative procedures required by the regulation, but they do not include direct costs incurred by compliance to new regulations. In the 2000s the SCM model quickly diffused to other EU countries such as Denmark, Sweden and the UK (Heidbreder et al., 2011) and was actively promoted at the transnational level, for instance by the OECD and the international SCM network created in 2003. In Germany, several brokers advocated for the introduction of the SCM. In particular, the Bertelsmann Stiftung, an influential political foundation in Germany, became very involved in promoting this method from 2005 following a trip to the Netherlands (Brinkman & Ernst, 2005). In this context, the working group of the CDU identified the SCM as a potential policy measures and travelled to the Netherlands in order to acquire more knowledge on this innovation (Kluge, 2010).

The SCM thus came on the agenda of the negotiations to form a government between the CDU/CSU and the SPD. Despite initial resistances from the SPD, the coalition agreement<sup>46</sup> foresees the measurement of administrative costs for businesses<sup>47</sup>, using the SCM (*Standardkosten-Modell- SKM*), and “the definition of a concrete objective for the reduction of administrative costs until the end of the legislative period”. After one year spent on measuring the administrative costs incurred by existing legislation, the government set the goal of reducing existing costs by 25% by 2011<sup>48</sup>. The coalition partners also agreed to set up an independent organisation to control the measurement of the administrative costs by federal ministries, the National Regulatory Council (NRC- *Normenkontrollrat*). According to the coalition agreement, past failures of policy initiatives aiming at reducing the administrative burden may be explained by the lack of existing method in Germany to measure existing administrative costs and assess costs created by new legislation. The agreement makes explicit reference to the experience of the Netherlands and the recommendations of the EU and the OECD to adopt the SCM. The government copied not only the measurement method from the Netherlands, but also the institutional setting, as the independent controlling organisation was directly inspired by the Dutch Advisory Board on Administrative Burden (ACTAL).

---

<sup>46</sup> Koalitionsvertrag von CDU, CSU und SPD vom 11. November 2005. Gemeinsam für Deutschland. Mit Mut und Menschlichkeit.

<sup>47</sup> In 2008 the measurement of administrative costs was extended to citizens and public administration.

<sup>48</sup> Kabinettsbeschluss vom 28. Februar 2007. The European Commission had adopted a similar objective of reduction of the administrative burdens on businesses in the EU by 25% in 2012, and many other EU Member States set the same goal.

In April 2006, the newly elected government adopted the programme “Bureaucracy Reduction and Better Regulation Programme”<sup>49</sup> to implement the measures contained in the coalition agreement. However, because of a strong resistance against this new procedure in federal ministries, the majority coalition chose to enact it in a law (Jann & Wegrich, 2008; Kluge, 2010). In August 2006, the parliament passed a law<sup>50</sup> for the creation of an independent National Regulatory Control Council (*Nationaler Normenkontrollrat*- NKR). In December 2006, the reform of the Joint Rules of procedures (GGO) integrated the measurement of administrative costs to the impact assessment procedure, as one of the items to be included in the analysis. In order to provide support to the ministries, the Federal office of statistics published a method handbook on the SCM (Statistisches Bundesamt, 2006) that was largely inspired by the manual published by the international SCM network (SCM Network, 2005). Furthermore, in 2007 the government published guidelines for the ex-ante assessment of administrative costs (Bundesregierung, 2007a).

### ***III.2.2) Main features of impact assessment in Germany following the reform***

The 2006 reform thus introduced a new rationale for impact assessment (IA), focused on bureaucracy reduction rather than regulatory quality. While the new developments were very loosely connected to the former experience of the country with IA and rather resulted from the “SCM policy boom” (Wegrich, 2009), the measurement of administrative costs was included within the ex-ante impact assessment procedure defined by the GGO. Although Germany had an integrated IA model since 1984, federal ministries had no experience with the quantification of administrative burden or more targeted approaches. With the reform of the GGO in December 2006, the measurement of administrative costs became an additional item of the ex-ante analysis. However, the new method and institutional setting overlapped with the pre-existing IA requirements, resulting in a complex and fragmented system.

The measurement of administrative costs has its own governance arrangement and procedures differ from other items of the ex-ante impact assessment procedure. The Bureaucracy reduction and Better Regulation programme is coordinated centrally by a State Secretary within the federal chancellery, and the State Secretaries Committee on the reduction of the administrative burden (*Staatssekretärausschuss Bürokratieabbau*), a committee representing the state secretaries from all federal ministries. They are in charge of coordinating the implementation of the programme, the monitoring of the bureaucracy reduction target, the further development of the methodology, as well as mediation in case of conflict between federal ministries and the NRC. They are supported by a bureaucracy reduction unit within the chancellery (*Geschäftsstelle Bürokratieabbau*) (Bundesregierung, 2007b; OECD, 2010b). The unit was set up in April 2006 and is the main contact

---

<sup>49</sup> Kabinettsbeschluss vom 25. April 2006. Programm Bürokratieabbau und bessere Rechtsetzung.

<sup>50</sup> Gesetz zur Einsetzung eines Nationalen Normenkontrollrates vom 14. August 2006 (BGBl. I S.1866).

point of the ministries regarding simplification and Better Regulation, including the measurement of administrative costs. It also participates regularly to the meeting of the National Regulatory Council.

The NRC is composed of a secretariat and of eight members appointed by the Federal president for a five years mandate<sup>51</sup>, as well as a President of the Council appointed by the Federal Chancellor. However, according to paragraph 1 of the Law on the Establishment of the NRC<sup>52</sup>, it is only bound by the mandate specified in this law and independent from the government in its activities. The NRC is in charge of reviewing the ministries' estimates of administrative costs for draft bills, changes to existing laws, other regulatory acts, and acts transposing EU legislation. Federal ministries are expected to follow the method handbook and the guidelines on the SCM (see II.2.1). The comments of the NRC are submitted to the lead Ministry and the cabinet before discussion of the draft bill, and they are sent to the parliament together with the draft bill. The powers of the NCR are restricted as it exerts control only on the measurement of administrative costs but not on other items of the IA, such as the assessment and eventual quantification of other types of compliance costs or of the benefits of the draft regulation. Furthermore, the NRC does not have a mandate to control the objective and the substance of draft regulations. The Federal Office of Statistics (*Statistische Bundesamt*) assists the federal ministries and the NRC regarding methodological questions and the further development of the SCM technology. It was also involved in the measurement of existing administrative costs and is in charge of maintaining the data bank on administrative costs.

For other items of the IA, the former procedure contained in the GGO remained in place. Paragraph 43 of the GGO lists all the items that shall be included in the justification of the draft bills. Drafters shall identify the problem and knowledge that the bill is based on, and indicate the objective and the necessity of the draft bill and its individual provisions. The justification shall include a legal assessment of the impact on the national legal order and the compatibility with EU law and international treaties. It shall review if there are alternatives to a new regulation and why such alternatives have not been considered appropriate, and justify newly created administrative obligations. Furthermore, it shall highlight whether the bill can be limited in time, whether the draft bill includes simplification measures. Lastly, the justification shall include an assessment of the impact of the draft bill (*Gesetzesfolgen*). According to paragraph 44 of the GGO, the lead ministry has to consult with other ministries in their policy area to measure the impact of the draft bill, and the Ministry of the Interior may give recommendations on the preparation of IA. Beyond administrative costs, the following types of impacts (*Gesetzesfolgen*) shall be measured:

---

<sup>51</sup> In 2011, the law modifying the 2006 law on the creation of a National Regulatory Council extended the number of members to ten (see chapter 5- II.2).

<sup>52</sup> Gesetz zur Einsetzung eines Nationalen Normenkontrollrates vom 14. August 2006 (BGBl. I S.1866).

- Possible additional expenses or revenues for the federal budget. The Ministry of the Interior and the Ministry of Finance may set general conditions in this regard.
- The impact on the budget of *Länder* and municipalities. Federal ministries have to consult early on with organisations representing the interests of these other levels of government.
- Potential other costs for the economy, in particular for Small and Medium Enterprises, and the impact on price levels.
- The impact on consumers, in cooperation with the Ministry for Food, agriculture and consumer protection, which shall be involved early on.
- The impact on gender equality (§ 2 of the GGO- see I.2.2).

Contrary to the procedure for measuring administrative costs, there is no central coordination from the federal chancellery for the preparation of IA, nor a body dedicated to interministerial coordination and the control of IA. Other ministries exert a control and complement the IA in their policy area, and the Ministry of the Interior exerts a limited control on the compliance of the ministries with the provisions of the GGO, but there is no substantive control of the quality of IA. The Ministry of the Interior has issued several guidelines addressing recommendations to federal ministries on the procedure and presentation of IA (Bundesministerium des Innern, 2000, 2009). However, these guidelines do not contain clear indications on the methods that should be used. Several federal ministries have issued specific guidelines on some of the items that should be included in the IA, describing possible methods to measure the impact on the budget (Bundesministerium der Finanzen, 2006), the economy and price levels (Bundesministerium für Wirtschaft und Technologie, 2007), and gender equality (Bundesministerium für Familie, Senioren, Frauen und Jugend, 2005). More recent accounts estimate that more than 40 guidelines regarding the drafting of norms exist in Germany (Nationaler Normenkontrollrat, 2019). The governance of IA thus appears quite fragmented in Germany (Jantz & Veit, 2018).

### ***III.2.3) Mechanisms for the evaluation of impact assessment in Germany***

The Law establishing the National Regulatory Council<sup>53</sup> also includes provisions on monitoring and reporting mechanisms for the measurement of administrative costs. According to paragraphs 4 and 6 of the law, the NRC reports annually to the Federal Chancellor on its activities, and takes position on the annual report of the federal government regarding the extent to which the government has achieved its bureaucracy reduction target. Paragraph 7 of the law also constrains the government to present an annual report to the parliament regarding the state of the implementation of bureaucracy

---

<sup>53</sup> Gesetz zur Einsetzung eines Nationalen Normenkontrollrates vom 14. August 2006 (BGBl. I S.1866).



reduction, experiences with the SCM method, the development of administrative costs in single ministries, and results and developments in the field of Better Regulation.

The NRC also interpreted broadly the legal requirement to monitor the recognised international standards<sup>54</sup>. It declared in its 2007 annual report (2007, p. 37) that “it belongs to the key tasks of the Council to monitor the implementation and development of the Standard-Cost model in other countries and to draw conclusions from these observations for the use of the method and the conception of simplification measures in Germany”. As an independent body, the NRC has, since its first years of inception, addressed critics and recommendations to the government through its annual reports, and published position papers and press releases on a broad array of matters related to its mandate (see chapter 5- I.2). The independence of the NRC is a strong advantage for evaluating IA and making suggestions for further development (interview DE1, 10.02.2020).

This again contrasts with the governance arrangement on other items of IA. The Joint Rules of Procedures of federal ministries (GGO) do not include any mechanism for evaluating and reporting on the compliance of ministries to the procedure set in paragraph 44. Nor is there any mechanism to evaluate and report on the quality of *Gesetzesfolgenabschätzungen* (IA), beyond the measurement of administrative costs.

### **III.3) The 2005 reform in Italy: end of the experimentation phase and legal obligation to conduct impact assessment**

#### ***III.3.1) The 2005 simplification law and the 2008 decree***

As highlighted in section II.3.2, IA (AIR) has been experimented by the Italian central government since 1999, but implementation remained very patchy. The simplification law of 2005<sup>55</sup> adopted by the third Berlusconi government put an end to the experimentation phase started in 1999 and made IA a permanent requirement for central government draft normative acts and bills (Chimienti, 2019). The law also introduced the obligation to conduct ex-post evaluations (*Verifica d’impatto della regolamentazione- VIR*) and set general criteria for AIR and VIR. However, the actual implementation of IA was further delayed, as it was subjected to the adoption of a decree of the President of the Council ruling the exact procedures of IA.

As the simplification law was adopted towards the end of the legislature, the chances of implementing the new measures were quite low (Bassanini et al., 2005). The decree setting the rules and procedures

---

<sup>54</sup> Par. 2, Gesetz zur Einsetzung eines Nationalen Normenkontrollrates vom 14. August 2006 (BGBl. I S.1866).

<sup>55</sup> Art 14, law no. 246/2005.

for the implementation of IA<sup>56</sup> was adopted only three years later, when Berlusconi returned to power. This new impulse was the result both of a stronger political leadership and less fragmented majority, and of pressure to show progress for the upcoming regulatory review of Italy by the OECD (Natalini, 2010). In order to guarantee compliance and the effective use of IA by ministries, the decree simplified the procedures and introduced an “AIR light” (De Benedetto, 2010; Natalini & Sarpi, 2009).

### ***III.3.2) Main features of impact assessment in Italy following the reform***

Article 14.1 of law 2005 states that IA “consists in the preventive evaluation of the effects of different potential measures on the activities of citizens and businesses, as well as on the organisation and functioning of public administration, by comparing alternative options”. The law also requests that administrations take into account market competition and individual freedoms when identifying and comparing options. According to this definition, the main rationale for IA is rational decision-making through a comparison of policy options.

The 2008 decree clarifies the content of IA and provides a template for the ministries. The final document of IA shall describe the context, including the legal context and the problems encountered, as well as the objectives of the regulation. The IA shall also indicate who has been consulted for drafting the norm. It shall comprise an assessment of the expected effects of an absence of regulation (the so-called “zero option”), as well as an evaluation of the alternative regulatory options considered during the drafting phase. The IA shall then include a justification of the proposed regulatory intervention, assessing the costs and benefits of the preferred option on direct and indirect recipients of the norms and on public administration, and an assessment of the impact on market competition and the competitiveness of the country. Although the simplification law (Art 14.6) states that the methods of IA shall be defined in the decree and revised every three years, the 2008 decree does not give any indication on the methods of measurement that should be used by ministries, besides that the effects of the preferred method should be “quantified”. The ministries shall provide information on the method they have used for the analysis, but the decree states that the choice of method is flexible. In order to simplify the analysis, ministries shall assess potential costs and benefits only for the zero-option and the preferred option.

IA shall be conducted on “normative acts of the government”, which include draft bills, legislative decrees and decree-laws (see II.3.1). Secondary regulation is thus excluded from the scope of IA. Moreover, there is no obligation to conduct IA for draft constitutional bills, normative acts in matters

---

<sup>56</sup> Dpcm 11 settembre 2008, n. 170. Regolamento recante disciplina attuativa dell'analisi dell'impatto della regolamentazione (AIR), ai sensi dell'articolo 14, comma 5, della legge 28 novembre 2005, n. 246.

of domestic and international security, and for draft bills aiming at ratifying international treaties that do not imply new expenses nor the establishment of new bodies. While the scope is quite broad at first sight, ministries may be exempted from conducting impact assessments in cases of “extraordinary cases of necessity and emergency” and for normative acts that are particularly complex and broad in scope. Administrations shall request this exemption to the department for legal affairs (*DAGL*) (see II.3.1), which has ample discretion for deciding on exemptions (De Benedetto, 2010). However, for normative acts the State Council checks that the IA is attached to the act and that exemptions are justified, albeit it does not have the function to validate IA (interview IT5- 21.03.2019). Although the exemptions aimed at simplifying the procedure of IA, observers noted that this goes against the logic used in most countries to conduct IA for the most important and relevant draft norms (Natalini & Sarpi, 2009).

The department for legal affairs (*DAGL*) within the Presidency of the Council is in charge of the promotion, coordination and control of IA. A RIA Unit was created within the department for legal affairs. Furthermore, a team of external experts<sup>57</sup> (*nucleo di valutazione*) was set up to support the *DAGL* in its activities of control of IA. The experts are consultants and express an opinion not only on formal compliance, but also on the quality of the analysis.

The ministry drafting the bill is responsible for conducting the IA, but it may involve other ministries or external expert and research bodies if it does not have sufficient organisational resources to conduct IA internally. The responsible PA shall present the results of the IA to the *DAGL*. The *DAGL* is in charge of controlling<sup>58</sup> the “adequacy and exhaustiveness of the activities conducted for the impact assessment.” It may request additional analysis and clarification from ministries. A directive adopted in 2009 by the President of the Council<sup>59</sup> gives a veto power to the *DAGL*, as it may refuse to put a draft bill on the agenda of the preparatory meetings of the Council of Ministers if the IA is not deemed sufficient<sup>60</sup>.

### ***III.3.3) Mechanisms for the evaluation of impact assessment in Italy***

In Italy, the main mechanism for evaluating and reporting on the implementation of impact assessment is the annual report that *DAGL* shall present to the parliament according to article 14 of the 2005 simplification law. According to article 11 of the 2008 decree, the annual report shall present the number of cases in which the IA has been conducted, the number of exemptions from the obligation to conduct IA, a presentation of the reasons why the *DAGL*, the Parliament or the State Council

---

<sup>57</sup> Dpcm 15 luglio 2009.

<sup>58</sup> Article 7, Dpcm 2008/170.

<sup>59</sup> Direttiva del Presidente del Consiglio dei Ministri, Istruttoria degli atti normative del governo, Gazzetta Ufficiale No. 82, 8 April 2009.

<sup>60</sup> This power applies also to the other documents accompanying the draft bill: the legal and technical assessment (ATN) and the financial-technical report.

requested additional analysis or information to the ministries. The DAGL thus monitors the progression of the number of IA conducted as well as evolutions regarding to the compliance of ministries with procedural requirements and the quality of the analysis. It should also be noted that in 2009 an independent research body (*Osservatorio AIR*) was created, gathering experts and practitioners interested in IA. While its main focus lies on the implementation of IA in regulatory agencies, since 2013 it has been compiling annual reports including information on the implementation of IA in central administration. More recently, the parliament has also created new bodies that are in charge with monitoring the implementation of IA (see chapter 6).

#### **III.4) Comparison of impact assessment in France, Germany, and Italy following the “second wave” of IA**

The table below shows that France, Germany, and Italy have adopted very distinctive features of IA, although these reforms were conducted around the same time. This cross-country comparison confirms findings on the lack of cross-national convergence of IA (see section I.3). One of the main differences regards the content of the analysis and the scope of the impacts measured. In France the main focus of IA lies on the legal analysis, while the economic analysis plays a comparatively less important role. In Germany, the main focus lies on simplification and on the assessment of economic and budgetary impacts. In Italy, the analysis is centred around the assessment of different regulatory options and the identification and justification of the preferred option. In principle, this last conception is closer to the standards advocated by the OECD, although there are important limitations in practice (see chapter 5-III.2). Another important difference regards the type of regulations that are submitted to the obligation of conducting an IA. While the obligation applies to all draft bills of the government in Germany, there are important exemptions for France and Italy, for certain types of norms such as draft bills ratifying international treaties or budget bills. We also find important contrasts regarding the governance mechanism. While the control of IA in France is only formal and happens in a department controlled by the Prime Minister, in Italy a team of independent experts assesses the quality of the analysis, and in Germany there is an independent body in charge of controlling both the formal compliance and the quality of the administrative costs measurement. However, following the 2006 reform Germany offers a peculiar example of two co-existing IA systems. While the procedure for the measurement of administrative costs is set by law and there is an independent controlling authority, for other items of the IA the procedure is codified in the GGO and there is only a limited formal control from the Ministry of the Interior and no substantive control. Furthermore, contrary to France and Italy, Germany does not have unified guidelines nor a single template for conducting IA. Lastly, in Germany there is a standardised method for measuring administrative costs (the SCM), while

there is no unified method for measuring other types of costs and benefits, and in France and Italy ministries enjoy complete freedom regarding the choice of methodology.

Table 4: Summary of the main features of impact assessment in France, Germany and Italy following the “second wave” of IA

	France	Germany	Italy
<b>Rationale of IA in the reform</b>	Improve regulatory quality; Increase the control of the parliament over policy formulation.	Reduce the administrative burden.	Provide better information to policy-makers.
<b>Items included in the justification of the draft bill/ex-ante analysis</b>	Impact of the draft bill on the internal legal order as well as its articulation with EU law; implementation measures; implementation in overseas territories; consultations; <i>expected socio-economic impacts</i> ; information on methodology.	Identification of the problem, objective and the necessity of the draft bill; legal assessment of the impact on the national legal order and the compatibility with EU law and international treaties; alternatives to a new regulation; justification of newly created administrative obligations; possible limitation in time; simplification measures; <i>assessment of the impact of the draft bill</i> .	Legal context; objectives of the regulation; <i>costs and benefits of zero option</i> ; policy alternatives, consultations; <i>cost and benefits of preferred regulation</i> ; information on methodology.
<b>Type of impacts (costs and benefits) measured</b>	Evaluation of the economic, financial, social and environmental consequences, as well as the financial cost-benefit expected for each category of public administrations, private persons and legal entities, assessment of the consequences on public employment.	Administrative costs for businesses, PA and citizens; additional costs or revenues for the federal budget; budget of <i>Länder</i> and municipalities; other costs for the economy & SMEs and impact on price levels; impact on consumers, impact on gender equality.	Costs and benefits of the preferred option on direct and indirect recipients of the norms and on public administration; impact on market competition and the competitiveness of the country.
<b>Type of regulation submitted to IA</b>	Draft bills of the government, systematic exemption for certain types of bills.	All norms proposed or adopted by central government.	Normative acts of the government, systematic exemption for certain types of norms and exemption can be granted in case of complexity or emergency.

<b>Preparation of IA</b>	In the lead ministries, in cooperation with the General Secretariat of the Government.	In the lead ministries.	In the lead ministries, in cooperation with the department of legal affairs of the Presidency of the Council (DAGL).
<b>Control of IA</b>	Formal control by the General Secretariat of the Government, the State council and the parliament.	Formal and substantive control by the National Regulatory Council (NRC) for the assessment of administrative costs.  Limited formal control by the Ministry of the Interior for the other items.	Formal control by DAGL and the State Council.
<b>Method</b>	No defined method	Standard cost model, i.e. quantification of costs but not benefits (in addition to other method for integrated IA).	No defined method
<b>Evaluation/ reporting mechanisms</b>	No evaluation/reporting mechanism.	Annual report by the government and the NCR.	Annual report by the Presidency of the Council

*Source: author's elaboration*

The choice to make IA compulsory in all three countries in the mid-2000s seems to demonstrate a common political commitment to implement IA effectively, after years of mere symbolic and shallow IAs. However, there was a different rationale behind the adoption of the reforms across countries. In the case of France and Italy the governance and the process of IA remained relatively similar, but the main objective was to improve the compliance of ministries to IA by rendering it compulsory and – in the case of Italy – simplifying the procedure. In Germany on the contrary, the reform was very loosely connected to the former experience of the country with IA and rather resulted from the “SCM policy boom” (Wegrich, 2009). The reform marked a change in the approach towards IA, with a more narrow focus on costs and a stronger governance of the IA system.

However, while these reforms have attracted a lot of attention from practitioners and academic circles, scholars have overlooked further policy changes adopted in the context of IA in the last ten years. The next chapters will aim at finding out how we can explain policy changes in each country since IA was made compulsory, in 2006 in Germany, and 2008 in France and Italy. I will seek to understand whether this “third wave” of IA is the result of domestic policy learning processes and to what extent symbolic politics still plays a role in policy changes in the context of IA, as was the case in the early years after

the adoption of the principle. Transnational networks still actively promote the adoption of certain standards of governance for IA, as well as new instruments of regulatory policy that can be integrated into IA processes, such as the SME test or the “one in, one out rule” (see also chapter 1). The OECD also addresses recommendations on IA to its member states, and identified shortcomings in the design and the implementation of IA already during the 2010 regulatory review exercise. By taking a closer look at the processes that led to policy change in the context of IA in most recent years, this longitudinal analysis aims at improving our understanding of iterative diffusion and learning processes over a long period of time.

## **Chapter 5: CASE STUDIES OF POLICY CHANGE PROCESSES IN THE CONTEXT OF IMPACT ASSESSMENT**

---

The research question this thesis aims at answering is how we can explain policy change in the context of impact assessment (IA) in France, Germany and Italy. I seek to find out whether these countries characterised by a legalistic administrative tradition have gone beyond the stage of formal adoption and developed their own knowledge of IA, or whether recent changes result from the continuation of symbolic politics.

Based on the criteria outlined in chapter 3, nine cases of policy change have been selected since IA has been made compulsory in each of the three countries (see chapter 4.3). In this chapter, the nine selected cases will be analysed to investigate whether the learning mechanism is present or absent in each case. I will conduct a minimalist form of process tracing in order to identify (i) whether learning may account for the outcome (policy change), and (ii) if learning is causally relevant, which causal mechanism we observe in the cases, i.e. problem-oriented or power-oriented learning. As operationalised in chapter 2, I will examine for each case the cause, the process of selection of policy alternatives, the adoption and the implementation of the policy (see annex 1 for the detailed list of indicators). The focus of the analysis will lie in particular in the phases preceding the adoption of the policy.

The results displayed in this chapter were obtained by analysing and coding documents and expert interviews, according to the methodology described in chapter 3. Annex 4 presents the coding scheme used for the qualitative analysis. In order to keep the case studies concise, I do not always refer explicitly to the codes used for the analysis when presenting the findings.

### **I- Policy changes in the field of impact assessment in France after 2008**

In France, ministries have a constitutional obligation to conduct IA on draft bills since the constitutional reform of 2008 and the organic law of 2009<sup>61</sup> (see chapter 4.3.1). Since 2009, I selected three cases of policy change based on the criteria outlined in chapter 3: the introduction of the obligation to assess the impact of draft bills on gender equality (FR1) and the introduction of an obligation to assess measures in favor of people with disabilities (FR2) in 2012, as well as the introduction of the obligation

---

<sup>61</sup> LOI organique n° 2009-403 du 15 avril 2009 relative à l'application des articles 34-1, 39 et 44 de la Constitution.



to assess the impact of draft bills on youth (FR3) in 2016. All policy changes aimed at extending the scope of the type of impact that should be measured, focusing on specific recipients.

### **I.1) Introduction of the obligation to assess the impact of draft bills on gender equality (2012)**

After the constitutional reform in 2008, the first policy change to IA for draft bills was the introduction of the IA on gender equality in August 2012<sup>62</sup>. According to the circular, ministries shall ensure that the draft measures do not affect women's rights nor gender equality, for instance at work, when preparing draft bills and regulations. Ministries also have to consider whether specific measures shall be included in the draft bills or regulations in order to better guarantee women's rights or improve gender equality. The policy change broadened the scope of IA in terms of the type of impact measured, and it slightly changed the process by requiring that ministries consult the Ministry for women's rights. The change also introduced a new rationale for conducting IA in France. The focus of the circular is to take an integrated approach to gender issues in all policy formulation processes, it does not aim at contributing to regulatory quality nor simplification. However, the reform just added another layer to the pre-existing IA system, which was not modified by the reform.

#### ***1.1.1) Cause of the policy change***

The background behind this policy change is the election of François Hollande as President of the Republic on the 6<sup>th</sup> May 2012. As a strong signal of his support for gender equality, the President and his Prime Minister re-established a Ministry dedicated exclusively to gender equality and women's rights<sup>63</sup>. This ministry was relatively new and had the smallest budget of all ministries, with about 20 million euros (interview FR7, 31.03.2020). By coding the causes of policy change in documents and interviews related to this case, I find that competition over the formulation of policies is a key cause of the change. As stated by one of the initiators of this change within the cabinet of Najat Vallaud-Belkacem, the former Minister for Women's Rights, the newly created Ministry had to find its place in the "battle" between ministries over the definition of policies:

*"Interdepartmental work is first and foremost a fight. You have to battle, and when you work on women's rights, you have to go on others' territory. Otherwise you don't have any, because your portfolio it's - you can't say its women because they represent 50% of the population - but your portfolio is the 8<sup>th</sup> March<sup>64</sup>. It's the only topic that no one is taking away from you*

---

<sup>62</sup> Circulaire du 23 août 2012 relative à la mise en œuvre de la politique interministérielle en faveur de l'égalité entre les femmes et les hommes.

<sup>63</sup> Formerly, gender equality was not a "full-blown ministry" (*ministère de plein exercice*), but was part of the portfolio of a State Secretariat (*Secrétariat d'Etat*) under the authority of another ministry. However, in August 2014 gender equality was placed again under the authority of another ministry, the Ministry for social cohesion, health and women's rights.

<sup>64</sup> The 8th March is the International women's day.

*and for which you are clearly identified. But the rest, if you don't go and take it, it won't come to you.” (Interview FR7, 31.03.2020)*

The analysis of the documents shows that another cause of the policy change may be the identification of the persistent problem of gender inequality “in education, work, parental and domestic responsibilities, and access to political, social and professional responsibilities” (Ministère de la cohésion sociale, de la santé et des droits des femmes, p. 3). However, such statements appear only in circulars and in documents published after the policy change. Furthermore, the policy change is not linked to any new specific issue identified due to feedback on former policies or focusing events or events. Hence the issue of persistent gender inequalities may be interpreted as an ex-post justification of the policy change rather than the cause of the change. In any case, it is clear that the policy change is not the result of problems identified in the design or the implementation of IA. The analysis of evaluation reports on the implementation of IA and experts' interviews show that gender IA had not been identified by the policy community as a loophole in the design of IA<sup>65</sup>. In fact, the broad formulation of the 2009 organic law allowed for assessing the impact of draft bills on gender, although no specific tool existed. As a former member of the SGG who oversaw the policy change declared, “the constitutional framework existed, but we did not think about it” (interview FR6, 12.03.2020). Hence the policy change is unrelated to problems that may have arisen during the implementation of IA.

We can also exclude normative pressure as a cause of policy change. Although the policy change was inspired by the idea of gender mainstreaming (see chapter 4- 1.2), gender mainstreaming had emerged about twenty years before the policy change was adopted. Furthermore, there had been no recent pressure to implement this principle by external nor domestic bodies such as interest groups (interview FR7, 31.03.2020).

### ***1.1.2) Process of selection of policy alternatives and motives of policy entrepreneurs***

The idea of introducing a gender sensitive IA in France emerged from the cabinet of the Minister for women's rights. As a former member of the General Secretariat of the Prime Minister explained:

*“François Hollande set up a ministry dedicated to gender equality and women's rights, with an active minister and a team who quickly showed a willingness to put a strong mark on this ministry. There was a strong political will to shed light on a public policy, and then the identification of the impact assessment as a lever for raising awareness and strengthening this public policy.” (interview FR6, 12.03.2020)*

---

<sup>65</sup> It should be noted however that during the debates on the revision of the Constitution in 2008 (see chapter 4- III.1), the Commission on women's rights of the National Assembly presented an amendment to introduce gender-sensitive IA. However, this amendment was rejected and the National Assembly was not further involved in this issue prior to the adoption of the circular (Ministère des Affaires sociales, de la Santé et des Droits des Femmes, 2014).

The cabinet of the new minister for women's rights was staffed by advocates for gender equality, who had formerly worked in trade unions and NGOs. They aimed at introducing gender mainstreaming in France but needed the experience of technocrats to put this idea into practice (interview FR7, 31.03.2020). In fact, the cabinet was also staffed with mandarins who had previous experience working in the cabinet of the Minister for youth. They had learnt strategies to "play on other's field" in order to make sure that youth policies and issues were taken into account by other ministries, and they applied this lesson in drafting the circular on gender-sensitive IA (interview FR7, 31.03.2020). This idea thus emerged from a group of individuals within an organisation, who learnt from their previous experience. However, they also acquired knowledge on the experience of other countries with gender mainstreaming. The memento published by the Ministry for women's rights after the adoption of the circular quotes the recommendations of the Council of Europe on gender mainstreaming, as well as the example of countries such as Belgium, Finland, Sweden and Québec (Ministère de la cohésion sociale, de la santé et des droits des femmes, 2014). While these countries served as inspiration, based on the comparison of their model with the French reform, it appears that the French model is not a copy-paste of others' reform.

There is also evidence of that this group of mandarins adopted complementary policy alternatives to "mark their territory", and set structural constraints to make sure that gender issues would be considered by other ministries, regardless of the personality of the minister (interview FR7, 31.03.2020). Besides the idea of making IA on gender equality compulsory with the adoption of a circular, another tool used by the Minister for women's rights was to instate senior civil servants dedicated to women's rights and gender equality in every ministry<sup>66</sup>. Part of this broader strategy was also the organisation of "conferences on equality" and the request that ministries adopt an action plan to promote gender equality in all public policies. Furthermore, the circular requires that ministries consult the Ministry for Women's rights when drafting the gender sensitive IA, thus giving the newly reinstated Ministry a certain influence over the policy formulation process. The Ministry checked that – when relevant – all draft bills included measures targeted towards gender equality (interview FR7, 31.03.2020). A former member of the General Secretariat of the Government confirmed that

*"for them [the Ministry for women's rights] it was a way to be included in interministerial discussions, in all draft texts, and to scrutinize all draft projects and give the alert when in fact they could identify a measure having a negative impact on women's rights."* (interview FR6, 12.03.2020)

---

<sup>66</sup> Circulaire du Premier Ministre du 23 août 2012 relative à la mise en œuvre de la politique interministérielle en faveur de l'égalité entre les femmes et les hommes, JORF n°0196 du 24 août 2012.

The analysis of documents and interviews shows that the policy entrepreneurs within the Ministry of Women's rights pursued the goal of drawing attention to gender issues during the policy formulation process, and to increase the control of the Ministry for Women's rights over the policy formulation process. While they aimed ultimately at promoting gender equality by including this perspective in all policies, they did not seek to improve the performance of gender equality policies *per se*. Furthermore, the analysis of the documents and the interviews reveals that the policy change did not aim at improving the performance of IA nor of the policy process, and did not seek to change the rationale behind IA.

### ***1.1.3) Process of agenda-setting***

The policy entrepreneurs within the cabinet of the Minister for Women's Rights benefitted from two favorable conditions to put the policy on the agenda. First, there had been a recent change of government (political window) and the new government was strongly committed to the issue of gender equality. One of the first measures to signal this commitment was the nomination of the first parity-based government. Second, the Minister for Women's Rights acted also as Spokesperson for the government and had an unusual influence in the government and close access to the Prime Minister, compared to many of her predecessors in charge of the portfolio of Women's Rights (interview FR7, 31.03.2020).

While the cabinet of the Minister for women's rights and equality had to convince the Prime minister and its General Secretariat for adopting the policy change, the process of drafting and adopting the circular involved only a handful of civil servants and policy-makers. There were no dissemination activities and it did not involve a broader policy community.

### ***1.1.4) Policy adoption and implementation***

The policy change was adopted through a Prime Minister circular, a regulatory document that may create new rules and provide instructions to public sector organisations, but is less constraining and more subject to changes than laws. However, the change is not of a mere symbolic and formal nature. Steps have been taken to ensure the implementation of the measure. First, in September 2014 the Ministry of social cohesion, health and women's rights published handbook on better taking into account gender equality in IA on draft bills, as well as detailed methodological guidelines to support ministries in the preparation of IA on gender equality<sup>67</sup>. Second, ministries were requested to send their IA to the Ministry for women's rights, which controls that no direct or indirect effects on gender equality or women's rights have been omitted. Lastly, all gender sensitive IAs were published on the

---

<sup>67</sup> Ministère des affaires sociales, de la santé et des droits des femmes (September 2014), Prendre en compte l'égalité entre les femmes et les hommes dans les études d'impact. Guide méthodologique.

website of the Ministry for women's rights. There is also evidence that the policy change was enforced by the government. According to the methodological guidelines, after two years 63% of the IAs on draft bills included information on expected effects in this area.

## **1.2) Introduction of the obligation to assess the inclusion of measures for people with disabilities (2012)**

The second policy change in the context of IA after 2008 occurred only a month after the introduction of the IA on gender equality. In September 2012, the Prime Minister issued a circular which requested ministries to assess the inclusion of measures in favor of people with disabilities in draft bills<sup>68</sup>. Ministries have to fill in a short questionnaire (*fiche diagnostic-handicap*) explaining whether the draft law will include measures in favor of people with disabilities and justify why this may or may not apply. In case the draft bill includes measures dedicated to people with disabilities, the *fiche* shall indicate how these should be implemented and what would be the budgetary impact. The result of this preliminary assessment shall be included in the main IA attached to the draft bill. It should be noted that this measure does not aim at assessing the impact of draft bills on people with disabilities *per se*, but at documenting and justifying choices made during the drafting phase of the bill. The policy change further broadens the scope of IA in France and adds a step to the IA process. It also confirms the emergence of a new rationale for IA in France, aimed at mainstreaming cross-cutting issues into the decision-making process of all ministries.

### **1.2.1) Cause of the policy change**

This measure was adopted as a response to a campaign promise by François Hollande, who was elected President of the Republic four months before the circular was issued. In the electoral manifesto that was sent to all French voters<sup>69</sup>, one of the 60 “commitments for France” that the future president made was to “guarantee the existence of the issue of disability in each bill” (commitment 32).

There is no evidence that this innovation had been requested by policy communities prior to the election, and no external actors were involved in the process that led to the adoption of the circular. Additionally, there is no evidence of normative pressure from transnational organisations nor communities to adopt the change. Hence, none of the hypothesized causes apply in this specific case.

### **1.2.2) Process of selection of policy alternatives and motives of policy entrepreneurs**

Although data on the process that led to the adoption of the circular is limited, according to several indicators no learning process has taken place. It appears that the reform has been copy-pasted from

---

<sup>68</sup> Circulaire du 4 septembre 2012 relative à la prise en compte du handicap dans les projets de loi (JORF n°0206 du 5 septembre 2012).

<sup>69</sup> François Hollande, „Le changement c’est maintenant. Mes 60 engagements pour la France“.

the circular on IA on gender equality (FR1), with limited adaptations, in order to fulfill the campaign promise of the President. First, the timing suggests that the circular on gender-sensitive IA adopted in August 2012 had a “ripple effect” in the Ministry for people with disabilities (interview FR6, 12.03.2020). Second, there is no trace of processes to acquire or disseminate knowledge on IA and mainstreaming of disability issues prior to the adoption of the circular, nor prior to the election of the new government. Besides the Ministry in charge of people with disabilities, only a handful of civil servants from the General Secretariat were involved.

The main rationale behind the policy change is to draw attention on the issue of disability and force all ministries to include measures in favor of people with disabilities in their draft bill. The strategy adopted appears very similar to the “gender mainstreaming” approach, in that it considers disability as a cross-cutting issue that should be considered by all ministries, beyond the portfolio of the Minister for people with disabilities. According to the circular, disability is an “interministerial” issue that guides the overall action of the government, and disability shall be taken into account in all public policies. Beyond this goal and the general vision to “include people with disabilities in society”, the circular does not formulate any specific goal regarding disability policies. The absence of formulation of their own strategic or instrumental policy goals indicates that the main motive of the Ministry for people with disabilities and of the Prime Minister may have been to send a signal to the electorate. However, there is limited data to substantiate this claim.

### ***1.2.3) Process of agenda-setting***

In this case, the agenda was set prior to the selection of policy alternatives and there is no evidence of dissemination activities by policy entrepreneurs, as the agenda was set by the President himself in his electoral manifesto.

### ***1.2.4) Policy adoption and implementation***

The policy change was adopted through a circular of the Prime Minister, as was the case for the IA on gender equality. However, there is evidence that this policy change was of a mere symbolic nature. Only limited steps were taken to ensure that the measure would be implemented by ministries. According to the circular, the Minister in charge of people of disabilities shall be consulted by other ministries during the preparation of draft bills. While this mimicked the strategy adopted by the Ministry for women’s rights, the Ministry in charge of people with disabilities did not show a similar political commitment to this principle and did not set up the conditions for an effective implementation. As a former member of the General Secretariat of the Prime Minister expressed:

*“I think that on disability it is quite possible that there has been less effectiveness than with women's rights because, once again, those who wanted to make this circular did not implement*

*the means to enforce it (...) Retrospectively I have the impression that it was just about showing that they were doing something, but is it really effective afterwards?* (interview FR6, 12.03.2020)

The new measure was included in the general guidelines on IA issued by the General Secretariat of the Government, but the Ministry in charge of people with disabilities did not issue any guidance on the process nor methodology.

### **1.3) Introduction of the obligation to assess the impact of draft bills on youth (2016)**

The third case of policy change in the context of IA in France after 2008 was the introduction of the youth check (*clause d'impact jeunesse*). In May 2016, another circular by the Prime Minister<sup>70</sup> further extended the scope of IA to the analysis of the impact of draft bills and regulations on equality among young people<sup>71</sup>, intergenerational equity, non-discrimination in the access of young people to rights and public services. This policy change consolidated the new rationale for IA in France, as an instrument for the measurement of specific types of impacts and the mainstreaming of certain policy issue. While this policy change appears at first sight very similar to the former two cases, the causal process that led to this policy change is quite distinct from them.

#### **1.3.1) Cause of the policy change**

One main difference between the introduction of the obligation to assess the impact of draft bills on youth and the two former policy changes is that it was not initiated from individuals within the administration and involved a much broader range of actors, within the policy community focused on youth policies. During the campaign for the presidential elections in 2012, 85 civil society organisations asked for a 'Big bang on youth policies' aiming at improving the access of young people to education and employment and increasing their participation in society<sup>72</sup>.

In April 2012, representatives of these organisations met with the candidate François Hollande<sup>73</sup> and insisted that youth should be a priority of the mandate of the future president, and that public policies should be "co-constructed" with youth organisations. This movement had a clear influence on François Hollande, who declared that youth was the "priority of his term"<sup>74</sup>. He organised the first Interministerial committee on youth (*Comité interministériel de la jeunesse- CIJ*) and launched the "Youth priority plan" (*Plan priorité jeunesse*) at the first of these committees in January 2013. In order

---

<sup>70</sup> Circulaire du 2 mai 2016 relative à l'évaluation de l'impact sur la jeunesse des projets de lois et de textes réglementaires.

<sup>71</sup> Defined as people aged 16 to 25 in the memento on the evaluation of the impact of draft regulations and bills on youth, published by the General Secretariat of the government and the Ministry of city, youth and sport (May 2016).

<sup>72</sup> <https://www.bigbangjeunesse.net/>

<sup>73</sup> <http://www.touteduc.fr/fr/archives/id-5459--big-bang-des-politiques-jeunesse-la-reponse-de-francois-hollande>.

<sup>74</sup> Déclaration de M. François Hollande, Président de la République, sur le nouveau timbre-poste et sur la priorité du quinquennat en faveur de la jeunesse, à Paris le 14 juillet 2013. [Déclaration de M. François Hollande, Président de la République, sur le nouveau timbre-poste et sur la priorité du quinquennat en faveur de la jeunesse, à Paris le 14 juillet 2013.](#) | [Élysée \(elysee.fr\)](http://elysee.fr) (Last retrieved 08.03.2021)

to structure the movement that was born during the campaign for the presidential election and to coordinate their position prior to the interministerial committee, the French Youth Forum (*Forum français de la jeunesse*- FFJ) was created in June 2012. The FFJ aims at representing young people by young people at a national level and one of its key goals is to contribute to the definition of public policies<sup>75</sup>.

The analysis of the documents and the interviews shows that the main cause of the policy change is the willingness of the FFJ to increase the influence of the youth- and of the FFJ as representative of the youth- in the policy process, and to raise attention to the impact of policies on the youth (Forum Français de la jeunesse, 2013, 2014). As one member of the FFJ explained:

*“As soon as 2012 we had noted at the French Youth Forum the lack of representation of young people in the political system, the democratic system, and also the lack of consideration of young people as beneficiaries of public policies, or as a group that may be hit hard by draft bills and ordinances”* (interview FR8, 05.06.2020)

There is no evidence that the cause of the change is the recognition of a new policy problem by the FFJ due to a focusing event or negative indicators, nor that it results from negative feedback in the implementation of IA. Furthermore, there is no evidence of normative pressure to adopt this type of policy change at the transnational level.

### ***1.3.2) Process of selection of policy alternatives and motives of policy entrepreneurs***

The FFJ was looking for ways to guarantee the participation of youth organisations in the definition of policies, and to draw the attention of policy-makers on how the youth is impacted by public policies. While the idea of the “clause d’impact jeunesse” was strongly inspired by the experience of Québec, there was a clear process of acquisition and dissemination of knowledge from youth organisations. According to internal documents of the French Youth Forum, from July 2013 the Forum initiated a close cooperation with the regional youth forums of Québec (*Table de concertation des forums jeunesse régionaux du Québec- TCFJRQ*), that was perceived by the Forum as a “model in the area of youth policies” (Interview FR8, 05.06.2020). The exchange of knowledge included - among other topics - the relationships between youth organisations and state authorities and the consultation of youth organisations, and culminated in a trip to Québec in October 2014. As a result of these exchanges, the French Youth Forum identified the “clause d’impact jeunesse” - which existed in Québec since 2001- as a useful instrument. A member of the FFJ stressed that:

*“it seemed to [them] that the impact assessment tool was likely to shed light for public authorities on the impact that their actions and public policies may have on young people as a*

---

<sup>75</sup> Forum Français de la Jeunesse - FFJ ([forumfrancaisjeunesse.fr](http://forumfrancaisjeunesse.fr)). Last retrieved 08.03.2021.



*whole. I think this is why the idea of the impact assessment was attractive, it resonated quite a bit with the work of member organisations as well”* (interview FR8, 05.06.2020)

The FFJ looked also for information beyond Québec, and was also inspired by the Austria, where a youth check had been introduced in January 2013 (Interview FR8, 05.06.2020) (see also chapter 6.2).

The main motive of the FFJ was thus to draw attention to the negative impact of some policies on the youth and to increase their influence over the policy process by being involved in the formulation of public policies. In a policy paper published before one of the interministerial committees on youth, the French Youth Forum stated that one of its main objective was to “enable the participation of each citizen, and in particular of young people and women, who face difficulty in being given a space in society and being integrated in decision-making processes”(Forum Français de la jeunesse, 2014, p. 27). To this end, the Forum requested the introduction of the youth check and asked that representatives of organisations representing young people and managed by young people be involved in an independent commission to analyse and check the quality of these analyses (Forum Français de la jeunesse, 2013, 2014).

These youth organisations won the support of other actors in the youth policy community, whose beliefs and interests strongly overlapped with those of the youth organisations. Other organisations such as the Anacej and the CNAJEP<sup>76</sup> supported the reform, as well as the Ministry in charge of youth. According to a former member of the cabinet of a Minister in charge of youth at the time (interview FR9, 30.06.2020), the three successive ministers in charge of youth were all in close contact with youth organisations and advocating the reform. It was in their interest to “make their portfolio exist” and “expand the influence of the Ministry for youth”. As in the case of IA on gender equality, this was part of a broader strategy and programme to promote youth policies at the interministerial level, in particular with the organisation of interministerial committees and the publication of an annual report of the state of youth (*Rapport annuel sur l'état de la jeunesse*) (interview FR9, 30.06.2020).

While policy actors ultimately aimed at improving the situation of young people by better taking into account the impact of bills on this population (Secrétariat général du gouvernement & Ministère de la ville, de la jeunesse et des sports, 2016), the motive of the policy entrepreneurs was not to improve the performance of youth policies *per se*. Furthermore, it is clear that none of the actors involved in the policy process aimed at reforming the IA system as it had been designed in 2008. Youth organisations had no interactions with experts nor actors in the Better Regulation and IA policy community (interview FR8, 05.06.2020), and they did not refer to IA in their proposal to introduce the

---

<sup>76</sup> These are two other import youth organisations in France, the National Association of children and youth councils (Anacej) and Committee for national and international relations of youth organisations and community education organisations (CNAJEP).

*“clause d’impact jeunesse”*. The government did not show any more willingness to use this discussion as an opportunity to reform more broadly the policy process nor the IA system. In fact, the government did not want to set up an independent organisation or committee to control “youth checks”, as suggested by youth organisations, as “it would have put into question the whole system of impact assessment” (Interview FR9, 30.06.2020).

### **1.3.3) Process of agenda-setting**

In order to set the agenda, the FFJ was involved in various activities to disseminate the policy idea of a “youth check” to the youth policy community and to policy-makers. One main activity was the publication of policy papers including different policy proposals prior to the Interministerial committees on youth (CIJ). In February 2013, the FFJ published a policy paper to prepare the first CIJ, in which the organisations declared that they “base all their proposals on one method: the impact assessment on youth that shall precede each proposed measure” (Forum Français de la jeunesse, 2013, p. 2). The FFJ also published a second policy paper in February 2014 (Forum Français de la jeunesse, 2014) in which it reiterated its proposal to introduce a youth check for draft bills. During the CIJ that followed in March 2014, the youth organisations asked again for the introduction of this measure. There is strong evidence that the policy change directly resulted from contacts between youth organisations and the Prime Minister. The press release published by the Prime Minister after the interministerial youth Committee of March 2014<sup>77</sup> clearly stated that:

*“The Interministerial Committee (...) decided on new measures for 2014, several of which stem from proposals from youth organisations, in particular the “youth check” for legislative and regulatory texts, the principle of which has been decided.”*

However, it took two years to translate the commitment of the Prime Minister to introduce the youth check into the publication of the circular. This delay in the adoption of the policy may be explained by the fact that the introduction of the youth check was not a priority of the government, which was focused on other measures that it initiated as part of the “youth priority plan” (interview FR8, 05.06.2020 and interview FR9, 30.06.2020). Furthermore, while the election of the new government and the CIJ had been important windows of opportunity, the change of Prime Minister in 2015 and the shift of political focus due to the 2015 terrorist attacks in France were detrimental to the adoption of the change (interview FR9, 30.06.2020). Additionally, there were resistances within the General Secretariat of the Government (SGG), which feared the multiplication of specific IAs (interview FR6, 12.03.2020)

---

<sup>77</sup> [03\\_04\\_communique\\_de\\_presse\\_de\\_jean-marc\\_ayrault\\_premier\\_ministre\\_-\\_comite\\_interministeriel\\_de\\_la\\_jeunesse.pdf](#). Last viewed on 06.12.2020.

In order to maintain the policy change on the agenda, the youth organisations used regular encounters with the authorities to ask for the implementation of the measure. A member of the FFJ confirmed that:

*“The youth check was supported by several organisations, and I believe it was mentioned at each of our meetings with our partners. And in particular within the framework of the interministerial committees on youth to push the Prime Minister to adopt a law or a circular. I know that in any case between 2013 and 2015 this was one of the strong demands of the forum, together with other organisations.”* (Interview FR8, 05.06.2020)

Youth organisations had the support of the successive Ministers in charge of youth and their administrations to push for the reform (interview FR9, 30.06.2020). This was further aided by the fact that Najat Vallaud-Belkacem became the Minister in charge of the youth in April 2014, a month after the CIJ decided to introduce the youth check. She and her staff had successfully introduced the IA on gender equality two year earlier. They had learnt from this experience and already had strong prior beliefs that the gender check should be implemented (interview FR7, 31.03.2020). Although Najat Vallaud-Belkacem was replaced in August of the same year by Patrick Kanner, some staff members remained with the new minister and there was a strong “continuity” in the policy ideas (interview FR7, 31.03.2020).

#### **1.3.4) Policy adoption and implementation**

In May 2016 the Prime Minister finally issued the circular formally creating the obligation to conduct a youth check<sup>78</sup> on draft bills and regulations, two years after its introduction was announced by the previous Prime Minister. Due to the opposition of the SGG, several elements suggested by the youth organisations were “watered down” (interview FR9, 30.06.2020). In particular, the circular did not foresee the inclusion of youth organisations in the decision-making process, contrary to what these organisations had envisioned (interview FR8, 15.06.2020 and interview FR9, 30.06.2020).

Despite these compromises between the SGG and the Ministry for Youth, the policy change went beyond a mere formal and symbolic change. Several measures were taken to ensure the implementation of the circular. First, in May 2016 the General Secretariat of the Government and the Ministry in charge of youth published a memento to support ministries in drafting the youth check<sup>79</sup>. It included in annex a template of the youth check. Furthermore, upon request the directorate in charge of youth with the Ministry of Education (*direction de la jeunesse, de l'éducation populaire et de la vie associative* -DJEPVA) may provide their expertise on youth policies and assist ministries in

---

<sup>78</sup> Circulaire du 2 mai 2016 relative à l'évaluation de l'impact sur la jeunesse des projets de lois et de textes réglementaires.

<sup>79</sup> Secrétariat général du gouvernement, Ministère de la ville, de la jeunesse, et des sports (May 2016), « Mémento. L'évaluation de l'impact sur la jeunesse des projets de lois et des textes réglementaires. « La clause d'impact jeunesse ».

drafting their youth check. Second, the Council for youth policies (*Conseil d'orientation des politiques jeunesse*) was created in 2016. The COJ gathers representatives of public authorities, youth organisations, other actors of the civil society, and experts. It is in charge of presenting each year to the government a report on its activities, including its observations on the evaluation of the youth check. The reports of the COJ shows that the policy change was actually enforced by the ministries, despite important limitation regarding the quality of the analysis (interview FR10, 19.08.2020).

#### **I.4) Summary of causal mechanisms of policy change in France**

Comparing the three cases of policy change in the context of impact assessment in France since 2008, it appears that the rationale for the change was quite similar in all cases. They happened in the context of the Presidency of François Hollande, whose government pursued a strategy of tackling inequalities and discriminations against certain groups of people by mainstreaming these issues in all policy areas and anchoring them as interministerial policy areas, beyond the silo of their dedicated ministry. However, a more detailed analysis of these different cases reveals that the causal process that led to these three policy changes were quite different (see table 5 and chapter 6).

While the main causal mechanism was power-oriented learning in the cases of the introduction of the IA on gender equality (FR1) and on the youth (FR3), the obligation to assess the inclusion of measures for people with disabilities (FR2) results from symbolic politics. However, in this case the mechanism differs from the symbolic politics mechanism hypothesized in chapter 2, and is characterized by the absence of normative pressure to adopt the change.

Table 5: summary of causal mechanisms in the French policy change cases

	FR1- Assessment of impact on gender equality (2012)	FR2- Assessment of measures on people with disabilities (2012)	FR2- Assessment of impact on youth (2016)
<b>Cause</b>	Competition over the formulation of policies	<i>None of the hypothesized causes.</i>	Competition over the formulation of policies
Indicators	<ul style="list-style-type: none"> <li>Account that the members of cabinet of the newly created Ministry of Women's Rights wanted to increase its control over the policy process and raise the attention towards gender equality.</li> </ul>	/	<ul style="list-style-type: none"> <li>Account and trace that the FFJ wanted to increase its influence over the policy process and raise the attention towards the impact of policies on the youth.</li> </ul>
<b>Process of selection of policy alternatives &amp; Motive of policy entrepreneurs</b>	Mandarins within the Ministry of Women's Rights acquired and translated knowledge on potential policy solutions to reach their strategic goal. Motive: exerting control over the policy process/policy formulation, drawing attention and improving the performance of policies on gender equality.	Domestic actors/communities emulated the IA on gender equality (FR1). Motive: drawing attention to disability issues, possibly sending a signal to the electorate.	The FFJ acquired and translated knowledge on potential policy solutions to reach their strategic goal. Motive of the youth policy community: exerting control over the policy process/policy formulation, drawing attention to a policy.
Indicators	<ul style="list-style-type: none"> <li>Activities of acquisition of knowledge                             <ul style="list-style-type: none"> <li>Members of the cabinet had previous experience of IA;</li> <li>They received/acquired information on the experience of other countries with gender mainstreaming/ gender sensitive IA.</li> </ul> </li> <li>Evidence that looked for and adopted complementary policies to reach the same goal.</li> <li>Account that IA was identified as a tool to draw attention to a policy issue or increase control over the policy process.</li> </ul>	<ul style="list-style-type: none"> <li>No definition of policy problems or goals by the actors involved in the policy change at the domestic level.</li> <li>Copying of the IA on gender equality (FR1).</li> <li>No activities of acquisition of knowledge by the actors involved in the policy change.</li> </ul>	<ul style="list-style-type: none"> <li>Activities of acquisition of knowledge                             <ul style="list-style-type: none"> <li>The FFJ met with youth organisations and policy-makers in Québec to find solutions to increase the influence of youth organisations and looked for solutions in other countries.</li> </ul> </li> <li>Evidence that looked for other policy alternatives to increase the influence of youth organisations.</li> <li>Account that IA was identified as a tool to draw attention to a policy issue or increase control over the policy process.</li> </ul>
<b>Process of agenda-setting</b>	The Minister for Women's Rights and her cabinet sought to draw the attention of the Prime Minister and convince him to adopt the change.	/	Policy entrepreneurs sought to draw the attention of policy-makers and convince them to adopt the change.
Indicators	<ul style="list-style-type: none"> <li>Opening of a window in the political stream: elections, change of government.</li> <li>Entrepreneurs drafted the policy proposal.</li> </ul>	/	<ul style="list-style-type: none"> <li>Opening of a window in the political stream: elections, change of government.</li> </ul>

	<ul style="list-style-type: none"> <li>• Close access to the Prime Minister.</li> </ul>		<ul style="list-style-type: none"> <li>• Communication activities by entrepreneurs: publication of policy papers.</li> <li>• Access to the Prime Minister in the Interministerial committees on youth and regular encounters with the Prime Minister.</li> </ul>
<b>Policy adoption</b>	The Prime Minister adopted the policy change via a circular.	The Prime Minister adopted the policy change via a circular.	The Prime Minister adopted the policy change via a circular.
Indicators	<ul style="list-style-type: none"> <li>• Account that the Prime Minister adopted the circular after contacts with the Minister for Women's Rights.</li> <li>• Policy proposal drafted by the policy entrepreneurs within the cabinet of the Minister for Women's Rights.</li> <li>• Evidence that the change increased the control of the Ministry for Women's Rights over the policy process.</li> </ul>	<ul style="list-style-type: none"> <li>• Close similarity between the policy change and the IA on gender equality (FR1).</li> </ul>	<ul style="list-style-type: none"> <li>• Account and trace that the Prime Minister adopted the circular after contacts with the FFJ.</li> </ul>
<b>Policy implementation</b>	<b>Implementation of the policy</b>	<b>Limited implementation of the policy</b>	<b>Implementation of the policy</b>
Indicators	<ul style="list-style-type: none"> <li>• Administrative or political measures taken to ensure implementation: handbook and methodological guidelines, control by the Ministry for Women's Rights.</li> <li>• Accounts by several interviews that the reform was enforced.</li> </ul>	<ul style="list-style-type: none"> <li>• Absence of discussions at the political or administrative level about how to implement the policy change.</li> <li>• Lack of administrative or political measures taken to ensure implementation, such as method guidelines, training, processes to control the implementation.</li> <li>• Accounts by interviewees that the reform was not enforced.</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative or political measures taken to ensure implementation: memento, support by the DJEPVA, control by the COJ.</li> <li>• Accounts by the COJ that the reform was enforced.</li> </ul>
<b>Main causal mechanism</b>	<b>Predominantly power-oriented learning</b>	<b>Symbolic politics</b> (without normative pressure)	<b>Predominantly power-oriented learning</b>

Source: author's elaboration

## **II- Policy changes in the field of impact assessment in Germany after 2006**

In Germany, I identified four policy changes fulfilling the selection criteria (see chapter 3) since the reform of 2006 (see chapter 4-III.2). The first policy change was the introduction of a “sustainability check” in 2009, followed by the extension of the mandate of the National Regulatory Council in 2011, and the introduction of the “one in, one out” principle and of the “SME test” guidelines in 2015.

### **II.1) Introduction of the “sustainability check” (2009)**

The first policy change in Germany after 2006 was the introduction of the sustainability impact assessment, or “sustainability check” (*Nachhaltigkeitsprüfung*) in 2009. According to §44.1 of the new Joint Rules of Procedures (*Gemeinsame Geschäftsordnung der Bundesministerien- GGO*), ministries shall present in the IA “whether the effects of the regulation correspond to sustainable development, and in particular which long-term effects the project will have”. The policy change thus extends the scope of IA to sustainable development, but the governance, process and methods of IA remain largely unchanged.

#### **II.1.1) Cause of the policy change**

The introduction of the sustainability check was the result of developments at the transnational, EU and national levels, and of the interaction of the German sustainability policy community with the transnational policy community. According to an interviewee in the Ministry of the Environment (interview DE8, 08.07.2020), the increasing focus on the adoption of an integrated approach to sustainable development<sup>80</sup>, and the introduction of the sustainability impact assessment (SIA) at the EU level<sup>81</sup> in particular, spurred a debate at the domestic level. The diffusion of the EU debate to the domestic level was facilitated by the fact that there was a strong community of NGOs, experts, policy actors working on sustainability policies in Germany, “that has formed in the wake of the sustainability strategy, in annual meetings and of course in regular meeting rounds” (interview DE7, 03.06.2020). Many of these actors were directly involved or informed of the discussions at the transnational and EU levels and had an interest in the governance of sustainability policy (interview DE7, 03.06.2020). The sustainability policy community discussed early on about how this new SIA tool could be used to strengthen the German sustainability strategy (interview DE6, 13.04.2020; interview DE8, 08.07.2020). Hence, some elements of normative pressure can be identified. However, this normative pressure

---

<sup>80</sup> The United- Nations note for instance after the World summit on sustainable development in Johannesburg that “the significance of a balanced and holistic approach to the three pillars of sustainable development was highlighted. It was pointed out that an integrated approach, while not a novel idea, needs further development. There is currently no internationally agreed tool for using an integrated approach in policy and programme planning and development. Efforts should be undertaken to address this shortcoming.” (United Nations, 2002, p. 125)

<sup>81</sup> European Commission Communication (COM/2002/ 276 final), Communication from the Commission on impact assessment.

could be qualified as “light”, as there had not been a broad diffusion of SIA yet, and no recommendation to adopt this standard at the national level.

Already in 2004, the newly set up German Parliamentary Advisory Council on Sustainable Development (*Parlamentarischer Beirat für nachhaltige Entwicklung- PBnE*)<sup>82</sup> recommended the introduction of a sustainability check in the German IA procedure (*Parlamentarischer Beirat für nachhaltige Entwicklung, 2004*). During the evaluation of the German sustainability strategy in 2008, both the Parliamentary Advisory Council on Sustainable Development and the German Advisory Council on the Environment, an advisory body of the federal government staffed by experts, recommended the introduction of a sustainability check in the IA process (*Parlamentarischer Beirat für nachhaltige Entwicklung, 2008; Sachverständigenrat für Umweltfrage, 2008*). First, they had identified as a policy problem the lack of implementation of the sustainability strategy and ineffectiveness of the governance of the strategy. This reflected a common view of policy actors within and outside government. As a member of the Ministry of the Environment declared:

*“Every specialist policy, every economic or budgetary or EU-driven legislation is of course really more powerful and more timely than sustainability policy, which ultimately does not have its own area of responsibility. And we keep thinking, we have a very diffused governance in Germany, a huge apparatus that has been set up, but which is not yet having sufficient effect.”* (interview DE8, 08.07.2020)

The policy change was also promoted by the members of the Bundestag seating in the PBnE as a response to issues in the design and the implementation of the reform of the Joint Rules of procedures (GGO) in 2000, which formally included IA in the GGO (see chapter 4- II.2.2). The PBnE lamented that “the practical application has not yet brought the necessary success” (*Parlamentarischer Beirat für nachhaltige Entwicklung, 2004, p. 8*). One issue identified regarding IA was that it was “often limited to the presentation of the fiscal consequences” of a regulation (*Parlamentarischer Beirat für nachhaltige Entwicklung, 2004, p. 8*). This also happened in the context of the programme on Better Regulation and bureaucracy reduction launched in 2006 (see chapter 4- III.2), that had a strong focus on the administrative costs created by regulations. This narrow interpretation of the consequences of a regulation conflicted with the views of the sustainability policy community (interview DE8, 08.07.2020). There is evidence from government documents that the sustainability check results at least partly from the identification of problems in the implementation of the sustainability strategy and IA by several actors such as the PBnE and the SRU (*Bundesregierung, 2008*). Due to this pressure

---

<sup>82</sup> The PBnE was created by the German Bundestag in 2004 in order to overview the implementation of the sustainability in Germany, which was first adopted in 2002. [chronik-data.pdf \(bundestag.de\)](#) (Last retrieved on 12.03.2021)



from actors within and outside government, the government agreed to reform the Joint Rules of Procedures of the Federal ministries and to introduce the sustainability check in the IA procedure.

According to interviewees, another cause of the policy change was the competition over the formulation of policies, and the willingness of the Federal Chancellery and the PBnE, the two main entities involved in the policy change, to increase their control over the policy process (interview DE6, 13.04.2020; interview DE8, 08.07.2020). According to an expert who was closely involved in the discussion around the policy change,

*“It was also a situation with a grand coalition<sup>83</sup>, defining the role of the Chancellery, and also (...) gaining material responsibility, and sustainability impact assessment as an instrument to exercise control over the activities of the various ministries. These goals got mixed up, on the one hand the sustainability agenda, and I think there was a peer review of the sustainability strategy and they said you have to strengthen the strategy, make it more relevant and so on. And that was then combined with the search for legitimacy of the Chancellery, which traditionally does not play a particularly important role.”* (interview DE6, 13.04.2020)

As explained in chapter 4 (II.2.1), the ministries are very powerful in Germany and the Federal Chancellery plays a less important role in the coordination of policy-making than in France or Italy for instance. However, within the chancellery the Better Regulation and bureaucracy reduction, as well as the sustainability communities, pursued a similar agenda and strategy to increase the control of the Chancellery over the policy process (interview DE6, 13.04.2020), despite having very different policy goals. The Chancellery has been in charge of coordinating sustainable development policies since 2001 and a State Secretaries Committee for sustainable development (*Staatssekretärsausschuss für Nachhaltige Entwicklung*) – or “green cabinet”- was set up within the Chancellery to drive the sustainability strategy (Jacob et al., 2009). As for the PBnE, the introduction of the “sustainability check” was “an opportunity to value itself and make itself more important” (interview DE7, 03.06.2020). In fact, the PBnE is not a permanent committee of the Bundestag, and has no budgetary responsibility, and it has “struggled for a long time for [its] recognition, and to be made permanent and receive more funds” (interview DE7, 03.06.2020).

In the case of the sustainability check, it is thus very difficult to identify a single cause for the policy change. The recognition of a problem in the design and the implementation of the sustainability strategy and IA, the competition over the formulation of policies and the normative pressure resulting from developments at the EU level all contributed to the policy change.

---

<sup>83</sup> A coalition formed by the centre-right parties CDU/CSU and the centre left party SPD.

### ***II.1.2) Process of selection of policy alternatives and motives of policy entrepreneurs***

As already discussed, the main actors involved in the policy process were the Federal Chancellery and the PBnE in the Bundestag. Other ministries were involved, in particular the Ministry of the Environment, which has responsibilities in the area of sustainable development, and the Ministry of the Interior, which is in charge of the Joint Rules of procedures and authors the IA guidelines. Experts from think tanks and academia were also strongly involved in the policy change, both as advocates of change and as sources of knowledge. Although NGOs were very much involved in the German sustainability strategy, they played a less important role in the introduction of the sustainability check (interview DE6, 13.04.2020).

All these actors conducted activities of acquisition and dissemination of knowledge at different phases of the policy process. In February 2007, the PBnE auditioned experts on the feasibility and design of a SIA in Germany, including possible indicators and methods<sup>84</sup>, and disseminated the content of the auditions. After the principle of a “sustainability check” was accepted by the federal government in 2008, a new phase of acquisition and dissemination of knowledge took place inside and outside of the government, in order to design the content and method of the instrument. In this phase of the process, the Bertelsmann foundation played a key role by commissioning a study on the design of SIA (Jacob et al., 2009). The foundation and the experts involved in the study organised several rounds of discussions with the ministry officials who were allegedly “looking for a good proposal”, and have sought information and inspiration in the discussions with experts before developing their own proposal (interview DE6, 13.04.2020). The results of the study were also disseminated to the Members of the Bundestag during a breakfast event (interview DE6, 13.04.2020).

Many sources of knowledge were used to design the sustainability check, but the main sources were expert knowledge and the experience of other countries, and to a lesser extent previous experience in the implementation of IA. Experts and government officials looked at the experience of other countries, such as the Netherlands or Switzerland (interview DE8, 08.07.2020). However, they used this information “as an inspiration, but not to copy” (interview DE6, 13.04.2020) and the sustainability check was “developed mostly within Germany” (interview DE7, 03.06.2020). An interviewee highlighted how government officials were aware of the need to adapt and translate other countries experience, and clearly said:

*“we do not want the UK approach, which does not fit us institutionally, we have no cabinet office, we don’t have a Prime Minister (...) and we also do not have the tradition of cost benefit analysis, so we can’t do that. And we also do not have the possibilities of inter-ministerial cooperation,*

---

<sup>84</sup> Parlamentarischer Beirat für nachhaltige Entwicklung (2007), Anhörung Nachhaltigkeitsprüfung.

*which would make something like the EU impact assessment possible.”* (interview DE6, 13.04.2020).

In the end, Germany adopted a rather unique approach, by closely linking the sustainability check to the sustainability strategy (interview DE6, 13.04.2020).

The analysis of the documents and the use of the code “goal of policy change” (see annex 4) shows that policy entrepreneurs who acquired knowledge pursued several goals. On the one hand, they aimed at strengthening the sustainability strategy and changing the rationale and scope of the existing IA, with the hope to improve policy-making and IA in Germany. In 2004, the PBnE declared that a key aim of the reform was to broaden “the scope of IA to include long-term and sustainable goals” and go beyond the focus on fiscal consequences (Parlamentarischer Beirat für nachhaltige Entwicklung, 2004, p. 8). The policy change aimed at strengthening the sustainability strategy (interview DE6, 13.04.2020; interview DE7, 03.06.2020) by integrating the policy in all areas of government.

On the other hand, the federal chancellery and the PBnE sought solutions to increase their influence over the policy process. This is reflected for instance in the document announcing the introduction of the sustainability check in 2008, where the chancellery foresees a strengthening of the role of the green cabinet as the “central instance for the management of sustainability” (Bundesregierung, 2008, p. 33). The PBnE also sought to use the “sustainability check” as an instrument to increase its influence over the policy process and increase its legitimacy vis-à-vis other committees of the Bundestag and the federal ministries, and more generally to “increase the parliamentary control” over IA (Parlamentarischer Beirat für nachhaltige Entwicklung, 2004, p. 8). To this effect, it requested that the council controls the IA that the government attaches to its draft bills (Parlamentarischer Beirat für nachhaltige Entwicklung, 2008). While the PBnE does not have a formal role in the GGO, since 2009 the Bundestag has tasked the Council with the formal control of the “sustainability check”<sup>85</sup>. As becomes apparent from this analysis, while the main goal of the chancellery and the PBnE was to increase their influence and control over the policy process, this was also closely interlinked with the goal of increasing their legitimacy vis-à-vis the other actors involved in the policy process in the government and parliament. However, legitimacy - in the sense of complying with appropriate norms of behavior and new standards for policy-making - was not a key goal of the policy change according to the data analysed.

---

<sup>85</sup> Deutscher Bundestag (December 2009), Antrag der Fraktionen CDU/CSU, SPD, FDP und BÜNDNIS 90/DIE GRÜNEN Einrichtung eines Parlamentarischen Beirats für nachhaltige Entwicklung (Drucksache 17/245).

### ***II.1.3) Process of agenda-setting***

By tracing the causal mechanism of policy change in the case of the “sustainability check”, it appears that the phase of agenda-setting was very much interlinked with the phase of acquisition of knowledge and selection of policy alternatives. As mentioned in the preceding paragraph, members of the sustainability policy community such as the PBnE and the SRU first acquired knowledge on the policy problems and identified IA as a policy solution, and disseminated this knowledge via in particular reports and encounters with policy actors during the evaluation of the sustainability strategy. However, after the federal government announced the introduction of the sustainability check in 2008, other actors contributed to designing the sustainability and disseminating this knowledge to the government.

### ***II.1.4) Policy adoption and implementation***

In 2009, the federal government reformed the GGO and introduced the “sustainability check” as a formal part of the IA procedure. The government took some steps to implement this change but did not reform the governance of IA as described in chapter 4 (III.2). In 2009, the Ministry of the Interior published a new toolkit on IA<sup>86</sup> that provided more information on the content of the “sustainability check”, although this toolkit contained limited information on the methodology of the assessment. Furthermore, in 2009 the Bundestag tasked the PBnE with exerting a control on the “sustainability check”. The PBnE may request changes and additional information to ministries when the assessment is deemed insufficient, but the control remains limited and purely formal (interview DE8, 08.07.2020).

## **II.2) Evaluation of compliance costs and extension of the mandate of the National Regulatory Council (2011)**

The second policy change is the adoption of a law modifying the 2006 law on the creation of the National Regulatory Council<sup>87</sup> (NRC) adopted in 2011. The key measure is to extend the mandate of the NRC to the control of compliance costs. Compliance costs include the measurable time expenditure and the costs incurred by citizens, businesses, and public administration to comply with a federal regulation<sup>88</sup>. They do not include direct payments such as taxes. Before the policy change, the control of the NRC applied only to the measurement of administrative costs based on the Standard Cost Model (see chapter 4- III.2). Previously, ministers were also requested to assess other costs for the economy, but no method existed for the measurement of such costs, and the NRC exerted no control on this item of the IA. The law also broadened the mandate of the NRC to the control of the necessity of the regulation, the presentation of alternatives, considerations regarding the entry into force, the time

---

<sup>86</sup> Bundesministerium des Innern (2009), Arbeitshilfe zur Gesetzesfolgenabschätzung.

<sup>87</sup> Gesetz zur Änderung des Gesetzes zur Einsetzung des Normenkontrollrates vom 16. März 2011.

<sup>88</sup> This can include for instance regulations creating new tasks for public administration, the acquisition of new equipment for businesses, the obligation for citizens to renew some administrative documents.

limit and the evaluation of the regulation, statements on simplification, and other costs for the economy that are not included in the compliance costs (such as fees). Additionally, the law gave the NRC a mandate to control legislative proposals initiated by the chambers if seized by the Bundestag or Bundesrat. Hence, the reforms changes method and the governance of IA, but not the scope nor the goal of the instrument.

### ***II.2.1) Cause of the policy change***

The main cause of the policy change was the recognition of a problem in the design and the implementation of the 2006 reform, which had made the measurement of administrative costs<sup>89</sup> compulsory for all draft regulations of the government (see chapter 4- II.2.1). The scope of the administrative costs was perceived as too narrow, both by members of the policy community and by businesses, as the administrative burden entails many other aspects than information costs (Bundesregierung, 2010). Additionally, economic actors complained that they could not perceive the effect of the programme for the reduction of the bureaucratic burden launched in 2006, which planned also to reduce the administrative costs by 25% by 2012. As summarized by a member of the NRC:

*“the background [of the reform] was the discussion that the bureaucratic costs only cover a very small part of the actual effort and the follow-up costs, and if you want a realistic picture, then actually you have to consider a broader range of costs. And that was certainly an argument. There were also complaints from the business community that they said, it's nice that you have now achieved the goal of 25% savings in administrative costs. Only we don't notice it.”* (Interview DE2, 04.02.2020)

The policy change was initiated by a report of the Bundestag committee for economy and technology in May 2009. In the report, the Members of Parliament assessed positively the 2006 programme on the reduction of the administrative burden and the role of the NRC as an “important and constructive partner” (Bundestag, 2009, p. 3), but they noted that the programme did not take into account the burden created by the content of the regulations themselves. The NRC also noted that, although ministries should measure the other costs to the economy, the absence of “unified procedure to measure these costs” resulted in important differences in the scope and quality of the measurement (Nationaler Normenkontrollrat, 2009, p. 65). In the motivation of the draft law that was introduced in 2010 by the CDU/CSU and FDP parliamentary groups, the members of parliament also criticized how narrowly bureaucratic burden was defined in the 2006 law. They stated that

*“the burden caused by information obligations, according to the perception of those affected, represents in many cases only a minor part of the total burden incurred by a regulation.*

---

<sup>89</sup> Based on the Standard cost model, administrative costs encompass additional information obligation and administrative procedures required by the regulation, but they do not include direct costs incurred by compliance to new regulations (see chapter 4- II.2.1).

*Therefore, an extension of the scope of the measurement to all consequences of a draft regulation has been requested, in particular from economic actors” (Bundestag, 2010, p. 1).*

The concern of domestic actors about the narrow scope of the 2006 programme was further echoed by transnational organisations. The 2009 report of the Bundestag committee for economy and Technology emphasized that the OECD and the Worldbank increasingly advised that “the bureaucratic costs resulting from information obligation represent only a part of the administrative burden for the economy” (Bundestag, 2009, p. 4). Between January and March 2009, the OECD conducted a mission in Berlin, and in April 2010 it published a review of Better Regulation in Germany (OECD, 2010b). The OECD noted that

*“the scope of Better Regulation processes remains somewhat narrow, and (...) only considers information obligations on companies, not other forms of compliance costs. The framework for this programme needs to be broader” (OECD, 2010a, p. 41).*

The OECD recommended to strengthen IA and to broaden the mandate of the NRC, in line with the development of independent regulatory watchdogs in other countries; such as the Netherlands and the United-Kingdom. The recommendations of the OECD reflected discussions with policy actors at the domestic level, as confirmed by the NRC (2010, p59). Hence, while there were elements of normative pressure, the main cause of the change is the identification of limitations in the system put in place in 2006. The recommendations of the OECD and the evolutions at the transnational level provided more weight to the arguments of domestic entrepreneurs advocating for the reform, but the OECD was not the most determinant actor. The limited influence of the OECD is illustrated by the fact that many other recommendations addressed in the 2010 regulatory review have not been taken up, such as the recommendation to measure the benefits of draft regulations.

### ***II.2.2) Process of selection of policy alternatives and motives of policy entrepreneurs***

The NRC and a group of Members of the Bundestag who supported efforts to reduce the administrative burden played a key role in the policy change. As a former member of the Bundestag who was involved in the discussions at the time explained

*“That was always the dialogue with the NRC, from my side, it was always the most intense. And only then did we go to Mr. Gröhe [State minister in the federal chancellery], and then later to others. The process was clearly driven by the NRC.” (interview DE5, 27.02.2020)*

These policy entrepreneurs identified the problem based on their own experience of the limitations of the measurement of administrative costs and on feedback from businesses (interview DE2, 04.02.2020), although businesses did not present concrete policy proposals and “only discussed burdens in general terms” (interview DE5, 27.02.2020). However, the NRC and members of the parliament were not the only actors who identified weaknesses in the German Better Regulation and

bureaucracy reduction policy. The draft law introduced in 2010 quoted in particular the conclusions of a report by the Federal Commissioner for the performance of public administration from the Court of Audit published in 2009, as well as a study by an academic (Bundesbeauftragte für Wirtschaftlichkeit in der Verwaltung (BWV), 2009; Karpen, 2008). Both studies advised to strengthen the provisions of the Joint Rules of the Federal Ministries on IA and to control their implementation.

After the cabinet agreed to the policy change (see II.2.3), it decided that it would define the method of the measurement of compliance costs together with the NRC until March 2010. This initiated a new phase of collection of knowledge for developing a definition and a methodology for the measurement of compliance costs, which involved a broader range of actors. In May 2010, the NRC and the federal government organised an International workshop in Berlin on the methods for the measurement of compliance costs (Nationaler Normenkontrollrat, 2010), which laid the ground for the definition of a common method and an international handbook published by the OECD in 2014 (OECD, 2014a). The business and trade unions and the federal office of statistics were also involved in the definition of the methodology (Nationaler Normenkontrollrat, 2011, p. 13). In parallel to these efforts to define compliance costs, political groups of the CDU/CSU and the FDP presented a draft law in June 2010, which was finally adopted in March 2011<sup>90</sup>.

The main motive of policy entrepreneurs was to improve the performance of the programme for the reduction of the administrative burden set up in 2006. The actors involved in the policy process aimed at building on their positive experience of the measurement of the administrative costs and the NRC and had no intent of changing the main goals and rationale of the programme. According to the draft law (Bundestag, 2010, p. 2), the extension of the mandate of the NRC creates the conditions for a good presentation of the effects and consequences of a regulation, and “only a comprehensive knowledge of the consequences that a law has for the recipients of norms enables a conscious and responsible decision-making by the legislative bodies”. In the case of the NRC, although none of the interviewees and documents clearly acknowledged it, a further motive may have been to strengthen its role within the policy formulation process. By broadening its mandate, the NRC had a stronger say on other items of the IA and more power *vis-à-vis* the federal ministries.

### **II.2.3) Process of agenda-setting**

In order to disseminate the knowledge they had acquired on the limitations of the existing system and their recommendations regarding an extension of the mandate of the NRC, the members of the Bundestag and the NRC had regular encounters with members of the federal government. In addition,

---

<sup>90</sup> Gesetz zur Änderung des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates vom 16 März 2011. Bundesgesetzblatt Jahrgang 2011 Teil I Nr. 11, ausgegeben zu Bonn am 21. März 2011.

they published reports to highlight the issues and their proposals. In particular, the report of the Economics and Technology Committee of the Bundestag previously cited made clear recommendations to the government to extend the mandate of the NRC. In its annual report for 2009 (2009, p. 66), the NRC “advises the federal government to take up the recommendations of the Economics and Technology Committee of the Bundestag”.

These dissemination efforts were quite successful, and the formation of a CDU/CSU and FDP coalition government provided a political window for policy entrepreneurs. After the elections in September 2009, the Christian democrats of the CDU/CSU and the liberals of the FDP formed a government with a more liberal stance than the previous government that the CDU/CSU formed with the centre left SPD party. In the context of the economic crisis that affected Europe from 2008, there was a strong political support for Better Regulation initiatives. The new coalition supported the idea of strengthening and extending the mandate of the NRC in the coalition agreement. The coalition partners stated that a key goal of the new government was to reduce the bureaucratic burden and that bureaucracy reduction and Better Regulation acted like “a zero-cost growth program”, and they reiterated the goal to “reduce existing bureaucratic burdens and avoid new burdens” (CDU, CSU, FDP, 2009, p. 15). In January 2010<sup>91</sup>, the cabinet declared that it supported the discussions regarding the extension of the mandate of the NRC and announced key measures about bureaucracy reduction and Better Regulation for the next parliamentary term.

#### **II.2.4) Policy adoption and implementation**

The law adopted in 2011 did not fundamentally change the system introduced in 2006, but federal ministries had to familiarize with a new method for the calculation of compliance costs, that was more complex and less established than the former Standard Cost Model. In order to support ministries, the federal office of statistics published guidelines on the measurement of compliance costs (Statistisches Bundesamt, 2012). The Federal Office of statistics also created an online database that could be accessed by all ministries to calculate compliance costs and offered its expertise and technical support to ministries, which contributes to improving the quality of the analysis according to an interviewee in the NRC (interview DE2, 04.02.2020). The NRC was also in charge of controlling the formal compliance of ministries with the new law, as well as the quality of the analysis. Furthermore, in order to monitor the evolution of compliance costs, the Federal Office of Statistics created in 2012 an index of the compliance costs for businesses (*Bürokratiekostenindex- BKI*)<sup>92</sup>. The federal government as well as the

---

<sup>91</sup> Kabinettsbeschluss vom 27. Januar 2010. Eckpunkte zum Bürokratieabbau und zur besseren Rechtsetzung in der 17. LP.

<sup>92</sup> The index is published 4 times a year by the National Statistical Office. The base value is 100 and corresponds to the compliance costs in January 2012.



NRC report on the evolution of the index in their annual report on the programme for the reduction of the administrative burden. Hence, it appears that concrete steps were taken to implement the policy.

In its annual report for 2012, the NRC observed that “against the background that both the federal ministries and the NRC have broken new methodological ground with the introduction of the compliance costs, the implementation of the legislator's requirement to measure compliance costs is quite successful in many cases” (Nationaler Normenkontrollrat, 2012, p. 38). However, the NRC observed quite soon the limited effectiveness of the new method for the reduction of the overall compliance costs, which spurred the adoption of the “one in, one out” rule.

### **II.3) Introduction of the “One in, one out” principle (2015)**

The third case of policy change in Germany since 2006 is the introduction of the ‘one in, one out principle’ by the federal government, also called “bureaucracy brake” (*Bürokratiebremse*). According to this binding principle, ministries drafting a regulation creating new compliance costs for the economy shall retrieve another regulation to compensate these new costs by the end of the year, or by the end of the legislature (Bundesregierung, 2016, p. 37).

#### ***II.3.1) Cause of the policy change***

The cause of the policy change is the recognition of a problem in the implementation and effectiveness of the measurement of compliance costs, as compliance costs kept increasing over the years. The National Regulatory Council (NRC) noted already in its 2012 annual report that

*“the commitment with which individual departments work to reduce and avoid bureaucracy and compliance costs has noticeably lost momentum. This certainly has to do with the fact that after the initial motivating successes, further progress is naturally more difficult to achieve”* (2012, p. 5).

In 2014, the introduction of the law on the minimum wage increased considerably the compliance costs for businesses, and the NRC complained that the rules laid down in the NRC Act “were not consistently respected in important legislative projects” (Nationaler Normenkontrollrat, 2012, p. 5). The NRC noted that the yearly compliance costs increased by 12.3 billion euros, of which 95% were shouldered by businesses. It lamented that the increase of the compliance costs in the last three years nearly cancelled all the simplification efforts that had been made to reduce the administrative burden by 25% (12.5 billion euros) between 2006 and 2011 (Nationaler Normenkontrollrat, 2014).

#### ***II.3.2) Process of selection of policy alternatives and motives of policy entrepreneur***

The NRC was the main actor in the policy process, as confirmed by an interviewee in the Federal Chancellery (interview DE10, 01.12.2017). It acquired information about potential policy solutions to

the increase of compliance costs and identified the “one in, one out” tool as a potential solution. According to one interviewee in the NRC:

*“there was no longer any mechanism by which pressure could be exerted in any way, so that the ministries had an incentive to reduce something. And so there has been a long time since 2011 a discussion, how can we find this mechanism now, what equivalent can we find? And “one in, one out” seemed to be a very handy variant. And the trick was actually to get that politically on the agenda, so that the government was also interested.”* (Interview DE2, 04.02.2020)

Although domestic actors learnt from the experience of the UK and the “one in, one out” principle was clearly inspired by the tool that the UK implemented from 2011 (interview DE1, 04.02.2020), there was no normative pressure to adopt the reform, as this was still a relatively new instrument that had not been broadly diffused yet. Furthermore, the German model differed from the British model and was adapted to the German context, as an interviewee from a business union confirmed (interview DE9, 14.07.2020).

The main motive of the NRC as a policy entrepreneur was to improve the performance of the policy on the reduction of the administrative burden, and in particular the measurement of the compliance costs. This instrumental goal was taken up by the government in the justification of the policy change. In the cabinet decision introducing the “one in, one out” principle, the government explains that the aim is to “make more consistent and comprehensive progress and to achieve visible and noticeable effects in reducing bureaucracy” (Bundesministerium für Wirtschaft und Energie, 2014). The goal of “one in, one out” is to “durably contain the growth of [administrative] burden”, although the government makes clear that this rule should not affect political goals and the adoption of measures defined in the coalition agreement.

### **II.3.3) Process of agenda-setting**

In order to put “one in, one out” on the agenda, the NRC engaged in dissemination activities. The NRC started to alert the government on the issue of the increase of the compliance costs and the lack of quantitative goal for the reduction of such costs after 2012. In its 2013 report, it recommended that the newly elected government<sup>93</sup> formulates quantitative goals for the reduction of the compliance costs for the next four years, as “this is the only way to create political pressure” (Nationaler Normenkontrollrat, 2013, p. 76). However, the NRC regretted in its 2014 annual report that this recommendation had not been taken up in the coalition agreement.

---

<sup>93</sup> After the elections organised in September 2013

However, the NRC clearly included the introduction of the “one in, one out” principle” as a recommendation (*Kernbotschaft*) to the government in its 2014 annual report (Nationaler Normenkontrollrat, 2014, p.5). According to recommendation number 10,

*“After the 25% reduction in bureaucracy has been achieved, there is no new, fixed rule to limit or reduce bureaucracy and compliance costs in Germany. This could e.g. be a new reduction target or - as for example in Great Britain - a "one-in-one-out" rule. Without such rules, there is a risk that interest and ambition within the federal government - that is, the “pressure in the system” - are not strong enough to actually keep compliance costs as low as possible. Given the considerable increase in compliance costs at the beginning of the legislative period, it would be helpful to send a clear signal from the Federal Government that limiting the compliance costs is still an important political goal.”*

Although this was only a recommendation, during the presentation of the annual report the President of the NRC used the opportunity to further disseminate the idea of “one in, one out” and both the chancellor Angela Merkel and the Vice-Chancellor Sigmar Gabriel signaled their readiness to adopt the principle (interview DE1, 04.02.2020). During her speech at the conference organised for the presentation of the report<sup>94</sup>, the chancellor declared

*“we will also look again at the "one in - one out" proposal. We are right now in the complicated situation that there was a certain European experience in the reduction of administrative costs<sup>95</sup> and one knew: If you agree on a reduction target of 25 percent, that is it doable. On the question of the compliance cost of a law, we still have not developed a real feeling of what "one in - one out" means. But I signal openness to deal with the topic again.”*

As an interviewee from the NRC explained, “it was the quickest programmatic impulse that [(s)he has] ever experienced” (interview DE1, 04.02.2020). In December 2014, the cabinet adopted the “one in, one out” principle as part of a set of measures for easing further the administrative burden weighting on small and medium enterprises<sup>96</sup>. The clear political support was key in the rapid adoption of the measure, as one interviewee confirms

*“Of course, the individual ministries weren't that enthusiastic either. But that was clear, the two of them said we are doing this, we think about it, and it was followed up.”* (interview DE1, 04.02.2020)

---

<sup>94</sup> Rede von Bundeskanzlerin Merkel anlässlich der Übergabe des Jahresberichts 2014 des Nationalen Normenkontrollrats am 6. Oktober 2014 im Bundeskanzleramt. <https://www.bundesregierung.de/breg-de/aktuelles/rede-von-bundeskanzlerin-merkel-anlaesslich-der-uebergabe-des-jahresberichts-2014-des-nationalen-normenkontrollrats-am-6-oktober-2014-im-bundeskanzleramt-450056> (Retrieved on the 9.11.2020).

<sup>95</sup> The chancellor is referring to the use of the Standard Cost Model to measure and reduce administrative costs.

<sup>96</sup> Bundesministerium für Wirtschaft und Energie. Eckpunkte zur weiteren Entlastung der mittelständischen Wirtschaft von Bürokratie Beschlossen vom Bundeskabinett am 11.12.2014.

However, although the impulse of the change came from the NRC (interview DE1, 04.02.2020), it was not the only actor promoting the adoption of the “one in, one out” principle in Germany. The change was also supported for instance by business unions (interview DE9, 14.07.2020). It is also clear that there was a prior support for the political goal of the reduction of the administrative burden from Angela Merkel and her government, and it is very likely that officials in the government were familiar with the tool prior to the recommendations addressed by the NRC. However, the NRC managed to attach this solution to the problem of the increasing compliance costs and to create a window of opportunity for policy change (see chapter 6.1).

#### ***II.3.4) Policy adoption and implementation***

Although “one in, one out” was also intended as a “signal” for federal ministries to take compliance costs seriously (Nationaler Normenkontrollrat, 2014), the policy is not purely formal and the government has taken measures to implement and enforce the change. First, the Federal Office of statistics monitors the evolution of compliance costs and the compensation measures taken by each ministry, and each ministry has to report to the State Secretaries Committee on the reduction of the administrative burden (*Staatssekretärsausschuss Bürokratieabbau*- see chapter 4-III.2.2) on the implementation of the instrument every semester, and inform them if they may miss their target (Bundesministerium für Wirtschaft und Energie, 2014). Furthermore, the committee may allow the ministries to not compensate fully if the new costs clearly exceed the capacity of the ministry to compensate or if the compliance costs do not illustrate the other positive effects of the proposed regulation for the economy. However, this exemption shall be granted only after the NRC has given an opinion on the regulation and the proposed compensation measures. There are also reporting mechanisms, as the government shall present how the “one in, one out” principle has been implemented in the yearly report it presents to the parliament on the implementation of the bureaucracy reduction programme (chapter 4- III.2).

#### **II.4) Introduction of guidelines on the “SME test” (2015)**

The last policy change in the context of IA at the federal level in Germany since 2006 is the introduction of a new tool called the “SME test”. In 2015, the Federal Ministry for Economy and Energy published guidelines on the so-called “SME test” (*KMU Test*), a set of standardized questions and methods in order to assess ex-ante the impact of draft regulations on Small and Medium Enterprises (SME).

##### ***II.4.1) Cause of the policy change and motives of policy entrepreneurs***

The introduction of the SME test in Germany was caused by a combination of domestic actors highlighting the issue of the lack of systemic attention towards how SMEs are disproportionately

affected by regulatory burden, and normative pressure resulting from the adoption of the SME test in 2008 at the EU level.

On the one hand, domestic actors highlighted how SMEs are disproportionately affected by administrative burden. Although this issue “comes up again and again” since the 1990s (interview DE4, 28.02.2020), the fact that the specificity of SMEs was not taken into account in the efforts to reduce administrative burden was maybe perceived more acutely after the 2011 reform. The measurement of compliance costs was introduced in 2011 (see II.2.2), but the method did not allow for distinguishing the costs depending on the size of the business. As an interviewee in the National Regulatory Council stated:

*“That was always on the agenda because it was said that estimating costs and compliance costs for large businesses is one thing, but it looks different in small and medium-sized businesses. And there had always been this request from the economy to differentiate more [between large and small businesses].”* (interview DE2, 04.02.2020)

In reality, the Joint Rules of Federal Ministries (see chapter 4-II.2) as well as the guidelines on compliance costs published by the Federal office of statistics and the NRC<sup>97</sup> requested that, when measuring the compliance costs and other costs for the economy, federal ministries describe the specific impact on SMEs. Since 2011 (see section I.2.2), the NRC was also in charge of controlling how ministries measured and displayed these costs (Nationaler Normenkontrollrat, 2014). However, the NRC admitted that it was often not easy for ministry officials to precisely identify the specific concerns of SMEs (Nationaler Normenkontrollrat, 2014). As experts commissioned by the Ministry of the Economy wrote (Bøggild et al., 2014, p. 13), “so far the description of the compliance costs and other costs for SMEs has occurred only on an irregular and not standardized basis. This may be due to the fact that there are currently no written guidelines that clearly explain the individual steps of such an SME test and the data to be examined as part of this review”.

These concerns at the domestic level were combined with the normative pressure that was created by developments at the EU level. In 2008, the EU adopted the Small Business Act<sup>98</sup>, in which it committed to follow the “think small first” principle when adopting rules<sup>99</sup>. In 2011, the European Commission reviewed the Small Business Act<sup>100</sup>. It declared that the Commission would use the “SME test” in its IA and invited EU Member States to “systematically assess the impact of legislation on SMEs using an “SME test” while taking into account differences in the size of enterprises, where relevant” (European

---

<sup>97</sup> Bundesregierung, „Leitfaden zur Berücksichtigung der Belange mittelständischer Unternehmen in der Gesetzesfolgenabschätzung (KMU-Test)“. 30th December 2015.

<sup>98</sup> European Commission Communication (COM(2008) 394 final). ‘Think small first’ — A ‘small business act’ for Europe.

<sup>99</sup> It should be noted that the European Commission conducted IA on SMEs since 1986 and that the ‘think small first’ principle was included in the European Charter for Small Enterprises adopted at the Santa Maria da Feira European Council in June 2000 (Renda, 2006, p. 54)

<sup>100</sup> European Commission Communication (COM/2011/0078 final). Review of the “Small Business Act” for Europe.

Commission, 2011, p. 8). In 2012, the OECD also included in its recommendations on regulatory policy and governance that officials should “evaluate the impact on small to medium sized enterprises and demonstrate how administrative and compliance costs are minimized.” (OECD Regulatory Policy Committee, 2012, p. 11). On the other hand, despite these recommendations the “SME test” had not yet been adopted by many EU countries and was a relatively new instrument (Bundesregierung, 2016, p. 15). Furthermore, the timing of the policy change, more than four years after the recommendation of the EU, suggests that normative pressure was not a determinant cause of the policy change. It rather gave additional impulse and was used by domestic actors to advocate for paying a closer attention to the effect of administrative burden on SMEs.

#### ***II.4.2) Process of selection of policy alternatives and motives of policy entrepreneurs***

A broad array of actors were involved in the introduction of the SME test in different phases of the policy process. In the first phase of the process, the main actors involved were the German ministry of the Economics, the NRC, and to a lesser extent businesses. The NRC tried to convince the Ministry of the Economics to better take into account the administrative burden on SMEs:

*“The EU Commission made this Small Business Act and similar things. It was a while ago, I believe in 2012, that we had a conversation with the German Minister for Economic Affairs. And it was clear that it is important: this topic has not yet been systematically addressed, no one pays attention to the fact that SMEs are affected differently. And when you know that 99.8% of all businesses are SMEs. It's a pretty powerful argument that something should be done. In conversation with the Minister of the Economy Rösler we said: you are the Minister of SMEs, you have to take care of this.”* (interview DE1, 04.02.2020)

Business unions also regularly alerted the government on the impact that the administrative burden had on businesses, but they focused mainly on the regulatory burden from taxes and did not present concrete proposals to the ministries (interview DE4, 28.02.2020; interview DE9, 14.07.2020).

In the second phase of the policy process, the BMWi commissioned a study to the consultancy firm Kienbaum in order to examine whether SMEs were more strongly affected by regulatory burden, and the cause of an eventual disproportionate burden. The authors of the study were also tasked with drafting guidelines for an SME test (Bøggild et al., 2014). During this phase, the Kienbaum policy experts acquired information on the situation of SMEs and the design of an SME test both in Germany and in other countries. They used desk research, as well as interviews and workshops with key actors for Better Regulation in Germany and the OECD, practitioners, and experts (Bøggild et al., 2014). They

also looked at how the SME test was designed in other countries<sup>101</sup>. However, they adapted the model to the German system. As one of the authors of the study put it,

*“we haven't taken everything up. For the SME test we looked who had something like that. But we haven't found how it was interpreted nor how effective the instrument was. It was too new.”*

(interview DE4, 28.02.2020)

Kienbaum also disseminated a first draft of its guidelines on a SME test by organising two presentations of the results for officials of the Ministry of Economic Affairs, the NRC, the Federal office of statistics, the bureaucracy reduction unit in the Federal Chancellery (*Geschäftsstelle Bürokratieabbau*), as well as representatives of business unions (Bøggild et al., 2014). In June 2014, the study commissioned by the Ministry of Economic Affairs about the consideration of SMEs' interests in ex ante impact assessment<sup>102</sup> was published. On the same day, the cabinet adopted its “Work programme Better Regulation”<sup>103</sup>, which included the introduction of the SME test as one key measure.

In the third phase of the process between June 2014 and December 2015, pilot projects were conducted in single ministries, together with the NRC, the Federal office of statistics, and the bureaucracy reduction unit in the Federal Chancellery, in order to test the guidelines for conducting the SME test and make sure that they provided an effective support to ministry officials (Nationaler Normenkontrollrat, 2014, p. 48).

The main motive of the policy entrepreneurs within the NRC and the Ministry of the Economic Affairs was to increase the performance of the German programme on the reduction of the administrative burden and the design of the IA system. While “taking into account small and medium businesses has long been a political goal” (Nationaler Normenkontrollrat, 2015, p. 41) and should have been examined in the IA according to the Joint Rules of Procedures of Federal ministries, the introduction of a new process and method aimed at improving the compliance of the ministries with such provision. Seeking legitimacy at the EU level may have been another goal and driver of the change, although there is no direct evidence of this, and the recommendations of the EU played a limited role in the policy change.

### **II.4.3) Process of agenda-setting**

As the former paragraph shows, in the case of the adoption of the guidelines on the “SME Test” as well, the processes of acquisition of knowledge and selection of policy alternatives and the process of agenda-setting were intertwined. The NRC first caught the attention of the Minister of the Economy by meeting with him. The Ministry of the Economy then disseminated the results of an expert study

---

<sup>101</sup> The UK, the Netherlands, Denmark, the United-States, Canada and Australia.

<sup>102</sup> Bøggild, N.; Gädckens, Ch.; Rostek, J.; Wallau, F.. Endbericht „Berücksichtigung von KMU-Belangen in der Gesetzesfolgenabschätzung“. Studie im Auftrag des Bundesministeriums für Wirtschaft und Energie (BMWi). Düsseldorf, 4th June 2014. Kienbaum Management Consultants GmbH

<sup>103</sup> Kabinettsbeschluss vom 4. Juni 2014 Arbeitsprogramm Bessere Rechtsetzung 2014. 4th June 2014.

and sought to gain acceptance for the SME Test by organising pilot projects. However, due to the scarcity of data there is limited evidence to trace precisely the process by which the policy change appeared on the agenda of the cabinet, and to know to what extent the Ministry of the Economy played a role as policy entrepreneur.

#### ***II.4.4) Policy adoption and implementation***

On the basis of the draft guidelines and the pilot phase, the Ministry of Economic Affairs published the Guidelines for considering SMEs' interests in ex ante impact assessment<sup>104</sup> in December 2015. These guidelines are mandatory for all federal ministries. The control of the SME test is also part of the mandate of the NRC, although according to an interviewee this is not enforced by the NRC (interview DE9, 14.07.2020). In any case, the NCR has lamented repeatedly that the SME test is often not done and that the quality of the analysis is generally insufficient (Nationaler Normenkontrollrat, 2019).

### **II.5) Summary of the causal mechanisms of policy change in Germany**

The comparison of the four cases of policy change shows that, although the type of policy change adopted were quite different, in all four cases there was a learning process by domestic actors. While the predominant mechanism was problem-oriented learning in three of the cases, in one case I find a combination of problem-oriented and power-oriented learning (see table 6). An interesting finding is that learning was combined with elements of normative pressures in most of these cases (see also chapter 6).

---

<sup>104</sup> Bundesministerium für Wirtschaft, „Leitfaden zur Berücksichtigung der Belange mittelständischer Unternehmen in der Gesetzesfolgenabschätzung (KMU-Test)“. 30th December 2015.



Table 6. : summary of causal mechanisms in the German policy change cases

	DE1- Introduction of the “sustainability check” (2009)	DE2- Evaluation of compliance costs and extension of the mandate of the National Regulatory Council (2011)	DE3- Introduction of the “One in, one out” principle (2015)	DE4- Introduction of guidelines on the “SME test” (2015)
<b>Cause</b>	Some elements of normative pressure, domestic community recognises a problem, competition over the formulation of policies	Domestic actors/communities recognise a problem. Transnational organisations or policy networks exert normative pressure on government.	Domestic actors/communities recognise a problem.	Domestic actors/communities recognise a problem. Transnational organisations or policy networks exert normative pressure on government.
<b>Indicators</b>	<ul style="list-style-type: none"> <li>• SIA developed at the EU level</li> <li>• Contacts between the EU and national sustainability policy community</li> <li>• Timing of the change)</li> <li>• Account that the Chancellery and PBnE wanted to increase their control over the policy process</li> <li>• Negative feedback on the implementation of IA: policy reports quoted in the government document announcing the policy change</li> <li>• Negative feedback on the implementation of the sustainability strategy.</li> <li>• Account that this negative feedback or new problem raised the attention of the members of the government/policy networks later involved in the knowledge acquisition phase.</li> </ul>	<ul style="list-style-type: none"> <li>• Negative feedback about the design and implementation of IA: account and documents highlighting problems in the design or the implementation of IA (narrow scope), introductory part of the draft law justifying the policy change by problems in the design or the implementation of IA.</li> <li>• Account that this negative feedback or new problem raised the attention of the members of the government or policy networks later involved in the knowledge acquisition phase.</li> <li>• Standards developed by OECD, Worldbank to broaden the scope of SCM.</li> <li>• Recommendations by the OECD to adopt the policy change.</li> <li>• Contacts between the OECD and the actors involved in the policy change.</li> </ul>	<ul style="list-style-type: none"> <li>• Negative feedback about the implementation of IA: Document evaluating the implementation of IA highlighting problems in the implementation of IA, indicators showing the ineffectiveness of IA in reducing the administrative burden.</li> <li>• Account that this negative feedback or new problem raised the attention of the members of the NRC.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommendation to adopt the SME test in the EU “Small Business Act”.</li> <li>• Negative feedback about the implementation of IA: meeting with practitioners raising complaints about the design or the implementation of IA</li> <li>• Account that this negative feedback raised the attention of the members of the NRC and of the Ministry of the Economy.</li> </ul>

<b>Process of selection of policy alternatives &amp; Motive of policy entrepreneurs</b>	Domestic actors/communities acquire and translate knowledge on the policy problem and potential policy solutions, and on solutions to reach their policy goal. Motive: improving performance of sustainability strategy and IA, exerting control over the policy process/policy formulation, drawing attention to sustainability policy.	Domestic actors/communities acquire and translate knowledge on the policy problem and potential policy solutions. Motive: improving policy performance. In the case of the NRC probably strengthening its control over the policy formulation.	Domestic actors/communities acquire and translate knowledge on the policy problem and potential policy solutions. Motive: improving policy performance.	Domestic actors/communities acquire and translate knowledge on the policy problem and potential policy solutions. Motive: improving policy performance, possibly securing legitimacy.
Indicators	<ul style="list-style-type: none"> <li>• Activities of acquisition of knowledge: evaluation reports, meetings with experts, use of domestic experience and experience from other countries.</li> <li>• Account that IA was identified as a tool to draw attention to a policy issue or increase control over the policy process.</li> </ul>	<ul style="list-style-type: none"> <li>• Activities of acquisition of knowledge: evaluation of own experience and experience of other countries, workshop with experts.</li> <li>• Content of learning: account and trace of members of policy community looking for knowledge on the policy problem and for potential policy solutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Activities of acquisition of knowledge: evaluation of own experience and experience of the UK.</li> <li>• Content of learning: account of members of policy community looking for knowledge on the policy problem and for potential policy solutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Activities of acquisition of knowledge: Ministry commissions a study to external experts to evaluate the experience with IA of their own country, of other countries.</li> <li>• Content of learning: evidence that looking for knowledge on the policy problem and for potential policy solutions.</li> </ul>
<b>Process of agenda-setting</b>	Policy entrepreneurs seek to draw the attention of policy-makers and convince them to adopt the change.	Policy entrepreneurs seek to draw the attention of policy-makers and convince them to adopt the change	Policy entrepreneurs seek to draw the attention of policy-makers and convince them to adopt the change	Policy entrepreneurs seek to draw the attention of policy-makers and convince them to adopt the change
Indicators	<ul style="list-style-type: none"> <li>• Dissemination activities by entrepreneurs: publication of reports, meetings with policy-makers.</li> <li>• Entrepreneurs drafting policy proposals or regulations.</li> <li>• Access/contact to policy-makers involved in the change</li> </ul>	<ul style="list-style-type: none"> <li>• Dissemination activities by entrepreneurs: publication of reports.</li> <li>• Entrepreneurs drafting the law.</li> <li>• Contacts to the newly elected government.</li> </ul>	<ul style="list-style-type: none"> <li>• Dissemination activities by entrepreneurs: publication of reports, speech.</li> <li>• Access/contact to policy-makers.</li> </ul>	<ul style="list-style-type: none"> <li>• Dissemination activities by entrepreneurs: publication of a report, meetings, pilot projects.</li> </ul>

	directly or via an intermediary such as a policy advisor.			
<b>Policy adoption</b>	The policy is adopted.	The policy is adopted.	The policy is adopted.	The policy is adopted.
Indicators	<ul style="list-style-type: none"> <li>Evidence that policy-makers adopted the policy idea after contacts with entrepreneurs.</li> <li>Close similarity between the policy change and the ideas promoted by the policy entrepreneurs/policy proposal of the entrepreneurs.</li> <li>Evidence that the change increases the control of learners over the policy process.</li> <li>Policy change justified in documents as a response to the identified policy problem.</li> </ul>	<ul style="list-style-type: none"> <li>Evidence that policy-makers adopted the policy idea after contacts with entrepreneurs.</li> <li>Close similarity between the policy change and the ideas promoted by the policy entrepreneurs/policy proposal of the entrepreneurs.</li> <li>Policy change justified in documents as a response to the identified policy problem.</li> <li>Evidence that the change increases the control of learners over the policy process.</li> </ul>	<ul style="list-style-type: none"> <li>Evidence that policy-makers adopted the policy idea after contacts with entrepreneurs.</li> <li>Close similarity between the policy change and the ideas promoted by the policy entrepreneurs.</li> <li>Policy change justified in documents as a response to the identified policy problem.</li> </ul>	<ul style="list-style-type: none"> <li>Close similarity between the policy change and the policy proposal of the entrepreneurs.</li> <li>Policy change justified in documents as a response to the identified policy problem.</li> </ul>
<b>Policy implementation</b>	Implementation of the policy.	Implementation of the policy.	Implementation of the policy.	Limited implementation of the policy.
Indicators	<ul style="list-style-type: none"> <li>Administrative or political measures taken to ensure implementation: guidelines, control by the PBN.</li> <li>Accounts by interviewee that the reform has been enforced.</li> </ul>	<ul style="list-style-type: none"> <li>Administrative or political measures taken to ensure implementation: guidelines, database, training, effective control process, monitoring of results, sanctions for non-compliance.</li> <li>Accounts by interviewees that the reform has been enforced.</li> </ul>	<ul style="list-style-type: none"> <li>Administrative or political measures taken to ensure implementation: effective control process, monitoring of results, sanctions for non-compliance.</li> <li>Accounts by interviewees that the reform has been enforced.</li> </ul>	<ul style="list-style-type: none"> <li>Limited administrative or political measures taken to ensure implementation beyond the guidelines.</li> <li>Accounts by interviewees and the NRC that the reform has not been enforced.</li> </ul>
<b>Main causal mechanism</b>	<b>Combination of problem and power-oriented learning</b>	<b>Predominantly problem-oriented learning</b>	<b>Predominantly problem-oriented learning</b>	<b>Predominantly problem-oriented learning</b>

Source: author's elaboration

### III- Policy changes in the field of impact assessment in Italy after 2008

Compared to France and Germany, there have been only two cases of policy change in the context of impact assessment in Italy since IA became compulsory in 2008: the measurement of the administrative costs and the introduction of the SME test in IA in 2011, and the modification of the regulation on IA between 2017 and 2018. However, this recent reform has introduced significant changes to the design of IA in Italy.

#### III.1) Measurement of the administrative costs and introduction of the SME test in IA (2011)

In November 2011, the Italian Parliament adopted a new Law on the Statute of enterprises<sup>105</sup> (*Statuto delle imprese*) according to which “the assessment of the impact on small and medium enterprises and on the information obligations and related administrative created or eliminated for citizens and businesses” became a compulsory part of the IA. A directive adopted in January 2013<sup>106</sup> updated the template of the IA report in order to introduce the measurement of the impact on Small and Medium Enterprises (SMEs) and the administrative costs. The policy change thus modified the scope and the method of IA, but the rationale, governance and the process remained broadly similar.

##### III.1.1) Cause of the policy change

The 2011 law on the Statute of enterprises is a compilation of several draft laws aiming at improving the business environment in Italy, which was presented by a broad array of political parties. The Statute contained an important number of measures targeted towards businesses, but it also introduced a few changes regarding IA.

The reform of the IA in the Statute are clearly the result of the normative pressure exerted by the EU to reduce the administrative burden and conduct SME tests in the Member States. The European Commission adopted a Small Business Act for Europe in 2008<sup>107</sup>, which was revised in 2011<sup>108</sup>. In this revised version, the Commission invited EU Member States to adopt an “SME test” to assess the impact of the legislation on SMEs. This recommendation<sup>109</sup> was the main cause for the adoption of the policy change in Italy. The introduction of the *ex ante* measurement of administrative costs in IA appears to

---

<sup>105</sup> Legge 180/2011 art 6, modifying the 2005 law that made IA compulsory in Italy (article 5 bis) (see chapter 4- III.3)

<sup>106</sup> Disciplina sul rispetto dei livelli minimi di regolazione previsti dalle direttive europee, nonché aggiornamento del modello di Relazione AIR, ai sensi dell'articolo 14, comma 6, della legge 28 novembre 2005, n. 246.

<sup>107</sup> [European Commission Communication \(COM\(2008\) 394 final\). 'Think small first' — A 'small business act' for Europe](#)

<sup>108</sup> European Commission Communication (COM/2011/0078 final). Review of the "Small Business Act" for Europe.

<sup>109</sup> After 2013, this recommendation became a conditionality. The Italian government reminds in its report on the implementation of IA from 2015 (Presidenza del Consiglio, 2016, p. 21) that a EU ruling from 2013<sup>109</sup> on the structural funds of the EU for 2014-2020 defines the introduction of the SME test at the national and sub-national levels of government as a conditionality for the disbursement of EU funds. While this conditionality has played a role in the adoption of the SME test at the regional level in Italy, at the national level the policy change happened prior to 2013, and the adoption of the SME test was only a recommendation of the European Commission.

also be caused by the adoption of the SBA and the recommendation to reduce the administrative burden. However, it should be noted that the measurement of the administrative costs in IA in Italy also had more ancient origins. Italy had first introduced the measurement of administrative costs as an experiment in 2005, and in 2008<sup>110</sup> it had adopted the target recommended by the EU to reduce the administrative costs by 25% by 2012 (*"taglia-oneri amministrativi"*).

A report of the Italian government provides evidence that, by adopting the law on the Statute of the enterprise and the introduction of the SME test, the main aim of Italian lawmakers was to "respond to the commitment made to implement the "Small Business Act for Europe (SBA)" (Presidenza del Consiglio, 2016, p. 21). Another indicator is the motivation of the policy change in the introduction of Law 180/2011, in which the Italian lawmakers clearly state that:

*"The principles of this law constitute fundamental rules of economic and social reform of the Republic (...) and are intended to guarantee the full implementation of the communication from the European Commission COM (2008) 394 final, of 25 June 2008, entitled "Think small first — A small business act for Europe"."*

The timing of the adoption of the change is another indicator of the influence of the SBA on the policy change, as the law was adopted in November 2011, only nine months after the communication of the Commission. On the other hand, I find no evidence that the policy change resulted from the identification of a problem, nor from competition over the policy process.

### **III.1.2) Process of selection of policy alternatives and motives of policy entrepreneurs**

Tracing the process that led to the introduction of the measurement of administrative costs and the SME test in IA is complex, as the 2001 Statute of Enterprises was an aggregation of several draft laws introduced in the Italian Chamber of deputies, and involved a great number of actors and a broad scope of measures. There have been activities of acquisition and dissemination of knowledge in the preparation of the law. In particular, the committee leading the discussion in the chamber<sup>111</sup> organised auditions with business unions such as the Confindustria or the Confartigianato<sup>112</sup>. However, as the content of the audition is not publicly available, it is unclear whether the SME test and administrative costs were discussed and how exactly these measures came to be integrated in the law.

However, it appears that the "SME test" has been merely copy-pasted from the European Commission, as it was not possible to trace any process of acquisition or dissemination of knowledge at the domestic level in order to translate the concept to the Italian system. For instance, it appears that there was no activity at the domestic level to define and disseminate what type of enterprises should be considered

---

<sup>110</sup> Decreto-legge 25 giugno 2008, n. 112, "Disposizioni urgenti per lo sviluppo economico, la semplificazione, la competitività, la stabilizzazione della finanza pubblica e la perequazione Tributaria" pubblicato nella Gazzetta Ufficiale n. 147 del 25 giugno 2008.

<sup>111</sup> Commissione Attività produttive, commercio e turismo

<sup>112</sup> <http://documenti.camera.it/leg16/dossier/testi/AP0087A.htm> (Last consulted on 19.11.2020).

in the SME test, what type of effect should be measured etc. As for the measurement of the administrative burden, Italy followed the definition and method of administrative costs adopted at the international level, based on the Standard Cost Model (SCM).

We can thus tell that there has not been a process of acquisition of knowledge and domestic definition of policy problems and policy goals leading to the introduction of the “SME test” and the integration of the measurement of administrative costs in IA. According to motivation of the Statute, one of the main goals of the law is the “progressive reduction of the administrative costs weighting on businesses and citizens, in particular the small and medium enterprises, in compliance with the provisions of the EU legislation”. It is quite telling that the main objective of the reduction of administrative burden is presented as being in compliance with EU regulation, rather than policy goals defined at the domestic level. It thus seems that appearing legitimate vis-à-vis the European Commission and other European Member States was the main motive of policy entrepreneurs in this case.

### ***III.1.3) Process of agenda-setting***

As already mentioned, because of the scarcity of data on negotiations within the chamber of deputies, it is unclear how the reform of IA appeared on the political agenda at the political level. There is no evidence of dissemination activities, whereby domestic actors advocated for the introduction of the “SME test” and the introduction of the measurement of administrative costs in IA. It appears that the agenda has been set mainly by the EU when it introduced the SBA, but I cannot exclude that domestic policy entrepreneurs have played a role.

### ***III.1.4) Policy adoption and implementation***

As already mentioned, the policy adopted makes a clear reference to the standards set by the EU in the SBA, and the provisions regarding the “SME test” and the measurement of administrative costs are directly inspired by the SBA. However, regarding the implementation I notice important differences between the measurement of the administrative costs and the SME test. While some steps have been taken towards the implementation of the measurement of the administrative costs in IA – despite important challenges – the same cannot be said of the SME test.

In the case of the measurement of administrative costs, several measures have been taken to ensure the effective implementation of the measure. First, the mechanism was strengthened by a decree-law in 2012<sup>113</sup>, which introduced in article 8 of the 2011 Statute of the Enterprises the obligation that each ministry presents a yearly “regulatory budget” by the 31<sup>st</sup> January, i.e. a summary of all administrative costs introduced and eliminated in the previous year. Second, the Ministry of Public Administration

---

<sup>113</sup> Decreto-legge 9 febbraio 2012, n. 5, convertito con modificazioni dalla legge 4 aprile 2012, n. 35.

provided support to the ministries by publishing guidelines on the administrative costs in 2013<sup>114</sup>, and setting up a help desk. Furthermore, mechanisms of monitoring and reporting were introduced. According to article 8 of the 2011 Statute of the Enterprises, the Ministry of Public administration shall compile a yearly report to monitor all administrative introduced and eliminated in the previous year, in consultation with business associations. Second, the DAGL controls the measurement of the costs presented in the IA, and created a data base of administrative costs to compare the data reported in the annual report and the costs contained in the IA presented by the ministries (Presidenza del Consiglio, 2016, p. 87). However, the Ministry of public administration notes that ministries face difficulties in measuring administrative costs and that the reported data is often missing or incomplete (Dipartimento della funzione pubblica, 2018, p. 16).

The SME test on the other hand remains mostly symbolic, as no steps have been taken for supporting the implementation and ensuring the compliance of ministries, beyond the control that the DAGL exerts on all items of the IA.

### **III.2) Modification of the regulation on impact assessment (2017/2018)**

The most recent policy change in Italy in the context of IA is the adoption of a decree of the President of the Council in 2017<sup>115</sup> that updates the scope and the process of IA, and the adoption of new guidelines on IA in 2018<sup>116</sup>. The decree gathers in a unique text the rules of IA and ex post evaluation, as well as rules on consultations, which become a formal and compulsory part of IA and ex-post evaluation. Regarding IA in particular, the reform redefined the conditions under which a draft norm may be exempted from the obligation to conduct IA, in order to conduct IA exclusively on the norms with a major impact. The decree also introduced a simplified IA procedure for decree-laws, which are texts adopted under emergency circumstances (see chapter 4- II.2). Lastly, the publication of IA and cases of exemption from the obligation to conduct IA is made compulsory

#### **III.2.1) Cause of the policy change**

The main cause of the policy change is the identification of problems in the design and the implementation of IA due to negative feedback from civil servants, lawmakers and experts. The Department for legislative affairs within the Presidency of the Council (*Dipartimento affari legislativi-DAGL*) recognised early on important limitations in the scope and the process of IA. There were discussions on a new regulation in the DAGL already from 2008<sup>117</sup> (Interview IT2, 19.03.2019). In 2012, the department started a consultation with experts on a new regulation on IA, followed by a public

---

<sup>114</sup> DPCM 23 gennaio 2013 (GU 16 Aprile 2013, n.89) "Criteri per l'effettuazione della stima dei costi amministrativi".

<sup>115</sup> Decreto del Presidente del Consiglio del 15 settembre 2017, n. 169, recante disciplina dell'AIIR, VIR e la consultazione

<sup>116</sup> Direttiva recante approvazione Guida all'analisi e alla verifica dell'impatto della regolamentazione.

<sup>117</sup> It should be noted that art. 14 of the 2005 law (see chapter 4- III.3) foresees a regular update of the IA regulation.

consultation in 2013. In the consultation document<sup>118</sup>, the DAGL identifies in particular the issue of the excessive number of IA to conduct each year and the difficulty to conduct an analysis of sufficient quality for such an important number of texts. Another key limitation outlined by the DAGL is the possibility to grant exemptions to the obligation to conduct IA in “cases of extraordinary necessity and emergency” (see chapter 4- III.3), which resulted in exempting an increasing number of texts with important impacts, and in particular decree-laws. The Chamber of Deputies also signaled repeatedly to the Presidency of the Council the issue of the lack of IA on decree-laws, as these decrees were in practice never submitted with an IA to the Parliament for their conversion into law (Presidenza del Consiglio, 2015, 2016). In its annual reports on the implementation of IA, the DAGL also provided a critic assessment of the implementation of IA, highlighting other issues such as the insufficient legal framework and practice of consultation in the preparation of IA, the lack of transparency on the process and outcome of IA, and more generally the insufficient quality of the analysis and the mere formal compliance of the ministries, which failed to recognise the usefulness of the instrument (Consiglio di Stato, 2017 ; Presidenza del Consiglio, 2013, 2015).

This recognition of problems at the domestic level was combined with normative pressure from the OECD and the EU to implement good practices in Better Regulation. In 2012, the OECD conducted a mission in Italy, and published a report on Better Regulation in Italy the following year (OECD, 2013b). The report highlighted that the DAGL “has correctly identified the most pressing areas for improvement and is currently working on a new regulation governing RIA, VIR<sup>119</sup> and public consultation to address some of these issues” (OECD, 2013, p. 67). The OECD pointed to several issues that were already identified in the consultation document of the DAGL, such as the great number of IA conducted each year and the necessity to conduct “fewer but better RIAs” (OECD, 2013, p. 68). As the DAGL stated in its annual report on the implementation of IA for 2013, the reform was mostly inspired by the evaluation the DAGL conducted on the problems encountered during the implementation of IA. However, the OECD “confirmed the diagnostic framework already developed by the DAGL” and supported the process with its recommendations. In fact, the Italian government was careful to propose policy changes that would be “consistent with the OECD recommendations and with the IA system in force at European level” (Presidenza del Consiglio, 2013, p. 47). The main cause of the policy change thus does not appear to be the recommendations of the OECD and the EU, although the regulatory reviews were used by the DAGL to acquire knowledge about innovations abroad and best practices, push for their own ideas and provide a new impulse (interview IT3, 21.03.2019).

---

<sup>118</sup> [documento\\_consultazione.pdf \(governo.it\)](#) (Last accessed 24.11.2020)

<sup>119</sup> RIA: impact assessment, VIR: ex post evaluation (see chapter 4- II.3)



### **III.2.2) Process of selection of policy alternatives and motives of policy entrepreneurs**

The main entity involved in the policy change was the DAGL within the Presidency of the Council, as well as the external experts in the *nucleo di valutazione* (see chapter 4- III.3.2) that assisted the DAGL in particular in writing the 2018 guidelines on IA (Presidenza del Consiglio, 2018). However, at the domestic level a broader community of Better Regulation experts with close links to the DAGL participated in identifying problems and disseminating knowledge on IA.

Knowledge on the implementation of IA in Italy and related policy solutions was acquired principally by the DAGL, based on the own experience of the DAGL and the ministries, the recommendations of the OECD and the EU, and the consultation of experts – mostly from academia- and the broader public (Presidenza del Consiglio, 2013). For the latest version of the decree that was ultimately adopted in 2017, the DAGL also took into account new developments at the EU level, in particular the 2015 Better Regulation guidelines<sup>120</sup>, as well as the feedback provided by the ministries in the meantime (Presidenza del Consiglio, 2016, 2018).

The DAGL also disseminated knowledge on the issues faced in the implementation of IA as well as on potential policy solutions, through the use of consultations and the publication of the annual report on the implementation of IA. Other domestic actors acquired and disseminated knowledge on the implementation of IA, in particular the Osservatorio AIR, a think tank of Better Regulation experts in Italy, which publishes various studies and a yearbook on IA and other instruments for the quality of regulation.

The main motive of the DAGL was to improve the performance of IA in Italy, and by extension the performance of the policy process. As summarized by the State Council in its opinion on the 2017 draft decree (Consiglio di Stato, 2017, p. 7), the decree aimed at solving the issues identified during the implementation of IA, in order to “improve the quality and transparency of the normative process” and to ensure “legal certainty, as a factor of growth and economic and social development for the country.” However, the change did not aim at redefining the goals nor the scope of IA, the rationale of the instrument remain similar, and the decree only marginally adjusts the scope and the process of IA in order to improve the feasibility for the ministries, and make IA more transparent and more effective.

Given the timing of the adoption of the change and the repeated claim by the DAGL in policy documents (Presidenza del Consiglio, 2018) that the policy change was in line with the recommendations of the OECD and international best practices, acquiring legitimacy seems to have been a secondary goal of the policy change.

---

<sup>120</sup> Better Regulation Guidelines, SWD (2015) 111 final, 19<sup>th</sup> May 2015.

Power and strategic interests were not a main cause behind the policy change either, as demonstrated by the fact that the governance of IA did not change as a result of the adoption of the decree. The DAGL was very keen on preserving its control over the IA of the ministries, rather than acquiring new powers. It appears that the change rather aimed at maintaining the equilibrium, while also legitimating the existence of the small community of Better Regulation experts in Italy (Interview IT2, 19.03.2019).

### **III.2.3) Process of agenda-setting**

It appears that these activities of acquisition of knowledge and definition of policy alternatives remained circumscribed to a small circle of government officials and experts. Interviewees highlighted the lack of interest for this issue at the political level. The adoption of the decree was severely delayed due to the instability of governments and top officials within the Presidency of the Council, and the lack of political incentive to adopt the policy change. As an interviewee in the DAGL confessed, “surely it is not on the political agenda, it’s something that is not perceived as urgent. It’s a thing that doesn’t earn votes” (interview IT3, 31.03.2019). Similarly, although business associations had an important influence in the adoption of IA in Italy, in more recent years businesses have not shown a strong interest in IA and have rather focused on simplification policies (interview IT2, 19.03.2020).

As the adoption of the decree was delayed several times and the DAGL failed to put it on the policy agenda despite repeated reports and contacts with the Prime Minister (Interview IT3, 21.03.2019; interview IT2, 19.03.2021), the OECD regulatory outlook of 2015 (OECD, 2015b) and the Better Regulation package adopted by the European Commission<sup>121</sup> in the same year gave a new impulse to the policy change and inspired some modifications in the content of the decree. As an interviewee in the DAGL expressed:

*“Too much time has passed as we were talking about it since around 2012-2013. And then, as a justification we can say that perhaps the 2015 OECD Regulatory Policy Outlook report has shed light on comparatively other countries. On the fact that there were some aspects, not all of course, but some aspects, that had to be added or modified.”* (Interview IT3, 21.03.2019)

This case shows how domestic actors can use developments at the transnational level and normative pressure to set the political agenda at the domestic level.

---

<sup>121</sup> Communication: COM(2015) 215 - Interinstitutional Agreement: COM(2015) 216 - REFIT Stakeholder Platform: C(2015) 3261 - REFIT Scoreboard: SWD(2015) 110 - Better Regulation Guideline: SWD(2015) 111

### **III.2.4) Policy adoption and implementation**

In order to implement the policy change, detailed guidelines on the new decree have been published in April 2018<sup>122</sup>. The guidelines present the goals and the scope of IA, the different steps of the process, the goals and process of ex post evaluation, and the consultation procedures during both the *ex ante* and *ex post* evaluation. It also presents some of the methods that may be used during the analysis. In addition, the DAGL and the National School of Administration (*Scuola Nazionale dell'Amministrazione-SNA*) organised several training sessions on the new IA for officials of the ministries (Presidenza del Consiglio, 2019). The DAGL also continues to exert its control on the implementation of IA by ministries and to report on the implementation in an annual report to the Parliament.

### **III.5) Summary of the causal mechanisms of policy change in Italy**

To summarize, in Italy the first case policy change is the result of the symbolic politics mechanism, with elements of domestic policy learning. The adoption of the Statute of Enterprises in 2011 was the result of the normative pressure at the European level to reduce administrative burden and create a more favorable regulatory environment for SMEs. However, in the case of the measurement of administrative burden domestic actors could rely on previous domestic experience and detailed international standards and experiences in order to integrate the measurement of administrative burden into IA. There were thus elements of acquisition of knowledge and political support to ensure that the international standards were translated domestically and that the innovation was implemented, despite important challenges. In the case of the SME test however, the instrument remained purely formal and has not been actually implemented in Italy.

In the second case, policy change is the result of problem-oriented learning mainly within the Presidency of the Council (DAGL), with the participation of a community of policy experts in and outside of government. While normative pressure played an important role, the change was rather driven at the domestic level. There was an extensive process of acquisition and dissemination of knowledge based on the experience of Italy in implementing IA, as well as the experience of the EU and other countries. However, the DAGL struggled to put the policy change on the political agenda for several years, as learning remained circumscribed to a small community of government officials and experts.

---

<sup>122</sup> Direttiva del Presidente del Consiglio dei Ministri del 16 febbraio 2018, Approvazione della Guida all'analisi e alla verifica dell'impatto della regolamentazione, in attuazione del decreto del Presidente del Consiglio dei ministri 15 settembre 2017, n. 169. (GU n.83 del 10-4-2018).

Table 7: summary of causal mechanisms in the Italian policy change cases

	<b>IT1- Measurement of the administrative costs and introduction of the SME test in IA (2011)</b>	<b>IT2- Modification of the regulation on impact assessment (2017/2018)</b>
<b>Cause</b>	Transnational organisations or policy networks exert normative pressure on government.	Domestic actors/communities recognise a problem. Transnational organisations or policy networks exert normative pressure on government.
Indicators	<ul style="list-style-type: none"> <li>• SBA adopted at the EU level.</li> <li>• Recommendations to adopt the “SME test” and reduce the administrative burden</li> <li>• Timing of the change: 9 months after the adoption of the review of the SBA.</li> </ul>	<ul style="list-style-type: none"> <li>• Negative feedback about the implementation of IA: <ul style="list-style-type: none"> <li>- Document evaluating the implementation of IA highlighting problems in the design or the implementation of IA.</li> <li>- Introductory part of the new regulation or guidelines adopted justifying the policy change by problems in the design or the implementation of IA.</li> </ul> </li> <li>• Account that this negative feedback raised the attention of the members of the DAGL and IA policy community.</li> <li>• Recommendations by the OECD to reform the IA law of 2005.</li> </ul>
<b>Process of selection of policy alternatives &amp; Motive of policy entrepreneurs</b>	Domestic actors/communities emulate existing norms and professional standards. Motive: securing legitimacy.	Domestic actors/communities acquire and translate knowledge on the policy problem and potential policy solutions. Motive: improving policy performance, securing legitimacy.
Indicators	<ul style="list-style-type: none"> <li>• No definition of policy problems or goals by the actors involved in the policy change at the domestic level.</li> <li>• Copying of existing norms and standards with limited national adaptations.</li> <li>• No activities of acquisition of knowledge by the actors involved in the policy change.</li> </ul>	<ul style="list-style-type: none"> <li>• Activities of acquisition of knowledge: reports to evaluate the experience with IA of the their own country, of other countries, audition of experts and practitioners, use of knowledge fro OECD.</li> <li>• Content of learning: members of government looked for knowledge on the policy problem and for potential policy solutions.</li> </ul>
<b>Process of agenda-setting</b>	/	Policy entrepreneurs seek to draw the attention of policy-makers to the problem and convince them to adopt the change.
Indicators	/	<ul style="list-style-type: none"> <li>• Dissemination activities by DAGL: publication of reports.</li> <li>• Policy entrepreneurs within DAGL drafted regulation.</li> <li>• Access/contact to Prime Minister.</li> <li>• Use of normative pressure (see cause).</li> </ul>
<b>Policy adoption</b>	<b>The policy is adopted.</b>	<b>The policy is adopted.</b>

Indicators	<ul style="list-style-type: none"> <li>• Reference to transnational standards and norms and adoption of the policy change by other countries in the regulation adopted to reform IA or accompanying documents.</li> <li>• Close similarity between the policy change and the ideas promoted by transnational organisations and policy networks.</li> </ul>	<ul style="list-style-type: none"> <li>• Account that policy-makers adopted the policy idea after contacts with entrepreneurs.</li> <li>• Close similarity between the policy change and the ideas promoted by the DAGL (and the OECD).</li> <li>• Policy change justified in documents as a response to the identified policy problem.</li> <li>• Reference to the recommendations of the OECD</li> </ul>
<b>Policy implementation</b>	Limited implementation of the policy ("SME test")/ implementation of the policy ("measurement of administrative costs)	Implementation of the policy.
Indicators	<p>SME test:</p> <ul style="list-style-type: none"> <li>• Absence of discussions at the political or administrative level about how to implement the policy change.</li> <li>• Lack of administrative or political measures taken to ensure implementation, such as method guidelines, training, processes to control the implementation.</li> <li>• Accounts by bureaucrats and domestic policy actors that the reform has not been enforced.</li> </ul> <p>Measurement of administrative costs:</p> <ul style="list-style-type: none"> <li>• Discussions at the political or administrative level about how to implement the policy change.</li> <li>• Administrative or political measures taken to ensure implementation such as guidelines, training, effective control process, sanctions for non-compliance etc.</li> <li>• Accounts by bureaucrats and domestic policy actors that the reform has been enforced.</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative or political measures taken to ensure implementation: guidelines, training, control by the DAGL.</li> <li>• Accounts by interviewees that the reform has been enforced.</li> </ul>
<b>Main causal mechanism</b>	<b>Symbolic politics</b>	<b>Predominantly problem-oriented learning</b>

Source: author's elaboration

## **Chapter 6: COMPARATIVE ANALYSIS OF THE PROCESS AND CONDITIONS OF POLICY CHANGE IN FRANCE, GERMANY AND ITALY**

---

In chapter 5, I first conducted a detailed analysis of the causal process of policy change for each of the nine cases of policy change in the context of impact assessment in France, Germany and Italy. Second, I summarized the main causal mechanisms for each country. This chapter aims at comparing the findings across cases and countries in order to answer the research question: how can we explain policy changes in the context of IA? As well as the following sub-questions: how and under which conditions does policy learning result in policy change? How does the learning process affect the type of policy change adopted?

In the first part of the chapter, I will assess what are the main causal mechanisms of policy change and to what extent policy learning has taken place (*hypothesis 1*). The second part of the chapter aims at improving our understanding of the policy learning mechanisms by comparing the mechanisms of problem-oriented and power-oriented learning as well as the degree of openness and complexity of the learning process, and how learning was translated into policy change. Furthermore, I examine under which conditions learning may result into policy change (*hypothesis 2*). In the last part of the chapter, I will present insights on how the causal process affects the type of policy change and policy outcome, and suggest potential avenues for further research.

### **I- Is policy change in the context of impact assessment the result of a domestic policy learning process?**

#### **I.1) Policy learning as the main causal mechanism in recent cases of policy change**

In chapter 2, three main mechanisms of policy change were theorised and operationalised: symbolic politics, power-oriented learning, and problem-oriented learning. Symbolic politics is norm-oriented and characterised by a logic of appropriateness, policy actors seek legitimacy by emulating norms and standards perceived as “appropriate” and legitimate. In pure cases of symbolic politics, there is no domestic definition of policy problems and/or policy goals, and no domestic process of acquisition and dissemination of knowledge on policy alternatives to solve the problem and/or reach the policy goal. As symbolic politics mostly aims at sending a signal and there is limited domestic knowledge and ownership of the reform, the policy change could be characterised as “window-dressing”, in the sense that it is only formal and limited steps are taken to translate the change to the domestic context and ensure its implementation and enforcement. By contrast, in cases of power-oriented and problem-oriented learning, policy problems and/or policy goals are defined at the domestic level and activities

of acquisition, translation and dissemination of knowledge can be traced. Moreover, domestic policy entrepreneurs select policy alternatives and disseminate the acquired knowledge to policy-makers in order to translate the policy lessons (cognitive change) into policy change. Furthermore, measures are taken to implement the policy change and the policy change is actually enforced. However, the two learning mechanisms are distinct regarding the cause of the policy change, the main motives of the policy entrepreneurs, and the conditions under which policy lessons are translated into policy change (see II.2.2). In power-oriented learning, domestic policy actors pursue the strategic goal of increasing their influence over the policy process and/or drawing attention to a policy issue. In problem-oriented learning, domestic policy actors recognise a problem and pursue the instrumental goals of solving the policy problem and improving policy performance.

In chapters 1 and 2, I highlighted that IA has been largely diffused across OECD countries in the 1990s and that the current literature has found that legalistic countries had more difficulties in integrating IA in their policy process. Furthermore, I showed that IA remained mostly a symbolic and formal instrument in the first years after the adoption of IA in the three countries under analysis. However, the literature on policy diffusion, policy implementation and policy learning contends that over time domestic actors develop knowledge and ownership of the instrument, and that a learning process should take place (see chapter 1- I.1). I thus formulated the following hypothesis:

*Hypothesis 1: Policy change in the field of impact assessment is the result of a domestic learning process.*

The comparison of the nine case studies presented in chapter 5 partially confirms hypothesis 1. It appears that even in legalistic countries domestic actors have developed knowledge and ownership of IA, and that policy changes were driven in most cases by a domestic learning process rather than by symbolic politics (see table 8). The comparative analysis shows that overall in France, Germany and Italy, there have been only a few recent cases of policy change that result from pure “symbolic politics”, and even in these cases some indicators of symbolic politics are missing. In the case of the introduction of the obligation to assess measures in favour of people with disabilities in France in 2012 (FR2), domestic policy actors emulated the introduction of the IA on gender equality a few months earlier (FR1), and there were no activities of acquisition and dissemination of knowledge. However, the cause of the change was not normative pressure, but a promise made by the President of the Republic François Hollande during the campaign for the presidential elections. Domestic policy actors mimicked the IA on gender equality in order to formally fulfil the campaign promise, but limited steps were taken to implement and enforce the reform. In the case of the introduction of the measurement of administrative burden and the SME test in Italy in 2011 (IT1), the policy change resulted from the willingness of Italian members of parliament to comply with the Small Business Act adopted at the EU

level. The EU standards of measurement of the administrative burden and SME test were emulated without a domestic process of definition of problems and/or policy goals and without activities of acquisition and dissemination of knowledge. However, after the adoption of the change, there were elements of learning in the definition of more specific regulations to implement the measurement of the administrative burden.

In the seven other cases analysed, problems and/or policy goals were defined at the domestic level, and there has been a process of acquisition, translation and dissemination of knowledge at the domestic level to define policy alternatives. In addition, measures were taken to ensure implementation, and the policy change has been enforced –with more or less success (see III.2). It appears that most cases of policy change resulted from problem-oriented learning, although there were no cases of power-oriented learning in France (see table 8). In Germany, all cases of policy change resulted from problem-oriented learning, albeit in the case of the introduction of the “sustainability check” in 2009 (DE1), power and problem-oriented learning were combined. It should be noted that there have been other developments in the field of IA beyond the nine selected cases and that the picture is more complex when taking a broader view of the developments of IA in the last years. In France, for example, there have been several instances of problem-oriented learning that have not resulted in policy change, such as the draft organic law to improve the quality of IA that was approved by the Senate in 2018<sup>123</sup>. Part II of this chapter offers a detailed comparative analysis of the cases of learning.

*Table 8: Comparison of the predominant mechanism of policy change in the nine selected cases*

<b>Symbolic politics</b>	<b>Power-oriented learning</b>	<b>Problem-oriented learning</b>
FR2, IT1	FR1, FR3, DE1	DE1, DE2, DE3, DE4, IT2

*Source: author’s elaboration*

**I.2) A complex reality: combinations of policy learning and symbolic politics**

However, in many regards, these three causal mechanisms are not as clearly distinct as conceptualised. First, a key finding is that normative pressure was present in many cases of learning and may have reinforced the learning process, although it is difficult to know to what extent it played a role in the adoption of the policy change. In three cases normative pressure was combined with problem definition at the domestic level. In Germany, the adoption of guidelines on the “SME test” and definition of a specific process and method in 2015 (DE4) resulted from the lack of compliance of federal ministries with the obligation to assess the impact of draft regulations on SMEs. However, the policy change also followed the recommendation of the EU Commission to conduct an SME test in the

<sup>123</sup> Sénat n° 72 (7 mars 2018), proposition de loi organique visant à améliorer la qualité des études d’impact des projets de loi.



revision of the Small Business Act adopted in 2011<sup>124</sup> (see chapter 5- II.4). In the case of the extension of the mandate of the National Regulatory Council (NRC) to the control of the compliance costs in 2011 (DE2), the policy change resulted from the perception of domestic actors that the focus of the standard cost model (SCM) adopted in 2006 was too narrow. There were also elements of normative pressure, as the OECD had addressed the recommendation to extend the mandate of the NRC in its 2010 review of regulatory policy in Germany (OECD, 2010). In Italy, the reform adopted in 2017 (IT2) resulted from problems in the design and the implementation of IA that were identified soon after IA was made compulsory. But domestic actors struggled to put the reform on the policy agenda and the policy change was adopted following recommendations of the OECD that confirmed the diagnostic and policy solutions proposed at the domestic level. Hence, I find that policy change in the context of IA often results from a combination of rational instrumental logic with a logic of appropriateness. However, normative pressure was not the main cause of the policy change in the specific cases analysed, but rather contributed to putting the reforms on the policy agenda.

Second, an important caveat is that - for several key indicators- cases can be placed on a continuum and setting a threshold from one type of causal mechanism to another appears sometimes challenging. Regarding the process of selection of policy alternatives, the distinction between emulation of appropriate norms of standards on the one hand, and activities of acquisition and dissemination of knowledge on the other hand, may pose some difficulties (see annex 1). This concerns in particular cases of “lesson-drawing”, in which knowledge of the experience of other countries is used to select policy alternatives. In some cases, the activities of acquisition of knowledge are limited to the reception of information rather than to the active collection of data, and there are limited activities to translate the knowledge to the domestic context. In such cases, the process of selection of policy alternatives is characterised by a superficial acquisition and translation of knowledge (see also II.1 on the degree of complexity of learning), that comes very close to emulation. For instance, the “one in, one principle” introduced in Germany in 2015 (DE3) has been copied from the British experience with limited activities of acquisition and translation of the knowledge.

A similar challenge is posed regarding the implementation of the policy change, that I operationalised as: i) discussions at the political or administrative level about how to implement the policy change, ii) administrative or political measures taken to ensure implementation such as guidelines, training, control processes, sanctions for non-compliance etc., iii) accounts by bureaucrats and domestic policy actors that the reform has been enforced (see annex 1). Based on the codes “measures for effective implementation” and “discussions of ideas/options for implementation” (see annex 4), the data

---

<sup>124</sup> European Commission Communication (COM/2011/0078 final). Review of the "Small Business Act" for Europe.

analysis shows that in all learning cases there have been discussions at the political or administrative level about how to implement the policy change and that formally there have been measures taken to implement and enforce the policy changes. However, in several cases, the measures taken are rather limited and not effectively enforced in practice, and thus come quite close to “symbolic” changes. For example in the case of the introduction of the “youth check” in France in 2016 (FR3), a Council for youth policies was created to control the implementation of the reform. However, the Council does not control single IAs but only drafts a report at the end of each year, and the committee does not have sufficient resources nor expertise to monitor the implementation (see chapter 5- I.3.4). Another example is the “SME test” (DE4) in Germany, where ministries rarely use this process and the control from the NRC is relatively limited in practice (see III.2). The opposite is true for cases of symbolic politics, which may be followed by concrete steps for the implementation and enforcement, as was the case for the ex-ante measurement of the administrative burden in Italy (IT1).

Lastly, there are cases in which learning and symbolic politics can be found at different stages of the causal process and/or at different levels of analysis. As already mentioned, in the case of the inclusion of the measurement of administrative burden in IA and the introduction of the SME test in Italy in 2011 (IT1), the process that led to the adoption of the policy change is a clear mechanism of symbolic politics. However, after the reform was adopted in 2011, there has been a learning process to define some policies to implement the ex-ante measurement of the administrative burden. In France, the case of the adoption of the “youth check” in 2016 (FR3) shows that there may be learning within a policy community at the meso-level, but that at the micro-level some individuals may not update their beliefs as the result of new knowledge and may resist the policy change, or pursue different goals than the policy entrepreneurs (see III.1).

For these reasons, table 8 presents a classification of the *predominant* causal mechanisms in the nine cases of policy change. In order to take into account the limitations previously outlined, the mechanisms have been clearly operationalised (see annex 1) and the empirical evidence has been presented in chapter 5. This was undertaken in order to trace in a transparent way the main mechanisms of policy change and reflect the complexity of each case and potential combinations of mechanisms.

### **I.3) Policy capacity as a necessary condition for policy learning? The key role of stable organisations and evaluation for problem-oriented learning**

In chapter 2, I hypothesized that a key institutional condition for learning was policy capacity, defined as the ability of policy actors to access, produce and disseminate information for the formulation of public policies (Newman et al., 2017) (see chapter 2- III.1). Policy capacity was operationalised as the presence of a stable network or organisation in charge of coordinating, controlling, or evaluating the IA conducted by ministries, as well as having a mandate for collecting and disseminating knowledge on IA. In this analysis, policy capacity is not referring to the policy capacity of single ministries, which is a key element for the successful implementation of IA and the quality of the IA themselves, but rather to the capacity to produce and disseminate information on the governance and implementation of IA more generally, and how IA should be designed in each country. Based on the policy learning literature as well as the literature on meta-policies, I formulated the following hypothesis:

*Hypothesis 2: A necessary condition for learning in the field of impact assessment is the presence of a stable network or organisation with a mandate for collecting and disseminating data on impact assessment.*

By comparing the nine policy cases, I find that hypothesis 2 is only partially confirmed. The presence of a stable network or organisation with a mandate for collecting and disseminating data on impact assessment is a necessary condition of policy change in the cases of problem-oriented learning, but not in the cases of power-oriented learning (see table 9).

*Table 9: Comparison of policy capacity in the cases of policy learning*

	<b>Cases of predominantly power-oriented learning</b>	<b>Cases of predominantly problem-oriented learning</b>
<b>Policy capacity</b>		DE2, DE3, DE4, IT2
<b>No policy capacity</b>	DE1, FR1, FR3	DE1

*Source: author's elaboration*

The absence of a stable network or organisation with a mandate to learn in France may explain the absence of cases of problem-oriented learning. As explained in chapter 4 (III.1.3), in France IA is formally controlled by a unit within the General Secretariat of the Government, by the State Council and by the Parliament. However, none of these institutions has a mandate to collect data on IA and evaluate its implementation, and as a result, there have been only *ad hoc* evaluations conducted on a non-regular basis. In Italy and in Germany by contrast, the DAGL within the Italian Presidency of the Council and the German National Regulatory Council are in charge of controlling IA and monitoring its

implementation. They publish yearly reports on the implementation of the instrument, in which they also make policy proposals (see chapter 4- II.2.3 and III.3.3). These two organisations were involved in all cases of problem-oriented learning, except for the introduction of the “sustainability check” in Germany in 2009 (DE1), which combines power-oriented and problem-oriented learning.

It appears that policy capacity is key for recognising problems in the implementation of IA, acquiring knowledge on policy alternatives to solve the problem, and disseminating the knowledge to the policy community and policy-makers. The findings confirm that stable organisations with a mandate to evaluate IA facilitated the acquisition of knowledge on IA and acted as learning for a. These organisations were able to draw lessons from the domestic experience of the implementation of IA and could identify problems. Furthermore, they acquired knowledge on the experience of other countries by socialising in transnational policy networks. The long process of acquisition of knowledge of the DAGL in the preparation of the reform of IA in 2017 (IT2) demonstrates how the DAGL was able to pull knowledge based on the expertise of academics, the experience of Italian ministries and the experience of other countries and transnational organisations in order to develop policy proposals to improve the performance of the Italian IA system (see chapter 5- III.2.2). These organisations were also the main policy entrepreneurs and largely contributed to disseminating knowledge on IA and setting the policy agenda, in particular thanks to the publication of evaluation reports and access to policy-makers. This is shown for example by the success of the NRC in promoting the adoption of the “one in, one out” principle (DE3) and getting the support of the Federal Chancellor Angela Merkel during a conference it organised to present its yearly evaluation report (see chapter 5- II.3.3). This is not to say that the DAGL and the NRC did not have strategic interests in highlighting limitations in the implementation of IA and advocating for policy change and the improvement of the performance of IA. A German interviewee (interview DE9, 14.07.2020) for instance emphasised that the NRC liked to claim that it played an important role in promoting some policy changes. Problem-oriented learning also serves the purpose of consolidating their mandate to control and evaluate IA and gives them visibility. This shows how power-oriented learning and problem-oriented learning are often interlinked.

On the other hand, policy capacity did not play any role in cases of power-oriented learning. Policy entrepreneurs who sought to increase their influence over the policy process and/or draw attention to a policy issue by reforming IA usually did not use the knowledge and experience accumulated by these organisations to select the policy alternatives (see also II.1). For instance, the members of the youth organisations who promoted the adoption of the “youth check” in France (FR3) confirmed that they had limited knowledge of other types of IA and that they had not acquired any knowledge on how it had been implemented in France.

## **II- Improving our understanding of policy learning mechanisms: key findings on the causal process and scope conditions**

### **II.1) The relation between problem or power-oriented process, complexity and openness in policy learning mechanisms**

A key aim of this research is to improve our understanding of policy learning mechanisms. Two different types of learning mechanisms were conceptualised in chapter 2, based on the current policy learning literature: power-oriented and problem-oriented learning. The main difference between these two causal mechanisms relates to the cause of the policy change and motives of policy entrepreneurs (see part I.1). As discussed in part I of this chapter, the findings show that in the seven cases of policy learning, there were two cases of predominantly power-oriented learning, four cases of predominantly problem-oriented learning, and one case combining both mechanisms.

The cases of power-oriented learning are found mostly in France, but there is also one instance in Germany. The common ground between these cases is that it was driven by actors who do not have “their own portfolio” and were looking for an instrument to increase their influence over the policy process and to mainstream a cross-cutting policy issues that required a joined-up approach by all ministries. In the case of the IA on gender equality (FR1) and the “youth check” (FR3), introduced in France respectively in 2012 and 2016, the ministry of Women and Gender Equality and the Ministry of youth and youth associations hoped that the policy change would draw attention on the impact of regulation on gender and the youth and increase their influence over policy formulation.

Cases of problem-oriented learning can be found in Germany and Italy. In these cases, policy changes are the result of negative feedback on the design or the performance of IA, rather than the emergence of new policy problems. The problems included: the narrow focus of the standard cost model (DE2), the ineffectiveness of IA in reducing the compliance cost for businesses (DE3), the insufficient attention paid to the impact on SMEs (DE4), the high number of IA to conduct each year and the exemptions of IA for a draft bill that had important impacts (IT2).

As mentioned in part I of this chapter, problem-oriented and power-oriented learning are not always clearly distinct and policy actors may have both strategic and instrumental motives in advocating or adopting a policy change. In the case of the introduction of the “sustainability check” in Germany in 2009 (DE1), the different actors involved in the policy change identified issues both in the implementation of the sustainability strategy and of the reform of IA adopted in 2000. However, the Federal Chancellery and the Parliamentary Advisory Council on Sustainability also saw an opportunity to increase their influence and control over the policy process (see chapter 5- III.1.1).

If we examine more closely the entities and activities in the cases of learning, we find important differences across cases. First, there are arguably different degrees of complexity in the activities of acquisition of information and dissemination of knowledge. Complexity relates both to the variety of the sources of knowledge used and actors involved in transmitting the knowledge (teachers) and to the activities of acquisition of knowledge, from the reception and translation of information to the elaborate collection and analysis of data (see also chapter 2- II.2). Some cases are characterised by a rather superficial acquisition of knowledge that is based on the reception of information from other’s experience (DE3) or the experience and informal knowledge of the policy entrepreneurs (FR1). Other cases are characterised by a more complex process of data collection including different sources of knowledge, for instance consultations (IT2, DE4), auditions and visits abroad (DE2, FR3), reports or auditions of experts (DE1, DE4). Complexity is interrelated with the degree of openness of the learning process (see table 10). The degree of openness describes who is learning and how many entities (learners) are involved in acquiring information. On one end of the continuum, learning happens within a single organisation/a small group of individuals, for instance in the cabinet of the Minister for Women’s Rights in the case of the introduction of the IA on gender equality (FR1) and the National Regulatory Council in the case of the “one in, one out” principle (DE3). On the other end of the continuum, learning involves an important number of actors within the policy community, such as experts (DE1, DE4, IT2), NGOs (FR3), members of parliament (DE1, DE2, IT2). The comparison of the cases shows that the complexity and the openness of the learning process are not correlated with the type of learning mechanism, as there are cases of power and problem-oriented learning in both categories (see table 10).

*Table 10: Degree of complexity and openness of the policy learning process*

Complexity			Openness	
High		FR3, DE1, DE2, DE4, IT2	High	
Low	FR1, DE3		Low	

*Source: author’s elaboration*

When comparing the main sources of knowledge, an interesting finding is that the experience of other countries is a key source of knowledge across cases as well as across countries, despite the very distinct features of IA in the three countries under analysis. In France, the IA on gender equality (FR1) adopted in 2012 was inspired by the gender mainstreaming approach promoted by the UN, and the “youth check” (FR3) introduced in 2016 was copied from Québec and Austria. In Germany, the introduction of the “sustainability check” in 2009 (DE1) was influenced by the integrated IA adopted at the EU level. Furthermore, the “one, in one out” principle (DE3) was copied from the United-Kingdom, and the guidelines on the “SME test” (DE4) were inspired by the experience of other countries which had

adopted the same instrument following the recommendation of the EU Commission. In Italy, the recommendations of the OECD and the experience of other countries were also taken into consideration. However, it is clear that the three countries have developed their own knowledge of IA, and experience was also a key source of knowledge, either personal experiences with IA at the micro-level or the broader experience of domestic organisations at the meso-level. By contrast, epistemic knowledge was used only in cases of problem-oriented learning. Policy entrepreneurs auditioned or consulted experts (DE1, IT2), commissioned expert reports (DE4) or used existing reports (DE2, IT2). Epistemic knowledge contributed to defining problems (DE1, DE2), but in most cases it was used to select policy alternatives (DE1, DE2, DE4, IT2).

Another important finding for improving our understanding of the learning mechanisms regards the different parts of the causal mechanisms conceptualised in chapter 2, and their sequential order. The analysis of the cases confirms that learning is composed by different parts: the cause, the acquisition and translation of knowledge, the dissemination of knowledge and agenda-setting, and the adoption of policy change. However, the reality appears more complex than the model presented in chapter 2 would suggest. The empirical analysis confirms the now established idea that learning occurs at all stages of the policy cycle. As expected (see chapter 2- II), the different parts of the learning mechanism often occur simultaneously. In particular, the acquisition and dissemination of knowledge are not necessarily successive phases, and not all case studies show a linear process of acquisition of information, dissemination of knowledge, followed by the adoption of the policy change. In several cases, I find that the process is characterised by iterative rounds of acquisition of knowledge, agenda-setting and policy change. In Italy in particular, the practice of adopting specific regulation to implement laws means that the process of selection of policy alternatives and adoption of policy change is usually followed by another process of acquisition of knowledge to refine the policy and select more concrete policy options for the implementation (IT2). However, the conceptualisation of the learning mechanism as presented in chapter 2 has proved useful to better understand the process leading to the adoption of the change.

## **II.2) Translating policy learning into policy change: causal mechanism and scope conditions**

A key objective of this work is to improve our understanding of policy learning mechanisms by combining existing models of policy learning with the Multiple Streams Framework. In chapter 1, I argue that the MSF enables us to better understand how and under which conditions policy lessons (cognitive change) may be translated into policy change. In particular, the MSF focuses on the role of agents named policy entrepreneurs in catching the attention of policy-makers by using developments in the problem stream or political stream (see chapter 1- II.2).

### ***II.2.1) The role of policy entrepreneurs in agenda-setting***

The findings confirm the importance of policy entrepreneurs as the entities driving policy change. Policy entrepreneurs contributed to defining policy problems and or policy goals, they acquired and disseminated knowledge and put the policy change on the policy agenda by getting access to policy-makers. Often, the entrepreneurs who acquired knowledge were the same as those who disseminated knowledge and set the policy agenda, which explains why in many cases it is difficult to distinguish empirically between both phases. However, in several cases, the policy entrepreneurs who acquired the knowledge found allies in other organisations who contributed to disseminating the knowledge and advocating for the policy change. Such examples of “collective entrepreneurship” (see chapter 1-II.2.2) can be found in the case of the introduction of the “youth check” in France (FR3). Youth organisations found allies within the cabinets of the successive Ministers for youth, who also strongly supported the policy change within the government. Similarly, in the case of the extension of the Mandate of the NRC (DE2), members of the NRC and the Bundestag coordinated to convince the new government to adopt the policy change. The analysis of the cases shows that the entrepreneurs were either policy-makers, or had close access to policy-makers. They disseminated the knowledge to (other) policy-makers through publications, conferences or bilateral meetings and in most cases used several of these instruments to catch their attention. In some cases, knowledge was diffused in a more bottom-up fashion, for instance in the case of the guidelines of the SME Test, where a round of pilot projects was organised in several ministries before the guidelines were adopted.

Comparing who were the main policy entrepreneurs in the learning cases, it appears that the stable organisations in charge of evaluating IA played a key role in Italy and Germany (see I.2). In Germany, the National Regulatory Council (NRC) was a policy entrepreneur in 3 out of 4 cases of policy change (see table 11). Another interesting finding is that not all policy entrepreneurs come from within the government. Although IA is an instrument that is used within government, in several cases policy entrepreneurs from the broader policy community such as NGOs (FR3), the Parliament (DE1, DE2) and think tanks and academics (DE1) were the main advocates of the policy change. In particular, the role of the Parliament appears more important in Germany than in the other two countries.



Table 11: Main policy entrepreneurs in the policy learning cases

Cases	Main policy entrepreneurs
FR1	Members of the cabinet of the Minister for Women’s Rights
FR3	Members of youth organisations and cabinet of the Minister for Youth
DE1	Members of parliamentary Committee for sustainable development and Federal Chancellery
DE2	Members of the Bundestag Committee for Economy and Technology and the National Regulatory Council
DE3	Members of the National Regulatory Council
DE4	Members of the National Regulatory Council and the Ministry of Economic Affairs
IT2	Members of the Department for legislative affairs within the Presidency of the Council

Source: author’s elaboration

However, as this analysis focuses only on seven cases of learning, it is important to take into account the broader context. While policy change has involved a relatively reduced number of actors in the three countries, a broader set of actors has learnt and contributed to changing the IA system in practice. For instance, in France and in Italy the Parliament as well as the Council of State have increased *de facto* their oversight over IA and built new capacities. The Italian Senate, for instance, has a service for the quality of norms that monitors the IA of the government and has created in 2017 an impact assessment office (*ufficio valutazione dell’impatto*) in charge of conducting impact assessment. In France, the Senate has also awarded in 2019 contracts to experts in charge of conducting IA (interview IT6, 21.03.2019; interview FR5, 17.12.2018). The Italian and French State Councils have also both increased their oversight of IA (interview IT5, 21.03.2019; interviews FR1, 22.09.2018 and FR4, 24.09.2018) by examining not only the formal compliance of ministries with the obligation to conduct an IA but also the quality of the analysis.

### ***II.2.2) The opening of a political window as a necessary condition for policy change in power-oriented learning?***

In order to catch the attention of policy-makers, the Multiple Streams Framework (MSF) posits that policy entrepreneurs attach their preferred policy solutions to a policy problem or to a political event (see chapter 1- II.2). In chapter 2 (III.2), I posited that in problem-oriented learning the policy entrepreneurs would catch the attention of policy-makers by disseminating knowledge on the policy problem they identified and the solutions they found to improve the performance of the policy. However, in power-oriented learning the cause of the change is not the identification of a problem, but the policy entrepreneur’s willingness to increase their influence over the policy process or draw the attention on a policy issue. Hence, in the causal model suggested in chapter 2, the policy

entrepreneurs would have to use political events in order to catch the attention of policy-makers and convince them to adopt the policy change.

Based on the MSF, I operationalised a political window as a change of majority in government/the parliament (chapter 2- II.3). In order to confirm the existence of a political window, there should be evidence that entrepreneurs used this window of opportunity to draw the attention of the newly elected policy-makers, for instance by securing positions in the new government or meeting with candidates during an electoral campaign. The comparison of the nine cases shows that there was a political window in cases of predominantly power-oriented learning, while there was no political window in the case of the introduction of the sustainability check in Germany (DE1), that combines both mechanisms (see table 12).

Table 12: Comparison of policy capacity in cases of policy learning

	Cases of predominantly power-oriented learning	Cases of predominantly problem-oriented learning
Political window	FR1, FR3	DE2
No political window	DE1	DE1, DE3, DE4, IT2

Source: author’s elaboration

In the case of the introduction of the IA on gender equality in France in 2012 (FR1), the policy change was the result of the election of François Hollande as President of the Republic earlier in the year and the new socialist political majority. As shown in chapter 5 (I.1.2), the new President set up a ministry dedicated to gender equality and women’s rights and gender equality was a key aspect of the new President’s agenda. In this context, a former member of the General Secretariat of the Prime Minister explained that the newly appointed team in the cabinet of the Minister for gender equality “obviously came with ideas” (interview FR6, 12.03.2020). A member of the cabinet confirmed that they sought to quickly “mark their territory” and that they “started to run on day one” to make sure that the new government would adopt the IA on gender equality within the first months, as well as other policy ideas aiming at increasing the influence of the new ministry over the policy process (interview FR6, 31.03.2020).

François Hollande’s election was also a decisive political window in the case of the introduction of the youth check in 2016 (FR3), although the process was more complex. The policy change resulted from a campaign by civil society organisations aiming at improving the access of young people to education

and employment and increasing their participation in society<sup>125</sup> (see chapter 5- I.3.2). These organisations clearly used the political window of the campaign for the presidential elections in 2012 and established contacts with different candidates in the elections. In April 2012, they met with the candidate François Hollande<sup>126</sup> and convinced him to “co-construct” policies with youth organisations. A former member of the cabinet of a Minister for Youth confirmed that the “youth check” emerged as a result of this political window:

*“In fact, when the teams arrived with François Hollande in 2012, there was a whole discussion, in particular with youth and youth organisations, to set up a more transversal, more integrated, more participatory interministerial policy. All this had already been a little bit prepared by the campaign teams as part of the 'big bang on youth policies' (...) And so within the framework of these associative and political exchanges before 2012, the idea emerged of a number of broader youth policies, including the youth check.”* (interview FR9, 30.06.2020)

This campaign and the contacts established with the new President of the Republic resulted in a close dialogue with youth associations and the support for the idea of more integrated youth policies, that made the introduction of the “youth check” possible. However, because of resistance within the administration, the adoption of the “youth check” took several years (see chapter 5- I.3).

By contrast, in the case of the adoption of the “sustainability check” in Germany in 2009 (DE1), there was no political window. This may be explained by the fact that this case combines power-oriented and problem-oriented learning, hence no political window was required to catch the attention of policy-makers. In fact, the policy entrepreneurs advocated for this policy change during the evaluation of the German sustainability strategy, by raising the problems of the scarce attention of policies to sustainability and of the insufficient implementation of IA (see chapter 5- II.1). Nonetheless, the analysis of the cases shows that the presence of a political window may also play a role in cases of problem-oriented learning, although it is not a necessary condition for the adoption of the policy change. The comparison of the cases reveals that there was a political window in only one out of four cases of problem-oriented learning (DE2, see chapter 5- II.2).

Based on this comparison, there is some evidence that political windows play a key role in the causal mechanism of power-oriented learning. However, as these results are based on a very limited number of cases, further testing will be required to verify that the presence of a political window is a necessary condition for policy change in all cases of power-oriented learning.

---

<sup>125</sup> <https://www.bigbangjeunesse.net/>

<sup>126</sup> <http://www.touteduc.fr/fr/archives/id-5459--big-bang-des-politiques-jeunesse-la-reponse-de-francois-hollande>. Last retrieved on 21.02.2021.

### **III- How does the policy learning process affect policy outcome? Key findings and further research**

Why is it important to understand whether and under which conditions policy learning is a relevant mechanism of policy change, and to improve the conceptualisation and operationalisation of policy learning mechanisms? In the following paragraph, I argue that the learning process affects the type of policy change and the policy outcome, and I outline potential avenues for further research to better understand the relationship between policy learning process and policy outcome.

#### **III.1) Policy learning process and type of policy change**

First, the analysis of the cases shows that the type of learning mechanism may affect the type of policy change. As explained in chapter 1 (I.2), the current policy learning literature generally considers that – without exogenous shock – learning results in incremental change of the means of the policy rather than in the fundamental reorientation of the ends of a policy (see chapter 1- I.2). The following table shows on the contrary that policy learning may result in a non-incremental redefinition of the goals and scope of IA (policy ends), and not only the governance, process and methods of IA (policy means).

However, based on the results presented in table 13, this appears to depend on the type of causal mechanism, i.e. on the cause of the policy change and the motives of entrepreneurs. There are indications that problem-oriented learning tends to result in incremental changes of the means of IA, while power-oriented learning tends to result in a change of the goals and scope of IA. This is because the type of causal mechanism is closely connected to who learns and what is learnt. First, in cases of power-oriented learning, policy entrepreneurs tend to belong to other policy communities than the domestic communities interested in IA and other connected meta-policies, such as evaluation and simplification. In the cases of power-oriented learning I analysed, policy entrepreneurs belonged to policy communities interested in gender equality and women's rights policies (FR1), youth policies (FR3), and sustainability and environmental policies (DE1). Furthermore, these entrepreneurs had their own motives and goals, which partly conflicted with the policy goals of the IA policy community. As policy entrepreneurs did not aim at improving the performance of IA, they usually did not acquire knowledge from domestic experience and looked for other sources of knowledge. They were thus less bound by path-dependencies, as well as the ideas and norms in circulation within the IA policy community. While this resulted in innovations and paradigmatic shifts, this may have also reduced the acceptance of the policy change within the IA community, and negatively affected the performance of the adopted policy, as policy entrepreneurs have not learnt from domestic experience in the implementation of IA. The introduction of the "youth check" in France provides a good example of this dynamic. French youth organisations emulated the example of Québec and Austria with the "youth check", but they had no contact with actors within the IA policy community in France. Other actors in

the IA policy community were worried about the multiplication of specific IAs and the additional workload for ministries in charge of drafting IA, after the introduction of the IA on gender equality (FR1) and people with disabilities (FR2). There was in particular resistance within the General Secretariat of the Government, whose goals were conflicting with those of youth organisations and the Ministry for youth. This resulted in the General Secretariat watering down the most ambitious aspects of the youth organisations’ proposals. These findings show the importance of distinguishing between mechanisms of power-oriented and problem-oriented learning when analysing learning processes and policy outcome. Given the limited number of cases, further research is needed to understand whether these findings can be extended to cases of power-oriented learning in other policy fields and/or other countries.

Table 13: Type of policy change in the policy learning cases

	Cases of predominantly power-oriented learning	Cases of predominantly problem-oriented learning
Change of ends	FR1, FR3, DE1	DE1
Change of means		DE3, DE4, IT2

Source: author’s elaboration

**III.2) Policy performance and avenues for further research**

The analysis of the cases of policy change reveals another reason why it is important to better understand learning mechanisms. Beyond the type of policy change, learning processes also affect policy performance. Policy performance entails many aspects, but in this chapter I focus on the two key dimensions of compliance by ministries and the quality of the analysis. The fact that there has been a process of acquisition of knowledge and that measures have been taken to implement and enforce the policy change does not mean that ministries actually comply with the policy change and that the quality of the IA is high. Although it would go beyond the scope of this thesis to provide a systematic analysis of the outcome of the policy changes discussed in chapter 5, the analysis of documents and expert interviews provides some insights on how learning processes may affect policy performance and what are promising research avenues for scholars interested in policy learning.

The conceptual framework was not built on the assumption that learning within policy communities would necessarily result in learning by policy-makers and officials outside the policy communities. In fact, one of the strengths of combining the MSF with the learning framework is that we can distinguish empirically between learning processes within policies communities, and political processes within the political stream (see chapter 1- II.2.2). Hence, while the cause of the change may be the acquisition of

knowledge and resulting cognitive change by policy entrepreneurs, it is possible that actors outside policy communities do not update their beliefs (no cognitive change). The comparative analysis of the cases confirms that this distinction is very important to understand policy outcomes.

The findings indicate that - even in cases of complex and open processes of problem-oriented learning - the outcome may be perceived as negative when actors beyond the policy communities have not updated their beliefs and resist the policy change. In the case of the introduction of the “SME test” in Germany (DE4), a great number of knowledge sources have been used, the policy process has involved many actors, and the SME test guidelines have been tested during a pilot phase (see chapter 5- II.4). However, there is a general agreement that this policy change has been ineffective, despite being one of the most complex and open processes of policy learning among the nine cases. The NRC in particular has lamented repeatedly that the SME test is often not done and that the quality of the analysis is generally insufficient (Nationaler Normenkontrollrat, 2019). Business unions are very critical of the instrument and the lack of consideration given to the specificity of the SMEs.

*“The SME test has zero significance for us, nothing, no significance at all. The NRC plays a role and insists in its annual report that it looks at the SME test. Actually, it should also be included in the draft legislation, but it is not.”* (interview DE9, 14.07.2020)

An interviewee in the NRC confirms that no learning has taken place within the ministries in charge of drafting IA, which affects the outcome of the “SME test”:

*“This may have something to do with the fact that the ministries still do not view SMEs as so important, it is still a bit neglected and we have to demand that (...) I believe that the ministries are still not sensitive enough to really focus on this.”* (interview DE2, 04.02.2020)

Hence, the policy outcome does not depend on the number of actors involved in teaching and learning activities, the number of sources of knowledge, nor the complexity of the analysis.

Instead, there is some evidence that the type of entities involved in learning activities matters more than the openness of the learning process. The case of the introduction of the “one in, one out” principle shows that the performance of the policy may depend on the capacity of policy entrepreneurs to disseminate knowledge and achieve support at the highest political level, rather than on the openness and complexity of the learning process. The “one in, one out” principle was copied from the United-Kingdom, and the process entailed only a superficial analysis of the principle by the NRC. However, in the case of the “SME test” the guidelines had been designed and introduced in a rather bottom-up manner, under the leadership of the Ministry of the Economy. In the case of “one in, one out” on the contrary, the reform received strong support at the highest levels of government and was enforced in a more “top-down” manner. The NRC recommended to adopt the principle and the Federal Chancellor and the Vice-Chancellor supported this idea during a conference (see chapter 5- II.3). The

clear political support overcame the resistances of ministries and was key in the rapid adoption of the measure, as one interviewee confirms:

*“Of course, the individual ministries weren't that enthusiastic either. But that was clear, the two of them said we are doing this, we think about it, and it was followed up.”* (interview DE1, 04.02.2020)

The reports published by the government and the NRC show that ministries comply with the “one in, one out” principle and that the compliance costs for businesses for which the rule applies have fallen in the years following the introduction of the principle (Bundesregierung, 2017; Nationaler Normenkontrollrat, 2016). An interviewee in the NCR declared that:

*“It works, this system has achieved the psychological and de facto limiting effect because the ministries are simply more sensitive to compliance costs for the economy than they used to be.”* (interview DE1, 04.02.2020).

An interviewee in a business union confirmed that *“Ministries take [the topic] much more seriously since there is ‘one in, one out’”* (interview DE9, 14.07.2020). As already mentioned, such findings are not based on a systematic comparison of the performance of the policies adopted in the nine cases described in chapter 5. However, they highlight the need to differentiate between learning within policy communities and learning by policy-makers and ministry officials.

Future research using large-N methods should investigate how the number and type of entities involved in policy learning processes affect policy performance. Such studies would enable us to understand to what extent the learning process affects the outcome, as opposed to other factors. In the case of the “one in, one out”, broader institutional factors may also be at play in explaining differences in the perceived performance of the policy. In particular, while the “one in, one out” principle is a relatively easy rule to apply for ministries, the poor performance of German ministries may be explained by the lack of skills to conduct such a test. As an interviewee declared, the majority of ministry officials has legal training and “no idea about the economy” (interview DE4, 28.02.2020).

When looking at the overall performance of France, Germany, and Italy in implementing IA, it becomes indeed clear that the three countries still face broader institutional and cultural challenges. Even in Germany and Italy, where reforms have been adopted to improve the performance of IA, important limitations remain in how IAs are implemented. The next chapter will summarise the key findings of this thesis, discuss opportunities and challenges in the implementation of IA, and outline the limitations of this analysis and avenues for future research.

## CONCLUSION

---

In this thesis, I examined the causal process that led to policy change in the field of impact assessment (IA) in three countries sharing a legalistic administrative culture: France, Germany and Italy. As many other management and regulatory reforms, the adoption of IA has been strongly promoted at the transnational level, in particular by the OECD (Francesco, 2016). Existing studies regarding the diffusion of IA show that emulation and mimicry were key mechanisms in the adoption of the instruments by several European countries (Radaelli 2004, 2009). Earlier studies have shown that a country's legalistic tradition was a barrier in the adoption of IA (Francesco, 2012) and in its integration in the policy process (De Francesco, 2013; Turnpenny et al., 2008). Ministerial staff in legalistic countries are not familiar with the quasi-scientific method of enquiry and the economic approach of IA (Turnpenny et al., 2008). As a result, there is evidence that in these three countries IA remained a mere formal requirement in the first years after the adoption (e.g. Radaelli, 2005; Veit, 2010).

However, there have been important developments in the three countries in the mid-2000s (see chapter 4). France was the first country to make IA a constitutional obligation in 2008<sup>127</sup>. Germany adopted a law in 2006<sup>128</sup> that strengthened considerably the governance of IA, and in Italy IA was made compulsory by law in 2005<sup>129</sup>. Despite these important developments, we have little knowledge about what happened in these countries since these key reforms.

The analysis thus aimed at understanding the main mechanisms that led to policy change in countries implementing IA: do we observe a continuation of symbolic politics or have these countries undergone a process of domestic policy learning? A further objective of this research was to improve our understanding of the mechanisms of policy learning, by finding out how and under which conditions policy lessons (cognitive change) are translated into policy change. Furthermore, I sought to provide insights on how learning processes affected the type of policy change adopted.

In chapters 1 and 2, I extended and adapted the model of collective policy learning developed by Heikkila and Gerlak (2013) and Kingdon's Multiple Streams Framework to conceptualise and operationalise two causal mechanisms of policy change: problem-oriented learning, and power-oriented learning. Furthermore, I conceptualised and operationalised symbolic politics as an alternative causal mechanism for non-learning, drawing on the policy diffusion literature and on neo-

---

<sup>127</sup> LOI constitutionnelle no 2008-724 du 23 juillet 2008 de modernisation des institutions de la Ve République.

<sup>128</sup> Gesetz zur Einsetzung eines Nationalen Normenkontrollrates vom 14. August 2006 (BGBl. I S.1866)

<sup>129</sup> Decreto n.170 recante "Regolamento recante disciplina attuativa dell'analisi dell'impatto della regolamentazione (AIR), ai sensi dell'articolo 14, comma 5, della legge 28 novembre 2005, n. 246".



institutionalist theories. Based on the selection criteria defined in chapter 3, I selected nine cases of policy change since the reforms of IA in France, Germany and Italy in the mid-2000s (see annex 2).

In chapter 5, I presented the results of the process tracing for each of the nine cases. I tested the different parts of the causal mechanisms theorised and operationalised in chapter 2 based on the qualitative analysis and coding of documents and expert interviews (see chapter 3 and annexes 3 and 4). In chapter 6, I offered a comparative analysis of the causal mechanisms and scope conditions across cases and countries, and I answered the hypotheses formulated in chapters 1 and 2.

In the first part of this chapter, I will present the causal model that I have developed in chapter 2 and show how I contributed to current theories on policy learning and the policy process. In the second part of the chapter, I will summarise the main empirical findings of this thesis based on the comparative analysis of the nine cases of policy change and I will present the main implications of these findings for theory and practice. In the final part, I will address the limitations of the theoretical approach and the methodology used and I will make recommendations for future research.

## **I- Conceptualising and operationalising symbolic politics and policy learning: presentation of the model and contribution to the literature on learning and policy processes**

As I showed in chapter 1, the concept of policy learning has been largely discussed in the literature, but scholars have faced important difficulties in operationalising and measuring learning (Bennett & Howlett, 1992; Freeman, 2008). In particular, it is often unclear how to measure the null hypothesis of non-learning (Gilardi & Radaelli, 2012). This thesis has offered an important contribution to the policy learning literature by operationalising two causal mechanisms of learning: power-oriented learning and problem-oriented learning, and the mechanism of symbolic politics as the null hypothesis.

Symbolic politics is norm-oriented and characterised by a logic of appropriateness, policy actors seek legitimacy by emulating norms and standards perceived as “appropriate” and legitimate. In pure cases of symbolic politics, there is no domestic definition of policy problems and/or policy goals, and no domestic process of acquisition and dissemination of knowledge on policy alternatives to solve the problem and/or reach the policy goal. As symbolic politics mostly aims at sending a signal and there is limited domestic knowledge and ownership of the reform, the policy change can be characterised as “window-dressing”, in the sense that limited steps are taken to translate the policy change to the domestic context and ensure its implementation and enforcement. By contrast, in cases of power-oriented and problem-oriented learning, policy problems and/or policy goals are defined at the domestic level and activities of acquisition, translation and dissemination of knowledge can be traced.

Moreover, domestic policy entrepreneurs select policy alternatives and disseminate the acquired knowledge to policy-makers in order to translate the policy lessons (cognitive change) into policy change. Lastly, measures are taken to implement the policy change and the policy change is actually enforced.

The operationalisation of the causal mechanisms tackled important limitations of the current learning framework. This thesis aimed at improving the conceptualisation and operationalisation of learning, but also at improving our empirical knowledge of such mechanisms, as “we still know little about how communities of policy-makers learn in real-world settings” (Dunlop & Radaelli, 2013, p. 3). Recent contributions to the policy learning literature have improved our understanding of collective learning processes. In particular, Heikkila and Gerlak (2013) have suggested a very useful model of collective learning as a causal mechanism of policy change, and clarified how activities of acquisition and dissemination of knowledge may result in cognitive change. However, their model of collective learning neglects the cause of learning and the motives of policy actors. I thus extended Heikkila and Gerlak’s model with recent contributions to the literature, which have built on classic typologies of learning and improved our understanding of the varieties of entities involved in learning and the goals of such entities (Dunlop & Radaelli, 2013; Trein, 2018). I conceptualised and operationalised two distinct causal mechanisms of learning. In power-oriented learning, domestic policy actors pursue the strategic goal of increasing their influence over the policy process and/or drawing attention to a policy issue. In problem-oriented learning, domestic policy actors recognise a problem and seek to improve policy performance. As I show in the next sections of this chapter, the distinction between these two mechanisms is important, as it affects the policy process, as well as the type of policy change adopted.

Moreover, I demonstrated that the current models of collective learning processes fail to explain how and under which conditions cognitive change may be translated into policy change. I offered an important contribution to the policy learning literature by combining the learning framework with the Multiple Streams Framework (MSF) developed by Kingdon (1984). I highlighted in particular the role of policy entrepreneurs in putting policy change on the policy agenda (see section II).

Using process-tracing and qualitative content analysis, the three causal mechanisms that I outlined were tested empirically in order to find out whether learning was a causal mechanism of policy change in nine selected cases, and to improve our understanding of how policy communities and policy-makers learn.

## **II- Policy learning and policy change in the context of impact assessment: key findings and contribution to empirical knowledge on impact assessment and learning**

In chapter 4 of this thesis, I used secondary literature, complemented by expert interviews, to retrace the history of impact assessment in France, Germany and Italy. I presented the evolution of IA since the principle was first introduced, in the mid-1980s in Germany and at the end of the 1990s in Italy, and the main features of IA following the key reforms of the mid-2000s, in order to put the more recent reforms into context. I provided an original contribution to the current knowledge on IA, as no comparative history of the introduction and implementation of IA in countries with a legalistic administrative tradition has been published yet. I showed that in the first years after the introduction of IA, the three countries experimented with different approaches, scope and methods of IA. However, IA remained a mere formal instrument before the important reforms in the mid-2000s that I evoked earlier (see chapter 4.2).

In chapter 5, I analysed nine cases of policy change (see annex 2), based on process tracing and the qualitative analysis of documents for the nine cases of policy change. First, I find that in most cases policy changes were the result of a domestic learning process, whereby domestic entities defined policy problems and/or goals, acquired and diffused knowledge, and adopted measures to implement and enforce the policy change. This shows that France, Germany and Italy have gone beyond the symbolic phase in the implementation of IA. They have built their own experience and knowledge of the principle and have active domestic policy communities in the field of IA. In most cases, policy change resulted from problem-oriented learning. Domestic actors and communities identified problems in the implementation of IA and aimed at improving the performance of the instrument. In France and in one German case, policy change resulted from power-oriented learning. Domestic actors sought to increase their influence over the policy process by changing the goals and the scope of IA.

Second, I tested the causal mechanisms of learning in order to examine how and under which conditions policy learning may result in policy change. Given the relative scarcity of empirical applications of the framework (Dunlop and Radaelli, 2013), this thesis also aimed at refining the mechanisms of policy learning operationalised, by analysing who learns, what actors learn, how they acquire and disseminate knowledge, and how and under which conditions policy lessons (cognitive change) are translated into policy change.

Regarding who learns and what is learnt, the analysis confirmed the importance of distinguishing between problem-oriented and power-oriented learning. As already shown, this distinction allowed for a better understanding of the various causes of learning and of the motives of policy entrepreneurs.

In addition, this distinction is key to analyse how the learning process may affect the type of policy change adopted. Contrary to the assumption of a large part of the literature on learning and policy change (see chapter 1- I.2), our results show that policy learning may result in a non-incremental redefinition of the goals and scope of IA (policy ends), and not only the governance, process and methods of IA (policy means). However, I deduce from the comparative analysis of the cases that problem-oriented learning tends to result in incremental changes of the means of IA, while power-oriented learning tends to result in a change of the goals and scope of IA. While these results should be tested further, the findings show that the type of causal mechanism is closely connected to who learns and what is learnt. In the cases of power-oriented learning I analysed, policy entrepreneurs tend to belong to other policy communities than the domestic communities interested in impact assessment. They had different motives and goals than the IA policy community, were not part of the same networks, and used different sources of knowledge. In particular, in cases of pure power-oriented learning, entrepreneurs did not acquire knowledge on the domestic experience with the implementation of IA. They were thus less bound by path-dependencies, as well as the ideas and norms in circulation within the impact assessment policy community, and tended to favor more paradigmatic change.

By contrast, in problem-oriented learning stable networks and organisations with a mandate to evaluate IA were the main policy entrepreneurs. Based on the comparison of cases, they appear to be a condition for problem-oriented learning. In Italy and Germany, these organisations facilitated the acquisition of knowledge on IA and acted as learning fora, because they were able to draw lessons from the domestic experience of the implementation of IA and could identify problems, and because they acquired knowledge on the experience of other countries by socialising in transnational policy networks. These organisations also largely contributed to disseminating knowledge on IA and setting the policy agenda (see chapter 6- I.2). The absence of such a stable organisation in France may explain why there has not been any case of problem-oriented learning since 2008, although further research would be needed given the limited number of cases.

There are several noteworthy findings regarding how domestic entrepreneurs acquire and disseminate knowledge. The first interesting finding relates to the two dimensions of complexity and openness of the learning process. The degree of complexity relates both to the variety of the sources of knowledge used (teachers) and to how superficial or elaborate activities of acquisition of knowledge are. The degree of openness relates to how many entities (learners) are involved in acquiring information. In most cases, I find a rather high degree of complexity and openness of the learning processes (see chapter 6- II.1). However, there are also some cases of learning that were characterized by the limited number of knowledge sources used, the superficiality of the analysis and a limited number of learners,

who acquired knowledge within a single organisation rather than within broader policy community. Such cases come rather close to the mechanism of symbolic politics, which explains why it appears sometimes challenging to distinguish such mechanisms empirically (see chapter 6- I.2). Regarding the sources of knowledge, it is also worth noting that in all of the recent cases of policy change domestic actors drew lessons from other countries to select policy alternatives, despite the fact that over time the three countries have developed very distinct models of impact assessment. While domestic actors used their own experience and in some cases experts as sources of knowledge, I find that experiences from other countries and transnational standards still have a strong influence on the developments of IA at the domestic level. In many cases, domestic learning was combined with normative pressure to adopt standards or recommendations developed by the EU and the OECD, and there are indications that this normative pressure may have strengthened domestic learning processes by helping domestic actors to disseminate knowledge and put the policy change on the agenda. This confirms former findings that normative pressure may empower domestic policy entrepreneurs and facilitate learning (Schnell, 2015), and shows again how the mechanisms of symbolic politics and learning may sometimes be intertwined (see chapter 6- I.2). Another key finding is that the learning mechanism often appears more complex than the one conceptualised in chapter 2, based on Heikkila and Gerlak's (2013) model. I confirm the presence of the different parts of the learning mechanism: the cause, the acquisition and translation of knowledge, the dissemination of knowledge and agenda-setting, and the adoption of policy change. However, the different parts of the learning mechanism often occur simultaneously rather than successively. In particular, the acquisition and dissemination of knowledge are not necessarily successive phases, and not all case studies show a linear process of acquisition of information, dissemination of knowledge, followed by the adoption of the policy change. In several cases, I find that the process is characterized by iterative rounds of acquisition of knowledge, agenda-setting and policy change.

Regarding how and under which conditions policy lessons (cognitive change) are translated into policy change, the findings further confirm the assumption of the Multiple Streams Framework that policy change depends on the ability of certain agents, the policy entrepreneurs, to set the agenda by using windows of opportunities in the problem stream or political stream. I have shown that in the case of power-oriented learning, in the absence of the identification of a problem policy entrepreneurs relied on political windows to translate the acquired knowledge into policy change.

Third, this research also provides some insights on how learning processes may affect policy performance, defined as compliance by ministries and the quality of the analysis (see chapter 6- III.2). It would have gone beyond the scope of this thesis to conduct a systematic analysis of the performance of the policy changes adopted in the three countries, as a great number of factors may affect the

performance of a policy. It is important to recall that the fact that there has been a process of acquisition of knowledge and that measures have been taken to implement and enforce the policy change does not mean that ministries actually comply with the policy change and that the quality of the IA is high. The findings show that the presence of a complex and open process of learning in order to identify solutions to the problems encountered in the implementation of IA does not guarantee that the policy change is perceived as having increased the performance of IA. This depends on a number of factors, including who learns and what is learnt. Performance depends also on the broader institutional and cultural context. I have shown in chapter 6 that despite learning and policy changes, all three countries still face important challenges in the implementation of IA. The findings confirm that one of the main factors affecting the performance of IA is the policy formulation process (Radaelli, 2005), as described in chapter 4. The policy changes adopted did not ambition to reform the overall policy formulation process. This explains why – even when successfully implemented- policy changes aiming at improving the performance of the instrument were rather incremental and do not appear to have resulted in significant improvements in the performance of the countries in implementing IA.

### **III- Limitations, implications and further research**

#### **III.1) Limitations and suggestions for further research on policy learning and the policy process**

Despite careful operationalisation and analysis of the data, there are inherent limitations to the research design and the methodology chosen that I would like to address in this section<sup>130</sup>. The first set of limitations relates to the comparative design chosen and the number of cases selected. As explained in chapter 3 (III), a limitation of process tracing is that within-case evidence does not tell whether the mechanism is found or not in a broader population of cases (Reykers & Beach, 2017). In order to improve the generalisability of my findings, I have chosen a comparative small n-design and minimalist process tracing approach. This enabled me to compare the entire population of cases of policy change in the context of IA in the three countries under analysis since the mid-2000s. This considerably strengthens the reliability of the results that I have presented. However, it was not possible to discuss in detail for each case the different parts of the causal mechanism, as would have been possible if I had chosen a single case study design and detailed process tracing methodology. On the other hand, the number of cases analysed remains rather limited. This limits the generalizability of the results, although I am confident that the findings may be extended to other meta-policies such as simplification or ex-post evaluation. Certain claims of necessity in particular should be further tested, by applying the framework used to other types of meta-policies. Second, the analysis focused on

---

<sup>130</sup> For more specific limitations to the data collected please see chapter 3-III.

learning processes that resulted in policy change. This is well justified, as the research aimed at explaining only cases of policy change, rather than all cases of learning. However, while this research improved our understanding of how and under which conditions learning results in policy change, it does not explain how and under which conditions learning fails to result in policy change. Future research could usefully remedy this limitation by comparing cases in which learning processes have produced policy change and others in which they have failed to produce such change.

The second set of limitations relates to the operationalisation of the three mechanisms introduced in section I, and the challenges of testing the indicators empirically. As explained in chapter 6 (I.2), several of the indicators used to distinguish between different causal mechanisms can be placed on a continuum, and setting a threshold to decide whether specific cases belong to one type of causal mechanism or not appears challenging, both conceptually and empirically. One example is the distinction between emulating appropriate norms on the one hand, and drawing lessons from other countries on the other hand. To strengthen the validity of the data, I presented in chapter 5 the empirical evidence on which I base the findings. Furthermore, and I demonstrated in a transparent way why I assign specific cases to certain causal mechanisms. I also discussed for each case the limitations and eventual combinations of causal mechanisms. In Qualitative Comparative Analysis (Ragin, 2000, 2008), such process is called “calibration”, and certain techniques are recommended to test the robustness of the results, by changing the calibration and threshold for each set of cases, and examining whether and to what extent this yields different results (Cooper & Glaesser, 2016; Skaaning, 2011). This methodology was not appropriate for this thesis because of the research design and characteristics of the cases analysed. Nevertheless, scholars interested in testing the mechanisms of policy learning and symbolic politics that I operationalised in this thesis should examine the possibility of using QCA, in order to further increase the robustness of the conceptual model and operationalisation of the different parts of the mechanism.

The last main limitation of the research design relates to the scope of the research question and the analysis. As the thesis aimed at explaining policy change, I focused on the question of policy learning within policy communities and by policy-makers. However, another key aspect for understanding whether countries have learnt during the implementation of IA is organisational learning within ministries. This question is closely connected to problem-oriented learning, as feedback on the implementation of IA has been identified as the most common cause of policy change. While there has been a recent study of learning within ministries and how this affects the content of IA in the UK (Fritsch et al., 2017), we still have limited academic knowledge on how IA is practiced within ministries in countries with a legalistic administrative tradition. It would be useful to investigate to what extent practitioners in charge of formulating policies and assessing their impact have learnt over time. In fact,

the results of this analysis suggest that learning has happened within a rather small policy community, while the implementation of IA appears quite challenging in the daily practice. Ethnographic studies within ministries would be particularly welcome to gain detailed knowledge of learning processes at the individual and organisational level within single ministries, and better grasp how this affects the compliance of ministries with regulations and guidelines on IA, the quality of the analysis, and the integration of IA in the policy process. Furthermore, I have not conducted a systematic analysis of how policy changes in the context of IA affected the overall performance of IA, and what are the factors that affected policy performance (see part II of this chapter and chapter 6-III.2). However, the case studies indicate that broader institutional and cultural factors, in particular the characteristics of the policy formulation process, explain why the implementation of IA remains challenging in legalistic countries despite recent policy change and a long practice of IA within ministries. Future research using large-N methods could examine systematically which factors affect the overall performance of IA, and how the performance of legalistic countries evolves over time.

### **III.2) Implications of the findings for theory and practice**

What are the implications of these findings for theory and practice? I suggest that a key implication for theory is that diffusion processes should not only be studied at their peak, but should be further examined when the diffusion wave recedes. The findings confirm that policy diffusion and policy transfer is not a linear, but rather an iterative process that takes a lot of time (Dussauge-Laguna, 2012; Walt et al., 2004). Contrary to the idea that “the policy transfer ends” once an innovation is implemented and adapted to the national context (Stone 2012, p.489), there is no definite end to policy diffusion processes. I have shown that even more than 20 to 30 years after IA was first adopted, domestic policy communities keep borrowing ideas and drawing lessons from the experience of other countries, and to follow and adapt some of the standards and best practices defined at the transnational level, despite very divergent practices and contexts. With respect to the recurring scholarly debate around a convergence of policies and administrative systems (Beckert, 2010; Knill, 2005; Pollitt, 2001) (see chapter 1- I.1), it appears that policy diffusion and learning neither results in increasing convergence nor divergence over time. Rather, the findings highlight that even more than twenty year after the transfer of a policy, there may be a simultaneous trend of emulation and lesson-drawing from the transnational level on the one hand, and a domestic process of adaptation and translation of the policy on the other hand. Translation is a key aspect of domestic learning, as it takes time to build ownership of policy ideas, adapt them to the domestic context, and gain sufficient experience. This is demonstrated by the fact that IA was first introduced in the three countries analysed between the mid-1980s and the mid-1990s, but continues to evolve and be adjusted to the domestic context. Hence, a key implication for the analysis of diffusion and learning processes is that empirical



studies should cover a longer timeframe of at least a decade or more. This is in line with the recommendations of prominent scholars in the fields of policy implementation and learning (see in particular Sabatier, 1988). Furthermore, the findings show how normative pressure may reinforce domestic learning processes. Scholars interested in diffusion and learning processes should examine how normative pressure is used by domestic actors as a source of knowledge and/or legitimation not only for the introduction of regulatory or administrative reforms, but also in the implementation and gradual translation and adjustment of the reform to the domestic context.

The findings also have important policy implications for practitioners. The first key implication is that – as suggested by Jann and Wegrich (2019) – officials responsible for cross-cutting issues and meta-policies should emulate the strategies of powerful specialist ministries by building stable organisations and networks of their own. In addition, in order to have sufficient capacity for acquiring and disseminating knowledge on the evaluation of metapolicies such as IA, these stable organisations and networks should have a mandate to evaluate such policies. The second implication for practice is that the degree of complexity and openness of learning seems to matter less than who is learning for explaining policy performance (see chapter 6- III.2).

In conclusion, despite their limitations the conceptual framework and research design chosen appear very promising for better understanding how the introduction of policies transferred from abroad or emulated from transnational standards evolve over the years, and how we can explain these evolutions. Given the increasing relevance and scholarly interest in processes of cross-national policy diffusion (Maggetti & Gilardi, 2016), this thesis shows how important it is to examine the implementation of such policies and how they are used and redefined by domestic actors over time.

## REFERENCES

---

- Adelle, C., & Weiland, S. (2012). Policy assessment: The state of the art. *Impact Assessment and Project Appraisal*, 30(1), 25–33. <https://doi.org/10.1080/14615517.2012.663256>
- Amara, N., Ouimet, M., & Landry, Ré. (2004). New Evidence on Instrumental, Conceptual, and Symbolic Utilization of University Research in Government Agencies. *Science Communication*, 26(1), 75–106. <https://doi.org/10.1177/1075547004267491>
- Argote, L. (2011). Organisational learning research: Past, present and future. *Management Learning*, 42(4), 439–446. <https://doi.org/10.1177/1350507611408217>
- Arndt, C., & Bounds, G. (2016). Designing performance frameworks: The case of the OECD. In *Handbook of Regulatory Impact Assessment* (pp. 412–435). Edward Elgar Publishing.
- Bach, T., & Wegrich, K. (2019). *The Blind Spots of Public Bureaucracy and the Politics of Non-Coordination*. <https://doi.org/10.1007/978-3-319-76672-0>
- Bache, I., Reardon, L., Bartle, I., Marsden, G., & Flinders, M. (2015). Symbolic Meta-Policy: (Not) Tackling Climate Change in the Transport Sector. *Political Studies*, 63(4), 830–851. <https://doi.org/10.1111/1467-9248.12123>
- Baez, B., & Abolafia, M. Y. (2002). Bureaucratic Entrepreneurship and Institutional Change: A Sense-Making Approach. *Journal of Public Administration Research and Theory*, 12(4), 525–552. <https://doi.org/10.1093/oxfordjournals.jpart.a003546>
- Balla, S. J. (2001). Interstate Professional Associations and the Diffusion of Policy Innovations. *American Politics Research*, 29(3), 221–245. <https://doi.org/10.1177/1532673X01293001>
- Baumgartner, F. R., Jones, B. D., & Mortensen, P. B. (2018). Punctuated Equilibrium Theory: Explaining Stability and Change in Public Policymaking. In C. M. Weible & P. A. Sabatier, *Theories of the Policy Process. Fourth Edition*. (pp. 55–103). Routledge.
- Beach, D. (2017). Process tracing Methods in Social Science. In D. Beach, *Oxford Research Encyclopedia of Politics*. Oxford University Press. <https://doi.org/10.1093/acrefore/9780190228637.013.176>
- Beach, D., & Pedersen, R. (2016). *Causal Case Study Methods: Foundations and Guidelines for Comparing, Matching, and Tracing*. University of Michigan Press. <https://doi.org/10.3998/mpub.6576809>
- Beckert, J. (2010). Institutional Isomorphism Revisited: Convergence and Divergence in Institutional Change. *Sociological Theory*, 28(2), 150–166. <https://doi.org/10.1111/j.1467-9558.2010.01369.x>
- Béland, D. (2009). Ideas, institutions, and policy change. *Journal of European Public Policy*, 16(5), 701–718. <https://doi.org/10.1080/13501760902983382>
- Béland, D. (2016). Kingdon Reconsidered: Ideas, Interests and Institutions in Comparative Policy Analysis. *Journal of Comparative Policy Analysis: Research and Practice*, 18(3), 228–242. <https://doi.org/10.1080/13876988.2015.1029770>
- Bennett, A., & Checkel, J. T. (Eds.). (2015). *Process tracing: From metaphor to analytic tool*. Cambridge University Press.
- Bennett, C. J., & Howlett, M. (1992). The lessons of learning: Reconciling theories of policy learning and policy change. *Policy Sciences*, 25, 275–294.
- Birkland, T. A. (1997). *After disaster: Agenda-setting, public policy, and focusing events*. Georgetown University Press.

- Birkland, T. A. (2007). Agenda-setting in Public Policy. In F. Fischer, G. J. Miller, & M. S. Sidney, *Handbook of Public Policy Analysis. Theory, Politics, and Methods*. Taylor Francis.
- Blum, S. (2018). The Multiple-Streams Framework and Knowledge Utilization: Argumentative Couplings of Problem, Policy, and Politics Issues. *European Policy Analysis*, 4(1), 94–117. <https://doi.org/10.1002/epa2.1029>
- Bøggild, N., Gädckens, C., Rostek, J., & Wallau, F. (2014). *Berücksichtigung von KMU-Belangen in der Gesetzesfolgenabschätzung, Studie im Auftrag des Bundesministeriums für Wirtschaft und Energie*.
- Booth, D. (2012). Aid effectiveness: Bringing country ownership (and politics) back in. *Conflict, Security & Development*, 12(5), 537–558. <https://doi.org/10.1080/14678802.2012.744184>
- Börzel, T. A., & Risse, T. (2012). When Europeanisation Meets Diffusion: Exploring New Territory. *West European Politics*, 35(1), 192–207. <https://doi.org/10.1080/01402382.2012.634543>
- Boswell, C. (2009). *The Political Uses of Expert Knowledge: Immigration Policy and Social Research*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511581120>
- Brady, H. E., & Collier, D. (Eds.). (2004). *Rethinking social inquiry: Diverse tools, shared standards*. Rowman & Littlefield.
- Bundesbeauftragte für Wirtschaftlichkeit in der Verwaltung (BWV). (2009). *Gutachten über Maßnahmen zur Verbesserung der Rechtsetzung und der Pflege des Normbestandes*, Gz. 13-2008-0393.
- Bundesministerium für Wirtschaft und Energie. (2014). *Eckpunkte zur weiteren Entlastung der mittelständischen Wirtschaft von Bürokratie*.
- Bundesregierung. (2008). *Fortschrittsbericht 2008 zur nationalen Nachhaltigkeitsstrategie. Für ein nachhaltiges Deutschland*.
- Bundesregierung. (2010). *Bericht der Bundesregierung 2010 zur Anwendung des Standardkosten-Modells und zum Stand des Bürokratieabbaus*.
- Bundesregierung. (2016). *Bessere Rechtsetzung 2015: Mehr Entlastung. Mehr Transparenz. Mehr Zeit für das Wesentliche. Bericht der Bundesregierung 2015 nach § 7 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates*.
- Bundesregierung. (2017). *Bessere Rechtsetzung 2016: Mehr Zeit für das Wesentliche. Bericht der Bundesregierung 2016 nach § 7 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates*.
- Bundestag. (2009). *Beschlussempfehlung und Bericht des Ausschusses für Wirtschaft und Technologie- Drucksache 16/13146*.
- Bundestag. (2010). *Gesetzentwurf der Fraktionen der CDU/CSU und FDP. Entwurf eines Gesetzes zur Änderung des Gesetzes über die Einsetzung eines Nationalen Normenkontrollrates (Drucksache 17/1954)*.
- Cairney, P., & Jones, M. D. (2016). Kingdon's Multiple Streams Approach: What Is the Empirical Impact of this Universal Theory?: Kingdon's Multiple Streams Approach. *Policy Studies Journal*, 44(1), 37–58. <https://doi.org/10.1111/psj.12111>
- Cashore, B., & Howlett, M. (2007). Punctuating Which Equilibrium? Understanding Thermostatic Policy Dynamics in Pacific Northwest Forestry. *American Journal of Political Science*, 51(3), 532–551. <https://doi.org/10.1111/j.1540-5907.2007.00266.x>
- Catney, P., & Henneberry, J. M. (2016). Public entrepreneurship and the politics of regeneration in multi-level governance. *Environment and Planning C: Government and Policy*, 34(7), 1324–1343. <https://doi.org/10.1177/0263774X15613357>

- CDU, CSU, FDP. (2009). *Wachstum. Bildung. Zusammenhalt. Der Koalitions Vertrag zwischen CDU, CSU, und FDP, 17. Legislaturperiode.*
- Chatfield, A. T., & Reddick, C. G. (2018). The role of policy entrepreneurs in open government data policy innovation diffusion: An analysis of Australian Federal and State Governments. *Government Information Quarterly, 35*(1), 123–134. <https://doi.org/10.1016/j.giq.2017.10.004>
- Cohen, M. D., March, J. G., & Olsen, J. P. (1972). A Garbage Can Model of Organisational Choice. *Administrative Science Quarterly, 17*(1), 1. <https://doi.org/10.2307/2392088>
- Coleman, W. D., Skogstad, G. D., & Atkinson, M. M. (1996). Paradigm Shifts and Policy Networks: Cumulative Change in Agriculture. *Journal of Public Policy, 16*(3), 273–301. <https://doi.org/10.1017/S0143814X00007777>
- Collier, D. (2011). Understanding Process Tracing. *PS: Political Science & Politics, 44*(04), 823–830. <https://doi.org/10.1017/S1049096511001429>
- Common, R. (2004). Organisational learning in a political environment: Improving policy-making in UK government. *Policy Studies, 25*(1), 35–49. <https://doi.org/10.1080/0144287042000208224>
- Consiglio di Stato, (2017). *Parere 19 giugno 2017, n. 1458.*
- Cooper, B., & Glaesser, J. (2016). Exploring the robustness of set theoretic findings from a large n fsQCA: An illustration from the sociology of education. *International Journal of Social Research Methodology, 19*(4), 445–459. <https://doi.org/10.1080/13645579.2015.1033799>
- Czarniawska-Joerges, B., & Sevón, G. (1996). *Translating organisational change.* Walter de Gruyter. <http://site.ebrary.com/id/10598102>
- De Francesco, F. (2013). *Transnational Policy Innovation. The OECD and the Diffusion of Regulatory Impact Analysis.* ECPR Press.
- De Francesco, F. (2016). Transfer Agents, Knowledge Authority, and Indices of Regulatory Quality: A Comparative Analysis of the World Bank and the Organisation for Economic Co-operation and Development. *Journal of Comparative Policy Analysis: Research and Practice, 18*(4), 350–365. <https://doi.org/10.1080/13876988.2014.882648>
- Dekker, S. (2004). Learning under Pressure: The Effects of Politicization on Organisational Learning in Public Bureaucracies. *Journal of Public Administration Research and Theory, 14*(2), 211–230. <https://doi.org/10.1093/jopart/muh014>
- deLeon, L., & deLeon, P. (2002). What Ever Happened to Policy Implementation? An Alternative Approach. *Journal of Public Administration Research and Theory, 12*(4), 467–492.
- Dibella, A. J., Nevis, E. C., & Gould, J. M. (1996). Understanding Organisational Learning Capability. *Journal of Management Studies, 33*(3), 361–379. <https://doi.org/10.1111/j.1467-6486.1996.tb00806.x>
- DiMaggio, P. J., & Powell, W. W. (1983). The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organisational Fields. *American Sociological Review, 48*(2), 147–160. <https://doi.org/10.2307/2095101>
- DiMaggio, P. J., & Powell, W. W. (1991). The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organisation Fields. In W. W. Powell & P. J. DiMaggio (Eds.), *The New Institutionalism in Organisational Analysis* (pp. 63–82). The University of Chicago Press.
- Dipartimento della funzione pubblica. (2018). *Relazione complessiva contenente il bilancio annuale degli oneri amministrativi introdotti ed eliminati- Anno 2017.*

- Dobbin, F., Simmons, B., & Garrett, G. (2007). The Global Diffusion of Public Policies: Social Construction, Coercion, Competition, or Learning? *Annual Review of Sociology*, 33(1), 449–472. <https://doi.org/10.1146/annurev.soc.33.090106.142507>
- Dolowitz, D. P. (2009). Learning by observing: Surveying the international arena. *Policy & Politics*, 37(3), 317–334. <https://doi.org/10.1332/030557309X445636>
- Dunlop, C. A. (2017). Policy learning and policy failure: Definitions, dimensions and intersections. *Policy & Politics*, 45(1), 3–18. <https://doi.org/10.1332/030557316X14824871742750>
- Dunlop, C. A., & Radaelli, C. M. (2013). Systematising Policy Learning: From Monolith to Dimensions. *Political Studies*, 61(3), 599–619. <https://doi.org/10.1111/j.1467-9248.2012.00982.x>
- Dunlop, C. A., & Radaelli, C. M. (2016). The Politics and Economics of Regulatory Impact Assessment. In C. A. Dunlop & C. M. Radaelli (Eds.), *Handbook of Regulatory Impact Assessment* (pp. 3–17). Edward Elgar Publishing.
- Dunlop, C. A., & Radaelli, C. M. (2017). Learning in the bath-tub: The micro and macro dimensions of the causal relationship between learning and policy change. *Policy and Society*, 36(2), 304–319. <https://doi.org/10.1080/14494035.2017.1321232>
- Dunlop, C. A., & Radaelli, C. M. (2018). Does Policy Learning Meet the Standards of an Analytical Framework of the Policy Process?: Policy Learning Framework. *Policy Studies Journal*, 46, S48–S68. <https://doi.org/10.1111/psj.12250>
- Dunlop, C. A., Radaelli, C. M., & Trein, P. (2018). Introduction: The Family Tree of Policy Learning. In C. A. Dunlop, C. M. Radaelli, & P. Trein, *Learning in Public Policy. Analysis, Modes and Outcomes*. (pp. 1–26). Palgrave Macmillan UK.
- Dussauge-Laguna, M. I. (2012). The neglected dimension: Bringing time back into cross-national policy transfer studies. *Policy Studies*, 33(6), 567–585. <https://doi.org/10.1080/01442872.2012.728900>
- Easterby-Smith, M., Crossan, M., & Nicolini, D. (2000). Organisational Learning: Debates Past, Present And Future. *Journal of Management Studies*, 37(6), 783–796. <https://doi.org/10.1111/1467-6486.00203>
- Edelman, M. J. (1985). *The symbolic uses of politics* (Illini books ed). University of Illinois Press.
- Edwards, L. (2009). Testing the Discourse of Declining Policy Capacity: Rail Policy and the Department of Transport. *Australian Journal of Public Administration*, 68(3), 288–302. <https://doi.org/10.1111/j.1467-8500.2009.00640.x>
- Etheredge, L. S. (1981). Government Learning. In S. L. Long, *The Handbook of Political Behavior. Volume 2*. (pp. 73–161). Springer International Publishing.
- Etheredge, L. S., & Short, J. (1983). Thinking about government learning. *Journal of Management Studies*, 41–58.
- European Commission. (2002). *Action Plan on simplifying and improving the regulatory environment (COM(2002)78)*.
- European Commission. (2005). *Better Regulation for Growth and Jobs in the European Union. COM(2005) 97 final*.
- European Commission. (2008). *COM(2008) 394 final. "Think Small First" A "Small Business Act" for Europe {SEC(2008) 2101} {SEC(2008) 2102}*.
- European Commission. (2011). *COM(2011) 78 final. Review of the 'Small Business Act' for Europe*.
- Falleti, T. G., & Lynch, J. F. (2009). Context and Causal Mechanisms in Political Analysis. *Comparative Political Studies*, 42(9), 1143–1166. <https://doi.org/10.1177/0010414009331724>

- Fawcett, P., & Marsh, D. (2012). Policy Transfer and Policy Success: The Case of the Gateway Review Process (2001–10). *Government and Opposition*, 47(02), 162–185.  
<https://doi.org/10.1111/j.1477-7053.2011.01358.x>
- Fiol, M. C., & Lyles, M. A. (1985). Organisational Learning. *Academy of Management Review*, 10, 803–813.
- Forum Français de la jeunesse. (2013). *Avis numéro 2. De nouvelles politiques en direction des jeunes*.
- Forum Français de la jeunesse. (2014). *Avis numéro 4. Le vote et la participation des jeunes en France*.
- Francesco, F. D. (2012). Diffusion of Regulatory Impact Analysis Among OECD and EU Member States. *Comparative Political Studies*, 45(10), 1277–1305.  
<https://doi.org/10.1177/0010414011434297>
- Francesco, F. D. (2016). Diffusion across OECD Countries. In C. A. Dunlop & C. M. Radaelli (Eds.), *Handbook of Regulatory Impact Assessment* (pp. 271–285). Edward Elgar Publishing.
- Fraundorfer, M. (2017). The Open Government Partnership: Mere Smokescreen or New Paradigm? *Globalizations*, 14(4), 611–626. <https://doi.org/10.1080/14747731.2016.1236463>
- Freeman, J. L., & Stevens, J. P. (1987). A Theoretical and Conceptual Reexamination of Subsystem Politics. *Public Policy and Administration*, 2(1), 9–24.  
<https://doi.org/10.1177/095207678700200102>
- Freeman, R. (2008). *Learning in Public Policy*. Oxford University Press.  
<https://doi.org/10.1093/oxfordhb/9780199548453.003.0017>
- Fritsch, O., Kamkhaji, J. C., & Radaelli, C. M. (2017). Explaining the content of impact assessment in the United Kingdom: Learning across time, sectors, and departments: Impact assessment content in the UK. *Regulation & Governance*, 11(4), 325–342.  
<https://doi.org/10.1111/rego.12129>
- Gains, F., & Stoker, G. (2011). Special advisers and the transmission of ideas from the policy primeval soup. *Policy & Politics*, 39(4), 485–498. <https://doi.org/10.1332/030557310X550169>
- Gilardi, F. (2004). *Spurious and symbolic diffusion of independent regulatory agencies in Western Europe*.
- Gilardi, F. (2010). Who Learns from What in Policy Diffusion Processes? *American Journal of Political Science*, 54(3), 650–666.
- Gilardi, F., & Radaelli, C. M. (2012). *Governance and Learning*. Oxford University Press.  
<https://doi.org/10.1093/oxfordhb/9780199560530.013.0011>
- Goldfinch, S., & Wallis, J. (2010). Two Myths of Convergence in Public Management Reform. *Public Administration*, 88(4), 1099–1115. <https://doi.org/10.1111/j.1467-9299.2010.01848.x>
- Grin, J., & Loeber, A. (2006). Theories of Policy Learning: Agency, Structure, and Change. In F. Fischer, G. J. Miller, & M. S. Sidney (Eds.), *Handbook of Public Policy Analysis* (pp. 201–219). CRC Press.
- Grin, J., & Van de Graaf, H. (1996). Implementation as communicative action. An interpretative understanding of interactions between policy actors and target groups. *Policy Sciences*, 29, 291–319.
- Haas, P. M. (1992). Introduction: Epistemic Communities and International Policy Coordination. *International Organisation*, 46(1), 1–35.
- Hall, P. A. (1993). Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain. *Comparative Politics*, 25(3), 275–296.
- Haunschild, P. R., & Miner, A. S. (1997). Modes of Interorganisational Imitation: The Effects of Outcome Saliency and Uncertainty. *Administrative Science Quarterly*, 42(3), 472.  
<https://doi.org/10.2307/2393735>

- Hecló, H. (1974). *Modern Social Politics in Britain and Sweden: From Relief to Income Maintenance*. Yale University Press.
- Hedberg, B. (1981). How organisations learn and unlearn? In P. C. Nystrom & W. H. Starbuck, *Ndbook of organisational design* (pp. 8–27). Oxford University Press.
- Heidbreder, E. G., Wegrich, K., & Fazekas, M. (2011). *The Double Beat of the Standard Cost Model Adoption Across Europe: How Policy Diffusion and Europeanization Mechanisms Interconnect*. Unpublished Manuscript.
- Heikkilä, T., & Gerlak, A. K. (2013). Building a Conceptual Approach to Collective Learning: Lessons for Public Policy Scholars: Lessons for Public Policy Scholars. *Policy Studies Journal*, 41(3), 484–512. <https://doi.org/10.1111/psj.12026>
- Herweg, N., Huß, C., & Zohlnhöfer, R. (2015). Straightening the three streams: Theorising extensions of the multiple streams framework: Theoretical Refinements of the MSF. *European Journal of Political Research*, 54(3), 435–449. <https://doi.org/10.1111/1475-6765.12089>
- Herweg, N., Zahariadis, N., & Zohlnhöfer, R. (2018). The Multiple Streams Framework: Foundations, Refinements, and Empirical Applications. In C. M. Weible & P. A. Sabatier, *Theories of the Policy Process. Fourth Edition*. (pp. 17–55). Routledge.
- Herweg, N., Zohlnhöfer, R., & Rüb, F. W. (2016). Clarifying the Concept of Policy-Communities in the Multiple-Streams Framework. In *Decision-Making under Ambiguity and Time Constraints: Assessing the Multiple-Streams Framework* (pp. 125–146). ECPR Press.
- Holm Pedersen, L. (2007). Ideas are transformed as they transfer: A comparative study of eco-taxation in Scandinavia. *Journal of European Public Policy*, 14(1), 59–77. <https://doi.org/10.1080/13501760601071653>
- Howlett, M. (2015). Policy analytical capacity: The supply and demand for policy analysis in government. *Policy and Society*, 34(3–4), 173–182. <https://doi.org/10.1016/j.polsoc.2015.09.002>
- Howlett, Michael. (2019). Moving policy implementation theory forward: A multiple streams/critical juncture approach. *Public Policy and Administration*, 34(4), 405–430. <https://doi.org/10.1177/0952076718775791>
- Howlett, Michael, & Cashore, B. (2009). The Dependent Variable Problem in the Study of Policy Change: Understanding Policy Change as a Methodological Problem. *Journal of Comparative Policy Analysis: Research and Practice*, 11(1), 33–46. <https://doi.org/10.1080/13876980802648144>
- Howlett, Michael, & Joshi-Koop, S. (2011). Transnational learning, policy analytical capacity, and environmental policy convergence: Survey results from Canada. *Global Environmental Change*, 21(1), 85–92. <https://doi.org/10.1016/j.gloenvcha.2010.10.002>
- Howlett, Michael, Mukherjee, I., & Koppenjan, J. (2017). Policy learning and policy networks in theory and practice: The role of policy brokers in the Indonesian biodiesel policy network. *Policy and Society*, 36(2), 233–250. <https://doi.org/10.1080/14494035.2017.1321230>
- Howson, C., & Urbach, P. (2005). *Scientific reasoning: The Bayesian approach* (3rd ed). Open Court.
- Huber, W. (2006). Evaluation of European Union cohesion policy: Window-dressing, formal exercise or coordinated learning process? *Regional Studies*, 40(2), 277–280. <https://doi.org/10.1080/00343400600600751>
- Jacob, K., Veit, S., & Hertin, J. (2009). *Gestaltung einer Nachhaltigkeits-prüfung im Rahmen der Gesetzesfolgenabschätzung. Studie der Freien Universität Berlin im Auftrag der Bertelsmann Stiftung v.*

- Jacobs, S. (2016). Towards a simpler and practical approach. In *Handbook of Regulatory Impact Assessment* (pp. 78–92). Edward Elgar Publishing.
- Jann, W., & Wegrich, K. (2019). Generalists and specialists in executive politics: Why ambitious meta-policies so often fail. *Public Administration*, padm.12614. <https://doi.org/10.1111/padm.12614>
- Jenkins-Smith, H. C., Nohrstedt, D., Weible, C. M., & Ingold, K. (2017). The Advocacy Coalition Framework: An Overview of the Research Program. In C. M. Weible & P. A. Sabatier (Eds.), *Theories of the policy process, fourth edition* (pp. 135–171). Westview Press.
- Jenkins-Smith, H. C., & Sabatier, P. A. (1994). Evaluating the Advocacy Coalition Framework. *Journal of Public Policy*, 14(2), 175–203. <https://doi.org/10.1017/S0143814X00007431>
- Jones, M. D., Peterson, H. L., Pierce, J. J., Herweg, N., Bernal, A., Lamberta Raney, H., & Zahariadis, N. (2016). A River Runs Through It: A Multiple Streams Meta-Review: A Multiple Streams Meta-Review. *Policy Studies Journal*, 44(1), 13–36. <https://doi.org/10.1111/psj.12115>
- Kamkhaji, J. C., & Radaelli, C. M. (2017). Crisis, learning and policy change in the European Union. *Journal of European Public Policy*, 24(5), 714–734. <https://doi.org/10.1080/13501763.2016.1164744>
- Karpen, U. (2008). *Gesetzgebung der großen Koalition in der ersten Hälfte des Legislaturperiode des 16. Deutschen Bundestages (2005 bis 2007)*. Fachhochschule des Mittelstands.
- Khan, M. S., & Sharma, S. (2001). IMF Conditionality and Country Ownership of Programs. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.286968>
- Kickert, W. J. M. (Ed.). (2008). *The study of public management in Europe and the US: A comparative analysis of national distinctiveness*. Routledge.
- Kingdon, J. W. (2014). *Agendas, Alternatives, and Public Policies. Updated second edition*. Longman.
- Knill, C. (2005). Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors. *Journal of European Public Policy*, 12(5), 764–774. <https://doi.org/10.1080/13501760500161332>
- Kuenzler, J. (2018). The Hard Case for Learning: Explaining the Diversity of Swiss Tobacco Advertisement Bans. In C. A. Dunlop, C. M. Radaelli, & P. Trein, *Learning in Public Policy. Analysis, Modes and Outcomes* (pp. 267–294). Palgrave Macmillan.
- Kuhlmann, S., & Wollmann, H. (2014). *Introduction to comparative public administration: Administrative systems and reform in Europe*. Edward Elgar.
- Lee, C. K., & Strang, D. (2006). The International Diffusion of Public-Sector Downsizing: Network Emulation and Theory-Driven Learning. *International Organisation*, 60(04). <https://doi.org/10.1017/S0020818306060292>
- Leeuw, F. L. (Ed.). (2000). *Can governments learn? Comparative perspectives on evaluation & organisational learning*. Transaction Publishers.
- Leicester, G. (2007). Policy Learning: Can Government discover the treasure within? *European Journal of Education*, 42(2), 173–184. <https://doi.org/10.1111/j.1465-3435.2007.00296.x>
- Levitt, B., & March, J. G. (1988). Organisational Learning. *Annual Review of Sociology*, 14(1), 319–338. <https://doi.org/10.1146/annurev.so.14.080188.001535>
- Levy, J. S. (1994). Learning and foreign policy: Sweeping a conceptual minefield. *International Organisation*, 48(2), 279–312.
- Lianos, I., & Fazekas, M. (2014). Le patchwork de la pratique des études d’impact en Europe: Proposition de taxinomie. *Revue française d’administration publique*, 149(1), 29. <https://doi.org/10.3917/rfap.149.0029>



- Lianos, I., Fazekas, M., & Karliuk, M. (2016). Cross-National Diffusion in Europe. In C. A. Dunlop & C. M. Radaelli (Eds.), *Handbook of Regulatory Impact Assessment* (pp. 286–303). Edward Elgar Publishing.
- Lianos, I., & Karliuk, M. (2014). L'émergence de l'étude d'impact comme norme de gouvernance en Europe: Genèse, diffusion et acteurs. *Revue française d'administration publique*, 149(1), 5. <https://doi.org/10.3917/rfap.149.0005>
- Lindblom, C. E. (1959). The Science of 'Muddling Through'. *Public Administration Review*, 19(2), 79. <https://doi.org/10.2307/973677>
- Lipshitz, R., Popper, M., & Friedman, V. J. (2002). A Multifacet Model of Organisational Learning. *The Journal of Applied Behavioral Science*, 38(1), 78–98. <https://doi.org/10.1177/0021886302381005>
- Lovell, H. (2016). THE ROLE OF INTERNATIONAL POLICY TRANSFER WITHIN THE MULTIPLE STREAMS APPROACH: THE CASE OF SMART ELECTRICITY METERING IN AUSTRALIA: SMART ELECTRICITY METERING IN AUSTRALIA. *Public Administration*, 94(3), 754–768. <https://doi.org/10.1111/padm.12259>
- Lunn, P. (2014). *Regulatory Policy and Behavioural Economics*. OECD. <https://doi.org/10.1787/9789264207851-en>
- Machamer, P., Darden, L., & Craver, C. F. (2000). Thinking about Mechanisms. *Philosophy of Science*, 67(1), 1–25. <https://doi.org/10.1086/392759>
- Maggetti, M., & Gilardi, F. (2016). Problems (and solutions) in the measurement of policy diffusion mechanisms. *Journal of Public Policy*, 36(1), 87–107. <https://doi.org/10.1017/S0143814X1400035X>
- Mahler, J. (1997). Influences of Organisational Culture on Learning in Public Agencies. *Journal of Public Administration Research and Theory*, 7(4), 519–540. <https://doi.org/10.1093/oxfordjournals.jpart.a024364>
- Mahon, R., & McBride, S. (Eds.). (2008). *The OECD and transnational governance*. UBC Press.
- Mahon, R., & McBride, S. (2009). Standardizing and disseminating knowledge: The role of the OECD in global governance. *European Political Science Review*, 1(1), 83–101. <https://doi.org/10.1017/S1755773909000058>
- Marcussen, M. (2004). Multilateral surveillance and the OECD: playing the idea game. In K. Armingeon & M. Beyeler (Eds.), *The OECD and the European Welfare States* (pp. 13–31). Edward Elgar Publishing.
- Marier, P. (2012). Policy Feedback and Learning. In E. Araral Jr., S. Fritzen, M. Howlett, M. Ramesh, & X. Wu, *The Routledge Handbook of Public Policy*. Routledge.
- Marsh, D., & Evans, M. (2012). Policy transfer: Coming of age and learning from the experience. *Policy Studies*, 33(6), 477–481. <https://doi.org/10.1080/01442872.2012.736795>
- Marsh, D., & Rhodes, R. A. W. (Eds.). (1992). *Policy Networks in British Government*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780198278528.001.0001>
- Marsh, D., & Sharman, J. C. (2009). Policy diffusion and policy transfer. *Policy Studies*, 30(3), 269–288. <https://doi.org/10.1080/01442870902863851>
- May, P. J. (1992). Policy Learning and Failure. *Journal of Public Policy*, 12(4), 331–354.
- Mayring, P. (2000). Qualitative Content Analysis. *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, 1(2), Art. 20.
- Meseguer, C. (2006). Rational Learning and Bounded Learning in the Diffusion of Policy Innovations. *Rationality and Society*, 18(1), 35–66. <https://doi.org/10.1177/1043463106060152>

- Meseguer, C., & Gilardi, F. (2009). What is new in the study of policy diffusion? *Review of International Political Economy*, 16(3), 527–543.  
<https://doi.org/10.1080/09692290802409236>
- Meyer, J. W., & Rowan, B. (1977). Institutionalised Organisations: Formal Structure as Myth and Ceremony. *American Journal of Sociology*, 83(2), 340–363.
- Meyer-Sahling, J.-H., & Yesilkagit, K. (2011). Differential Legacy Effects: Three Propositions on the Impact of Administrative Traditions on Public Administration Reform in Europe East and West. *Journal of European Public Policy*, 18(2), 311–322.  
<https://doi.org/10.1080/13501763.2011.544515>
- Ministère de la cohésion sociale, de la santé et des droits des femmes. (2014). *Mémento. Mieux prendre en compte l'égalité entre les femmes et les hommes dans les études d'impact des projets de loi.*
- Ministère des Affaires sociales, de la Santé et des Droits des Femmes. (2014). *Actes du colloque européen. L'égalité femmes – hommes et la loi: Deux ans d'études d'impact.*
- Mintrom, M., & Norman, P. (2009). Policy Entrepreneurship and Policy Change. *The Policy Studies Journal*, 37(4), 649–667.
- Mintrom, M., & Vergari, S. (1996). Advocacy Coalitions, Policy Entrepreneurs, and Policy Change. *Policy Studies Journal*, 24(3), 420–434. <https://doi.org/10.1111/j.1541-0072.1996.tb01638.x>
- Moynihan, D. P. (2006). AMBIGUITY IN POLICY LESSONS: THE AGENCIFICATION EXPERIENCE. *Public Administration*, 84(4), 1029–1050. <https://doi.org/10.1111/j.1467-9299.2006.00625.x>
- Moynihan, D. P., & Landuyt, N. (2009). How Do Public Organisations Learn? Bridging Cultural and Structural Perspectives. *Public Administration Review*, 69(6), 1097–1105.  
<https://doi.org/10.1111/j.1540-6210.2009.02067.x>
- Moyson, S. (2017). Cognition and policy change: The consistency of policy learning in the advocacy coalition framework. *Policy and Society*, 36(2), 320–344.  
<https://doi.org/10.1080/14494035.2017.1322259>
- Moyson, S., Scholten, P., & Weible, C. M. (2017). Policy learning and policy change: Theorizing their relations from different perspectives. *Policy and Society*, 36(2), 161–177.  
<https://doi.org/10.1080/14494035.2017.1331879>
- Mucciaroni, G. (1992). The Garbage Can Model & the Study of Policy-making: A Critique. *Polity*, 24(3), 459–482. <https://doi.org/10.2307/3235165>
- Mukherjee, I., & Bali, A. S. (2019). Policy effectiveness and capacity: Two sides of the design coin. *Policy Design and Practice*, 2(2), 103–114. <https://doi.org/10.1080/25741292.2019.1632616>
- Natalini, A. (2010). How Italian regulatory policy encounters Europe. *European Political Science Review*, 2(02), 329–350. <https://doi.org/10.1017/S1755773909990312>
- Nationaler Normenkontrollrat. (2009). *Zwischenbilanz. Gut gestartet, Erwartungen erfüllen! Jahresbericht 2009 des Nationalen Normenkontrollrates.*
- Nationaler Normenkontrollrat. (2010). *Qualität durch Transparenz. Mit Bürokratieabbau zu moderner Gesetzgebung. Jahresbericht 2010 des Nationalen Normenkontrollrates.*
- Nationaler Normenkontrollrat. (2011). *Fünf Jahre Bürokratieabbau. Der Weg nach vorn. Jahresbericht 2011 des Nationalen Normenkontrollrates.*
- Nationaler Normenkontrollrat. (2012). *Bessere Gesetzgebung. Bürger, Wirtschaft und Verwaltung spürbar entlasten. Jahresbericht 2012 des Nationalen Normenkontrollrates.*
- Nationaler Normenkontrollrat. (2013). *Kostentransparenz verbessert. Entlastung forcieren. Jahresbericht 2013 des Nationalen Normenkontrollrates.*

- Nationaler Normenkontrollrat. (2014). *Folgekosten ernst nehmen- Chancen nutzen. Jahresbericht 2014 des Nationalen Normenkontrollrates.*
- Nationaler Normenkontrollrat. (2015). *Chancen für Kostenbegrenzung verbessert. Digitale Chancen tatsächlich nutzen! Jahresbericht 2015 des Nationalen Normenkontrollrates.*
- Nationaler Normenkontrollrat. (2016). *10 Jahre NKR – gute Bilanz bei Bürokratieabbau und Folgekostenbegrenzung – alarmierender Rückstand bei E-Government. Jahresbericht 2016 des Nationalen Normenkontrollrates.*
- Nationaler Normenkontrollrat. (2019). *Weniger Bürokratie, bessere Gesetze—Praxis mitdenken, Ergebnisse spürbar machen, Fortschritte einfordern. Jahresbericht 2019 des Nationalen Normenkontrollrates.*
- Newman, J., Cherney, A., & Head, B. W. (2017). Policy capacity and evidence-based policy in the public service. *Public Management Review*, 19(2), 157–174.  
<https://doi.org/10.1080/14719037.2016.1148191>
- Nilsson, M. (2006). The Role of Assessments and Institutions for Policy Learning: A Study on Swedish Climate and Nuclear Policy Formation. *Policy Sciences*, 38(4), 225–249.  
<https://doi.org/10.1007/s11077-006-9006-7>
- Nilsson, M., Jordan, A., Turnpenny, J., Hertin, J., Nykvist, B., & Russel, D. (2008). The use and non-use of policy appraisal tools in public policy-making: An analysis of three European countries and the European Union. *Policy Sciences*, 41(4), 335–355. <https://doi.org/10.1007/s11077-008-9071-1>
- Nohrstedt, D. (2010). Do Advocacy Coalitions Matter? Crisis and Change in Swedish Nuclear Energy Policy. *Journal of Public Administration Research and Theory*, 20(2), 309–333.  
<https://doi.org/10.1093/jopart/mun038>
- Nohrstedt, Daniel. (2005). External shocks and policy change: Three Mile Island and Swedish nuclear energy policy. *Journal of European Public Policy*, 12(6), 1041–1059.  
<https://doi.org/10.1080/13501760500270729>
- OECD. (2005). *OECD Guiding Principles for Regulatory Quality and Performance.*
- OECD (Ed.). (2010a). *Better Regulation in Europe: Germany 2010.* OECD.
- OECD. (2010b). *Better Regulation in Europe: Germany 2010.* OECD Publishing.  
<https://doi.org/10.1787/9789264085886-en>
- OECD (Ed.). (2013a). *Better Regulation in Europe: Italy 2012 (rev. ed., June 2012).* OECD.
- OECD. (2013b). *Better Regulation in Europe: Italy 2012: Revised edition, June 2013.* OECD.  
<https://doi.org/10.1787/9789264204454-en>
- OECD (Ed.). (2014a). *OECD regulatory compliance cost assessment guidance.*
- OECD. (2014b). *OECD Framework for Regulatory Policy Evaluation.* OECD.  
<https://doi.org/10.1787/9789264214453-en>
- OECD. (2015a). *OECD Regulatory Policy Outlook 2015.* OECD Publishing.  
<https://doi.org/10.1787/9789264238770-en>
- OECD. (2015b). *OECD Regulatory Policy Outlook 2015.* OECD.  
<https://doi.org/10.1787/9789264238770-en>
- OECD. (2018). *OECD Regulatory Policy Outlook 2018.* OECD.  
<https://doi.org/10.1787/9789264303072-en>
- OECD. (2019). *Better Regulation Practices across the European Union.* OECD.  
<https://doi.org/10.1787/9789264311732-en>
- OECD Regulatory Policy Committee. (2012). *Recommendation of the Council on Regulatory policy and Governance.*

- Ohemeng, F. L. K. (2017). The Entrepreneurial Bureaucrat. In A. Farazmand (Ed.), *Global Encyclopedia of Public Administration, Public Policy, and Governance* (pp. 1–5). Springer International Publishing. [https://doi.org/10.1007/978-3-319-31816-5\\_666-1](https://doi.org/10.1007/978-3-319-31816-5_666-1)
- Olejarski, A. M., Potter, M., & Morrison, R. L. (2019). Organisational Learning in the Public Sector: Culture, Politics, and Performance. *Public Integrity*, 21(1), 69–85. <https://doi.org/10.1080/10999922.2018.1445411>
- Ongaro, E. (2008). Introduction: The reform of public management in France, Greece, Italy, Portugal and Spain. *International Journal of Public Sector Management*, 21(2), 101–117. <https://doi.org/10.1108/09513550810855618>
- Pagani, F. (2002). Peer review as a tool for cooperation and change: An analysis of an OECD working method. *African Security Review*, 11(4), 15–24. <https://doi.org/10.1080/10246029.2002.9628141>
- Painter, M., & Peters, B. G. (2010). *Tradition and public administration*. Palgrave Macmillan. <http://public.eblib.com/choice/publicfullrecord.aspx?p=667955>
- Painter, M., & Pierre, J. (Eds.). (2005). *Challenges to state policy capacity: Global trends and comparative perspectives*. Palgrave Macmillan.
- Palys, T. (2008). Purposive Sampling. In L. M. Given (Ed.), *The SAGE Encyclopedia of Qualitative Resear* (Vol. 2). SAGE Publishing.
- Parlamentarischer Beirat für nachhaltige Entwicklung. (2004). *Stellungnahme zum Fortschrittsbericht 2004 der Nationalen Nachhaltigkeitsstrategie der Bundesregierung (BT-Drs. 15/4100)*.
- Parlamentarischer Beirat für nachhaltige Entwicklung. (2008). *Beschlussvorlage Nachhaltigkeitsprüfung in der GGO. Empfehlung des Parlamentarischen Beirats für nachhaltige Entwicklung*.
- Parsons, C. (2002). Showing Ideas as Causes: The Origins of the European Union. *International Organisation*, 56(1), 47–84. <https://doi.org/10.1162/002081802753485133>
- Pattyn, V., & Brans, M. (2015). Organisational analytical capacity: Policy evaluation in Belgium. *Policy and Society*, 34(3–4), 183–196. <https://doi.org/10.1016/j.polsoc.2015.09.009>
- Peci, A., & Sobral, F. (2011). Regulatory Impact Assessment: How political and organisational forces influence its diffusion in a developing country: Regulatory Impact Assessment diffusion in a developing country. *Regulation & Governance*, 5(2), 204–220. <https://doi.org/10.1111/j.1748-5991.2011.01105.x>
- Pemberton, H. (2000). Policy Networks and Policy Learning UK Economic Policy in the 1960s and 1970s. *Public Administration*, 78(4), 771–792.
- Pemberton, H. (2003). Learning, Governance and Economic Policy <sup/>. *The British Journal of Politics and International Relations*, 5(4), 500–524. <https://doi.org/10.1111/1467-856X.00117>
- Pollitt, C. (2001). Convergence: The Useful Myth? *Public Administration*, 79(4), 933–947. <https://doi.org/10.1111/1467-9299.00287>
- Pollitt, C., & Bouckaert, G. (2011). *Public management reform: A comparative analysis: new public management, governance, and the neo-Weberian state* (3rd ed). Oxford University Press.
- Presidenza del Consiglio. (2013). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2012), Doc. LXXXIII, n. 1*.
- Presidenza del Consiglio. (2015). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2014), Doc. LXXXIII, n. 3*.
- Presidenza del Consiglio. (2016). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2015), Doc. LXXXIII, n. 4*.

- Presidenza del Consiglio. (2018). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2017)*, Doc. LXXXIII, n. 1.
- Presidenza del Consiglio. (2019). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2018)*, Doc. LXXXIII, n. 2.
- Pressman, J. L., & Wildavsky, A. (1984). *Implementation: How great expectations in Washington are dashed in Oakland* (3. ed). Univ. of California Press.
- Radaelli, C. M. (2004). The diffusion of regulatory impact analysis—Best practice or lesson-drawing? *European Journal of Political Research*, 43(5), 723–747. <https://doi.org/10.1111/j.0304-4130.2004.00172.x>
- Radaelli, C. M. (2005). Diffusion without convergence: How political context shapes the adoption of regulatory impact assessment. *Journal of European Public Policy*, 12(5), 924–943. <https://doi.org/10.1080/13501760500161621>
- Radaelli, C. M. (2009). Measuring policy learning: Regulatory impact assessment in Europe. *Journal of European Public Policy*, 16(8), 1145–1164. <https://doi.org/10.1080/13501760903332647>
- Radaelli, C. M. (2010). Rationality, Power, Management and Symbols: Four Images of Regulatory Impact Assessment. *Scandinavian Political Studies*, 33(2), 164–188. <https://doi.org/10.1111/j.1467-9477.2009.00245.x>
- Radaelli, C. M., & Dunlop, C. A. (2013). Learning in the European Union: Theoretical lenses and meta-theory. *Journal of European Public Policy*, 20(6), 923–940. <https://doi.org/10.1080/13501763.2013.781832>
- Ragin, C. C. (2000). *Fuzzy-set social science*. University of Chicago Press.
- Ragin, C. C. (2008). *Redesigning social inquiry: Fuzzy sets and beyond*. University of Chicago Press.
- Rashman, L., Withers, E., & Hartley, J. (2009). Organisational learning and knowledge in public service organisations: A systematic review of the literature. *International Journal of Management Reviews*, 11(4), 463–494. <https://doi.org/10.1111/j.1468-2370.2009.00257.x>
- Rawat, P., & Morris, J. C. (2016). Kingdon's "Streams" Model at Thirty: Still Relevant in the 21st Century?: KINGDON'S "Streams" MODEL AT 30. *Politics & Policy*, 44(4), 608–638. <https://doi.org/10.1111/polp.12168>
- Renda, A. (2006). *Impact assessment in the EU: The state of the art and the art of the state*. Centre for European Policy Studies.
- Renda, A. (2011). *Law and economics in the RIA world: Improving the use of economic analysis in public policy and legislation*. Intersentia.
- Renda, A. (2016). European Union. In C. A. Dunlop & C. M. Radaelli (Eds.), *Handbook of Regulatory Impact Assessment* (pp. 304–318). Edward Elgar Publishing.
- Reykers, Y., & Beach, D. (2017). Process tracing as a Tool to Analyse Discretion. In T. Delreux & J. Adriaensen (Eds.), *The Principal Agent Model and the European Union* (pp. 255–281). Springer International Publishing. [https://doi.org/10.1007/978-3-319-55137-1\\_11](https://doi.org/10.1007/978-3-319-55137-1_11)
- Ritter, A., Hughes, C. E., Lancaster, K., & Hoppe, R. (2018). Using the Advocacy Coalition Framework and Multiple Streams policy theories to examine the role of evidence, research and other types of knowledge in drug policy. *Addiction*, 113(8), 1539–1547. <https://doi.org/10.1111/add.14197>
- Roberts, N. C. (1992). Roberts: Public Entrepreneurship and Innovation. *Review of Policy Research*, 11(1), 55–74. <https://doi.org/10.1111/j.1541-1338.1992.tb00332.x>
- Roberts, N. C., & King, P. J. (1991). Policy Entrepreneurs: Their Activity Structure and Function in the Policy Process. *Journal of Public Administration Research and Theory*. <https://doi.org/10.1093/oxfordjournals.jpart.a037081>

- Robinson, S. E., & Eller, W. S. (2010). Participation in Policy Streams: Testing the Separation of Problems and Solutions in Subnational Policy Systems: Robinson/Eller: Participation in Policy Streams. *Policy Studies Journal*, 38(2), 199–216. <https://doi.org/10.1111/j.1541-0072.2010.00358.x>
- Rogers, E. M. (1983). *Diffusion of innovations* (3rd ed). Free Press ; Collier Macmillan.
- Rohlfing, I. (2014). Comparative Hypothesis Testing Via Process Tracing. *Sociological Methods & Research*, 43(4), 606–642. <https://doi.org/10.1177/0049124113503142>
- Rose, R. (1991). What is Lesson-Drawing? *Journal of Public Policy*, 11(01), 3. <https://doi.org/10.1017/S0143814X00004918>
- Rose-Ackerman, S., & Perroud, T. (2014). Les études d'impact et l'analyse « coûts-avantages »: Modèles américains et traditions juridiques françaises. *Revue française d'administration publique*, 149(1), 105. <https://doi.org/10.3917/rfap.149.0105>
- Sabatier, P. A. (1988). An advocacy coalition framework of policy change and the role of policy-oriented learning therein. *Policy Sciences*, 21(2–3), 129–168. <https://doi.org/10.1007/BF00136406>
- Sabatier, P. A., & Weible, C. M. (2006). A Guide to the Advocacy Coalition Framework. In F. Fischer, G. Miller, & M. S. Sidney (Eds.), *Handbook of Public Policy Analysis* (pp. 123–136). CRC Press.
- Sabatier, P. A., & Weible, C. M. (2007). The Advocacy Coalition Framework: Innovations and Clarifications. In *Theories of the Policy Process* (Vol. 2, pp. 189–220).
- Sachverständigenrat für Umweltfragen (SRU). (2008). *Gutachten des Sachverständigenrats für Umweltfragen*.
- Sahlin, K., & Wedlin, L. (2008). Chapter 8: Circulating Ideas: Imitation, Translation and Editing. In R. Greenwood, C. Oliver, R. Suddaby, & K. Sahlin (Eds.), *The SAGE Handbook of Organisational Institutionalism* (SAGE Publications Ltd, pp. 218–242).
- Sapeha, H., Wellstead, A. M., & Evans, B. (2019). Peering into the black box of government policy work: The challenge of governance and policy capacity. *Canadian Political Science Review*, 23(1), 1–33.
- Schneider, M., Teske, P. E., & Mintrom, M. (1995). *Public entrepreneurs: Agents for change in American government*. Princeton University Press.
- Schnell, S. (2015). Mimicry, Persuasion, or Learning? The Case of Two Transparency and Anti-Corruption Policies in Romania: Mimicry, Persuasion, or Learning: TAC in Romania. *Public Administration and Development*, 35(4), 277–287. <https://doi.org/10.1002/pad.1721>
- Secrétariat général du gouvernement, & Ministère de la ville, de la jeunesse et des sports. (2016). *Mémento. L'évaluation de l'impact sur la jeunesse des projets de lois et des textes réglementaires. « La clause d'impact jeunesse »*.
- Simon, H. A. (1991). Bounded Rationality and Organisational Learning. *Organisation Science*, 2(1), 125–134. <https://doi.org/10.1287/orsc.2.1.125>
- Skaaning, S.-E. (2011). Assessing the Robustness of Crisp-set and Fuzzy-set QCA Results. *Sociological Methods & Research*, 40(2), 391–408. <https://doi.org/10.1177/0049124111404818>
- Smith, M. J. (2011). Tsars, leadership and innovation in the public sector. *Policy & Politics*, 39(3), 343–359. <https://doi.org/10.1332/030557310X520289>
- Staroňová, K. (2010). Regulatory Impact Assessment: Formal Institutionalisation and Practice. *Journal of Public Policy*, 30(01), 117. <https://doi.org/10.1017/S0143814X09990201>
- Staroňová, K. (2017). Comparing the Roles of Regulatory Oversight Bodies in Central and Eastern European Countries. *European Journal of Risk Regulation*, 8(4), 723–742. <https://doi.org/10.1017/err.2017.56>

- Statistisches Bundesamt. (2012). *Leitfaden zur Ermittlung und Darstellung des Erfüllungsaufwands in Regelungsvorhaben der Bundesregierung*.
- Stehr, N., & Grundmann, R. (2014). *Experts: The knowledge and power of expertise*.
- Stone, D. (2004). Transfer agents and global networks in the 'transnationalization' of policy. *Journal of European Public Policy*, 11(3), 545–566. <https://doi.org/10.1080/13501760410001694291>
- Stone, D. (2012). Transfer and translation of policy. *Policy Studies*, 33(6), 483–499. <https://doi.org/10.1080/01442872.2012.695933>
- Tansey, O. (2007). Process Tracing and Elite Interviewing: A Case for Non-probability Sampling. *PS: Political Science & Politics*, 40(04), 765–772. <https://doi.org/10.1017/S1049096507071211>
- Teodoro, M. P. (2009). Bureaucratic Job Mobility and The Diffusion of Innovations. *American Journal of Political Science*, 53(1), 175–189. <https://doi.org/10.1111/j.1540-5907.2008.00364.x>
- Teske, P., & Schneider, M. (1994). The Bureaucratic Entrepreneur: The Case of City Managers. *Public Administration Review*, 54(4), 331. <https://doi.org/10.2307/977380>
- Tödtling, F., & Trippel, M. (2005). One size fits all? Owards a Differentiated Regional Innovation Policy Approach. *Research Policy*, 34(8), 1203–1219. <https://doi.org/10.1016/j.respol.2005.01.018>
- Trampusch, C., & Palier, B. (2016). Between X and Y: How process tracing contributes to opening the black box of causality. *New Political Economy*, 21(5), 437–454. <https://doi.org/10.1080/13563467.2015.1134465>
- Trein, P. (2018). Median Problem Pressure and Policy Learning: An Exploratory Analysis of European Countries. In C. A. Dunlop, C. M. Radaelli, & P. Trein (Eds.), *Learning in Public Policy* (pp. 243–266). Springer International Publishing. [https://doi.org/10.1007/978-3-319-76210-4\\_11](https://doi.org/10.1007/978-3-319-76210-4_11)
- Turnpenney, J., Nilsson, M., Russel, D., Jordan, A., Hertin, J., & Nykvist, B. (2008). Why is integrating policy assessment so hard? A comparative analysis of the institutional capacities and constraints. *Journal of Environmental Planning and Management*, 51(6), 759–775. <https://doi.org/10.1080/09640560802423541>
- United Nations. (2002). *United Nations Report of the World Summit on Sustainable Development Johannesburg, South Africa, 26 August- 4 September 2002 (A/CONF.199/20)*.
- Veit, S. (2010). *Bessere Gesetze durch Folgenabschätzung?* VS Verlag für Sozialwissenschaften. <https://doi.org/10.1007/978-3-531-92191-4>
- Walker, J. L. (1989). Introduction: Policy Communities as a Global Phenomena. *Governance*, 2(1), 1–4. <https://doi.org/10.1111/j.1468-0491.1989.tb00077.x>
- Walt, G., Lush, L., & Ogden, J. (2004). International Organisations in Transfer of Infectious Diseases: Iterative Loops of Adoption, Adaptation, and Marketing. *Governance*, 17(2), 189–210. <https://doi.org/10.1111/j.1468-0491.2004.00243.x>
- Wegrich, K. (2009). *The administrative burden reduction policy boom in Europe: Comparing mechanism of policy diffusion*. CARR.
- Wegrich, K. (2013). Regulatory Impact Assessment: Ambition, Design and Politics. In D. Levi Faur, *Handbook on the Politics of Regulation*. Edward Elgar Publishing.
- Wegrich, K., & Jann, W. (2006). Theories of the Policy Cycle. In F. Fischer & G. J. Miller (Eds.), *Handbook of Public Policy Analysis: Theory, Politics, and Methods*. CRC Press.
- Weible, C. M. (2008). Expert-Based Information and Policy Subsystems: A Review and Synthesis. *Policy Studies Journal*, 36(4), 615–635. <https://doi.org/10.1111/j.1541-0072.2008.00287.x>
- Weiss, C. H. (1993). Where Politics and Evaluation Research Meet. *American Journal of Evaluation*, 14(1), 93–106. <https://doi.org/10.1177/109821409301400119>
- Wenger, E. (2008). *Communities of practice: Learning, meaning, and identity*. Cambridge Univ. Press.

- Weyland, K. (2005). Theories of Policy Diffusion Lessons from Latin American Pension Reform. *World Politics*, 57(2), 262–295. <https://doi.org/10.1353/wp.2005.0019>
- Weyland, K. (2006). *Bounded Rationality and Policy Diffusion*. Princeton University Press. <http://www.jstor.org/stable/j.ctt7rsvd>
- Weyland, K. G. (Ed.). (2004). *Learning from foreign models in Latin American policy reform*. Woodrow Wilson Center Press ; Johns Hopkins University Press.
- Wiener, J. B. (2006). Better Regulation in Europe. *Current Legal Problems*, 59(1), 447–518. <https://doi.org/10.1093/clp/59.1.447>
- Wu, X., Ramesh, M., & Howlett, M. (2015). Policy capacity: A conceptual framework for understanding policy competences and capabilities. *Policy and Society*, 34(3–4), 165–171. <https://doi.org/10.1016/j.polsoc.2015.09.001>
- Yesilkagit, K. (2010). The Future of Administrative Tradition: Tradition as Ideas and Structure. In M. Painter & B. G. Peters (Eds.), *Tradition and Public Administration* (pp. 145–157). Palgrave Macmillan UK. [https://doi.org/10.1057/9780230289635\\_11](https://doi.org/10.1057/9780230289635_11)
- Zahariadis, N. (1992). To Sell or Not to Sell? Telecommunications Policy in Britain and France. *Journal of Public Policy*, 12(4), 355–376. <https://doi.org/10.1017/S0143814X00005614>
- Zahariadis, N. (2014). Ambiguity and Multiple Streams. In P. A. Sabatier & C. M. Weible (Eds.), *Third Edition. Theories of the Policy Process* (pp. 25–57). Westview Press.
- Zohlnhöfer, R. (2016). Putting Together the Pieces of the Puzzle: Explaining German Labor Market Reforms with a Modified Multiple-Streams Approach: Explaining German Labor Market Reforms. *Policy Studies Journal*, 44(1), 83–107. <https://doi.org/10.1111/psj.12135>



# ANNEXES

## Annex 1: Operationalisation of the causal mechanisms

	Symbolic politics	Power-oriented learning	Problem oriented-learning
Cause	Transnational organisations or policy networks exert normative pressure on government.	Competition over the formulation of policies.	Domestic actors/communities recognise a problem.
Indicators	<ul style="list-style-type: none"> <li>Standards developed by transnational organisations/within transnational policy networks.</li> <li>Recommendations to adopt a policy change (either general or specifically addressed to country).</li> <li>Contacts between transnational organisations or networks and the actors involved in the policy change (travel abroad, mission, participation in conferences etc.)</li> <li>Transnational diffusion of the policy change beyond “early adopters” (i.e, a majority of EU or OECD countries have already adopted the innovation).</li> <li>Timing of the change (following the adoption of standards, recommendations, the adoption of the reform by neighbouring countries or models etc.)</li> </ul>	<ul style="list-style-type: none"> <li>Account that certain organisations or communities wanted to increase their control over the policy process and/or raise the attention towards a policy issue.</li> <li>Other attempts by the same members of the organisations or communities to draw attention over a specific policy issue or increase their control over the policy process.</li> <li>Evidence of turf wars between the departments where the policy initiative originated and other departments.</li> </ul>	<ul style="list-style-type: none"> <li>Negative feedback about the implementation of IA: <ul style="list-style-type: none"> <li>Written or oral account that individuals or a group of individuals involved in the policy formulation process had a prior negative experience with impact assessment.</li> <li>Document evaluating the implementation of IA highlighting problems in the design or the implementation of IA.</li> <li>Introductory part of the new regulation or guidelines adopted justifying the policy change by problems in the design or the implementation of IA.</li> <li>Meeting with practitioners or policy-makers raising complaints about the design or the implementation of IA.</li> <li>Indicators showing the ineffectiveness of IA: for instance indicators that the administrative</li> </ul> </li> </ul>

			<p>burden is increasing, showing the ineffectiveness of IA in reducing the administrative burden.</p> <ul style="list-style-type: none"> <li>• Negative feedback on other policies.</li> <li>• “New” perceived problem: <ul style="list-style-type: none"> <li>- Publication of negative indicators.</li> <li>- Focusing event.</li> </ul> </li> <li>• Account that this negative feedback or new problem raised the attention of the members of the government or policy networks later involved in the knowledge acquisition phase.</li> </ul>
<b>Process of selection of policy alternatives &amp; Motive of policy entrepreneur(s)</b>	<p>Domestic actors/communities emulate existing norms and professional standards. Motive: securing legitimacy.</p>	<p>Domestic actors/communities acquire and translate knowledge on potential policy solutions to reach their strategic goal. Motive: exerting control over the policy process/policy formulation, drawing attention to a policy.</p>	<p>Domestic actors/communities acquire and translate knowledge on the policy problem and potential policy solutions. Motive: improving policy performance, redefining the goal or scope of a policy.</p>
Indicators	<ul style="list-style-type: none"> <li>• No definition of policy problems or goals by the actors involved in the policy change at the domestic level.</li> <li>• Copying of existing norms and standards with limited national adaptations.</li> <li>• No activities of acquisition of knowledge by the actors involved in the policy change.</li> </ul>	<ul style="list-style-type: none"> <li>• Activities of acquisition of knowledge <ul style="list-style-type: none"> <li>- Domestic actors/communities commission a study to external experts about solutions to raise attention to specific issues etc.</li> <li>- Domestic actors/communities meet with experts, practitioners, officials from other countries: auditions, one to one meetings,</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Activities of acquisition of knowledge <ul style="list-style-type: none"> <li>- Domestic actors/communities commission a study to external experts to evaluate the experience with IA of their own country, of other countries, to draft policy proposals etc.</li> <li>- Domestic actors/communities write and eventually publish a study/report to evaluate the</li> </ul> </li> </ul>

		<p>field trip, round tables, workshops etc.</p> <ul style="list-style-type: none"> <li>- Domestic actors/communities receive information from experts such as a report, the organisation of a conference etc.</li> <li>- Domestic actors/communities have previous experience of IA.</li> <li>• Evidence that looked for other policy alternatives and/or did they adopt complementary policy alternatives to reach the same goal.</li> <li>• Content of learning: Account that IA was identified as a tool to draw attention to a policy issue or increase control over the policy process.</li> </ul>	<p>experience with IA of the their own country, of other countries, to draft policy proposals etc.;</p> <ul style="list-style-type: none"> <li>- Domestic actors/communities meet with experts, practitioners, officials from other countries: auditions, one to one meetings, field trip, round tables, workshops etc.</li> <li>- Domestic actors/communities receive information from experts such as a report, the organisation of a conference etc.</li> <li>• Content of learning: account or trace of members of government or policy networks looking for knowledge on the policy problem and for potential policy solutions.</li> </ul>
<b>Process of agenda-setting</b>	N.A. (see cause)	Policy entrepreneurs seek to draw the attention of policy-makers and convince them to adopt the change.	Policy entrepreneurs seek to draw the attention of policy-makers to the problem and convince them to adopt the change.
Indicators	N.A.	<ul style="list-style-type: none"> <li>• Opening of a window in the political stream: elections, change of government.</li> <li>• Dissemination activities by entrepreneurs: publication of a report, a conference, a press release or a speech.</li> <li>• Entrepreneurs drafting policy proposals or regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• Dissemination activities by entrepreneurs: publication of a report, a conference, a press release or a speech.</li> <li>• Entrepreneurs drafting policy proposals or regulations.</li> <li>• Access/contact to policy-makers involved in the change directly or via an intermediary such as a policy advisor.</li> </ul>

		<ul style="list-style-type: none"> <li>• Access/contact to policy-makers involved in the change directly or via an intermediary such as a policy advisor.</li> </ul>	
<b>Policy adoption</b>	The policy is adopted.	The policy is adopted.	The policy is adopted.
	<ul style="list-style-type: none"> <li>• Updating the goals, scope, institutions, process, methods, tools of IA.</li> <li>• Reference to transnational standards and norms and adoption of the policy change by other countries in the regulation adopted to reform IA or accompanying documents.</li> <li>• Close similarity between the policy change and the ideas promoted by transnational organisations and policy networks.</li> </ul>	<ul style="list-style-type: none"> <li>• Updating the goals, scope, institutions, process, methods, tools of IA.</li> <li>• Evidence or account that policy-makers adopted the policy idea after contacts with entrepreneurs.</li> <li>• Close similarity between the policy change and the ideas promoted by the policy entrepreneurs/policy proposal of the entrepreneurs.</li> <li>• Evidence that the change increases the control of learners over the policy process.</li> </ul>	<ul style="list-style-type: none"> <li>• Updating the goals, scope, institutions, process, methods, tools of IA.</li> <li>• Evidence or account that policy-makers adopted the policy idea after contacts with entrepreneurs.</li> <li>• Close similarity between the policy change and the ideas promoted by the policy entrepreneurs/policy proposal of the entrepreneurs.</li> <li>• Policy change justified in documents as a response to the identified policy problem.</li> </ul>
<b>Policy implementation</b>	Limited implementation of the policy.	Implementation of the policy.	Implementation of the policy.
	<ul style="list-style-type: none"> <li>• Absence of discussions at the political or administrative level about how to implement the policy change.</li> <li>• Lack of administrative or political measures taken to ensure implementation, such as method</li> </ul>	<ul style="list-style-type: none"> <li>• Discussions at the political or administrative level about how to implement the policy change.</li> <li>• Administrative or political measures taken to ensure implementation such as guidelines, training, effective</li> </ul>	<ul style="list-style-type: none"> <li>• Discussions at the political or administrative level about how to implement the policy change.</li> <li>• Administrative or political measures taken to ensure implementation such as guidelines, training, effective control</li> </ul>

	<p>guidelines, training, processes to control the implementation.</p> <ul style="list-style-type: none"> <li>• Accounts by bureaucrats and domestic policy actors that the reform has not been enforced.</li> </ul>	<p>control process, sanctions for non-compliance etc.</p> <ul style="list-style-type: none"> <li>• Accounts by bureaucrats and domestic policy actors that the reform has been enforced.</li> </ul>	<p>process, sanctions for non-compliance etc.</p> <ul style="list-style-type: none"> <li>• Accounts by bureaucrats and domestic policy actors that the reform has been enforced.</li> </ul>
--	---	---	---

## Annex 2: List of cases

---

Code	Country	Date	Name of the case
FR1	France	2012	Introduction of the obligation to assess the impact of draft bills on gender equality
FR2	France	2012	Introduction of the obligation to assess the inclusion of measures for people with disabilities
FR3	France	2016	Introduction of the obligation to assess the impact of draft bills on youth
DE1	Germany	2009	Introduction of the “sustainability check”
DE2	Germany	2011	Evaluation of compliance costs and extension of the mandate of the National Regulatory Council
DE3	Germany	2015	Introduction of the “One in, one out” principle
DE4	Germany	2015	Introduction of guidelines on the “SME test”
IT1	Italy	2011	Measurement of the administrative costs and introduction of the SME test in IA
IT2	Italy	2017/2018	Modification of the regulation on impact assessment

### Annex 3: List of interviews

Code	Organisation	Date	Place	Coded	Cases/topics
FR1	State Council	22.09.2018	Paris	No	History of IA
FR2	Economic and Social Council	23.09.2018	Paris	No	Implementation of IA
FR3	Senate	24.09.2018	Paris	No	Implementation of IA
FR4	State Council	24.09.2018	Paris	No	History of IA
FR5	Senate	17.12.2018	Paris	No	Implementation of IA
FR6	General Secretariat of the government (former member)	12.03.2020	Phone interview	Yes	FR1, FR2, FR3
FR7	Ministry of Women's rights (former member cabinet)	31.03.2020	Phone interview	Yes	FR1, FR3
FR8	Youth organisation	05.06.2020	Phone interview	Yes	FR3
FR9	Ministry for youth (former member cabinet)	30.06.2020	Phone interview	Yes	FR3
FR10	Ministry of Education, Directorate in charge of youth	19.08.2020	Phone interview	Yes	FR3
DE1	National Regulatory Council	04.02.2020	Berlin	Yes	DE3, DE4
DE2	National Regulatory Council	04.02.2020	Berlin	Yes	DE2, DE3, DE4
DE3	Ministry of the Interior	12.02.2020	Berlin	No	Implementation of IA
DE4	University	28.02.2020	Phone interview	Yes	DE4
DE5	Bundestag	27.02.2020	Phone interview	Yes	DE2
DE6	University	13.04.2020	Phone interview	Yes	DE1
DE7	Advisory Council on the Environment	03.06.2020	Phone interview	Yes	DE1
DE8	Federal Ministry of the Environment	08.07.2020	Phone interview	Yes	DE1
DE9	Business association	14.07.2020	Phone interview	Yes	DE3, DE4, implementation of IA
DE10	Federal Chancellery	01.12.2017	Berlin	No recording	DE3, history of IA, implementation of IA
IT1	Chamber of deputies	19.03.2019	Rome	No	Implementation of IA
IT2	Osservatorio AIR	19.03.2019	Rome	Yes	IT2, implementation of IA
IT3	Presidency of the Council of Ministries, Department for legal affairs (DAGL)	21.03.2019	Rome	Yes	IT2, implementation of IA
IT4	Senate	21.03.2019	Rome	No	Implementation of IA
IT5	State Council	21.03.2019	Rome	Yes	History of IA, Implementation of IA
IT6	Senate	21.03.2019	Rome	No recording	IT2, implementation of IA



#### Annex 4: Coding scheme

No.	Category	Definition	Example
<b>Rationale of IA</b>			
1	Transparency and participation	The rationale for conducting impact assessment is promoting the transparency and inclusiveness in decision-making processes, participatory processes (for instance co-construction or consultation), communicating on public policies and decision-making, increasing the acceptance and legitimacy of regulations.	“The examination of the constitutionality, form, legislative consequences and comprehensibility of draft regulations is a tried and tested instrument (...) The transparency of the legislative process and its results is also gaining in importance for the social acceptance of the law. This is why we need further requirements for the preparation of draft regulations and their justifications.” (DE2)
2	Rational policy-making	The rationale for conducting impact assessment is improving the information of policy-makers and mandarins to based decisions on evidence and 'objective' data (for instance by quantifying cost-benefits or comparing policy options). The rationale for impact assessment is also the rationalisation of decision-making processes and the planning of government work.	“As analytical instrument, the sustainability check can be used to establish technical principles, to work towards identifying synergies and conflicts between goals, and to look at unintended and long-term consequences. This supports the idea that more knowledge about sustainability effects leads to a stronger respect for the goals of sustainable development when drafting sectoral regulations and thus leads to better political decisions.” (DE1)
3	Economic rationale	The rationale for conducting impact assessment is fostering the economic development, better taking into account the impact of regulation on economic actors or economic development (for instance on competitiveness, SMEs etc.)	“The reduction of the burden of bureaucracy and improvement of regulation are central prerequisites for good framework conditions and a strengthening of the economy. Reducing bureaucracy has an economic impact and gives impetus for growth and investment in Germany.” (DE3)

4	Regulatory quality	The rationale for conducting impact assessment is ensuring the quality of regulation. This includes legal security, clear and sound formulation of the law, increased attention to stakeholders and the attainment of the goals of regulation, the effectiveness of regulation/public policies.	"The guidelines provide technical and operational information to state administrations for the implementation of instruments for the quality of regulation, necessary to improve the effectiveness, the efficiency and the transparency of public decisions." (IT2)
5	Debureaucratization	The rationale for conducting impact assessment is controlling or limiting the quantity or the burden of regulation on domestic actors (businesses, citizens, administrations).	"With the work program Better Regulation 2014, the Federal Government decided to noticeably reduce the burdens that are created by new laws and regulations for everyone. The aim is to reduce the so-called compliance costs and to improve the legislative process." (DE2)
6	Mainstreaming a policy	The rationale for conducting impact assessment is 'mainstreaming' an issue, i.e. integrating an issue or a policy in all regulatory and impact assessment processes. For instance 'gender mainstreaming', i.e. taking into account the gender dimension in all public policies.	"The so-called "integrated" approach to equality refers to the principle of "gender mainstreaming", adopted during the Fourth World Conference on Women in Beijing in 1995. The aim is to place equality between women and men at the heart of the priorities of all public policies and to establish a methodology to take into account the principle of equality in all areas and at all stages of public action." (FR1)
<b>Goals of policy change</b>			
7	Changing policy rationale	The goal of the policy change is to change the goal or the rationale of impact assessment in the country. For instance to focus on sustainability rather than the burden of regulation.	"The central aim of the sustainability check is to align new legislative proposals from the various policy areas more closely than before to the goals of sustainable development." (DE1)
8	Securing legitimacy	The goal of the policy change is to secure legitimacy for policy-makers.	"To illustrate the priority awarded to youth in its action, the government has decided to evaluate the impact that draft laws and regulations may have on the youth." (FR3)

9	Drawing attention to idea or problem	The goal of the policy change is to draw attention to an idea or a problem.	"The aim is to raise the awareness of ministerial officials and politicians, particularly with regard to long-term legal consequences." (DE1)
10	Increasing control over the policy process	The goal of the policy change for specific policy actors is to increase their control over the policy-making process. For instance a specific ministry or the parliament aims at gaining control over the formulation of regulations.	"It's the same logic, we have to mark our territory, to give a particular imprint as we had become again a ministry and it is a ministry of full exercise. And then we relied a lot on the fact that we were spokespersons for the government. Because we were trying to influence all public policies in order to address at the same time our concerns as government spokesperson and Minister for Women's Rights." (FR3)
11	Improving performance of IA or policy-making process	The goal of the policy change is to improve the performance of impact assessment or of the policy-making process in general.	"To solve one of the problems that emerged during the implementation of the current rules, meaning the excessive number of IA to write each year (end the resulting difficulties to ensure a high quality of the analysis produced within a limited timeframe), the criteria for the selection of the regulations that are the subject of an IA are considerably revised." (IT2)
12	Improving performance of other policy	The goal of the policy change is to improve the performance of specific policies, for instance social or environmental policies.	"This method [the youth check] aims at preventing negative impacts on the youth today and/or on the mid/long-term and to foresee corrective measures when necessary." (FR3)
<b>Cause of policy change</b>			
13	Normative pressure from international organisations	Pressure from international or transnational organisations (for instance the EU or the OECD) in the form of standards, recommendations, best practices etc. is perceived as a/the cause of the policy change.	"The principles of the said law (...) aim at guaranteeing the full implementation of the communication of the European Commission COM (2008) 394 (...) and the coherence of the norms adopted by the state and the with the European Union measures on concrete application of the same." (IT1)

14	Competition over policy process	Domestic actors compete to increase their influence over the formulation and adoption of policies.	“Interministerial work is first and foremost a struggle. One has to fight, and when it comes to women's rights you have to go on others' territory. Because you don't have any, because your only portfolio is - we can't say it's only women, it's 50% of the population - but your portfolio is the 8th March. This is the only subject that nobody takes from you and for which you are identified. But the rest, if you don't go get it, it doesn't come to you.” (FR1)
15	Problem definition-design of IA	Domestic or transnational actors perceive a problem in the design of impact assessments at the domestic level. This includes for instance: the scope of IA is too broad or too narrow, there is a lack of standards or guidelines, a lack of controls/sanctions, a lack of expertise, an insufficient integration in policy process by design, a fragmented approach to IA etc.	“The reasons of necessity and urgency that involve the adoption of the decree-laws have so far justified the exemption of the decree-laws from the IA. As is well known, however, not only has the use of this source increased sharply over the years, but the rules thus introduced often have a significant impact on citizens and businesses.”
16	Problem definition-implementation of IA	Domestic or transnational actors perceive a problem in the implementation of impact assessments. This includes for instance: a lack of/delay in implementation, the insufficient quality of the analysis, the fact that IAs are not used for decision-making, the lack of evaluation culture, political or administrative resistances, the insufficient integration in policy processes in practice.	“In retrospect, the first half of 2014 was the biggest challenge for the work of the NRC so far, because the rules laid down in the NRC Act for creating transparency on compliance costs were not consistently respected in important legislative projects.” (DE3)
17	Problem definition-effectiveness of IA	Domestic or transnational actors perceive a problem in the effectiveness of impact assessments. This includes for instance, IAs have no effect on rational decision-making (e.g. symbolic use of knowledge, justification of political decisions), on simplification (no effect on the quantity of regulation/the administrative costs), on the quality of	“There were also complaints from the business community that they said, it's nice that you have now achieved the goal of 25% savings in administrative costs. Only we don't notice it. Actually, another approach has to be taken here so that the whole thing becomes more noticeable. That was such an important argument, then simply to include the entire compliance costs in addition to these information obligations.” (DE2)

		regulation (e.g norms still perceived as too complex, too unstable, not well written, not considering impact).	
18	Problem definition- other problem	Domestic or transnational actors perceive a problem due to exogenous situations (for instance an economic crisis) or endogenous factors (for instance the low performance of a policy such as the social or environmental policy) for which impact assessments are perceived as a solution.	“We had observed at the French Youth Forum in 2012, the lack of representation of young people in the political system, the democratic system, and also the lack of consideration of young people as beneficiaries of public policies, or as a public that can be hit hard by bills and ordinances.” (FR3)
<b>Activities</b>			
19	Learning by experts	The policy change is the result of learning by experts and/or experts are involved in the definition of policy ideas for the implementation of the policy change. 'Experts' are defined as individuals whose main task is to produce knowledge, including academic researchers, political consultants, think tanks.	“The ‘Nucleo Air’ [group of experts on IA] participated in the research plan for the application of behavioral sciences in administrative action, created on the basis of a memorandum of understanding between the Presidency of the Council and the National School of Public Administration. In particular, the Nucleo participated in the first working group concerning “Methodological indications relating to behavioral sciences applied to impact assessment procedures (AIR, VIR).” (IT2)
20	Learning by governments or mandarins	The policy change is the result of learning by members of the government and/or mandarins, and/or they are involved in the definition of policy ideas for the implementation of the policy change.	“Over the last year, the DAGL conducted an in-depth analysis of the criticality of the current regulations on the ex ante and ex post impact analysis of the regulation.” (IT2)
21	Learning by other actors in policy-making process	The policy change is the result of learning by other actors in the policy-making process such as members of the parliament, consultative bodies such as the social and economics council or the council of state, and/or these actors are involved in the definition of policy ideas for the implementation of the policy change.	“In the legislative process, the Parliament must subject projects to an honest sustainability check more than before and make the consequences of today's decisions transparent for future generations. The parliamentary advisory board develops proposals for the impact assessment instruments necessary for this.” (DE1)

22	Learning by civil society or private sector	The policy change is the result of learning by members of the civil society or the private sector such as NGOs, business associations etc., consultative bodies such as the social and economics council or the council of state, and/or these actors are involved in the definition of policy ideas for the implementation of the policy change.	“However, this concept has been criticized precisely because of the narrowness of the definition of bureaucracy. Because, according to those affected, the burden caused by information obligations only makes up the smaller part of the overall burden from regulation. That is why the business community in particular has called for an extension of the consideration to all consequences of a proposed regulation.” (DE2)
23	Collective process	Learning explicitly takes place at the collective level, i.e. is the result of interactions between several actors.	“A draft of the SME test guidelines was drawn up on the basis of all the previous steps. During a workshop with legislative officers from the Ministry of the Economy, the practicability of the guidelines were checked.” (DE2)
24	Copy-pasting	The policy-change is copy-pasted from another organisation/country, i.e. there is no process of translation and learning by the adopting organisations/actors.	“indeed it had a direct ripple effect on another public policy that is disability. Because the circular was published, and then another ministry seized this idea too.” (FR2)
25	Drawing lessons from others	The policy change or solutions for the implementation of the policy change are inspired by the practice or the ideas of other actors such as other countries, sub-national organisations etc.	“In coordination with the Ministry of the Economy, Great Britain, the Netherlands and Denmark were selected for the comparative analysis on the European level, and Australia, the USA and Canada on the non-European level. As part of a desk research, documents and SME test guidelines were identified and evaluated and 6 interviews were conducted. In addition, interviews were held with representatives from Austria, Sweden and France on the implementation status of the SME tests in these countries.” (DE3)
26	Drawing lessons from experts	The policy change or solutions for the implementation of the policy change are inspired by the ideas of experts. 'Experts' are defined as individuals whose main task is to produce knowledge, including academic researchers, political consultants, think tanks	“A study of the Fachhochschule des Mittelstands (..) comes to similar results. It recommends to strengthen ex ante evaluation and to not measure only bureaucracy costs, but also the achievement of objectives, the effectiveness and the efficiency of the planned regulation.” (DE2)

27	Drawing lessons from own experience	The policy change or solutions for the implementation of the policy change are inspired by the own experience of the domestic actors (positive or negative).	“The evaluation experience and the analyses carried out over the years have offered a significant contribution to the definition of the new regulation on IA and evaluation and the related guidelines.” (IT2)
28	Dissemination activities	Domestic actors disseminate the knowledge they acquired on impact assessment by publishing documents, organising events etc. Such dissemination activities are explicitly part of the causal mechanism of the policy change.	“A revised draft of the SME test guide was created on the basis of the results of all previous research steps, which was introduced in two presentations to central actors from the Ministry of the Economy, the NRC, the Federal Statistical Office, the bureaucracy reduction office in the Federal Chancellery and representatives of associations.” (DE4)
29	Political support	Policy-makers within the executive or legislative branches of government are in favour of/ support the policy change.	“At the event, Mr Ludewig said to the Chancellor and the Vice Chancellor: you have to add another limitation, think again whether you want to introduce the 'one in, one out', as the British had done at the time. And both of them, at different times in the event, both of them said: we'll think about it. And that was, if you will, in terms of the momentum, the fastest programmatic impulse I've ever experienced. That was in October 2014, and in December 2014 there was a cabinet decision, then it was set up, originally on July 1st 2015. Of course, the individual ministries weren't that enthusiastic either. But that was clear, the two of them said we are doing this, so we think about it, and it was followed up.” (DE3)
30	Political or administrative resistance	Policy-makers within the executive or legislative branches and/or officials with public sector organisations resist the policy change before the adoption of the measures (in case of resistance in the implementation phase use the code 49-“implementation challenges”).	“The high political authorities, actually in the cabinet of the Prime Minister, were not at all convinced of the interest of the measure. That's why we had different versions of the circular, to obtain the version that we have today.” (FR3)
31	Political window	An election and/or a change of government are perceived as an event that created the right conditions for the policy change.	“In fact, when the teams arrived with François Hollande in 2012, there was a whole discussion, in particular with youth and youth organisations, to set up a more transversal, more integrated, more participatory interministerial policy. All this had already been a little

			bit prepared by the campaign teams as part of the 'big bang on youth policies' (...) And so within the framework of these associative and political exchanges before 2012, the idea emerged of a number of broader youth policies, including the youth check." (FR3)
<b>Policy change</b>			
32	Change of goal	The policy change modifies the goal of impact assessment in the country under study. For instance the goal changes from reducing the administrative burden of regulation to including sustainability policies into decision-making.	/
33	Change of scope- type of impact	The policy change modifies the type of impact that is measured in impact assessments in the country under study. For instance the scope now includes the impact on specific parts of the population (e.g. disabled, youth, gender etc.) or new types of policy impact (e.g. social, environmental, on economic competitiveness etc.)	/
34	Change of scope- type of regulation	The policy change modifies the type of regulation that shall be submitted to an impact assessment before adoption in the country under study. For instance certain type of regulations such as decrees or draft laws from the parliament are included/excluded, or a threshold is reduced/removed from which regulations shall be submitted to an IA.	/
35	Change of institutions	The policy change modifies the institutions for impact assessment in the country under study. For instance new guidelines are adopted, organisations are created etc.	/
36	Change of process	The policy change modifies the process for impact assessment in the country under study. For instance IA has	/



		to follow certain procedures of consultation, or a new control the quality of IA is introduced.	
37	change of methods/tools	The policy change modifies the methods/tools for impact assessment in the country under study. For instance new methodologies such as the standard cost model or cost-benefit analysis are introduced.	/
38	FR1- IA on gender	First French case on the introduction of an impact assessment on women's rights and gender equality in 2012.	/
39	FR2- IA on disability	Second French case on the introduction of an impact assessment on people with disabilities in 2012.	/
40	FR3- IA on youth	Third French case on the introduction of an impact assessment on youth in 2016.	/
41	DE1- SIA	First German case on the introduction of a sustainability impact assessment in 2009.	/
42	DE2- Broader mandate NRC	Second German case on the extension of the law extending the mandate of the National Regulatory Council and the measurement of compliance costs in 2011.	/
43	DE3- one in, one out	Third German case on the introduction of a 'one in, one out' rule (or regulatory budget) in 2014.	/
44	DE4- SME test	Fourth German case on the introduction of an SME test in impact assessments in 2015.	/
45	IT1- Regulatory budget & SME test	First Italian case on the law introducing a regulatory budget and an SME test in impact assessments in 2011.	/

46	IT2- Reform of IA	Second Italian case on the decree introducing new rules for conducting impact assessments, ex post evaluations and consultations in 2017.	/
<b>Implementation</b>			
47	Implementation challenges	Challenges in the implementation of the policy changes or IA in general (if these challenges are an argument used by domestic actors to advocate for policy change use the “problem definition” codes).	“I suspect that the SME test is also far removed from the legislation practice. And then too far from the bureaucratic costs (...) the SME test runs in parallel, it is probably perceived as annoying and is then only done superficially. Because they have all sorts of check procedures, so to speak, that they have to go through, and that it is then done with the least possible effort, that is also understandable.” (DE4)
48	Measures for effective implementation	Measures have been taken for the effective implementation of the policy change, for instance guidelines on how to implement the change, training, processes for controlling the implementation such as reports to the Parliament etc.	“With the support of the ‘nucleo AIR’, the department checks the adequacy and completeness of the analysis, documented in the IA reports, and the correctness of the evaluation methods applied, based on the current regulation and guidelines.” (IT2)
49	Discussion of policy options/ ideas	After the policy change has been adopted, discussion of ideas and/or recommendations on how to implement the policy change. When used in combination with learning codes this does not indicate that learning was a causal mechanism for the policy change but it does indicate that learning was a mechanism for the translation in practice and the implementation of the change.	“Again with a view to reserving the impact analysis for initiatives that could produce significant effects on recipients, the possibility of requesting exemption from IA is envisaged. In this regard, the following alternatives were evaluated : <ul style="list-style-type: none"> <li>- Introducing monetary thresholds depending on the expected impact of the intervention, below which the draft regulation is exempted from IA.</li> <li>- Leaving the choice of selecting interventions deemed to have a particularly significant impact to the proposing administrations.</li> </ul>

			<ul style="list-style-type: none"> <li>- Basing the selection of regulatory interventions on which to carry out the RIA on the results of a public consultation on the regulatory program.” (IT2)</li> </ul>
50	Lessons for implementation	Lessons for implementation either of a specific policy change or for the implementation of impact assessments in the country in particular. This reflects a learning process.	“This strategy is based on the commitment of the whole hierarchy and building networks of actors, who become force of proposal and control. This commitment at the highest level is a condition for the success of this new approach that invites change.” (FR1)
51	Successful implementation	Perception that the implementation of impact assessments in general or a policy change in particular is successful, or that progress is observed.	“With the 'one in one out' rule, a procedure to limit the annual compliance costs for the economy was introduced for the first time. One and a half years after the rule was introduced, the balance sheet turns out to be positive: Since the rule was introduced on January 1, 2015, the 'out', the relief of the economy, has been almost 1 billion euros higher than the 'in', i.e. the burden on the economy. (...) The previous trend of increasing running costs of the economy from German laws and regulations could thus be stopped.” (DE3)

## Annex 5: Example of an interview guide

---

*This interview guide was used for interview FR9. The interviewee is a former member of the Cabinet of the Minister for youth.*

*The original guide is in French and the translation may slightly differ from the original version.*

1. In May 2016, the Prime Minister Manuel Valls published a circular on the “youth check” (*clause d’impact jeunesse*). How has the idea of such a “youth check” emerged?
2. What was the objective of this instrument?
3. Is the adoption of this instrument linked to the implementation of the “Youth priority plan” (“*Plan priorité jeunesse*“)?
4. Who were the main actors in the adoption of the “youth check”?
5. Was it a demand from actors outside of government?
6. Have you gotten support or rather perceived resistance from the government and the public administration concerning the adoption of this new instrument?
7. Have there been discussions with the SGG (General Secretariat of the Government) or with other actors to think about the best ways to design the “youth check”?
8. Have there been exchanges with other countries or international organisations regarding the “youth check”?
9. Have there been discussions with experts?
10. During the Interministerial Committee on youth in 2014 (*comité interministériel à la jeunesse*), Jean Marc Ayrault<sup>131</sup> had already claimed that the “youth check” would be implemented. How do you explain that two years passed between the commitment of the Prime Minister at the time and the adoption of the circular in 2016?
11. The “youth check” was also under discussion during the interministerial Committee on equality and citizenship (*comité interministériel à l’égalité et à la citoyenneté*) in April 2016. Can you tell me more on this?

---

<sup>131</sup> The French Prime Minister

12. The French Youth Forum had recommended to create an agency staffed by independent experts to examine the quality of the “youth check”. In your opinion, why did the government choose not to use independent experts?
13. According to you, have ministries implemented the “youth check”? Did it have the expected impact?
14. How do you explain this?
15. In the National Council for Youth Policies (*Conseil national des politiques de jeunesse*), the French Youth Forum made several proposals to improve the “youth check”. According to you, should we reform this instrument?

## Annex 6: List of coded documents

---

### France

OECD (2010). *Better Regulation in Europe: France 2010*.

De La Raudière L. (2014). *Rapport d'information N ° 2268 au nom de la mission d'information sur la simplification législative*, Assemblée Nationale.

Conseil d'Etat (2016). *Étude annuelle 2016. Simplification et qualité du droit*.

Conseil des ministres du 27 juin 2012. *Une exigence d'exemplarité : l'égalité entre les femmes et les hommes au coeur de l'action publique*. <https://www.vie-publique.fr/discours/185359-conseil-des-ministres-du-27-juin-2012-une-exigence-dexemplarite-leg>

Dulin A. (June 2012). *Droits formels/ droits réels : améliorer le recours aux droits sociaux des jeunes*, Conseil Économique Social et Environnemental.

Forum Français de la jeunesse. (2013). *Avis numéro 2. De nouvelles politiques en direction des jeunes*.

Forum Français de la jeunesse. (2014). *Avis numéro 4. Le vote et la participation des jeunes en France*.

Ministère des affaires sociales, de la santé et des droits des femmes (2014), *Prendre en compte l'égalité entre les femmes et les hommes dans les études d'impact. Guide méthodologique*.

Premier Ministre (2012). *Circulaire du 23 août 2012 relative à la mise en œuvre de la politique interministérielle en faveur de l'égalité entre les femmes et les hommes*, JORF n°0196 du 24 août 2012.

Premier Ministre (2012). *Circulaire du 4 septembre 2012 relative à la prise en compte du handicap dans les projets de loi*, JORF n°0206 du 5 septembre 2012.

Premier Ministre (2014), *Communiqué de presse du 4 mars 2014*.

Premier Ministre (2016). *Dossier de presse. Comité interministériel à l'égalité et à la citoyenneté*.

Premier Ministre (2016). *Circulaire du 2 mai 2016 relative à l'évaluation de l'impact sur la jeunesse des projets de lois et de textes réglementaires*.

Secrétariat général du gouvernement, Ministère de la ville de la jeunesse, et des sports (May 2016), *Mémento. L'évaluation de l'impact sur la jeunesse des projets de lois et des textes réglementaires*. « La clause d'impact jeunesse ».

### Germany

Bøggild, N., Gädckens, C., Rostek, J., & Wallau, F. (2014). *Berücksichtigung von KMU-Belangen in der Gesetzesfolgenabschätzung, Studie im Auftrag des Bundesministeriums für Wirtschaft und Energie*.

Bundesbeauftragte für Wirtschaftlichkeit in der Verwaltung (2009). *Gutachten über Maßnahmen zur Verbesserung der Rechtsetzung und der Pflege des Normbestandes*, Gz. 13-2008-0393.

Bundesministerium für Wirtschaft und Energie (2014). *Eckpunkte zur weiteren Entlastung der mittelständischen Wirtschaft von Bürokratie*.

Bundesministerium für Wirtschaft und Energie (2015). *Bürokratiebremse / Konzeption einer One in, one out – Regel*.

Bundesregierung (2007). *Bürokratiekosten: Erkennen – Messen – Abbauen. Bericht der Bundesregierung 2007 zur Anwendung des Standardkosten-Modells*.

Bundesregierung (2008). *Zeit für das Wesentliche: Bürokratieabbau schafft Freiräume. Bericht der Bundesregierung 2008 zur Anwendung des Standardkosten-Modells und zum Stand des Bürokratieabbaus*.

Bundesregierung. (2008). *Fortschrittsbericht 2008 zur nationalen Nachhaltigkeitsstrategie. Für ein nachhaltiges Deutschland*.

Bundesregierung (2009). *Wachstum fördern: Bürokratieabbau und bessere Rechtsetzung. Bericht der Bundesregierung 2009 zur Anwendung des Standardkosten-Modells und zum Stand des Bürokratieabbaus*.

Bundesregierung (2010). *Bericht der Bundesregierung 2010 zur Anwendung des Standardkosten-Modells und zum Stand des Bürokratieabbaus*.

Bundesregierung (2012). *Grundstein für besseres Recht: Fünf Jahre Bürokratieabbau und bessere Rechtsetzung. Bericht der Bundesregierung 2011 nach § 7 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates*.

Bundesregierung (2013). *Bessere Rechtsetzung 2012: Belastungen vermeiden, Bürokratischen Aufwand verringern, Wirtschaftliche Dynamik sichern. Bericht der Bundesregierung 2012 nach § 7 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates*.

Bundesregierung (2014). *Bessere Rechtsetzung 2013: Erfolge dauerhaft sichern – zusätzlichen Aufwand vermeiden. Bericht der Bundesregierung 2013 nach § 7 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates*.

Bundesregierung (2015). *Bessere Rechtsetzung 2014: Amtlich – einfach – spürbar. Bericht der Bundesregierung 2014 nach § 7 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates*.

Bundesregierung (2015). *Leitfaden zur Berücksichtigung der Belange mittelständischer Unternehmen in der Gesetzesfolgenabschätzung (KMU-Test)*.

Bundesregierung, (2016). *Bessere Rechtsetzung 2015: Mehr Entlastung. Mehr Transparenz. Mehr Zeit für das Wesentliche. Bericht der Bundesregierung 2015 nach § 7 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates*.

Bundesregierung (2017). *Bessere Rechtsetzung 2016: Mehr Zeit für das Wesentliche. Bericht der Bundesregierung 2016 nach § 7 des Gesetzes zur Einsetzung eines Nationalen Normenkontrollrates.*

Bundestag (2009). *Beschlussempfehlung und Bericht des Ausschusses für Wirtschaft und Technologie- Drucksache 16/13146.*

CDU, CSU, FDP. (2009). *Wachstum. Bildung. Zusammenhalt. Der Koalitions Vertrag zwischen CDU, CSU, und FDP, 17. Legislaturperiode.*

Gesetzentwurf der Fraktionen der CDU/CSU und FDP. Entwurf eines Gesetzes zur Änderung des Gesetzes über die Einsetzung eines Nationalen Normenkontrollrates, Drucksache 17/1954.

Gesetz zur Änderung des Gesetzes zur Einsetzung des Normenkontrollrates vom 16. März 2011.

Jacob, K., Veit, S., & Hertin, J. (2009). *Gestaltung einer Nachhaltigkeits-prüfung im Rahmen der Gesetzesfolgenabschätzung. Studie der Freien Universität Berlin im Auftrag der Bertelsmann Stiftung.*

Kabinettsbeschluss vom 27. Januar 2010. Eckpunkte zum Bürokratieabbau und zur besseren Rechtsetzung in der 17. LP.

Kabinettsbeschluss vom 4. Juni 2014. Arbeitsprogramm Bessere Rechtsetzung 2014.

Nationaler Normenkontrollrat (2007). *Kostenbewusstsein Stärken- Für eine bessere Gesetzgebung. Jahresbericht 2007 des Nationalen Normenkontrollrates.*

Nationaler Normenkontrollrat (2008). *Bürokratieabbau- Jetzt Entscheidungentreffen. Jahresbericht 2008 des Nationalen Normenkontrollrates.*

Nationaler Normenkontrollrat (2009). *Zwischenbilanz. Gut gestartet, Erwartungen erfüllen! Jahresbericht 2009 des Nationalen Normenkontrollrates.*

Nationaler Normenkontrollrat (2010). *Qualität durch Transparenz. Mit Bürokratieabbau zu moderner Gesetzgebung. Jahresbericht 2010 des Nationalen Normenkontrollrates.*

Nationaler Normenkontrollrat (2011). *Fünf Jahre Bürokratieabbau. Der Weg nach vorn. Jahresbericht 2011 des Nationalen Normenkontrollrates.*

Nationaler Normenkontrollrat (2012). *Bessere Gesetzgebung. Bürger, Wirtschaft und Verwaltung spürbar entlasten. Jahresbericht 2012 des Nationalen Normenkontrollrates.*

Nationaler Normenkontrollrat (2013). *Kostentransparenz verbessert. Entlastung forcieren. Jahresbericht 2013 des Nationalen Normenkontrollrates.*

Nationaler Normenkontrollrat (2014). *Folgekosten ernst nehmen- Chancen nutzen. Jahresbericht 2014 des Nationalen Normenkontrollrates.*



Nationaler Normenkontrollrat (2015). *Chancen für Kostenbegrenzung verbessert. Digitale Chancen tatsächlich nutzen! Jahresbericht 2015 des Nationalen Normenkontrollrates.*

Nationaler Normenkontrollrat (2016). *10 Jahre NKR – gute Bilanz bei Bürokratieabbau und Folgekostenbegrenzung – alarmierender Rückstand bei E-Government. Jahresbericht 2016 des Nationalen Normenkontrollrates.*

OECD (2010). *Better Regulation in Europe: Germany 2010.*

Parlamentarischer Beirat für nachhaltige Entwicklung (2004). *Stellungnahme zum Fortschrittsbericht 2004 der Nationalen Nachhaltigkeitsstrategie der Bundesregierung (BT-Drs. 15/4100).*

Parlamentarischer Beirat für nachhaltige Entwicklung (2007). *Anhörung Nachhaltigkeitsprüfung.*

Parlamentarischer Beirat für nachhaltige Entwicklung. (2008). *Beschlussvorlage Nachhaltigkeitsprüfung in der GGO. Empfehlung des Parlamentarischen Beirats für nachhaltige Entwicklung.*

Parlamentarischer Beirat für nachhaltige Entwicklung (2009). *Bericht des Parlamentarischen Beirats für nachhaltige Entwicklung (Berichtszeitraum 6. April 2006 bis 25. März 2009), Drucksache 16/12560.*

Parlamentarischer Beirat für nachhaltige Entwicklung (2011). *Bericht des Parlamentarischen Beirats über die Nachhaltigkeitsprüfung in der Gesetzesfolgenabschätzung und die Optimierung des Verfahrens, Drucksache 17/6680.*

Rede von Bundeskanzlerin Merkel anlässlich der Übergabe des Jahresberichts 2014 des Nationalen Normenkontrollrats am 6. Oktober 2014 im Bundeskanzleramt.

Sachverständigenrat für Umweltfragen (2008). *Gutachten des Sachverständigenrats für Umweltfragen.*

Statistisches Bundesamt. (2012). *Leitfaden zur Ermittlung und Darstellung des Erfüllungsaufwands in Regelungsvorhaben der Bundesregierung.*

## **Italy**

Consiglio di Stato, (2017). *Parere 19 giugno 2017, n. 1458.*

Decreto del Presidente del Consiglio dei Ministri del 23 gennaio 2013. Criteri per l'effettuazione della stima dei costi amministrativi, GU 16 Aprile 2013, n.89.

Decreto del Presidente del Consiglio del 15 settembre 2017, n. 169, recante disciplina dell'AIR, VIR e la consultazione

Decreto-legge 9 febbraio 2012, n. 5, convertito con modificazioni dalla legge 4 aprile 2012, n. 35.

Dipartimento della funzione pubblica (2015). *Relazione complessiva contenente il bilancio annuale degli oneri amministrativi introdotti ed eliminati- Anno 2014.*

Dipartimento della funzione pubblica (2015). *Relazione complessiva contenente il bilancio annuale degli oneri amministrativi introdotti ed eliminati- Anno 2014.*

Dipartimento della funzione pubblica (2016). *Relazione complessiva contenente il bilancio annuale degli oneri amministrativi introdotti ed eliminati- Anno 2015*

Dipartimento della funzione pubblica (2017). *Relazione complessiva contenente il bilancio annuale degli oneri amministrativi introdotti ed eliminati- Anno 2016.*

Dipartimento della funzione pubblica (2018). *Relazione complessiva contenente il bilancio annuale degli oneri amministrativi introdotti ed eliminati- Anno 2017.*

Direttiva del Presidente del Consiglio dei Ministri del 16 gennaio 2013. Disciplina sul rispetto dei livelli minimi di regolazione previsti dalle direttive europee, nonché aggiornamento del modello di Relazione AIR, ai sensi dell'articolo 14, comma 6, della legge 28 novembre 2005, n. 246.

Direttiva del Presidente del Consiglio dei Ministri del 16 febbraio 2018. Approvazione della Guida all'analisi e alla verifica dell'impatto della regolamentazione, in attuazione del decreto del Presidente del Consiglio dei ministri 15 settembre 2017, n. 169., GU n.83 del 10-4-2018.

European Commission. (2008). *COM(2008) 394 final. "Think Small First" A "Small Business Act" for Europe {SEC(2008) 2101} {SEC(2008) 2102}.*

European Commission. (2011). *COM(2011) 78 final. Review of the 'Small Business Act' for Europe.*

LEGGE 11 novembre 2011, n. 180. Norme per la tutela della liberta' d'impresa. Statuto delle imprese, GU n.265 del 14-11-2011.

OECD. (2013b). *Better Regulation in Europe: Italy 2012: Revised edition, June 2013.* OECD.  
<https://doi.org/10.1787/9789264204454-en>

Osservatorio AIR (2014). L'analisi di impatto e gli altri strumenti per la qualità della regolazione. Annuario 2013.

Osservatorio AIR (2015). L'analisi di impatto e gli altri strumenti per la qualità della regolazione. Annuario 2014.

Osservatorio AIR (2016). L'analisi di impatto e gli altri strumenti per la qualità della regolazione. Annuario 2015.

Osservatorio AIR (2017). L'analisi di impatto e gli altri strumenti per la qualità della regolazione. Annuario 2016.

Osservatorio AIR (2018). L'analisi di impatto e gli altri strumenti per la qualità della regolazione. Annuario 2017.

Presidenza del Consiglio (2013). *Documento di consultazione. I contenuti della nuova disciplina in tema di impatto della regolazione.* [documento\\_consultazione.pdf \(governo.it\)](#)

Presidenza del Consiglio (2013). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2012)*, Doc. LXXXIII, n. 1.

Presidenza del Consiglio (2014). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2013)*, Doc. LXXXIII, n. 2.

Presidenza del Consiglio (2015). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2014)*, Doc. LXXXIII, n. 3.

Presidenza del Consiglio (2016). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2015)*, Doc. LXXXIII, n. 4.

Presidenza del Consiglio (2017). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2016)*, Doc. LXXXIII, n.5.

Presidenza del Consiglio (2018). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2017)*, Doc. LXXXIII, n. 1.

Presidenza del Consiglio (2019). *Relazione sullo stato di applicazione dell'analisi di impatto della Regolamentazione (Anno 2018)*, Doc. LXXXIII, n. 2.

Ufficio Valutazione dell'impatto (2018), *The uncompleted. From Theory to Practice: The Evaluation of Legislative Acts in Italy*, Senato della repubblica.