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A Learning Organisation for a Learning Society:  
Proposals for 'Designing Tomorrow's Commission'

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# A Learning Organisation for a Learning Society : Proposals for 'Designing Tomorrow's Commission'

Notis LEBESSIS & John PATERSON\*

## Summary

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*As the Commission considers the reforms and adaptations that will be necessary to allow it to meet the challenges of enlargement and of an ever more complex policy environment, there is an understandable emphasis on efficiency and the most appropriate allocation of resources.*

*This is an important, indeed crucial dimension of the reform process but an undue concentration upon it can restrict our view of the bigger picture. Carrying out tasks efficiently does not necessarily imply that the tasks themselves are useful, productive, effective, or legitimate.*

*It is suggested in the following paper, therefore, that we need a more adequate model of the broader environment if the reform of the Commission is to result in an organisation that is able to operate effectively and legitimately as well as efficiently within it.*

*The model presented takes the complexity of the policy environment seriously and draws the conclusion that the existing strongly segmented approach by public actors such as the Commission is not appropriate. Different DGs as well as different stakeholders each possess their own distinctive map of the policy environment and unless these differences are addressed the risk of the sort of misunderstandings, dysfunctions and conflicts that have been evident recently will increase.*

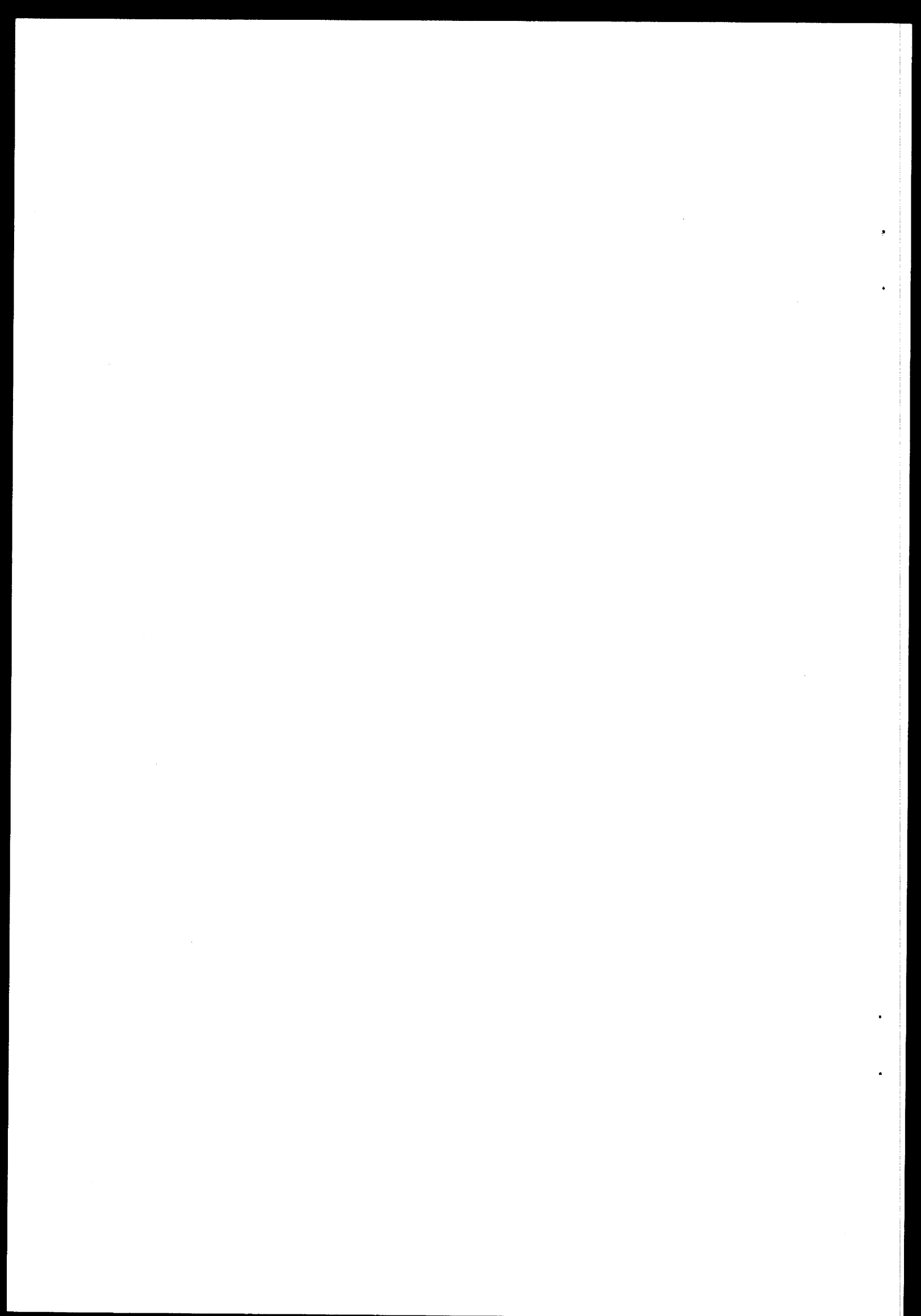
*Consequently, the emphasis is placed on a learning organisation in which the empowerment of individuals and lower level units is not simply management jargon but becomes the mainstay upon which the successful continuing operation of the Commission will depend.*

*By orienting the organisation so as to ensure that different perspectives are continually required to examine their own presuppositions and to take account of the perspectives of other units, DGs and stakeholders, a mutual learning will be possible. This brings with it the possibility of greater efficiency through the ability to exchange best practice but also importantly the possibility of more coherent and well-integrated policies.*

*The review itself is premised on the participation of the entire personnel of the Commission but unless the reform process results in ongoing participation as part of the ordinary operation of the Commission, the chances are that more problems will have been created than will have been solved. We need to ensure that the Commission becomes a learning organisation that is able to evolve organically and responsively in the developing policy environment.*

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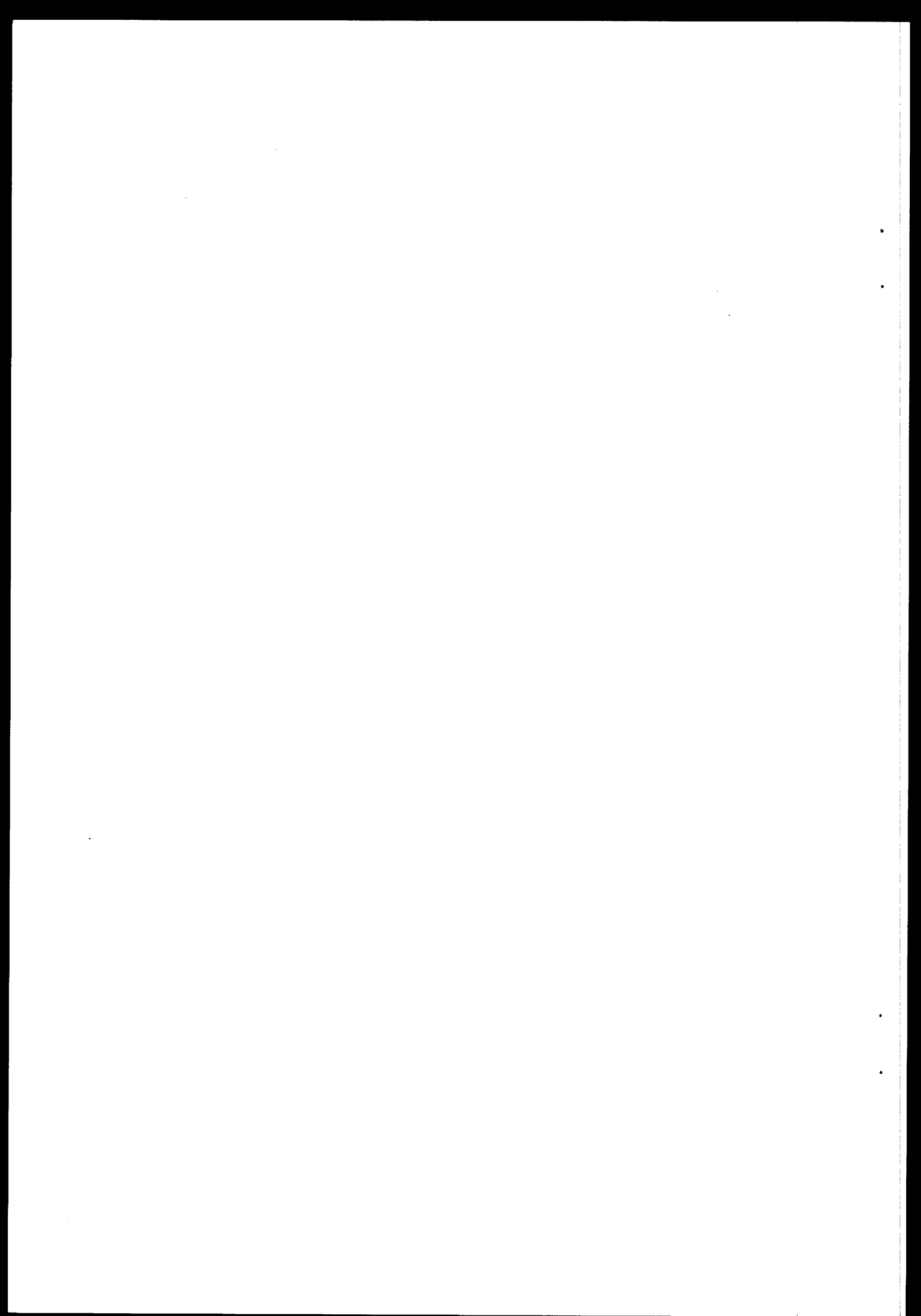
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## Contents

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1.	Introduction	7
2.	Releasing the Commission's Creative Potential	9
3.	The Need for an Enabling Actor	13
4.	Integration of Policies	15
5.	The Commission in Context	19
6.	A Modified Analysis of the Policy Process	21
7.	The Policy Process as an Evolutionary Process	23
8.	A Scientific Analogy	25
9.	Mapping Models	27
10.	The Commission in an Evolutionary Policy Process	29
11.	Designing Tomorrow's Commission Together : Guidelines for the Review	31
	Appendix 1	33
	Appendix 2	35



# 1. Introduction

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As Agenda 2000 recognises, the Commission confronts an expanding, rapidly developing and ever more complex environment which will place an immense and increasing strain on its resources. In order to be equal to that challenge, the Commission must adapt its organisation and methods so as to 'remain a dynamic force for renewal' by making the most effective and efficient use of the resources at its disposal. But as Agenda 2000 also recognises, 'an efficient Commission' must remain 'at the service of European citizens'. Thus, improvements in efficiency and effectiveness should not be at the cost of – and should ideally enhance – legitimacy<sup>1</sup>.

The Review of the Commission's organisation and operation<sup>2</sup> is an important opportunity to make progress in this regard. It is proposed to ask What? Why? Who? and How? questions at all levels in order to discover as much as possible about priority activities, best practice and the development and deployment of human resources.

These questions can indeed generate valuable information but the potential of the exercise will be maximised if they are asked against a background of an adequate understanding of the context in which the Commission will have to operate and the nature of the problems it will face. Such an understanding will ensure that the institution's organisation and methods are best adapted to the challenges that lie ahead.

In the absence of such an understanding, there is a risk that the Review may simply be a reflex response to the recognition that reforms have been underway in the administrations of many OECD countries during the past decade without due consideration as to whether the essentially management focus of those reforms is truly appropriate to the Commission.

This note presents a particular model of the Commission and of the broader policy environment in *evolutionary terms*. Such a model offers advantages of efficiency and effectiveness and provides a means of giving practical significance to the concepts of flexibility and subsidiarity both internally and externally, thus enhancing the legitimacy of the Commission's activities. The note aims to demonstrate how this model can serve to provide guidance for the Review. In addition, Appendix 1 contains an initial proposed typology of activities for the Commission while Appendix 2 contains a Questionnaire developed during the Forward Studies Unit's Governance Project which gives an indication of the sort of issues such a model requires to be investigated.

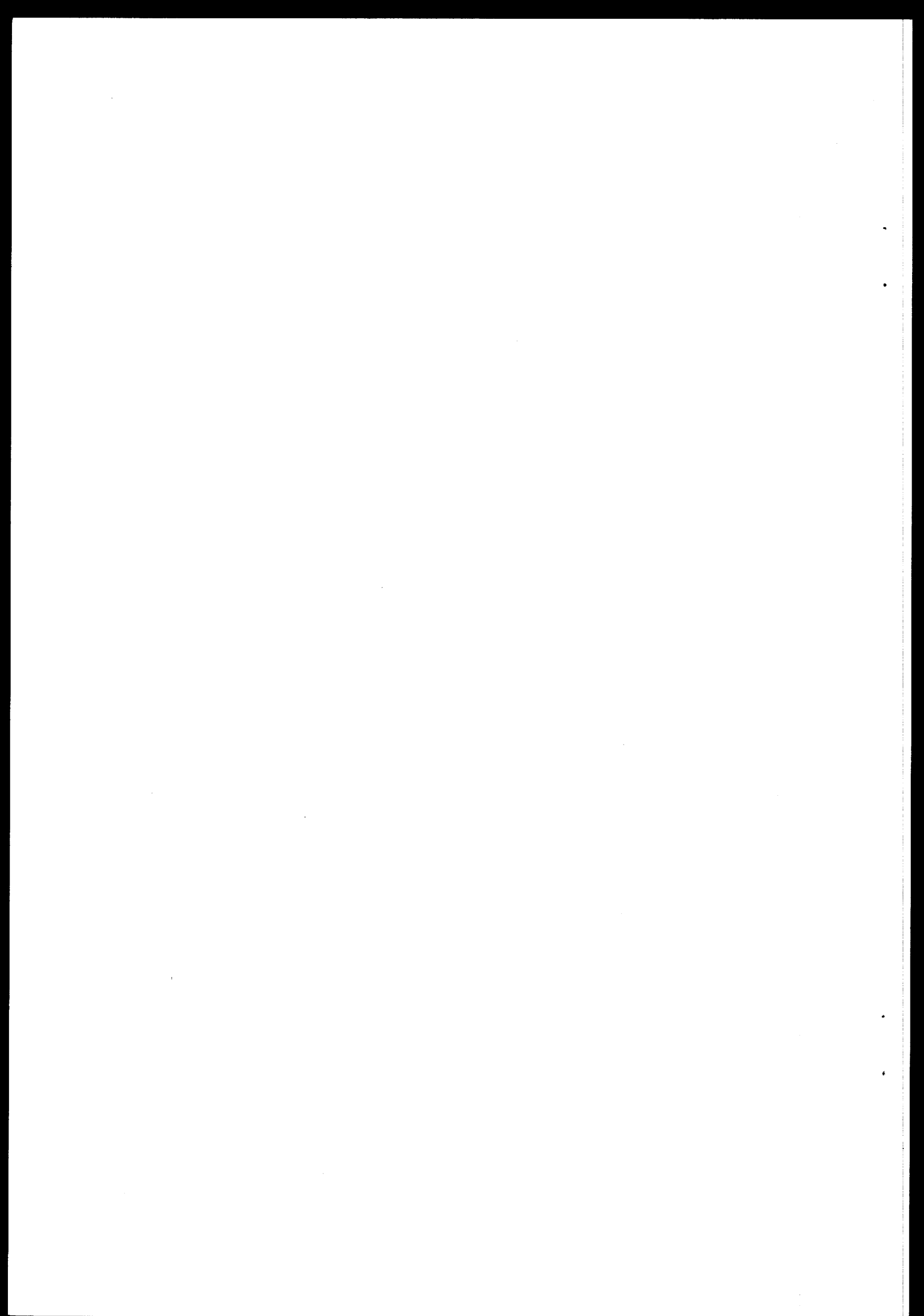
In order to develop this model, it will be necessary to proceed in steps and to draw artificial boundaries for the sake of clarity. Ultimately, however, it is important to understand the model as a whole with the Commission as an integral part of the broader policy environment.

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<sup>1</sup> COM(97) 2000.

<sup>2</sup> SEC(97) 1856 Rev.





## 2. Releasing the Commission's Creative Potential

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In developing this model, the starting point will be the Review itself. The very nature of this examination contains useful indications about current problems and possible future directions for the organisation and operation of the services of the Commission.

It is felt necessary, for example, to take a 'photograph'<sup>3</sup> of the Commission by asking questions designed to determine priority activities, discover best practice and take an inventory of human resources. It can be suggested, however, that the necessity for such an exercise already indicates shortcomings in the structure of the Commission. Whereas it is undoubtedly the case that many individual units and DGs are already well-advanced in their approach to the development and revision of policy, it may well be contended that the Commission *as a whole* is not a *learning* organisation but rather one that periodically requires to be *taught*.

The Review can also be seen as a response to a perceived loss of control. The Commission as a whole can appear not to have a clear and *coherent* vision of what it is and of what it is doing. Rather, individual DGs are developing in their own way and without necessarily having adequate reference to the aims and needs of others. Mechanisms are certainly in place to ensure collegiality and co-ordination, but there is a growing sentiment that these often operate in a nominal as opposed to a real fashion. This note suggests that coherence and co-ordination in the Commission will best be achieved by such mechanisms when the policy process is understood as a process of *collective learning*.

Equally, taking a photograph of the Commission implies an element of stasis that is at odds with the stated desire to 'remain a dynamic force for renewal'. In other words, a key aim of this Review must be to produce an organisation that will not in principle require such an exercise to be carried out in the future but rather one that is so set up as to enable ongoing learning and flexibility. In short, the Commission must be able to *evolve* so as to remain responsive to the needs of society which may emerge at any given time. This in turn requires a particular understanding of its own role and methods and of the broader policy environment in appropriately evolutionary terms.

The development of this understanding at the level of the organisation itself can begin with an examination of what the current Review involves - a process which can be represented by the following diagram:

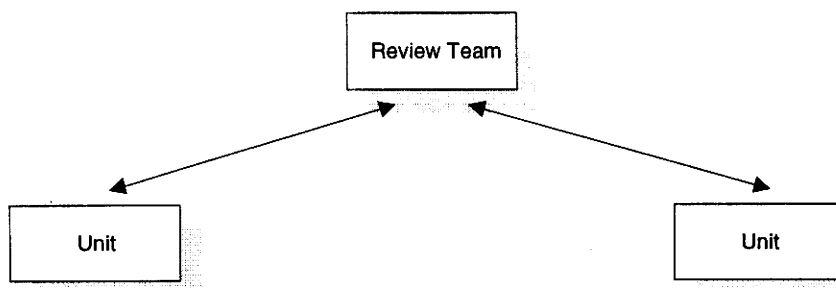


Figure 1

Broadly speaking, information is passed up from the units of the Commission to the Review Team which then selects best practice (or priority activities or the best arrangement of human resources)

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<sup>3</sup> *Ibid.* See also SEC(97) 2268.

and then passes this information back down to other units.<sup>4</sup> In evolutionary terms, the diverse units can be seen as a *variety pool* for methods of working, etc. and the current Review will serve as a *selection* mechanism which will choose and disseminate the best options from among that variety.

*What may be said to be lacking, then, are efficient and effective selection mechanisms within the normal structure and operations of the Commission which would allow information about best practice, etc. to be generated and exchanged with other units on an ongoing basis.* The Review must, therefore, be an opportunity for such mechanisms to emerge and be consolidated. There is, of course, already communication between units, but it is a question of achieving greater transparency and a more systematic exchange of information and ideas. Furthermore, this suggestion of encouraging transparency so that the process of selecting best practice becomes an integral feature of the operation of the Commission does not mean that what will result is a homogenous working method. The diversity of issues which the Commission addresses means that there is unlikely to be direct transferability of best practice from one unit to another. As is already clearly recognised, different situations require different solutions.<sup>5</sup> Rather, transparency will allow a range of responses as appropriate: wholesale acceptance of new ideas; rejection of the new ideas following a recognition that they are not appropriate to the given situation; or enhancement of existing practice on the basis of the impulse provided by the new ideas.

In the absence of such mechanisms, there can be a tendency for stagnation or at best *path-dependent* evolution to arise. Such evolution represents the survival of practices which are suited to problems that had to be solved in the past but which are less well-adapted to current circumstances. These practices take such forms as a focus on rigid rules and an outdated, 'playing-it-safe' attitude.<sup>6</sup> By their very nature, organisations inevitably possess a degree of path-dependency or inertia. On the one hand, a degree of stability is desirable and, on the other, it is difficult in any circumstances to achieve rapid change. Nevertheless, steady and considered change is clearly preferable to unquestioning adherence to long-established practice. While the Review is certainly right to focus on current practice, it must nevertheless be aware of the possibility of such path-dependency.

There are already units which avoid the dangers of stagnation and path-dependency by adopting organisational mechanisms which encourage 'reflexivity'. For example, a unit which sets clear targets, develops and implements solutions designed to achieve them, monitors and evaluates its practice and revises its targets and practice on that basis is better able to foresee problems, correct wrong assumptions and respond to new developments than a unit which adheres steadfastly to a 'linear' model of practice 'because that is how it has always been done'. Furthermore, the reflexivity, and thus the learning, of a given unit may be enhanced by the addition of external audit, an operation which acts as a check on and requires justification of the unit's assumptions and activities. We can represent this type of 'learning' unit with the following diagram (Figure 2).

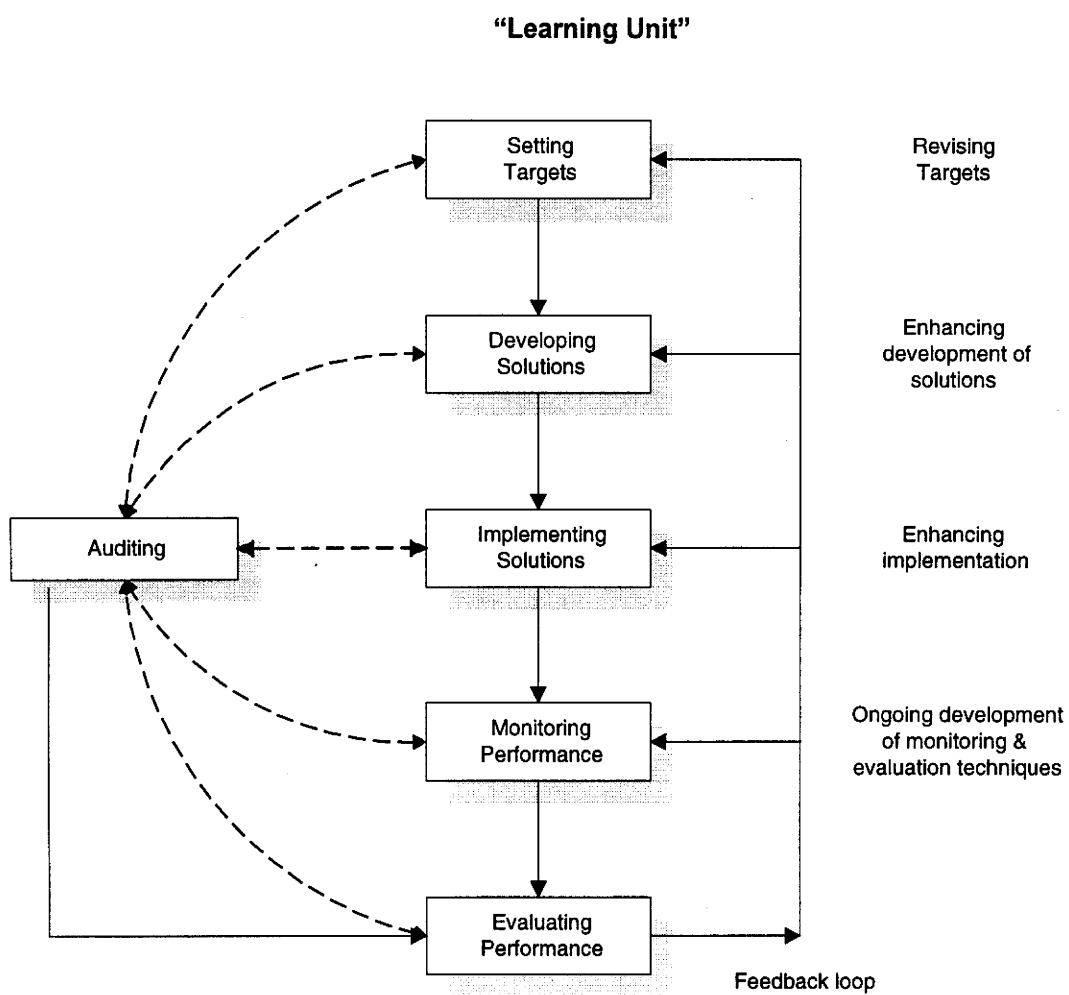
Non-learning units, on the other hand, while displaying many of the features contained in the following figure, will have less adequate feedback and audit mechanisms - these may be operated in a rather superficial manner or may even be absent altogether.

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<sup>4</sup> *Ibid.* During the last 20 years, a number of screening processes and studies have been carried out along similar lines.

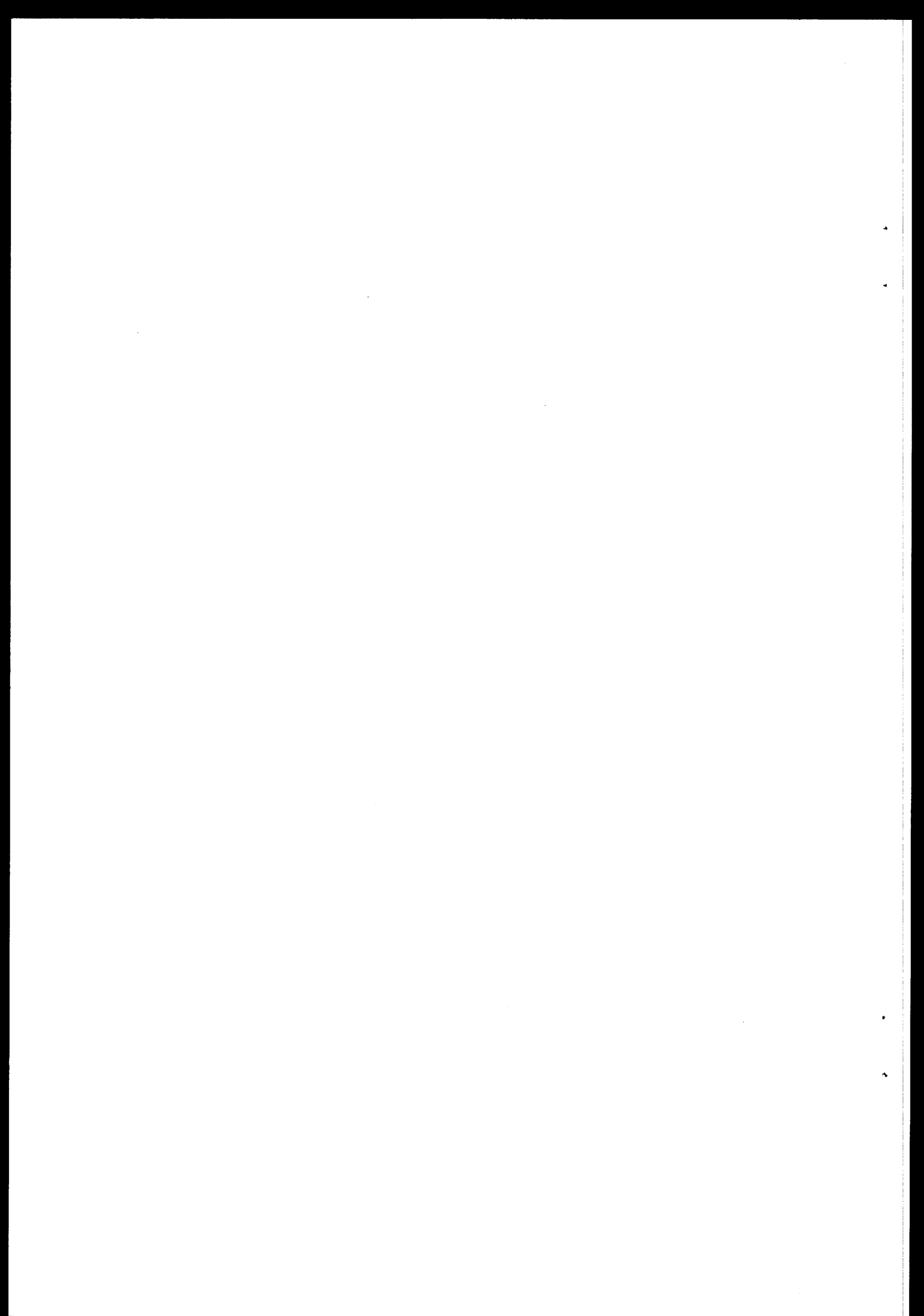
<sup>5</sup> Report of the MAP 2000 Reflection Group 5 'Cutting Red Tape by Empowerment and Simplification of Procedures'.

<sup>6</sup> *Ibid.*



**Figure 2<sup>7</sup>**

<sup>7</sup> Based on Health and Safety Executive (1993) *Successful Health and Safety Management* London: HMSO.  
*Learning Organisation for a Learning Society*



### 3. The Need for an Enabling Actor

There are, then, already two indications about how the Commission could be organised in order to enhance its flexibility and dynamism: the encouragement of *reflexivity within units* and the development of mechanisms which allow *transparency between units*. The Review must, then, focus on these issues and look for examples of such ongoing monitoring, evaluation and revision of practice; of the active encouragement and empowerment of personnel; of the encouragement and reward of individual innovation; of the communication of best practice between units (for example, in the context of training); and so on.<sup>8</sup> There is also a need, however, for a *distinct enabling actor* within the Commission - such as the Secretariat-General, for example - to encourage these developments and monitor their operation. In addition, beyond simply enabling or encouraging reflexivity and transparency, such an actor could also play a more active role. If, for example, it perceives especially interesting developments in a given area it could take more active steps to disseminate such information, encourage exchanges and so on. By the same token, it could also serve as a point of contact and as a support for personnel at all levels who have innovative ideas which may otherwise risk being lost in the hierarchy. In evolutionary terms this could be seen as a *retention* or *stabilisation* role where active steps are taken to encourage the wider acceptance of particularly useful developments. This is a role, of course, which needs to be carried out with care and sensitivity as there may be good reasons why an apparently useful practice has not been taken up elsewhere. However, such a role - which focuses on procedures aimed at empowering units, ensuring the availability of useful information and encouraging learning - recognises the *limits* on directing such a complex organisation in detail and the *opportunities* provided by acting so as to harness the creative potential it possesses. These points can be represented in the following diagram:

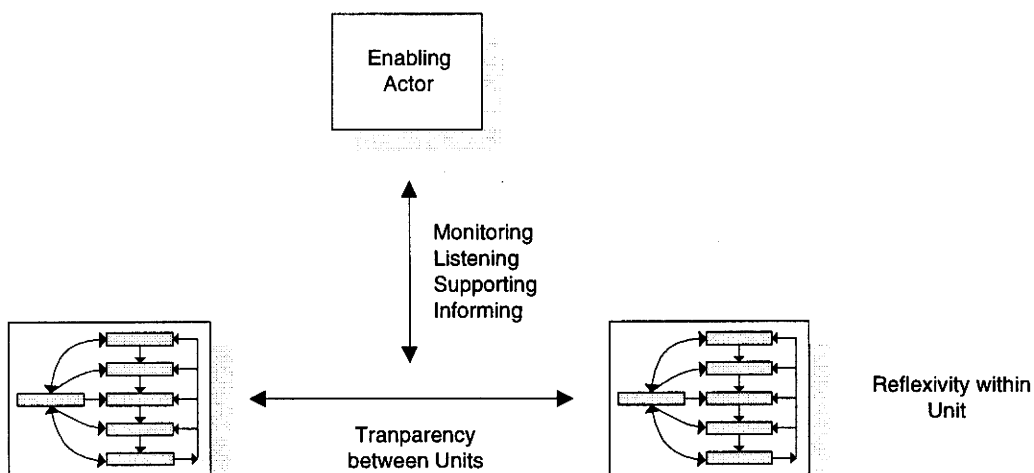
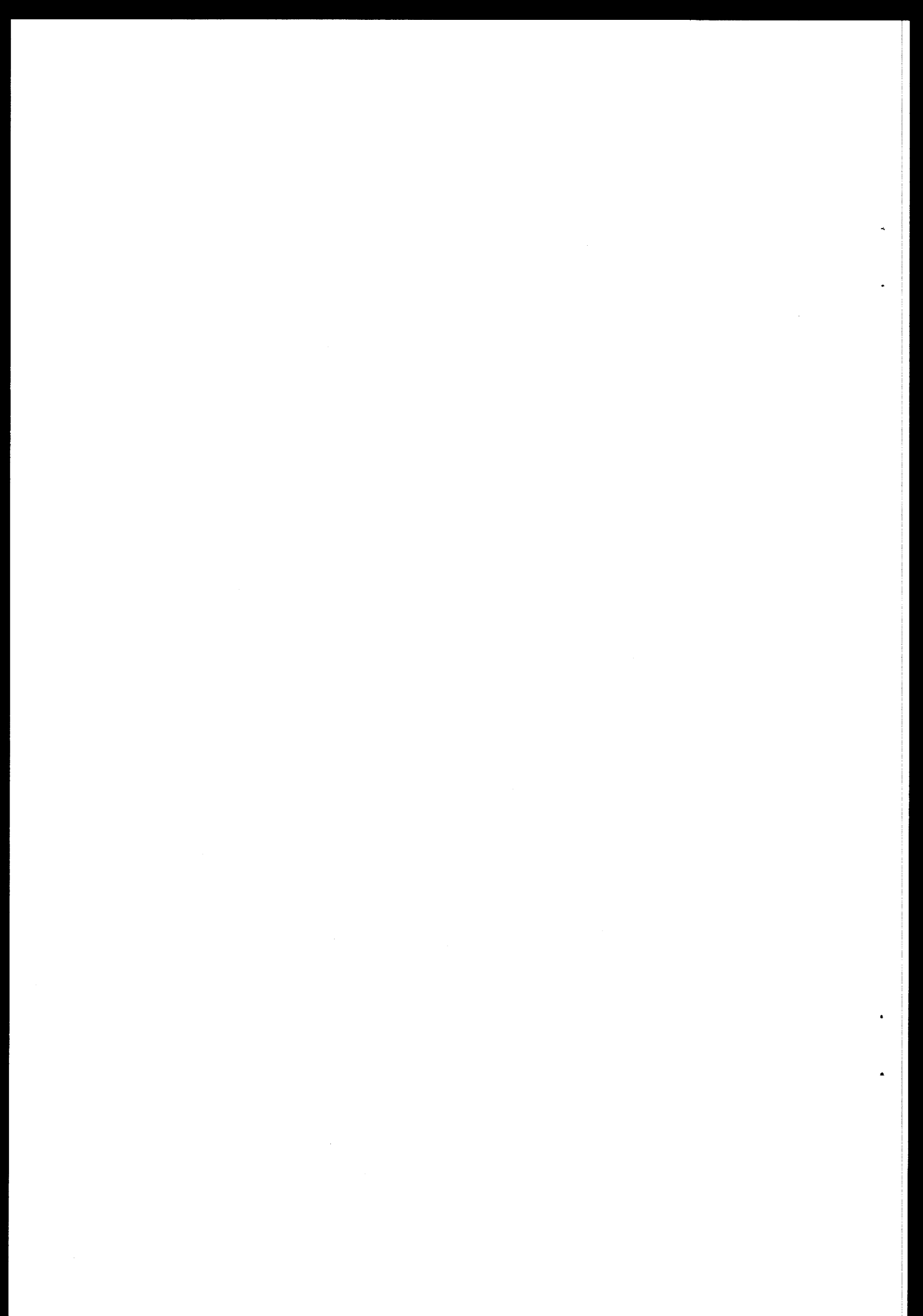


Figure 3

<sup>8</sup> See also section 5 of the Questionnaire in Appendix 2.  
*Learning Organisation for a Learning Society*



## 4. Integration of Policies

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This model of the Commission can be further developed by adding in the *overall objectives* which it has the task of pursuing. Across the full range of issues with which it is concerned, priorities and objectives are defined. Thus, the individual practices of units must be understood as attempts to implement these priorities and achieve these objectives. As new problems arise, however, it may not simply be a question of adapting practice at the level of the unit but equally of feeding information to higher levels about the impact on broader objectives.

As a consequence, these objectives must also be understood as subject to ongoing monitoring and revision. There are two principal (and often inter-related) reasons why such revision may be required. Firstly, the assumptions upon which general objectives are based may prove to be false or to be undermined by changing circumstances over time. Secondly, they may in practice conflict with other objectives. Consequently, there is a need for mechanisms which both ensure *reflexivity within objectives* and *coherence among them*. This is not, of course, a novel observation<sup>9</sup> but it is a question of responding to it in a more proactive and systematic manner. Thus, for example, the initial framing of problems needs to be considered: is an issue best dealt with within the confines of one DG or does it have (potential) ramifications across these boundaries which require early consultation with other services?<sup>10</sup> *The practical operationalisation of the overall objectives of the Union must, therefore, be understood as the product of ongoing collective learning among the different units and DGs.*<sup>11</sup> It is a question, then, of ensuring that the Commission's organisation and ongoing operation encourage this learning and this is again a task for a higher level actor such as the Secretariat-General. We can add these dimensions (of reflexivity within objectives and coherence among them) to complete our diagram of the Commission as understood in evolutionary terms.

The need to ensure the effective integration of policies is, then, increasingly important - a fact recognised by the ever more extensive use within the Commission of a range of tools designed to achieve this end. Among these we can mention programming, inter-service consultation, Task Forces, the creation of specific units within DGs representing other sectors, and initiatives to increase the mobility of personnel. Beyond these examples, however, it is also possible to point to more innovative tools being developed in sectors such as the environment: the establishment of Environmental Correspondents within each DG to ensure that policy development in a particular area takes account of the overall environmental objectives which the Commission has the task of pursuing; Environmental Appraisal to determine positive and negative effects of Commission plans, programmes and legislative proposals; attribution of a Green Star by the Secretariat-General to those

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<sup>9</sup> See, for example, SEC(97) 2268.

<sup>10</sup> Examples of such trans-boundary problems are easy to find: agriculture/food safety, transport/environment, etc. When consideration is given to the way in which policy sectors are defined and the way in which problems are framed, it is clear that many dimensions of problems are simply ignored. It is always necessary ultimately to draw a boundary at some point but attention needs to be focused on how this decision is taken, whether potential risks and conflicts have been properly assessed, and whether there is adequate ongoing monitoring. We will return to this issue in greater detail below.

<sup>11</sup> See also section 3 of the Questionnaire in Appendix 2.



proposals requiring closer evaluation; and Sectoral Policy Statements to facilitate recognition of where integration is needed.<sup>12</sup>

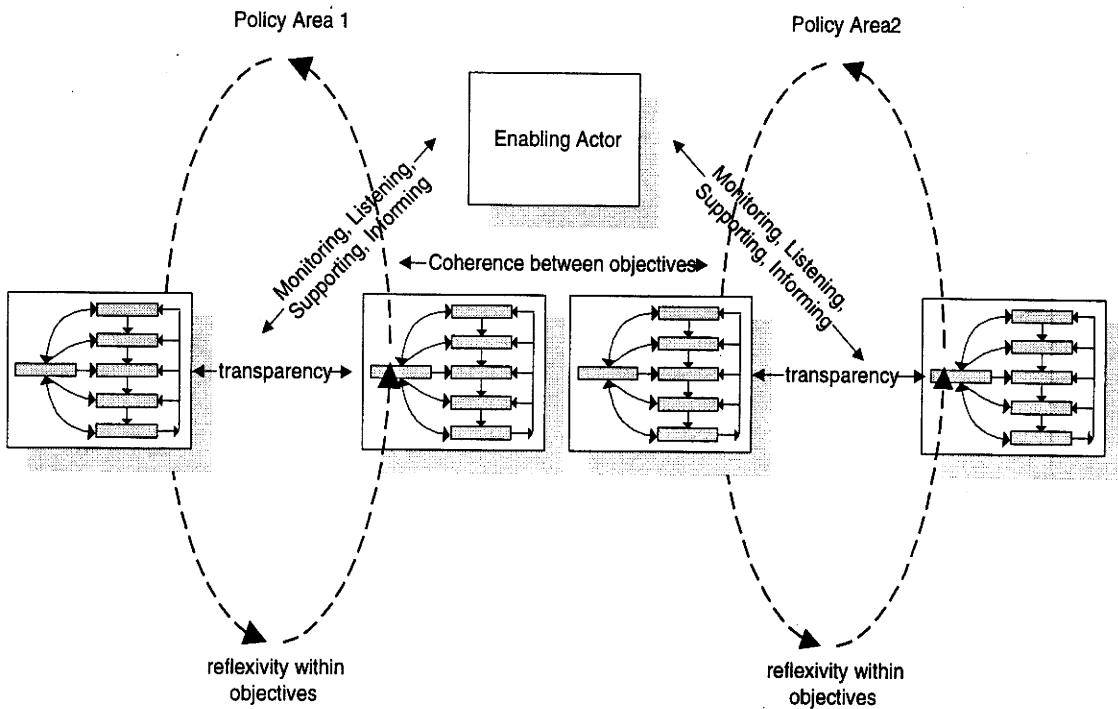


Figure 4

Perhaps the increasingly obvious impact of a whole range of policies on the environment coupled with a high level of public concern has led to these ideas being developed to such a degree in relation to environmental objectives. However, the mutual interdependency of other policy areas is also becoming apparent and this sometimes in areas where there is a similarly high level of public concern: for example, agriculture and food safety. However, despite the clear need for the integration of policies and despite the increase in the use of tools designed to achieve it, there is evidence from the environment sector, for example, to suggest that there is frequently a tendency towards minimising the possible influence of these tools. It appears that formal processes aimed at policy integration can become in practice little more than opportunities for representatives of different services to recite fixed positions. It will be necessary, therefore, for the Review to consider the conditions for the success and failure of these processes - perhaps most usefully in comparison with examples of more informal processes (such as seminars, scenario-building exercises, etc.) which bring together personnel from different parts of the Commission. A key aspect of the apparent fruitfulness of these informal processes may be that they discuss topics which are not presently at the forefront of attention and where DGs may not feel constrained to express and defend a rigid position.<sup>13</sup> The Review must, in summary, seek to identify and to understand approaches which succeed in improving the collegiality of the Commission both in terms

- of substance (collective development of understanding of problems and of context) and

<sup>12</sup> Draft Communication to the Commission on Integration of Environmental Considerations in Commission Policy-Making and Management, May 1997.

<sup>13</sup> For example, PPG DGV, Forward Studies Unit scenario-building exercises, GICET, etc.

- of its role (collective development of understanding of how the role evolves in response to emergent societal needs).

The personnel directly involved - those concerned with the management of tangible problems as well as those charged with ensuring co-ordination - must be approached.

As the evolutionary model demonstrates, there are good reasons for supposing that the extension of such ideas would assist the development of the *learning Commission* which would be better able to address these problems of interdependency between policy areas. The greater the ability to take account of other policies and objectives at an early stage, the greater the likelihood that the overall vision of the Commission will be coherent and shared and the greater the likelihood that the sorts of inter-policy side-effects and conflicts which have recently occurred can be prevented or picked up more rapidly. A Commission which systematically incorporated the more extensive use of Correspondents, Appraisals, scenario-building, etc. would accordingly take on a more *hologrammatic* character. Each DG would contain a current reflection of the Commission as a whole, a more adequate representation of the overall objectives. And the Commission as a whole would be enabled to function with greater coherence and in a learning orientation. The role of the enabling actor (such as the Secretariat-General) is clearly crucial in providing a framework in which this necessary reflexivity and mutual learning can develop and thrive. We can represent this hologrammatic character in the following diagram.

The hologrammatic Commission

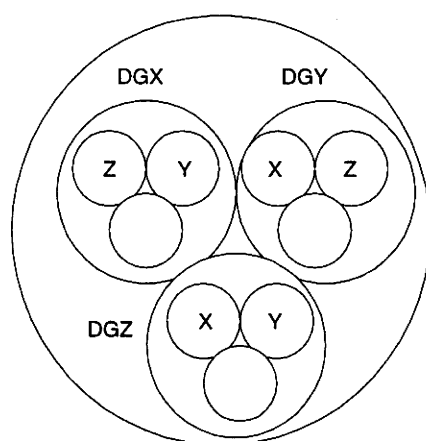
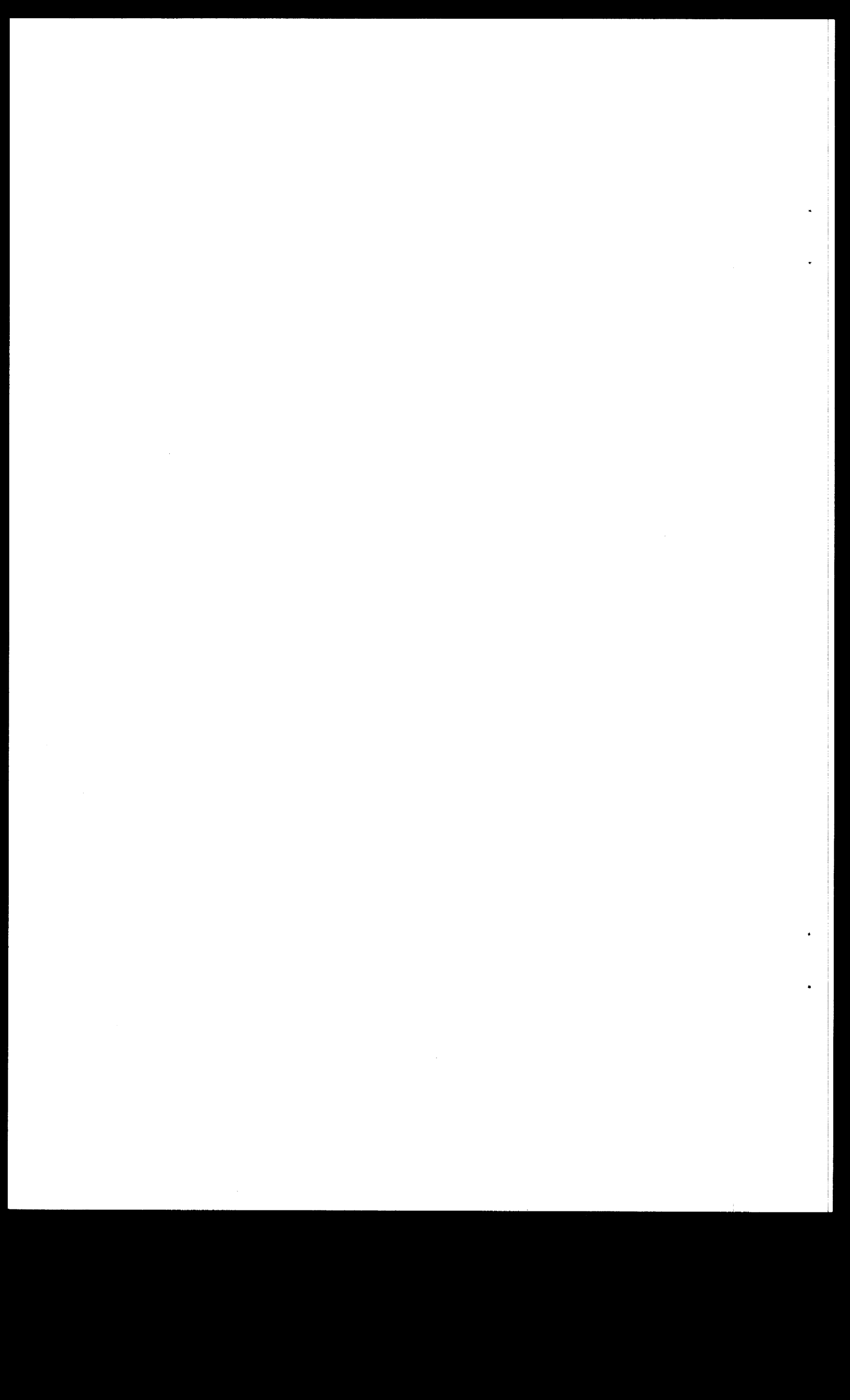


Figure 5

So far, building on the Review process and for the sake of simplicity, we have considered the Commission largely in isolation from the broader policy environment. However, with this model of the Commission in mind, we can proceed to consider it in the context of the policy process as a whole, also understood in evolutionary terms. This will demonstrate that this model is not simply a useful way of thinking about the organisation of the Commission but rather is necessary for ensuring its efficient and effective engagement in the policy process in the emerging Union.



## 5. The Commission in Context

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As Agenda 2000 clearly recognises, both budgetary constraints and the range of issues the Commission will have to deal with mean that it must rethink its core functions or priority activities and its methods of operation. In this regard, it is suggested that legislative activity will become less intense while the emphasis will shift to implementation and enforcement. This in turn will lead to greater decentralisation and increased monitoring. As a consequence, the role of the Commission will reside to a much greater extent in promoting co-operation and in ensuring effective co-ordination. The high level of integration that must, therefore, be managed forces a re-evaluation of the Commission's executive and management functions and a change in its administrative culture. Programmes, such as SEM 2000 and MAP 2000, already aim to produce the decentralisation, rationalisation and simplification that is perceived to be necessary. In addition, Agenda 2000 suggests that for each policy area what is required is a balance between, on the one hand, core policy and control functions which must be retained and, on the other, executive functions which can be devolved to levels closer to the end user.<sup>14</sup>

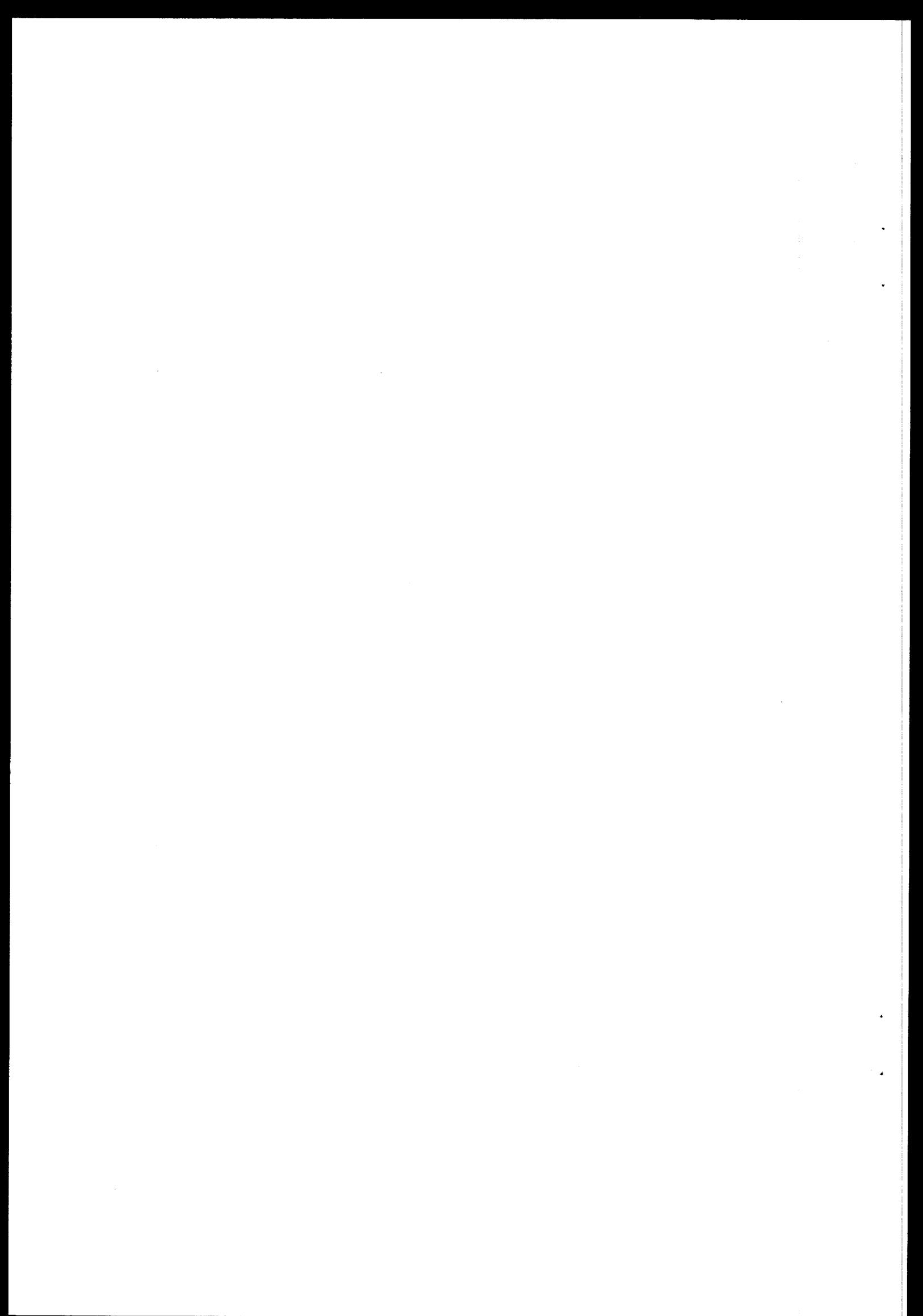
The response of the Commission to date, therefore, clearly addresses the major issues of expanding responsibility and diminishing resources. However, by focusing on these as the key issues, it risks restricting itself to New Public Management thinking which, while it may be adequate for national administrations, must be seriously questioned at the level of an organisation such as the Commission which is charged with considerably more complex tasks.<sup>15</sup> It is, therefore, essential not to lose sight of the policy process and to have an adequately complex understanding of it in the contemporary and foreseeable context. A close examination of this process (as has been carried out by the Governance project of the Forward Studies Unit)<sup>16</sup> suggests that the standard assessment of the present and future context for action can be enhanced in important respects. These modifications lead to an understanding of the policy process which is directly related to the evolutionary model of the Commission developed above.

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<sup>14</sup> COM(97) 2000.

<sup>15</sup> For a review of New Public Management in western democracies and a note of caution as to its success beyond the internal aspects of administrations see Philippe Keraudren & Hans van Mierlo (1997) 'Theories of Administrative Reform and their Practical Applications' in David Coombes and Tony Verheijen (eds.) *Public Management Reform: Comparative Experiences from East and West* pp25-40 (based on research undertaken with the support of the European Commission's PHARE/ACEACE Programme 1994).

<sup>16</sup> See Notis Lebessis & John Paterson (1996) 'Governance: Progress Report' Forward Studies Unit.



## 6. A Modified Analysis of the Policy Process

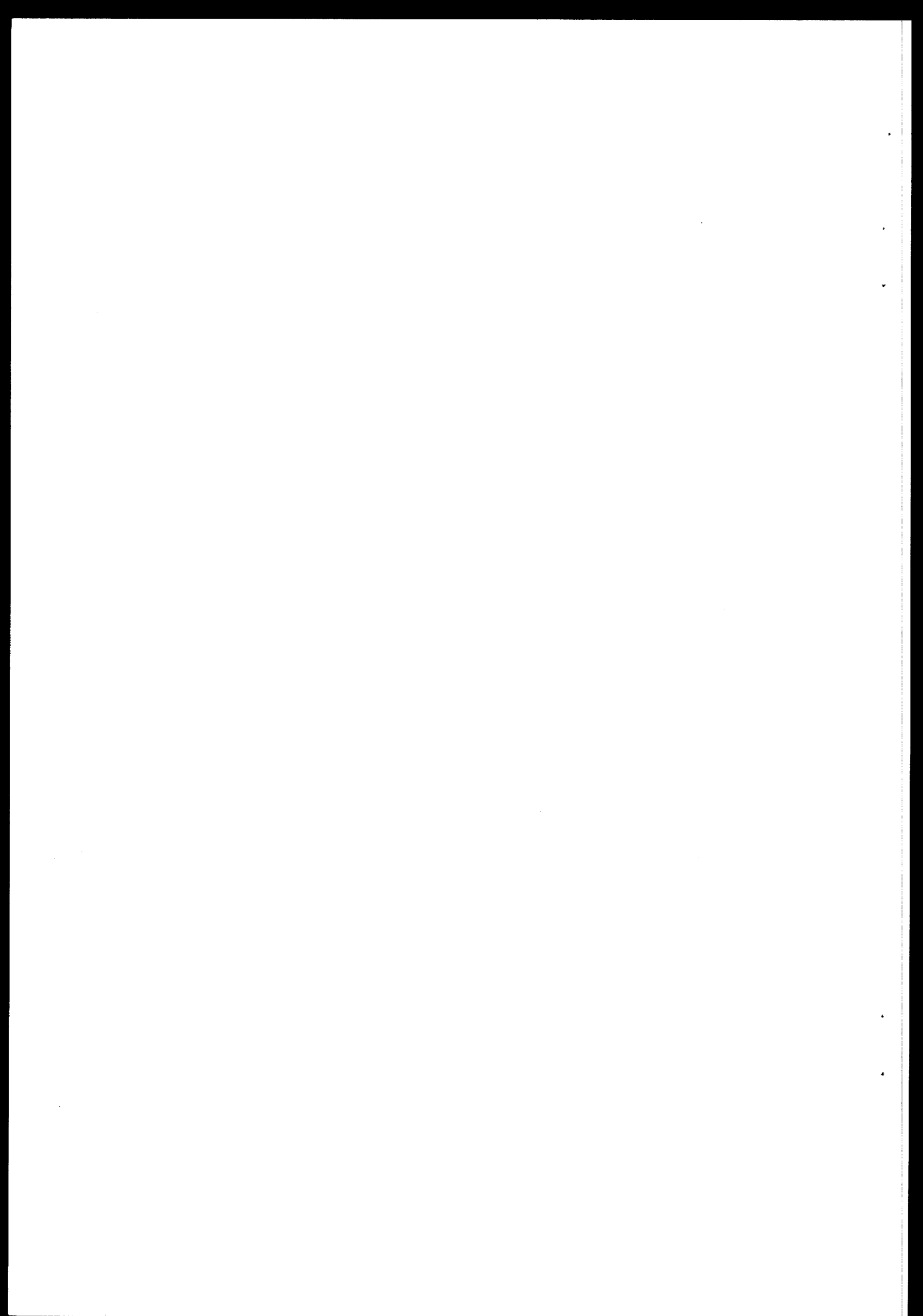
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In suggesting that the intensity of legislative activity will decrease in favour of a renewed emphasis on implementation, the Commission must not lose sight of the fact that the need both for the *revision of rules* and for *new rules* will continue (and may indeed increase) as complex inter-relationships among policy areas become evident, new problems arise, the diversity of the Union increases and the uncertainty involved in policy decisions becomes ever clearer. Thus, in decentralising and in building competences at lower levels with regard to implementation and enforcement, it will also be necessary to recognise a need for adaptability and flexibility at these levels.

In other words, it can be suggested that the clear separation between *policy and control functions* on the one hand and *executive functions* on the other needs to be revisited and modified. Aspects of *both* functions need to be recognised at the level of the Commission *and* at lower, decentralised levels. Thus, the range of activities involved in the policy process - from problem-setting, initiation, consultation and development, through implementation, to monitoring, evaluation and revision - may have to be deployed or delegated differentially by the Commission at different times in response to the emerging situation. The process must, therefore, be understood as evolutionary with the Commission being required to deploy some activities at one moment and perhaps not at another.

Thus, just as with the internal functioning of the Commission, understanding the policy process in this way leads to genuine flexibility and responsiveness to a complex environment and emergent societal needs. *With such an understanding, the role of the Commission as a whole in the policy process becomes one of intervening to provide or encourage the different evolutionary mechanisms of variation, selection and retention as well as a broader mechanism of ensuring overall coherence.*

It will be necessary for the Review to begin with an initial typology of the Commission's activities in such a model of the policy process (related to the collective framing of problems, development and implementation of solutions, monitoring of performance and revision of policy) but this will be subject to ongoing revision both within the Review and within the learning organisation that must emerge from it. A suggested initial typology is proposed in Appendix 1.



## 7. The Policy Process as an Evolutionary Process

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Just as the evolutionary model of the Commission developed above could be seen as the natural development of elements of existing internal practice, so the analogous model of the policy process as a whole is an attempt to provide a coherent framework for a range of existing initiatives in European regulation and to propose a particular direction for their ongoing development.

Throughout the history of the Community - and increasingly in recent years - it has been recognised that *unity* cannot be achieved by *uniformity*. As the number of Member States has grown and the range and complexity of issues to be addressed has increased, so the regulatory approach based on top-down detailed prescription has progressively given way to the setting of objectives and the development at lower levels of detailed solutions. Mutual recognition, the New Approach and the increased use of Framework Directives are all aspects of this overall movement. More recently, the appearance of European agencies, often forming part of broader networks of lower level agencies and actors, is a further indication of the shift away from the classical model of command-and-control regulation.<sup>17</sup>

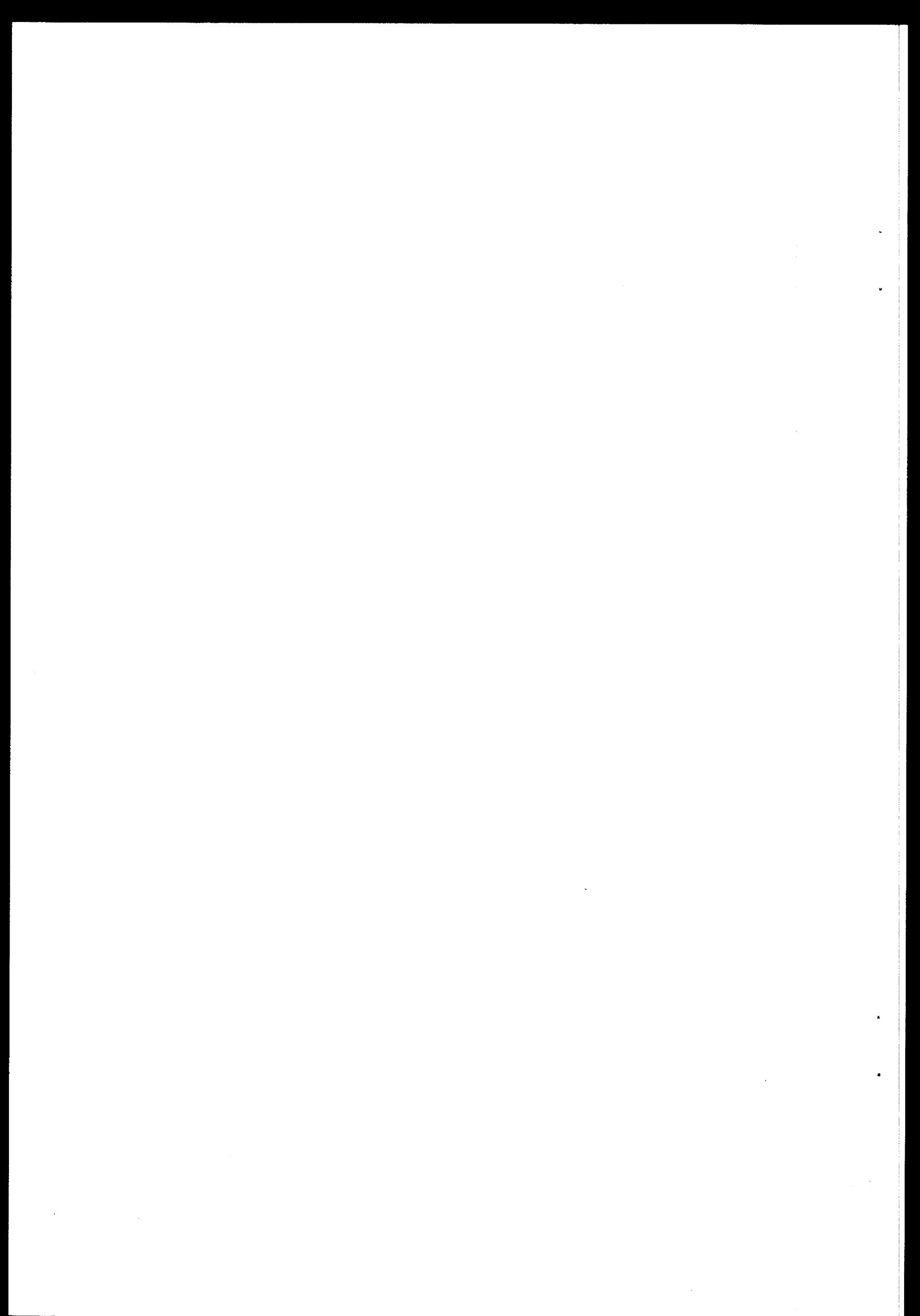
This general trend, however, is not driven by any single or clearly-defined motivation. Sometimes the *complexity* of an issue makes the provision of detail by higher-level public actors impossible. Sometimes the *diversity* in national or cultural backgrounds renders a uniform solution inappropriate. Sometimes the delegation of decision-making power to lower levels is simply a response to overriding concerns with *costs and efficiencies*. And, increasingly, the recognition that policy areas are permeated by *uncertainties* and reveal complex *interdependencies* forces a reappraisal of any overly-dogmatic regulatory approach.

Examining issues such as these in the context of the Governance Project, a key finding was the need to recognise the *inherent instability of the models upon which political and regulatory action is based*. Two illustrations can help to clarify what this means. The first, although drawn from the philosophy of science and an attempt to explain the nature and status of scientific 'truth', can also serve as a means of clarifying the nature and the status of the 'truth' (whether economic, scientific, legal, etc.) which underlies public policy and regulatory action. The second uses the metaphor of the map to allow a clear view of the limitations of the models upon which policy and regulation are based. Both help to demonstrate why, in the contemporary context, policy and regulation understood in terms of collective learning can lead to efficient co-ordinated action.

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<sup>17</sup> See on this subject Notis Lebessis & John Paterson (1997) 'The Future of European Regulation' Forward Studies Unit.





## 8. A Scientific Analogy

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We can begin this illustration by considering the way in which scientific findings influence the policy process. A wide range of policies and regulations depend to a greater or lesser extent upon scientific findings. The safe level of exposure to radioactive materials or to pesticides, the design of machinery, the suitability of animal feedstuffs, the safe level of vehicle emissions, and so on, all depend on a finding by science that a certain theory about cause and effect is 'true'. Thus, a scientific finding that it is 'true' that a particular therapeutic drug is safe enables regulatory authorities to permit the marketing of that product. However, it sometimes happens that in practice the drug manifests serious adverse effects and there is a consequent revision of the scientific finding of its safety to 'false' and its banning by regulatory authorities. This revisability of scientific truth (apparent also, for example, in the BSE case or in the tortuous attempts to agree safe levels of greenhouse gases) appears to reveal a growing uncertainty on the part of science. But, as Karl Popper has demonstrated, this uncertainty turns out to be inherent in the process of science:

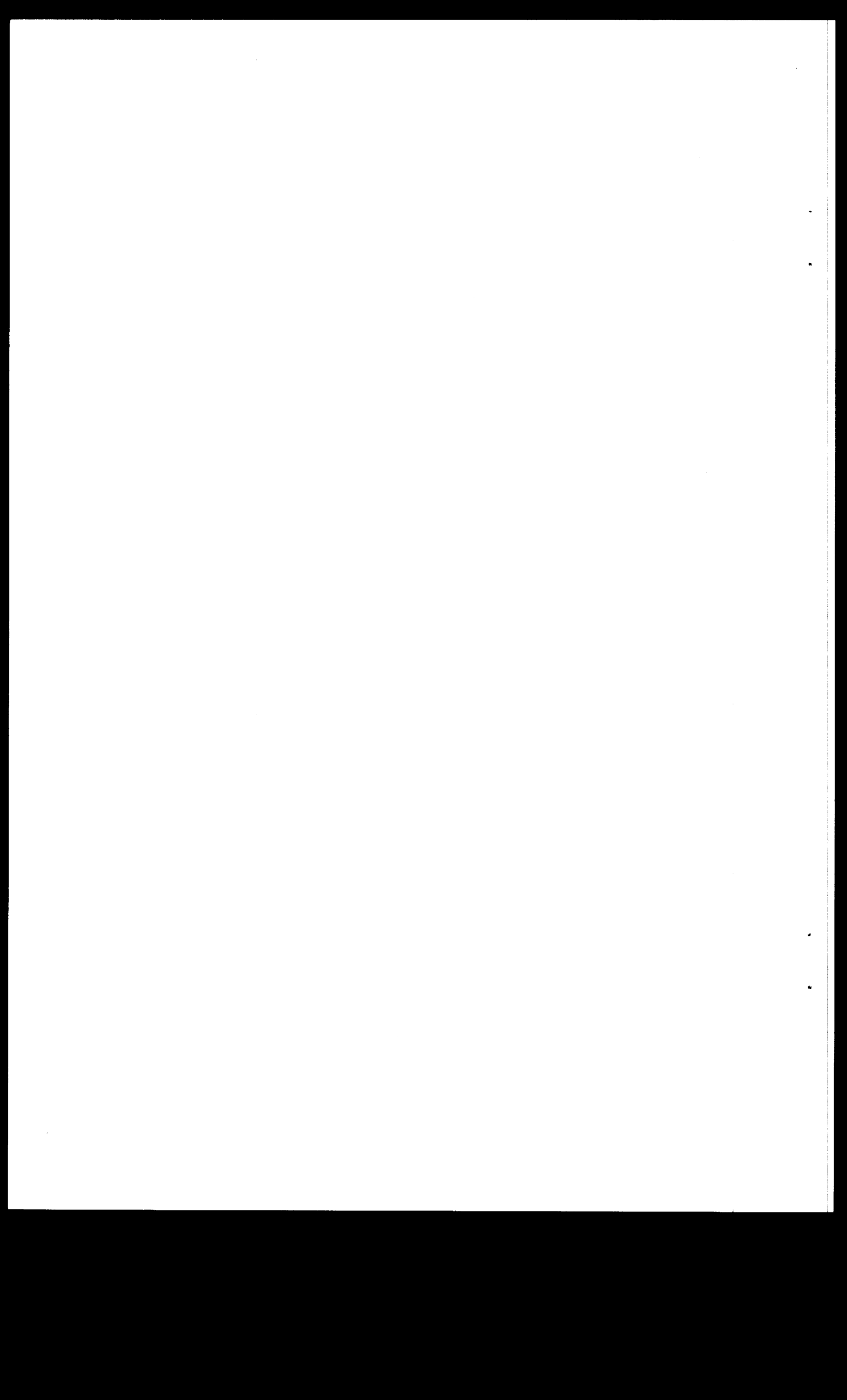
[t]he empirical basis of objective science has nothing 'absolute' about it. Science does not rest upon solid bedrock. The bold structure of its theories rises, as it were, above a swamp. It is like a building erected on piles. The piles are driven down from above into the swamp, but not down to any natural or 'given' base; and if we stop driving the piles deeper, it is not because we have reached firm ground. We simply stop when we are satisfied that the piles are firm enough to carry the structure, at least for the time being.<sup>18</sup>

That paints a very clear picture of the nature and status of scientific theories: they are provisional, they are open to modification or even replacement on the basis of further investigation. And what is the case for theories of pure science, is also the case for the theories and models which ground the action of political, economic and legal actors. What these models or actors hold to be true today may tomorrow turn out to have been false or at least not an adequately representative picture as compared with knowledge that has now become available. In short, then, at the root of every theory and model which grounds our actions, our statements, our claims, there is an inevitable and irreducible uncertainty.

At a very practical level, then, the reasons why reflexivity is a necessary component of policy and regulatory action become more clearly apparent. It is necessary to keep the fundamental assumptions underlying the action of any unit or DG under review - internally and by external audit. It is equally necessary to ensure transparency between units and between objectives in order to ensure that other conflicts and interdependencies are apparent at the earliest possible moment. By such means, the Commission can ensure that it remains responsive to the developing environment. That this is not a straightforward process, but rather one that requires the active involvement on the part of all concerned, will become apparent in due course when we consider the second metaphor.

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<sup>18</sup> Karl Popper (1972) *The Logic of Scientific Discovery* London: Hutchison 6th Impression (Revised) p111.  
*Learning Organisation for a Learning Society*



## 9. Mapping Models

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Another way to represent the models underlying policies and regulatory action is to see them as maps. In particular, we can see these models as 'maps of misreading' which distort reality systematically through the mechanisms of scale, projection and symbolisation.<sup>19</sup> Depending on the *scale* employed, different features of the landscape which our models attempt to map will appear or disappear. We can think here, for example, of the difference between focusing on a problem at European, national, regional or local level. The particular *projection* used will emphasise some features over others. Thus, concentrating on certain aspects of environmental policy, for example, such as the need for cleaner petrol, causes others to diminish in size, such as the whole question of the suitability of cars as a means of transport over other alternatives. Similarly, at a more general level, it might be suggested that agriculture policy is a particular beneficiary of the projection that has been employed by the Community. Lastly, the *symbolisation* will say much about the provenance of the model and its intended purpose. Thus, the terminology deployed in the context of a given policy area ('legal', 'efficient', 'acceptable', etc.) reveals cultural, economic or political standpoints or even prejudices.

This metaphor, therefore, focuses our attention on two particular aspects of the models which ground our action. Firstly, there is the fact that any given model, like any given map, cannot reproduce the world but must offer a *selective or incomplete view* on the basis of what it is concerned to achieve. A road map, for example, is ideally suited to helping us get from A to B but if we want to plan the route of a new road we will need another map with topographical information. There is a risk, therefore, that what is not included in a given map or model ceases to have immediate significance for those who make use of it.<sup>20</sup> It is thus very easy to lose sight of what lies just beyond our immediate concerns. More importantly, this feature of maps emphasises - as did Popper's metaphor - the contingency of our models: Other selective and incomplete views, in principle as valid and as 'true' as our own, are equally possible. It is necessary, then - to reiterate what was said above - *to recognise the limits of any given model and to ensure that its basic assumptions, its selections, are kept under review in a process which integrates other models, other selections.*

A second feature of maps, however, demonstrates how difficult such a process can be. This is the fact that maps are *multiply-connected* and thus limit the possibilities for rapid or straightforward change; once a particular scale, projection and symbolisation have been chosen, local changes cannot easily be made without having knock-on effects globally. There are, therefore, built-in constraints limiting the extent to which changes can unproblematically be made - a fact recognised by cartographers who concentrate on redundant information thus over-determining the main features.<sup>21</sup> The same is true for our models. We often focus on long-established practices, habits, 'givens', without ever subjecting them to close scrutiny - what was described above as path-dependency. And it is thus difficult to make changes based on new information without upsetting the entirety of our model. There is accordingly a tendency to ignore or diminish the importance of information which threatens to be so problematic for our daily, well-understood, routines.

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<sup>19</sup> See Boaventura de Sousa Santos (1987) 'Law: A Map of Misreading. Toward a Postmodern Conception of Law' *Journal of Law and Society* 279-302.

<sup>20</sup> See Denis Wood (1993) *The Power of Maps* London: Routledge.

<sup>21</sup> See John Ziman (1978) *Reliable Knowledge: An Exploration of the Grounds for Belief in Science* Cambridge: Cambridge University Press.

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\* \*

The importance of seeing policy and regulation as processes of *collective learning* becomes clear from consideration of these metaphors. Only if models are confronted in a collective process can more adequate new maps be produced which transcend the limitations of the old. Taking again the example of the search for cleaner petrol, for so long as this remains as an unquestioned objective in itself, the potential of other environmentally superior solutions or the possibility of unforeseen side-effects may not be sufficiently recognised. *Only when objectives are pursued as part of a collectively constructed approach does the Commission remain sufficiently responsive to developments.*

With these illustrations in mind, we can understand more clearly the nature of the uncertainty, complexity and diversity that have been features of the move away from classical command-and-control regulation at the European level. Equally, we can perceive more clearly the danger of moving towards new approaches on the basis of concern about cost and efficiency alone.

It is a question, then, of putting together the various elements we have developed in order to complete the model of the policy process as a whole in evolutionary terms. As before, we will begin at the lowest level and proceed upwards to build the model in stages.

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## 10. The Commission in an Evolutionary Policy Process

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Understanding the models grounding the policy and regulatory action of the Commission in terms of the metaphors in the preceding two sections means that not only must individual units and DGs engage with each other in a process of collective learning, but they must also engage in such a process with other stakeholders. Thus, the Review must also address the nature of the Commission's relations with external actors. Just as it was seen to be necessary to confront the basic assumptions of one unit's model with those of another in an internal process of mutual learning, so is it necessary to understand the broader policy process in similar terms. Unless the basic assumptions of the models of public actors are confronted with those of interested and affected parties, there is a risk that policies and regulations may be based on an inadequate understanding of the problem in hand, the degree of uncertainty confronted and interconnections with other issues. *It is, therefore, no longer a question of handing down solutions from above, but rather of building a collective understanding of the issue to be addressed with the stakeholders in context and then, in a similarly collective manner, of developing and implementing solutions.*<sup>22</sup> Such an approach, by emphasising the limitations and contingency of the model deployed by each stakeholder, naturally leads to a concern with the ongoing monitoring and revision of the collective understanding and the collective solutions developed in context. Adding this dimension of reflexivity to the contextual, collective regulatory mechanism completes the picture of the policy process as a process of *collective learning*.

Of course, adopting such an approach means that different contexts may produce different solutions to a given problem and different means for achieving a given objective. While this at first sight may appear rather problematic and to run the risk of producing fragmentation, it is important to stress the advantages. First of all, engaging stakeholders in the collective definition of problems and development of solutions means that more information and expertise is available and thus that more effective solutions will be produced. And by allowing situation-specific variations, better adapted solutions are likely. There is also a legitimacy gain which could go a considerable way towards addressing concerns about the democratic deficit in the Union. Lastly, it is again possible to see this approach as producing a *variety pool* and allowing the vast creative potential that exists in the Union to be released so that innovative solutions may arise.

Concretely, these observations suggest that the Commission should continue to develop an approach which encourages the development of detailed solutions at lower levels but more specifically in terms of collective learning understood in the terms described above. Similarly, in order to ensure that useful innovations developed in one context are available to others (*selection* as defined previously) there is a need to encourage *transparency* between contexts in terms of information, exchange of actors, development of networks, etc. And just as in the internal model of the Commission, there is a more proactive role of *retention* or *stabilisation* to be played by a higher level actor such as the Commission in identifying and encouraging the adoption of particularly promising developments - with, of course, the same caveats about sensitivity to context.

As was hinted at above, however, this approach is not without its difficulties. The potential downside lies in the impact it can have on *mutual trust and confidence* as between different contexts. Are the solutions developed in one situation genuinely effective or are they providing an unfair competitive advantage at the expense of the achievement of overall objectives and at the expense of others in different situations? It is the case, however, that the assurance of mutual trust and confidence can be achieved by similar means to those deployed to allow selection of innovative developments. By

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<sup>22</sup> See also section 2 of the Questionnaire in Appendix 2.

encouraging transparency between contexts, therefore, the visibility of optimal solutions developed elsewhere *and* the reassurance that these are not in fact efficiency-driven solutions which risk a 'race to the bottom' can be achieved.

Inherent in what has been said so far, of course, is an important continuing role for the Commission in enabling the *setting of clear overall objectives*.<sup>23</sup> The collective, context specific mechanisms for the development and revision of solutions are the means by which these objectives are achieved. So far, however, the discussion in this section has assumed a single policy area where general objectives are set at a higher level and solutions are developed by stakeholders in context with selection from the variety pool and confidence-building being achieved by transparency between contexts. But the question then arises as to how *coherence among policy areas* is to be assured.

It is probably the case that the encouragement of participative processes for the development of solutions in context will already contribute to a greater awareness of the interaction of different policy areas but there is still a very important role to be played in this regard at the highest levels. Thus, in addition to the retention or stabilisation role for a higher level actor such as the Commission, there is also a role with regard to the *coherence* of overall objectives.

Drawing together the points raised in this section, the policy process as an evolutionary process and the role of the Commission in that context can be represented in the following diagram (figure 6) which is analogous to the diagram of the Commission developed above at figure 4.

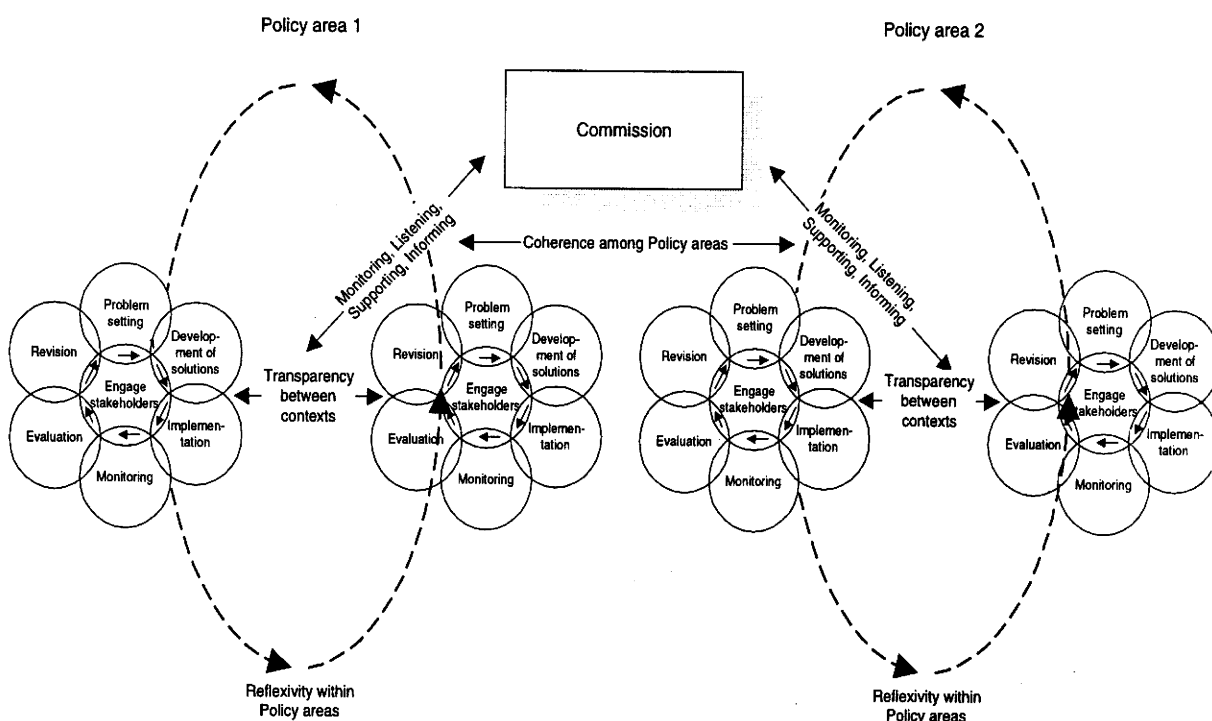


Figure 6

<sup>23</sup> See also section 6 of the Questionnaire in Appendix 2.

## 11. Designing Tomorrow's Commission Together : Guidelines for the Review

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In an enlarging and ever more diverse Union, therefore, the need to find new approaches to the setting and achievement of overall objectives which combine efficiency with effectiveness - and which equally address the question of legitimacy - is increasingly important. A significant shift in thinking about the policy process is required if these challenges are to be met. The Commission, as a key actor in this emerging situation, must make changes to its internal organisation and operations and in its relationships with external public and private stakeholders.

Programmes such as MAP 2000, SEM 2000 and Agenda 2000 are all important responses to these challenges. In order for these programmes to realise their full potential, however, it is necessary to ensure that they are all united by a coherent philosophy. Understanding the policy process in evolutionary terms provides such a framework both for analysing the Commission's practice and for guiding its future development.

It is not appropriate at the beginning of the Review to come forward with concrete proposals regarding priority activities, working methods and the appropriate development and deployment of human resources - that would be to prejudge the outcome of the process. What this note can do, however, on the basis of the understanding of the policy process that has been developed, is to propose an appropriate orientation for the Review.

At the beginning of the note, the fact that it was felt necessary to take a 'photograph' of the Commission was questioned. It was said, first of all, that this revealed the extent to which the organisation *as a whole* was not a 'learning' organisation. Secondly, it was suggested that the idea of a photograph was too static in the context of the stated desire to 'remain a dynamic force for renewal'. Instead it was suggested that the aim should be to arrive at a situation where such a review would in principle be unnecessary in future given a stance of ongoing learning and flexibility. It is now possible to go further and to add some detail to these observations.

First of all, it is now clear that the metaphor of a photograph is especially inappropriate given that it implies that it is simply a question of producing a *representation* of something that is already there. It is certainly recognised that it will be a lengthy process to derive this representation but the underlying assumption is that the process will be one of uncovering existing best practice, priority activities and human resource policies. It is now possible to see, however, that the process must be understood rather as one of *collective construction*.

It must be recognised, therefore, that individual members of the personnel have their own map of, and give their own meaning to, the role and activities of the Commission in their area of responsibility. This constitutes a vast and diverse pool of relevant and adapted knowledge, experience and expertise which cannot be adequately reflected in the categories available in a top-down review process. Instead, the process must allow these different maps to be integrated in the *construction of an overall vision* of the role and activities of the Commission. This interactive process results in a mutual transformation of models and thus constitutes much more than their simple addition. The coherence and co-ordination provided by the overall vision produced in this way substitutes for command-and-control co-ordination methods which do not provide sufficient empowerment or allow adequate adaptation to an evolving context. Furthermore, by engaging individual personnel members in a process in which their experience is taken seriously, such a process helps to establish confidence in the Review.



In clarifying this process, it is necessary also to be clear about what it is that must be constructed. The fact that the Review is effectively seeking for *solutions* implies that there is a pre-existing understanding of the *problems*. And this is indeed the case. There is concern, for example, to arrive at a more efficient and effective use of resources, to determine which functions must be retained and which might be delegated, etc. The problems are, then, phrased very much in the language of increasing demands on decreasing resources. But before it is possible to achieve better efficiency and effectiveness there needs to be much better understanding of the exact nature of the problems otherwise there is a real danger that the 'solutions' implemented, by being ill-adapted to the problems, will produce further difficulties.

*The Review, therefore, must aim first and foremost to enable a collective construction - both internally and externally - of the problems which the Commission and the Union as a whole faces.* Agenda 2000, in discussing, among others, such challenges as enlargement, sustainability and a knowledge-based society, provides some direction. But it is a question of examining how these challenges are understood throughout the Commission and how they affect current activities and of seeking to encourage the emergence of a coherent and collective vision.<sup>24</sup> Nor must this be seen as a one-off exercise: we must entirely leave behind the static metaphor of the photograph. A key aim should, therefore, be to establish mechanisms which allow this process of collective problem-setting to continue. These mechanisms are for the Review to consider, but in looking for best practice attention could be focused on arrangements which

- enhance internal *transparency* and *horizontal* communication which results in a better collective construction of problems,
- seek, identify and *retain* useful innovations on an ongoing basis,
- empower personnel to utilise their experience, expertise and knowledge in the development of solutions,
- ensure the ongoing *monitoring, evaluation and revision* of practice,
- prefigure the emergence of the *hologrammatic* organisation of the Commission,
- identify relevant stakeholders and assist their meaningful participation in the collective construction of problems and solutions.

A suggested initial typology of activities based on the model developed in this note is proposed in Appendix 1 and some guidance as to the sort of examination that might be envisaged is further specified in the Questionnaire in Appendix 2.

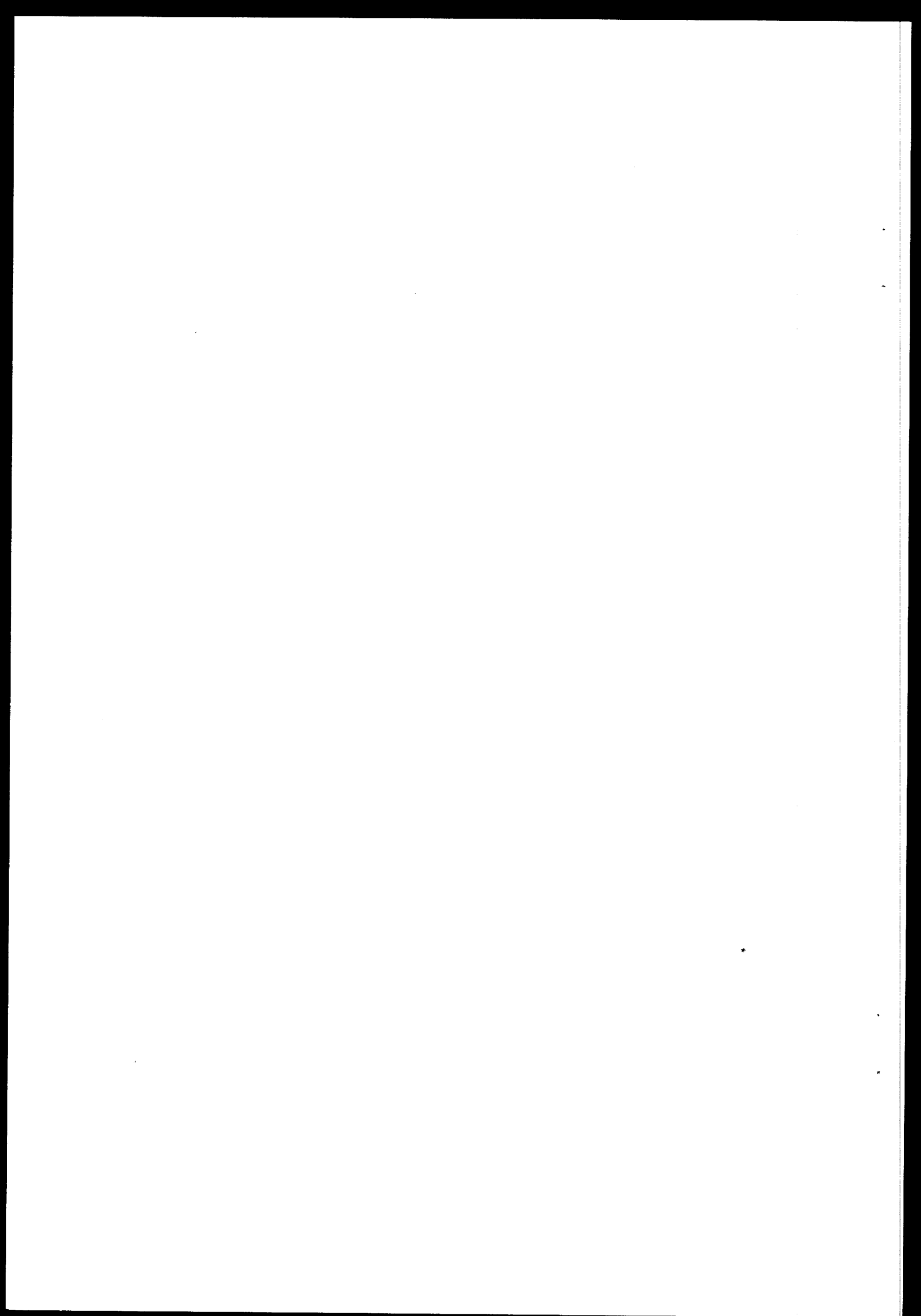
The Review must ensure that it contacts personnel at all levels and especially those who are directly involved in dealing with practical problems and not just those who have organisational functions. In addition, all personnel must feel that the Review is something directly meaningful for their ongoing work in the Commission and not just something to be gone through and which is interfering with their more immediate tasks. Only by understanding the Review as a process of collective learning which will be as useful for the personnel at lower levels as for higher level managers will meaningful results be achieved. *In short, the aim must be not to take a photograph but to enable a dynamic hologrammatic organisation of the Commission.*

Such an understanding of the Review may appear to run the risk of producing more work, less clear means of proceeding and less clear outcomes. But by breaking out of overly narrow conceptions of the policy process, it can be seen that that risk is transformed into an opportunity. By fully embracing a process of collective learning, the vast creative potential which is contained within the diverse services of the Commission can be released and a rich variety pool tapped. To be unclear about what this Review might produce is, therefore, to be in a position where the range of possibilities is greatly increased and where the opportunity exists to build together a common and coherent vision of Tomorrow's Commission.

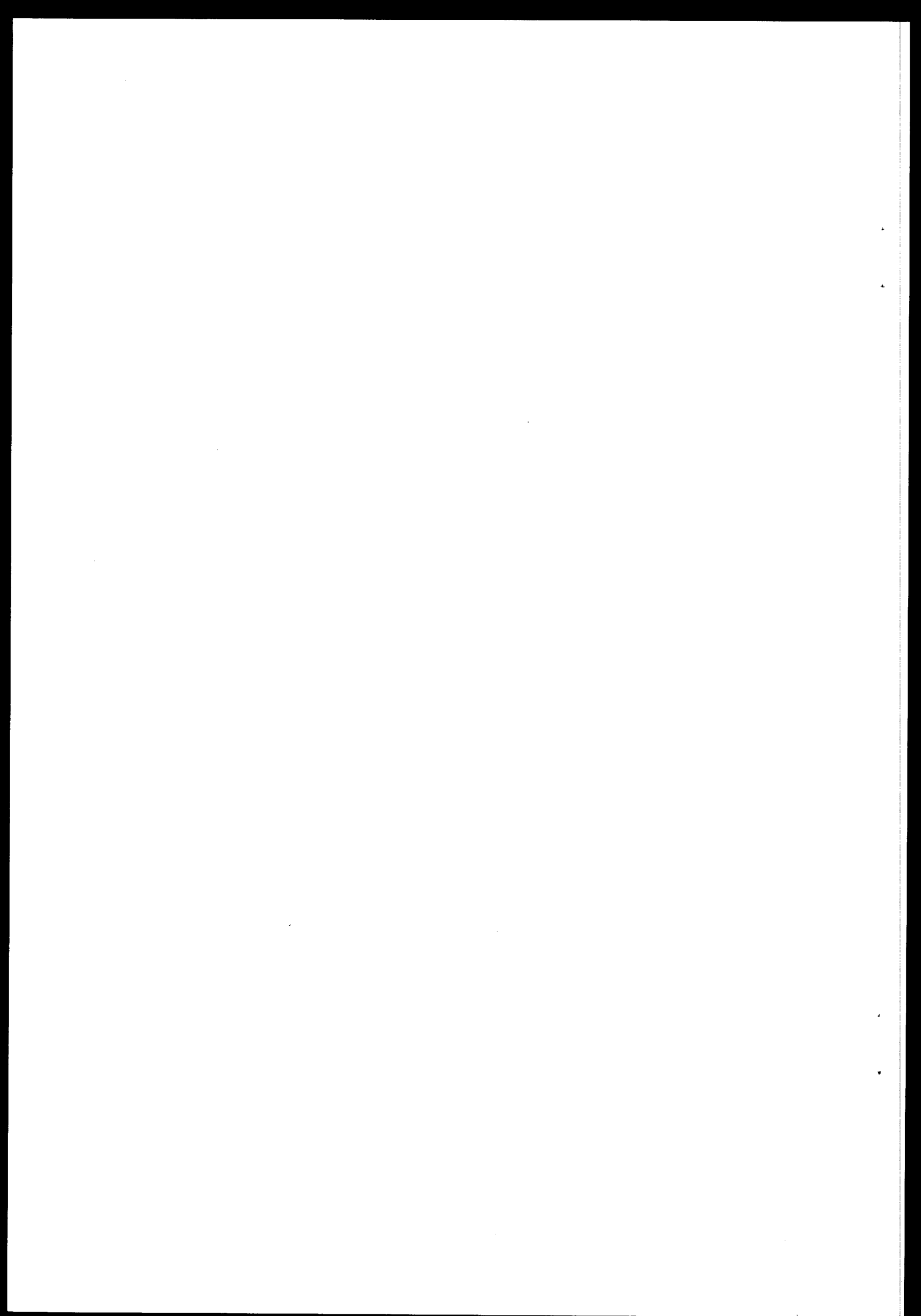
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<sup>24</sup> See also section 1 of the Questionnaire in Appendix 2.

Following on from the model of the policy process developed in the foregoing note, the checklist for the review presented here is not broken down along traditional functional lines. Rather it is divided according to the evolutionary mechanisms which were shown to be important components of the policy process and in each case the emphasis is put on practices geared towards collective learning. A Questionnaire developed in the context of the Governance Project is also attached (Appendix 2) as an indication of the sort of practical approach which might be adopted in order to discover information relevant to this understanding of the role of the Commission.



Evolutionary policy process	Implications for the Commission's (a) inter-service relations and organisation; and (b) relations with external actors	Review should (a) with regard to inter-service relations; and (b) with regard to the Commission's relations with external actors <i>identify and analyse innovative mechanisms for the definition and solutions of problems which:</i>
Variation  Participative problem-setting and development of solutions within policy areas	(a) <i>Encourage:</i> • context-specific, adapted solutions • involvement of all levels of personnel • reflexivity within units	(a) • engage and empower personnel at all levels (e.g. MAP 2000 Reflection Group proposals) • encourage and reward individual innovation • encourage the ongoing monitoring, evaluation and revision of performance
	(b) <i>Encourage:</i> • context-specific development of solutions • stakeholder involvement • support for stakeholders	(b) • engage and empower stakeholders in collective definition of problems (e.g. by consultation processes such as Green papers) • engage and empower stakeholders in context-specific development of solutions (e.g. under Framework Directives - but to what extent are these compromised by continuing prescription?) • encourage ongoing monitoring, evaluation and revision of performance (e.g. in risk contexts)
Selection  Releasing creative potential	(a) <i>Encourage:</i> • transparency between units • active communication between units • reflexivity within units	(a) • bring together personnel (from all levels) from all units to discuss working methods • encourage the communication of information on working methods between units (e.g. training)
	(b) <i>Encourage:</i> • transparency between contexts • confidence-building between contexts	(b) • bring together/exchange stakeholders (public and private) from different contexts (e.g. networks such as IMPEL) • encourage the collection and exchange of information between contexts (e.g. new European agencies)
Retention  Monitoring, listening, supporting and informing	(a) <i>Enabling actor should</i> • monitor best practice • enable transfer of ideas • listen to and support personnel with innovative ideas • disseminate information on promising ideas	(a) • seek to identify and disseminate useful innovations • allow personnel to present innovative ideas • support initiatives from personnel
	(b) <i>Commission should:</i> • monitor for useful innovations • assist dissemination of information	(b) involve the Commission in: • monitoring policy development and implementation and adapting policy accordingly (e.g. monitoring of structural funds) • collecting and distributing information which is accessible and applicable to the policy and regulatory questions in hand (e.g. statistical service; observatories)
Coherence  Integration of policy and the development of a collective vision	(a) <i>Enabling actor should ensure</i> • early collective definition of problems • collective development of solutions • ongoing review of performance and revision of methods	(a) • encourage a collective learning approach to the definition and solution of problems (e.g. inter-service seminars and scenario-building) • review and revise the operation and organisation of the Commission on an ongoing basis (e.g. occasional Reviews - examine what happened to previous recommendations)
	(b) <i>Encourage:</i> • collective definition of objectives • collective definition of solutions • collective review and revision of objectives among policy areas	(b) • seek to transcend functional policy areas (e.g. new arrangements following BSE crisis) • employ risk management techniques (e.g. in the domain of occupational health and safety)



## Questionnaire

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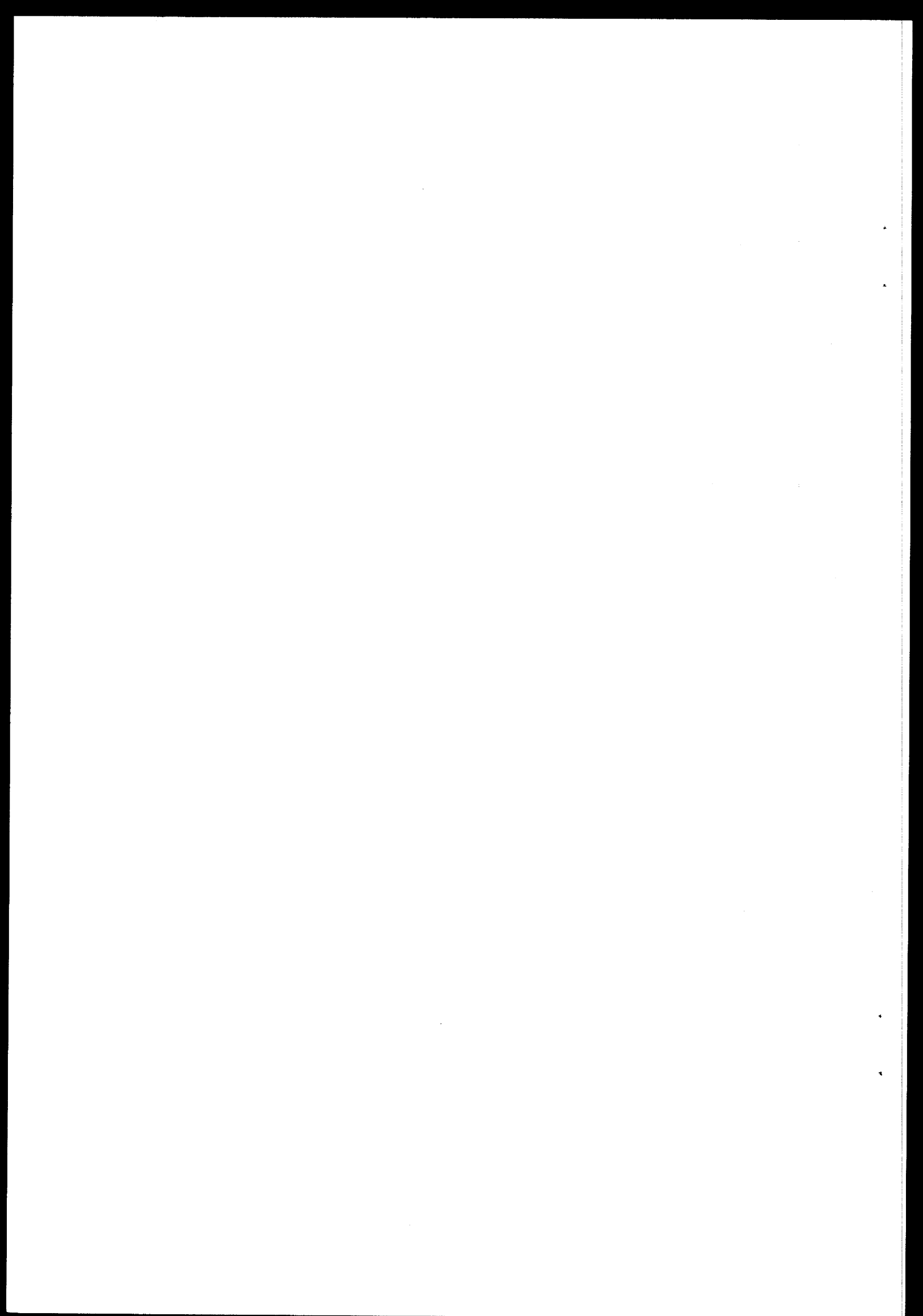
An ongoing project of the Forward Studies Unit is focusing on the question of transformations of modes of governance in the context of diversity and complexity. More specifically, the focus is on evidence of a shift away from a traditional understanding of the policy process (which emphasises the centralised, standardised and top-down approach of public actors operating on the basis of expert and bureaucratic models) and towards an approach based on collective learning which offers improved responsiveness, flexibility, accountability and effectiveness.

This latter approach, which implies a co-ordinating or animating role for public actors, seeks to improve the ongoing involvement of stakeholders, to confront difficulties associated with the functional divisions of public actors and expert models, to encourage the context-specific development of norms and to improve the reflexivity of the policy process with a view to enhancing collective learning.

This project has already begun to consider the implications of these transformations for the Commission and a report of its progress so far is attached ([Annex 1](#)). As part of this process, we want to discover more about the current approach of the Commission in respect of some of the key features of these new modes of governance which the project has identified. In this way, it is hoped to make further progress towards the principal objectives of the project which are:

- (a) to situate the present and future activity of the Commission in the broader context of the transformation of modes of governance in democratic societies - a transformation which involves both the role of public actors and the methods available to them; and
- (b) to assist the Commission in understanding the implications of this ongoing transformation and to anticipate future developments in order that it can clarify its role and better adapt its methods to this context.

In short, it is hoped that, by confronting current developments and concerns within the Commission with the insights of new modes of governance, knowledge can be gained which may assist in the process of refining its methods in ways which will enhance both the effectiveness and the legitimacy of its action.



## 1. Profile of Your Area of Activity

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*The Commission is typically said to have certain main roles: guardian of the treaty; an initiator of European policies; and a certain executive role. In order to enable it to carry out these roles, the Commission undertakes a variety of types of activity, certain of which are relatively traditional and well-understood (e.g. collection and analysis of data; encouragement of common analyses; elaboration of legislative proposals; elaboration, management and evaluation of programmes; subsidies) and certain others which have so far remained relatively loosely defined but which are interconnected with traditional activities and which are becoming increasingly important (e.g. intermediation; provision of information; animation activities).*

### **The general interest**

- In what respect does your domain correspond to the general interest?

### **The role of the Commission**

- What do you see as the Commission's role in your field?

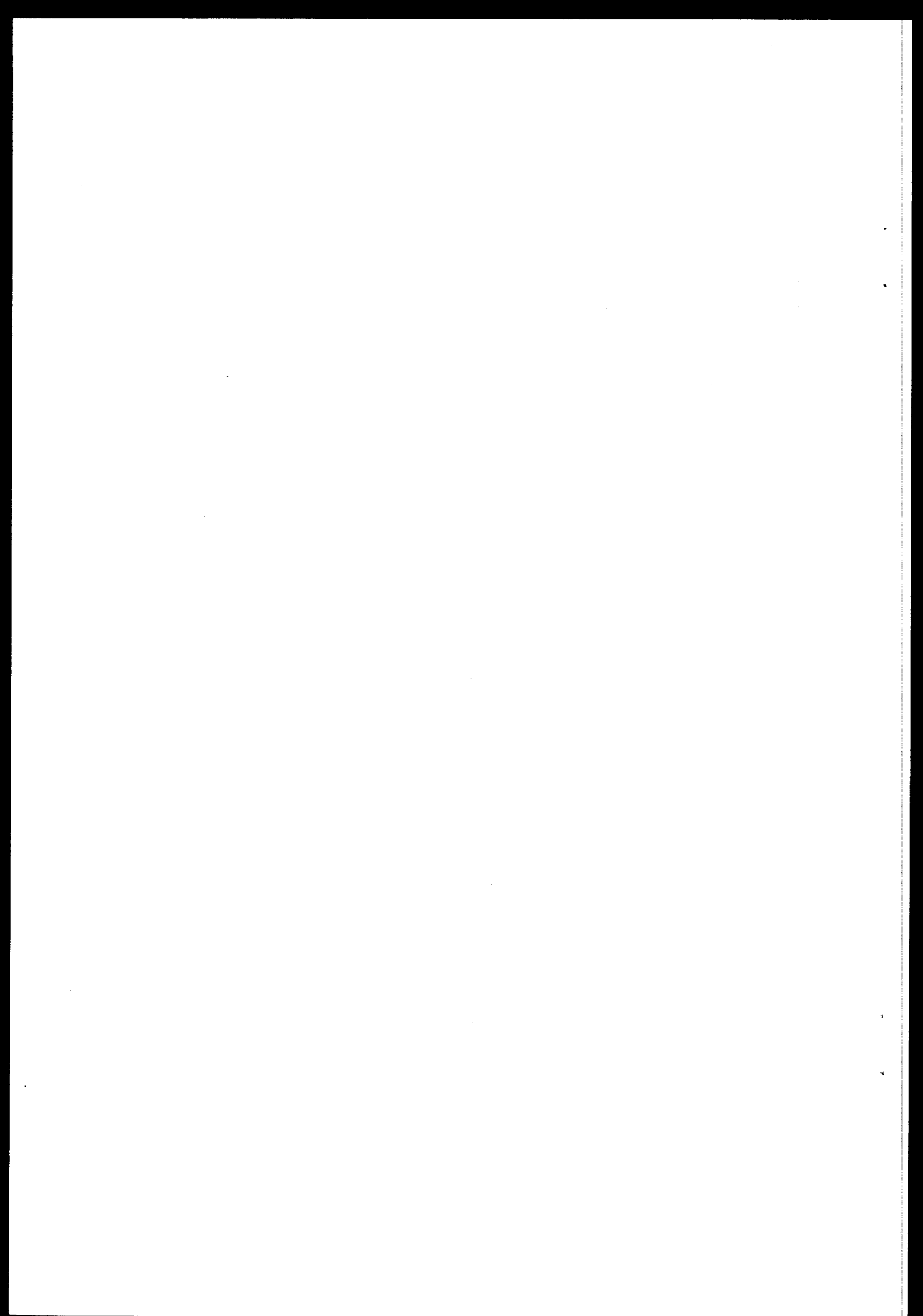
### **The type of activities and modes of intervention**

- How does it carry out this role in your field?
- What type of activities/modes of intervention does it engage in?

### **Internal knowledge and methods**

- What are the principal means by which your service ensures an understanding of your field (e.g. recruitment of permanent staff with competencies relevant to the field; the presence of national experts on secondment or of consultants; commissioning of studies; training; etc.)?
- Which fields of expertise are involved?
- In order that this understanding can evolve, how does your service constitute its 'memory' and how does it transmit this memory to new personnel?
- What is your personal experience in this regard?





## 2. Participation

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*One of the key features of new modes of governance identified by the project is the participation of stakeholders throughout the various stages of the policy process (policy formulation (e.g. consultation), implementation (e.g. partnership, monitoring committees) and evaluation. Among the reasons for this emphasis is a recognition of the limitations of expert and bureaucratic models and the consequent improved effectiveness as well as improved legitimacy and accountability that the more meaningful involvement of stakeholders can produce. In the BSE case, for example, at both national and European levels, the failure to consider adequately the interests of all the stakeholders (notably consumers) let alone to involve them or their representatives in decisions at different stages of the process allowed significant risks to be run which have now been realised. Instead, the interests of other stakeholders (farmers and others involved in the market) were prioritised. Similarly, the failure to confront certain expert models (those held by the Veterinary Committees) with those held by other experts meant that risks were accepted without assessment as part of a rational process.*

*The questions which follow deal in particular with the issue of consultation. This is due to the fact that this is the phase of the policy process in which the involvement of stakeholders tends to be most developed. However, examples of such involvement at later stages are of interest.*

### **Experience with consultation**

- Consultation can take many forms - informal consultation, hearings, conferences, scientific and expert committees, interest group committees, Green Papers, etc. What is your experience with those methods in your field?

### **Identification of stakeholders**

- How are stakeholders in the policy process identified?
- Is the dominant criterion related to representation (consultation with individuals or organisations who represent the interests of those affected) or to expertise (consultation with stakeholders who possess useful information or required knowledge)?
- How is the representativeness of individuals or organisations determined?
- Has there been any opportunity for the process of identification to be discussed or revised?

### **Purposes of consultation**

- What do you see as the principal purpose of consultation with stakeholders (acquiring information, gaining legitimacy, providing an opportunity to pass on information, involving stakeholders, better understanding of diverse and complex problems, better adaptation of Commission response to problems, etc.)?
- How concretely are these purposes achieved?

### **Inequalities among stakeholders**

*In the BSE case, it is clear that different stakeholders had quite different access to information and to the decision making processes at both national and European levels. Stakeholders who were exposed to a variety of risks (to health, to livelihood, etc.) were not well served by consultation and decision making processes.*

- Do inequalities of resources, information, etc. among stakeholders in your field pose any problems?
- If so, how are these inequalities dealt with (e.g. passively - taken account of by the Commission - or actively - provision of assistance to the less-advantaged or placing of obligations on the more-advantaged)?
- What would be the purpose of equalising the positions of stakeholders (e.g. to improve the negotiating position of the less-advantaged; to allow for a better debate or exchange of information, etc.)?
- Similarly, are there problems due to differences among the same stakeholders in different Member States and, if so, what is the response of the Commission in your field of experience? (For example, particular stakeholders may be well-informed and well-organised in one Member State but not in another.)

### ***The process of consultation***

- How is the process of consultation organised in your experience?
- How transparent is it?
- How open is it?
- What happens to the results?
- Is there ever genuine modification of initial positions?
- Are final decisions justified to those who have been involved in the process of consultation?
- Are their views taken into account in the sense of being responded to in detail?

### ***Further involvement of stakeholders***

- In some areas the Commission already engages in ongoing monitoring of policies and programmes. Are there any examples in your field?
- What are the problems?
- To what extent are stakeholders involved in these ongoing processes?
- Does such an involvement pose any problems?
- Does it offer any advantages?

### ***New stakeholders***

- Is there provision for the involvement of new stakeholders who emerge as the policy process develops?

### 3. Transcending Segmentation

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*The BSE case has highlighted difficulties arising from the division of responsibilities among different DGs and the limitations of single discipline expert models. Such divisions and single disciplinary approaches also have implications for the integration of policies. The Commission already takes a number of steps in attempting to overcome such difficulties such as inter-service groups, inter-service consultation, task forces, different methods to encourage mainstreaming such as ex ante evaluation of impact on SMEs and the environment, etc. It is a question, however, as to how far these steps go in achieving an adequate transcendence of boundaries.*

#### **Problems**

- What are the problems in your experience arising as a result of the division of the Commission into DGs?

#### **Solutions**

- What methods have been used to overcome these difficulties?
- What are the requirements for their effectiveness?
- What are the limitations on their effectiveness?

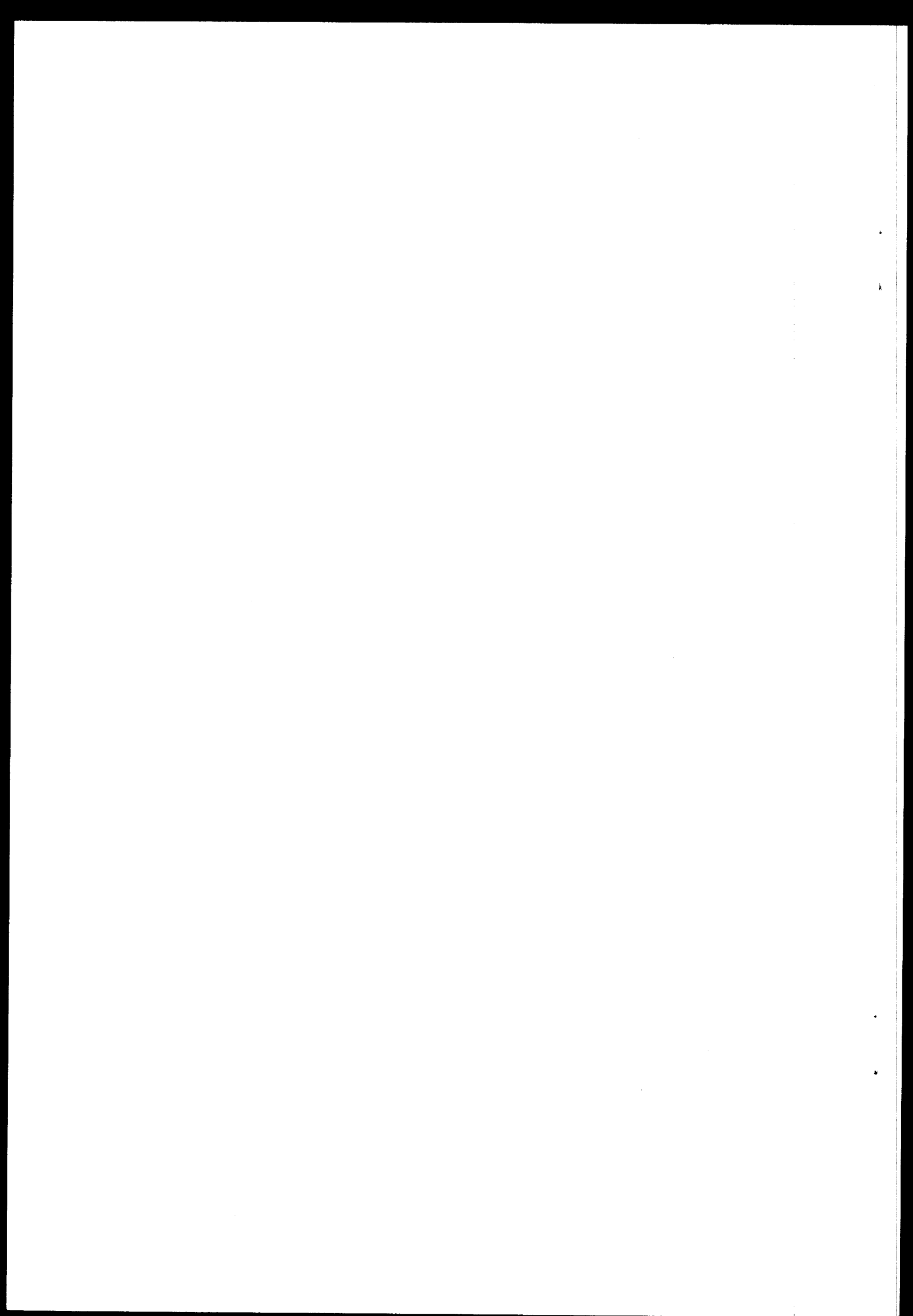
#### **Opportunities**

- What aspects of your field could benefit from a better integration of the Commission's policies?
- How could this best be achieved?

#### **Transcending boundaries**

*While the Commission in many instances takes steps to involve stakeholders in the policy process, this can only be successful if there is a recognition that the models of each possess potential limitations and insights which cannot be taken for granted in advance. The BSE case demonstrates the extent to which different stakeholders and experts from different disciplines (e.g. public actors, medical and veterinary experts, consumers, farmers, etc.) frame problems and appropriate solutions in different ways. It also demonstrates the dangers when the policy process is inadequate with regard to the involvement of stakeholders and does not take account of different understandings and concerns.*

- Have there been difficulties in your field of experience arising from a failure to address the possibility that problems and appropriate solutions may be framed differently by other stakeholders (including Member States, other international organisations, etc.)?
- Are there attempts in your field to deal with such difficulties (e.g. risk assessment, impact evaluation, etc.)?
- What are the requirements for their effectiveness?
- What are the limitations on their effectiveness?



## 4. Contextualised Implementation

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*Programmes, grants, regulations and other modes of intervention by public actors which are based on standardised, centralised and top-down notions of governance are said to be badly adapted (and difficult to adapt) to the complexity and interdependency of contemporary social problems. For example, generalised solutions suited to one context may fail to address or may even exacerbate problems in another. As a result, new modes of governance involve encouraging the development of collective objectives and setting of priorities and aim to take better account of the specific nature of individual contexts. The 'new approach' to the harmonisation of technical standards (i.e. the specification of common basic requirements and delegation of quasi-legislative powers to private standardisation institutions) for example, or the translation of the broad objectives of cohesion policies into local operational objectives through a partnership with local actors, represent steps in this direction by the Commission.*

### **Problems of prescription and standardisation**

- Do you perceive difficulties in your domain of experience with an approach based on standardisation and the prescription of means and solutions?
- Irrespective of any such difficulties, is this nevertheless the most effective and efficient way of attaining objectives?

### **Routinisation of decision making**

- Is the routinisation of decision making processes useful and perhaps necessary or does it impede progress towards processes which may be better adapted to the specific problem under consideration?
- Are there opportunities for flexibility in decision making in your field?
- What means are already employed in this regard (such as regulation directly negotiated by actors or delegation to independent authorities, for example)?
- What are the conditions for success?
- What are the limitations on effectiveness?

### **Alternative approaches to regulation**

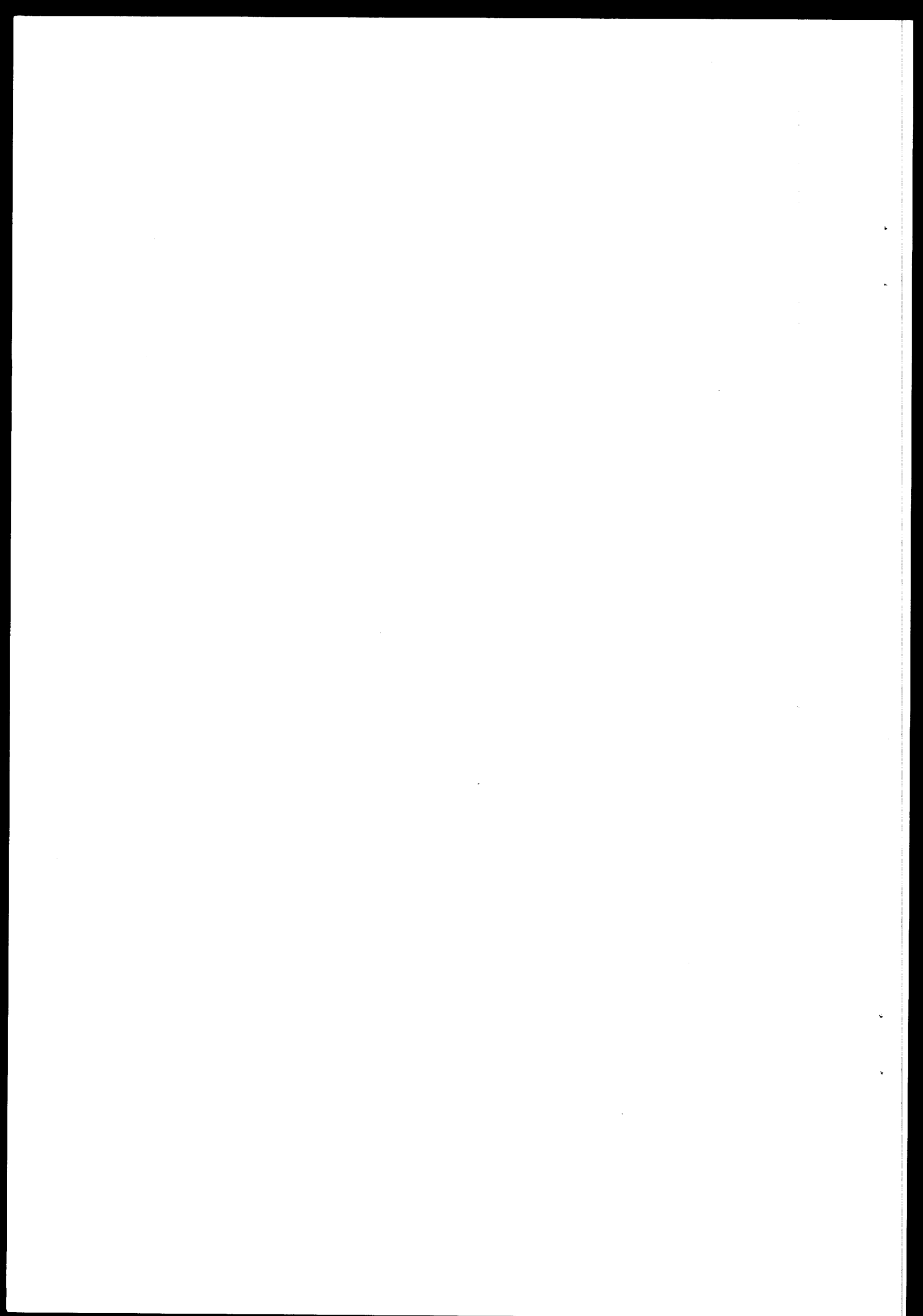
- Do you have experience with alternative approaches to regulation (e.g. economic incentives, voluntary agreements, negotiated regulation, information-giving, shift from design to performance standards, etc.)?

### **Localisation**

- What is your experience with localisation or contextualisation of any aspects of the policy process?

### **Problems**

- Alternative approaches to regulation and the localisation or contextualisation of the policy process imply a shift in the content of centralised control. Whereas there was previously an emphasis on ensuring the achievement of common objectives by the centralised control of means, there is now evidence of a greater contextualisation of the choice of means. In these circumstances, what is it that the public actor now controls?
- Is it still possible to control centrally a diversity of contextualised means?
- Is there instead a shift towards control by providing procedural guarantees or towards control of performance?
- If there is such a shift in the content of control, how can overall coherence (both within and between policies) be ensured and how can confidence between Member States about the equivalence of diverse means (in terms, for example, of enforcement, achievement of objectives, competitive advantage, etc.) be maintained?
- What is your experience with these issues in your field?



## 5. Reflexivity

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*One of the most important key features of new modes of governance identified by the project is their emphasis on reflexivity - that is to say, their ability to learn or to reinsert emergent problems, information, stakeholders, etc. into the regulatory process. One of the main ways in which this reflexivity can be achieved is evaluation. The notion of reflexivity is, however, wider and covers in addition such issues as the revision of policies and the flexibility of modes of governance to incorporate new information, problems, stakeholders, etc.*

### **Experience of evaluation**

- What is your experience of the evaluation of policies in your field?
- What forms of evaluation have you encountered?

### **Objectives and methods of evaluation**

- Who decides on the objectives and methods for evaluations?
- Is there any inter-service activity or the involvement of different expert fields?
- Is there any involvement of other stakeholders (national, regional and local) in the development of objectives and methods?
- Are economic criteria and methods (e.g. cost-benefit analysis, value for money, etc.) dominant?
- Is there any consideration of other criteria based on e.g. social indicators?
- Is the learning which evaluation allows an objective of evaluation?
- Would you consider that the opportunity for learning which experience with a policy provides, even if it has failed, should be included among the objectives of its evaluation?
- Would you consider that the 'option value' of a policy - that is, the room it leaves for further choices to be made as opposed to closing off some routes - should be included among the objectives of evaluation?

### **When?**

- When are the objectives of evaluation set?
- Is there any adaptation of the objectives in the light of experience?

### **Who?**

- Who carries out the evaluation?
- Is there any involvement of national, regional and local stakeholders?

### **Outcome of evaluation**

- What is the outcome of evaluations?
- Do the results feed back into the development and implementation of policies?
- How much of the original policy can be amended in the light of evaluation (e.g. the initial objectives, links with other policies, implementation, the criteria of evaluation themselves, etc.)?

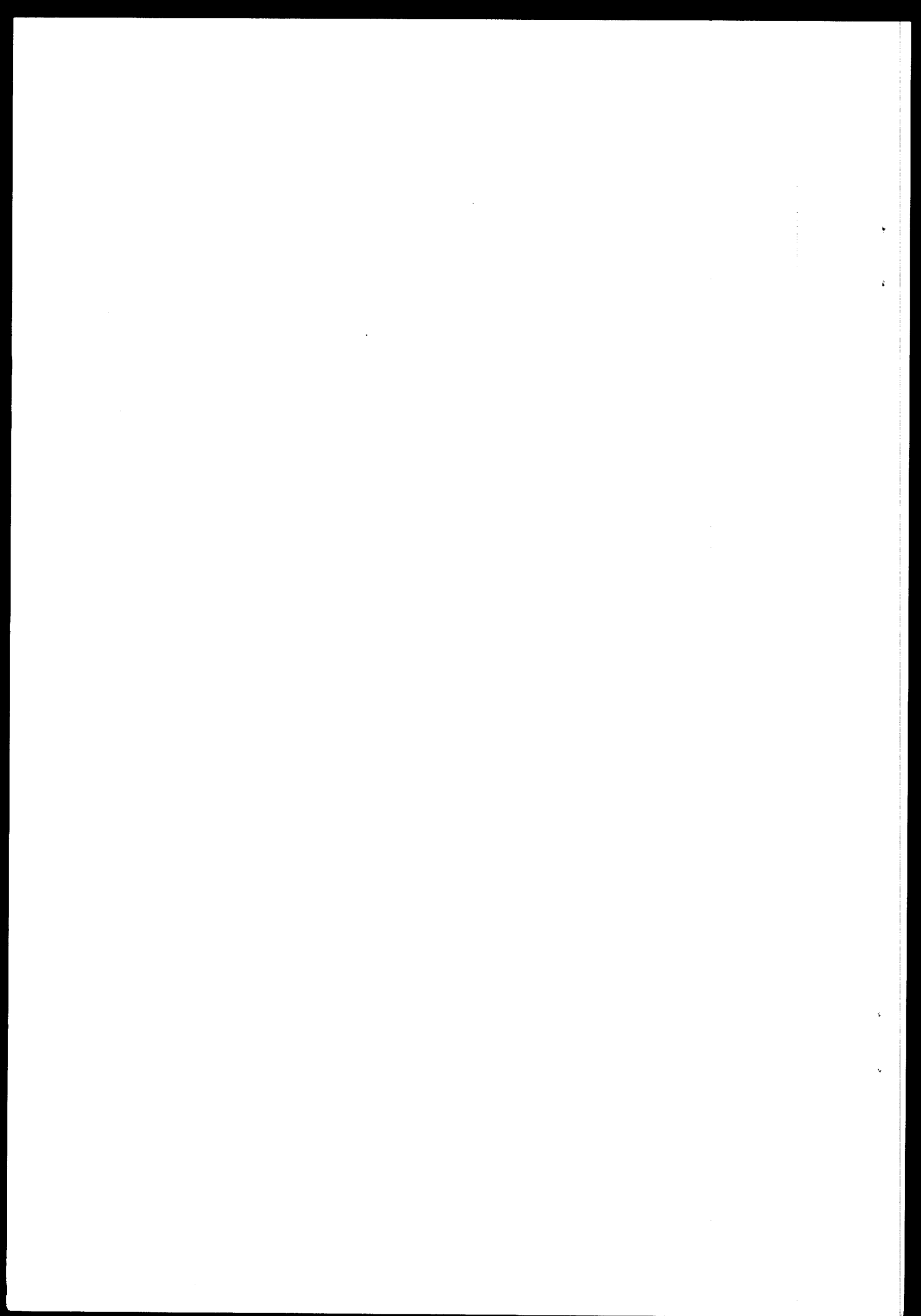
### **Internal evaluation**

- Is there any internal evaluation in your service?
- How would you answer questions similar to those above in relation to such internal evaluation?

### **Flexibility**

- How much flexibility is there in the decision making processes in your field of experience?
- Is the ability to make other choices in future preserved or are alternatives effectively close off?
- In other words, are the risks and potential costs of any adverse effects of decisions considered?





## 6. The Emerging Constitutive Approach

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*When faced with new problems or when it has to renew its approach the Commission develops a constitutive approach as a complement to more traditional approaches to governance. This can be done by partnership in the framework of cohesion policies, networking or by organising the exchange of information and best practices, forums and social dialogue. The fact that it is the Commission which provides these opportunities can be seen as investing them with both credibility and legitimacy. Such an approach can also be seen as a transitional stage in the development of new policies.*

### **Examples**

- Are there examples of such a constitutive approach in your field of experience?

### **MEANS**

- What are the means the Commission employed in this constitutive approach?
- What do you see as the conditions for the success of such approaches?
- What are the limitations on their effectiveness?

### **Articulation with the traditional policy process**

- Did a constitutive approach lead to an enhancement of the traditional policy process?

### **Commission's role**

- How do you understand the role of Commission in this constitutive approach in your field of experience (guarantor, provider of resources, co-ordinator, animator, leader, etc.)?
- Is it well-adapted to play such a role?
- What improvements could be made?

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