

EU Territorial Impact Assessment: Under what Conditions? Final Report

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Table of Content

1. Introduction
 2. Early initiatives and current practices
 3. What is territorial impact?
 4. EU TIA in a multi-level context
 5. EU's Impact Assessment
 6. How to improve the IA's performance from a territorial perspective?
 7. Conclusion
- References
Annex

¹ To communicate the results of this project a shortened version this report will be presented as a research paper at the ERSA conference in Łódz, Poland, 25 – 28 August 2009.

1. Introduction

Since the start of the making of the ESDP, back in 1989, there has been interest in a 'Territorial impact assessment'. This interest has been revamped now that the Territorial Cohesion green paper is out. Yet, at the EU level there is still little guidance on how a TIA might be done and on what it actually is or could be. This report aims to ask and answer a set of fundamental questions that need to be addressed before engaging into developing an EU TIA instrument. We start with an historic overview discussing early initiatives and pleas to carry out territorial impact assessment at the European level. We continue by addressing the question what can understood under the heading of territorial impact. The next section focuses on territorial impact assessment in a multilevel context. Section 5 addresses the EU's impact assessment procedure in detail. Section 6 switches to the level of discussion by particularly raising the question how impact assessment could be carried out in a way that territorial issues come to the fore. Section 7 rounds off with conclusions.

2. Early initiatives and Current practices

The impact of EU policies and the lack of planner's influence on the development of these policies was a major reason back in 1988 for moving the European spatial planning circus from the intergovernmental Council of Europe to the supranational European Communities (Faludi & Waterhout 2002). In this year the French and Dutch ministers responsible for spatial planning, backed by their colleague from Portugal decided to organize the first European Community ministerial meeting on territorial development, a meeting which took place in 1989.

As far back as the 1960s there have been discussions about the need for a kind of European planning approach and the main reasons for this. For geographical reasons some – like the government of the then Federal Republic of Germany – favoured the Council of Europe as the working area of the CoE was far larger and in a territorial sense more a unity than the fragmented area of the European Economic Union of the 6 founding nations. Others, like the Netherlands, had their eyes clearly on the EEC (see Witsen 1968). Their arguments were quite simple. The EEC has supranational characteristics so what was agreed upon on the political level has binding power for the EEC member states. Also the EEC is responsible for policy measures in the domains of transport, economic affairs, agriculture and the protection of nature which often have a territorial impact. As spatial planning is not a separated policy branch but is a cross-cutting activity the EEC has to start to build up this policy domain (Witsen, 1968: 36).

This perception of what spatial planning is about, as something which is directed towards policy integration and co-ordination leaving from the impact of policies on space and place, is clearly a reflection of a distinct planning culture and tradition. To emphasize the territorial impact of policies and wider contextual developments like globalization or climate change is a fundamental characteristic of the so called comprehensive integrated approach towards spatial planning. We borrow this label from the well known synthesizing report on planning systems within the European Union published more than a decade ago, the so called Compendium (CEC, 1997). Compared with other planning traditions in Europe it is probably the most ambitious system being dependent on sophisticated systems of plan making and policy coordination.

This does not mean that the call to carry out territorial impact assessment is exclusively related to the comprehensive planning approach which can be found in countries like the Netherlands, Germany or Flanders. Territorial impact assessment is of relevance for other planning traditions as well but the sort of impacts to be addressed is different. Under the heading of territorial impact assessment two sorts of impacts can be studied as we will argue below. Clearly dominant is the view that territorial impact assessment has to focus on the impact of policy and contextual developments – like the ones mentioned above – on the spatial organization and spatial position of spaces and places. The dimensions which will be emphasized in this case will clearly reflect the objectives of the policy system. Within a regional-economic planning approach for instance the interest lies above all in an assessment of effects in terms of mainly welfare, employment and competitiveness. Within a comprehensive integrated approach the interest is also in the effects on policy coordination and

planning tools or – in a wider sense – on the working and effectiveness of the territorial planning system in general.

In order to underline the necessity and importance of a spatial planning approach it was the European Spatial Development Perspective which called for carrying out territorial impact assessments. The term can be found exactly nine times in the document, partly in combination with environmental impact assessment. Territorial impact assessment is deemed necessary especially in relation to infrastructure planning (option 29), the preservation and development of natural heritage (option 42), and large-scale water management projects (option 52).

The ESDP does not elaborate which aspects of territorial development should be assessed in a TIA – which would have been hardly possible in such a wide and diverging document – and what the position of a TIA could be in decision making procedures. For this reason TIA became a topic of the so called ESDP Action Programme which was carried out after the finalization of the ESDP in 1999 (Böhme & Eser, 2008: 43). When this programme was made the UK promised to examine TIA in more detail and for this reason organized a conference together with the ECTP (then known as the European Council of Town Planners) and the Committee on Spatial Development (CSD). This conference which took place in October 2001 did not bring much clarity into how European TIA could or should work. Nevertheless the participants – mainly experts – agreed that some sort of territorial impact assessment would be needed although not in the form of a EU Directive which would make this compulsory for Member States. The European Spatial Planning Observatory Network – in that particular stage about to take off – was singled out to bring the instrument of TIA further, especially in a technical-methodological way (the name was later changed in 'Observation Network' to avoid any association with a genuine institute in a domain where there is no EU *competence*).²

As Böhme and Eser (2008) explain the ESPON programme indeed took up this challenge and initiated a number of projects in this field. For instance the project assessing the impact of the Common Agricultural Policy focussed on 'observable changes in economic, social and environmental conditions' across the European territory. The project focussing on the structure funds looked at the direct and indirect contributions of these funds to a polycentric development of Europe and territorial cohesion in general at various levels of scale (micro, meso and macro). The impact assessment of TEN policy (TEN: Trans European Networks) assessed (ex ante in this case) the effects of this transport policy on the increase in GDP per capita (Böhme & Eser, 2008: 45).

In the context of this paper it would not be relevant to discuss the outcomes of the various ESPON studies, nor their methodologies although it should be underlined that in every study a considerable part of the research was dedicated to developing these. We would like to underline two important aspects of ESPON impact assessment. First ESPON is focusing solely on territorial impacts and neither on the impact which certain policies have on policies in member states nor, for example, on the structure of governance. From the literature we know that for instance the structure funds can have a considerable impact on the organisation of government, especially in those countries where there is no clear tradition of regional governance (see for instance several contributions in Sagan & Halkier, 2005 discussing various new member states).

The second aspect we would like to firmly underline is that ESPON impact studies focus on the impact of *policies* while this is not necessarily the case in those countries where already some form of territorial impact assessment is standard practice, i.e. Germany, Switzerland and Austria. In the latter two countries – where the obligation to carry out a TIA or a *Raumverträglichkeitsprüfung* is based on law - TIA is directed to the identification of possible territorial impacts in relation to concrete projects, i.e. projects with a physical component. This is different from environmental impact assessment in which – greatly due to European regulations – a distinction is made between the environmental impacts of projects³ and of plan and programmes⁴. The situation in Germany is different. Territorially

² Although in later stages often referred to as a first study which explored the territorial impact of European policies the study of Robert et alia (2001) did not play a role during this conference, possibly because this study was not known yet. We will meet this study in the next section.-

³ Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment 85/337/EEC, Official Journal L 175 , 05.07.1985 p.40–48.

relevant plans, policies *and* measures have to be assessed whether these are in tune with the aims and objectives of official planning policies. This is called the spatial planning procedure or *Raumordnungsverfahren*.⁵ The actual tuning is called *Raumverträglichkeitsprüfung*.⁶

At the 2001 ECTP/CSD conference several participants indicated that in their country bits and pieces of what could be called territorial impact assessment were carried out although the regulatory base differs greatly and is not always there. Moreover these examples of member state TIA are in most cases not comprehensive, but only partial, for instance focusing on the regional-economic effect of projects and policy proposals (ECTP & CSD, 2001). This can be seen as an indication that at this point in time – 2001 – no common understanding of TIA across Europe was present. Possibly through ESPON the situation has changed slightly but as we have emphasised: ESPON only investigates the possible and/or potential territorial impact of policies and not the direct and indirect impact on policies and governance systems and practices within member states. The latter is centre piece in the vast literature on Europeanization. We will return to this in the following section.

3. What is territorial impact?

Different sorts of impact

To understand what a Territorial Impact Assessment may involve, first we have to establish a clear picture of what can be understood as territorial impact. There is no straightforward answer to this question. Many territorial effects are unintended and indirect (Böhme & Eser 2008; Ravesteyn & Evers 2004; Evers/NEAA 2009). Not only does EU policy sort out several effects, also are there various sources. From Figure 1, showing a typology of various effects that the EU has had on domestic planning, it becomes clear that we can distinguish between at least three different types of EU policies that may cause an impact (to be discussed below) and between at least four different types of effects. The typology also teaches us that the Europeanisation of planning⁷ does have consequences for territory as well as for (domestic) policies, on projects but also on governance systems. This leads to the conclusion that several distinctions can be made between types of impacts of EU policies on territory. An often made distinction concerns the differentiation between direct and indirect impacts. Another distinction, as already mentioned above, is that between impacts on territory and impacts on territorial governance. Both distinctions are important and will be further explained below.

The distinction between direct and indirect impacts was made by Van Ravesteyn and Evers (2004) in an analysis of EU policy impact in the Netherlands. They argue that direct impact is caused by all measures that stimulate developments (the so-called 'carrots') or hamper it (the 'sticks'), either through regulations or funding. Indirect impacts are those effects that are not always and immediately visible, but become clear after time. However, this distinction is not always easy to make. A European subsidy may help to complete the budget for a specific project that now can be developed: a direct impact. This project, in turn, may stimulate the economic development of the region and therewith change the cooperation between layers of government: an indirect impact. In other words, the time dimension plays a role. Often, indirect impacts become clear later on whereas direct impacts in most cases are immediately visible.

⁴ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, Official Journal L 197, 21.7.2001, p. 30–37.

⁵ Section 15 of the Spatial Planning Act (*Raumordnungsgesetz* or ROG; see <http://www.jusline.de>; consulted 14-6-2009).

⁶ Ibid.

⁷ Europeanisation of planning refers to the influence in large of the EU on domestic practices, in this case spatial planning. Whereas Europeanisation of planning is not exactly the same as assessing territorial impact it provides a useful overview of the types of impacts that can be expected (see also: Dühr et al. 2007; Dabinet & Richardson 2005; Tewdwr Jones & Williams 2001). Studies to Europeanisation in general point out that EU policy impact should not be regarded as a linear top-down process, but is a result of both a top-down and a bottom-up process in which member states re-interpret EU policies from their own perspectives (Featherstone 2003; Radealli 2003, 2004; Lenschow 2006, Olsen 2007).

Figure 1: Typology of Europeanisation of planning (Böhme & Waterhout 2008: 244)

<i>Effects(?)</i> <i>Means (?)</i>	Long-Term Influence		Short-Term Influence	
	<i>Change of self perception and position in Europe</i>	<i>Change of laws, "daily" practice, procedures, cooperation patterns (organizational learning)</i>	<i>Change in the use of terminology, temporary application of new terms and concepts</i>	<i>Implementation of single concrete action that would not happen or would happen differently without EU influence</i>
<i>Implementation of directives and regulations</i>	Possibly environmental directives in the long run	EU regulations in various sector fields, Structural Funds regulations	Formal terminology put down in regulations	Application of EU directives in general
<i>Use of EU funding as incentive</i>	ESDP application in INTERREG	Structural Funds, organizational learning through INTERREG, LEADER	INTERREG, Structural Funds	Where EU provides cofunding, infrastructure projects, INTERREG
<i>Following of a (hegemonic) discourse at the European level</i>	ESDP application, ESPON use	ESDP application at national level in rare cases	ESDP application, ESPON	

Another possible distinction concerns that between territorial impact and impact on territorial governance. This distinction partly overlaps with that of direct and indirect impact, but is clearer and easier to use. Impacts on territory as well as impacts on governance can be both direct and indirect in the sense as meant above. For example, the CAP has had direct territorial impact by requiring rationalizing the use of agricultural land, or in other words, increasing parcels of arable land. The indirect effect was the use of bigger machines, which in turn, required the provision of better infrastructure, stronger and wider roads: an indirect territorial impact. The latter was no requirement of the Common Agricultural Policy regulations, but was an implicit part of the grand vision of a more rational agricultural sector in the EU.

Impact on territorial governance also can be both, direct and indirect. Direct in a sense that EU directives, for example the Habitat directive, require member states to develop maintenance plans for assigned habitat areas. Indirect in a sense that integral spatial development projects within areas where air quality thresholds are not met, need disproportional amount of evidence that their effects do not affect the current situation in a negative way, which goes at the expense of the project resources and shifts the focus within a project to one specific sector and therewith compromises the overall balance in the decision making process. Another example of indirect effects on governance concerns the structural funds which are premised on decent institutions on the regional scale, something that was lacking in the new member states and required them to overhaul the administrative organisation. Similarly, over time, many member states chose to synchronise their own regional spending programmes with the six year periods of the Commission. In a study to the impact of EU regulative policy on spatial planning in the Netherlands it was found that due to all kind of obligations, in terms of providing detailed evidence, reports, plans and so forth, posed by EU sectoral legislation, the decision space for spatial planning had slowly but gradually shrank to such an extent that the usual way of balancing various interests and organizing the decision making process has become seriously jeopardized (Zonneveld et al. 2008). Clearly, indirect impacts on territorial governance are not always easy to predict as they may be related not to just one, but to a large number of mutually unrelated initiatives.

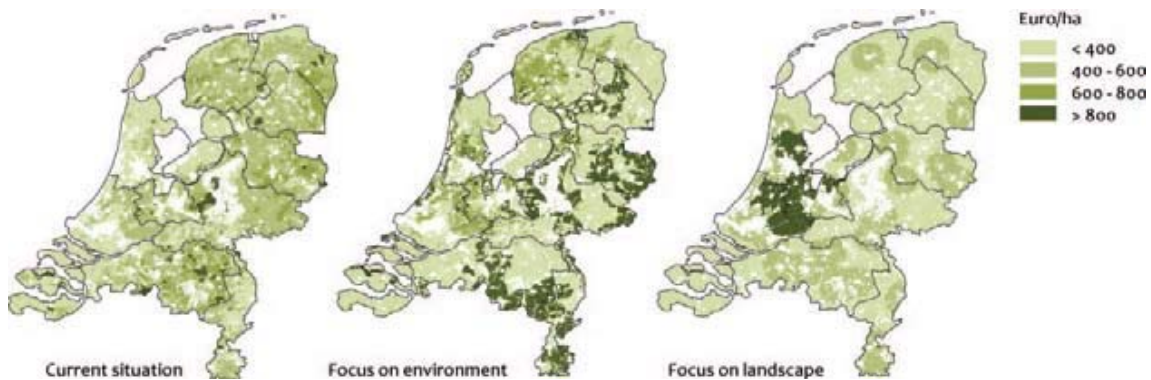
Sources of impact

Generally there are three possible sources of EU initiatives that can have an impact on territory and governance: the EU integration discourse, the EU spending programmes and EU legislation. The integration project and the idea of being part of something bigger does sound through spatial plans in a sense of regions that position themselves spatially in a wider European context. On the whole, this rather discursive source has only limited and voluntary impacts in a sense of inspiration, rather than hard direct and indirect impacts on territory and territorial governance.

The second source concerns EU spending programmes and policies. The impact of this source is considerable both in terms of territorial impact as impact on territorial governance as indicated by some of the examples above. In general spending policies come with regulations which deal with the allocation of funding as well as all kinds of requirements to fulfil by the recipient of incentives. Often this leads to quite an administrative burden. A well known example concerns the operational programmes that have to be developed in relation to the allocation of the European Regional Development Fund subsidies.

In particular the impact of the CAP (pillar 1) and the structural funds, or cohesion policy, is significant in certain regions, whose territorial, social and economic development partly depended on these policies. On a side note, what was found, too, is that the majority of the CAP funding is spend in the richer part of the EU and thereby contradicts the EU's aim of achieving social and economic cohesion. Generally, with regard to territory as such, it was concluded that about the complete EU territory is to a greater or lesser extent affected by these spending policies. For example, and to their own surprise, Van Ravesteyn and Evers (2004) conclude that in fact the whole Dutch territory is affected by, or at least eligible for EU funding. They argue that in particular the Dutch landscape, which is dominated by agricultural functions, has throughout the last decades been heavily influenced by EU agricultural policy stimulating the increase of scale and more efficient use of agricultural land (see: figure 1). The general perception at a local and regional level towards these spending policies is, understandably, rather positive and there is little complaint about their eventual territorial impact. Complaints, if there are any, are generally directed towards the administrative burden that comes with these funding schemes.

Figure 1. Redistribution of CAP subsidies in the Netherlands (Source: Evers et al. 2009: 46 / Heiligenberg et al. 2007)



At this stage it is of crucial importance to make a distinction between *policy* and *legislation*. More complaints (arguably, a useful indicator for territorial impact...) have been filed with regard to the territorial impact of the EU's regulative policies, mainly EU directives. Their impact on territory is of a different character than those of spending policies in a sense that it hampers and sometimes blocks developments. In particular the last decade many observers have been surprised by the heavy impact of European legislation. In the Netherlands the most significant example concerns the impact of the EU directive on Air Quality, more specifically the daughter directive on particular matter or fine particles. Many spatial development projects, such as the broadening of a motorway or the

development of a residential area, have been blocked or delayed because of the impact of this directive.

There are three forms of binding EU legislation: regulations, decisions and directives. Regulations include clear and precise obligations that from a specified moment have to be implemented immediately and in the same way throughout the whole EU. All elements of a regulation are directly binding to the member state and, in contrast to directives, may not be transposed into national legislation. Regulations are used in several policy areas. The allocation of the structural funds, an investment based policy of territorial relevance, takes place by means of regulations. There are several other regulations, most of which have a much more specific objective, such as for example determining the threshold as regards public procurement. Decisions, as a second form of binding legislation, relate to concrete cases. They can apply to a private individual or a member state. An example relating to the latter case may be the approval to a specific member state for granting state aid in particular situations.

Directives, a third form of binding EU legislation, and probably the form that is most significant in terms of territorial impact, concern legislation aimed at the member states. The obligation to implement and apply directives on the whole territory and with respect to citizens and companies lies with the member states. This is why directives sometimes are referred to as international public law. In order to apply directives a member state has to adopt national legislation. Translating directives in national legislation is called transposition. Transposition knows certain degrees of freedom as regards the legislative form, but the outcome as specified in the directive is imperative. Also the 'original' directives are not redundant when a member state has fulfilled its obligation in terms of transposition in national law. Transposed EU directives have to be applied correctly and should be upheld. Therefore, directives also contain process and product requirements. Process: a member state has to complete within a specified time-period a process that usually consists of the following steps: 1) research and analysis; 2) plan making; 3) evaluation of the effects of these plans. The results of every stage have to be reported (product requirement) and the reports have to be sent to the European Commission to judge whether member states fulfil their obligations.

With regard to directives it may be argued that their final impacts can be both predictable and unpredictable. Predictable in a sense that specified results, processes and products have to be delivered and are directly related to a directive. Unpredictable in a sense that impacts may occur indirect, i.e. showing later in time, and in a sense that the transposition of directives in national legislation varies from member state to member state and depends on national institutional contexts. For example, member states may include the directive in existing or in completely new legislation. Also, a member state may use the directive to also pursue specific national policy objectives and in so doing 'raise' specific thresholds or add new criteria to the directive. An example in which directives have been transposed differently in member states concerns the Natura 2000 network and the Habitat directive. Germany and the Netherlands assigned a large number of small areas to this network, whereas France only indicated two very large areas, among which the Pyrenees. Obviously, the impact of the habitat status may be felt entirely different in small areas, where citizens and local stakeholders feel to be 'locked up' as the directive only allows developments "...for imperative reasons of overriding public interest..."⁸, than in a large area like the Pyrenees where life has to go on and that can hardly be expected to be locked up. What also plays a role is the legal culture in a country; whether citizens can easily bring a case to court and whether, for example, the Court of State interprets legislation very strictly or not. So, in case of directives the impact often is a result of the original EU directive itself as well as of several other sources that along the way have influenced its transposition and application.

Among the various types of legislation a further differentiation can be made between sectoral legislation, such as the air quality or habitat directives, and meta-legislation. Meta-legislation does not aim at reaching specific sectoral goals, but aims at influencing the way how policies are developed and implemented regardless of the outcome. Examples of such legislation concern directives on state aid and procurement rights. These directives do not say *what* should be done, but *how* it should be

⁸ Article 6.4: Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7)

done. In so doing they have an influence on member states' governance systems. Both regulations aim at creating conditions for fair competition. Several examples of jurisprudence related to construction works and public-private area based development projects indicate the impact of these regulations on 'ways of doing', on domestic territorial governance practices (Korthals Altes 2006). Currently the EU Court of Justice's decision regarding the Auroux/Roanne Case, whether public development projects on privately owned ground (by a development company) had to be tendered openly or not, still puzzles many local authorities. Another well-known example of such meta legislation concerns the directive on environmental impact assessment, which requires that each place-based development project is assessed on its potential environmental impact. The impact of this directive, direct and indirect, on territory and on territorial governance, has throughout Europe been significant.

The study of territorial impact

All these different sources and impacts do not make it easier to study territorial impact, or in other words, to design a territorial impact assessment tool. An additional complicating factor with assessing territorial impact is that there are no clear standards as regards territorial quality. Unlike, for example, environmental quality, which is defined in terms of pollution and the decrease of certain species or their habitats, no indicators have been defined for territorial quality. Nor has there been a thorough debate on this, except perhaps at national level in some countries.⁹ Confusingly, despite the fact that territorial quality is easily recognizable in the fields or out in the street, operationalising it in terms of indicators is quite a different story. This is because there are so many indicators involved.¹⁰ Moreover, territorial quality often is the result of a complex interplay of these indicators and in some situations these indicators may behave different than in others. For example, built up density may be regarded negative in one situation, but positive in another. This is, however, not the place for such a discussion. Rather being able to identify territorial impact and impact on territorial governance, whether it will be regarded positive or negative, should be the first step in performing territorial impact assessment.

Analysis of territorial impact of EU policies is a relatively new field of research, which has come alive in the wake of the European Spatial Development Perspective (CEC 1999) and Tampere ESDP Action Programme (Finnish Presidency 1999; Faludi & Waterhout 2002). Except for some early accounts (for example Williams 1996; Zonneveld & Faludi 1997) a first attempt to assess the EU wide territorial impact of EU policies was the report 'Spatial impacts of Community policies and the costs of non-coordination' by Robert et al. (2001). At the EU level this has been followed up by several impact studies in the ESPON programme¹¹ (see also: ESPON 2006). Also some national analyses have been carried out, but mainly in member states that have experienced disproportional negative impact of EU policies.

The technique of doing a territorial impact assessment has not crystallised yet. For example, the ESPON studies, each of which assessed the impact of a single EU policy sector against the objectives of the ESDP, devoted much of their research budget on developing a suitable assessment approach. Between them, these approaches varied considerably. The approach used by Robert et al. (2001) was based partly on case study research and partly on general desk research. Also, most efforts until yet are ex post research, whereas territorial impact assessment proper will be ex ante research. Within ESPON there is attention for developing such an ex ante assessment technique called TEQUILA.¹² In a nutshell this TEQUILA project concerns an econometric model that calculates, on the basis of some 30 spatial quality indicators, whether a policy proposal is beneficial or not for territorial cohesion aims. In so doing the model primarily measures direct territorial impacts. Another Territorial impact assessment

⁹ For example, in the Netherlands in the mid-1990s the national government did an attempt to define 'spatial quality'. But the result was endless discussions with no clear outcome in the end. Since then it has refrained from further attempts.

¹⁰ The ESPON TEQUILA model for example differentiates between no less than 30 different indicators for territorial quality (see: ESPON project 3.2 - 2006).

¹¹ ESPON stands for European Spatial Planning Observation Network. The studies referred to concern projects 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.2.1, 2.2.2 and 2.2.3, which deal with topics such as Transport Policy impact, Fisheries impact, Structural Funds impact. The reports can be downloaded from: www.espon.eu.

¹² See ESPON project 3.2.

technique has been developed by the Netherlands Environmental Assessment Agency (Tennekes & Hornis 2008; see also: NEEA 2009). The approach they suggest has a more qualitative character and follows a number of steps in which there is a large role for experts.

Probably the biggest challenge for any territorial impact assessment will be to unveil possible indirect impacts, in particular those with respect to impact on territorial governance. This is difficult as the starting point of assessment is a single policy proposal. Whereas it may be well possible to assess direct territorial impacts from an isolated policy proposal, assessing its potential impact on territorial governance and indirect territorial impact requires a deep understanding of the institutional as well as territorial environments in which the policy will be applied. Indeed, analysis of EU policy impact on planning in EU member states indicates that effects can vary greatly between member states (Buunk 2003; Janin Rivolin & Faludi 2005; Giannakourou 2005; Pedrazzini 2005; Dühr et al. 2007; Shaw & Sykes 2005; Böhme & Waterhout 2008; Waterhout et al. 2009). It therefore may be assumed that, in particular where it concerns indirect impacts and impacts on governance, the domestic territorial characteristics and the territorial governance system in various situations act as a filter and interface. In order to assess these impacts beforehand a deep understanding is therefore necessary which includes an understanding of specific territorial characteristics of a country, of stakeholders' responses as well as of the impact of existing regulation on the new policy and vice versa.

Until yet the only research method that has been able to identify indirect effects on territorial governance concerns an ex post case study approach. Obviously, this research method cannot be applied in a territorial impact assessment. Yet, what this tells us is that a territorial impact assessment procedure, in order to do it right and go beyond assessing the most obvious territorial impacts, should provide room and time to actually mobilise this deep knowledge. This can be done in various ways, for example, through workshops where several experts meet, through fictitious ex ante case studies or through similar techniques, such as scenario building. What will be necessary in all cases, however, is a sufficient data bank that goes beyond the anecdotic evidence that is so often used in these cases. Data should be available that briefly and clearly show how previous EU policies have caused territorial impacts, so that it becomes clear, also to outsiders, how the system works or can work. In particular in relation to indirect impacts and impacts on territorial governance, 'hard' evidence on previous cases will be necessary to make a convincing statement.

Resume

In conclusion, EU policies, be they spending or regulative policies, can cause direct and indirect impacts (the main difference being the time dimension) on territory as well as on territorial governance systems. Direct territorial impacts, i.e. impacts on territory that become immediately visible, may be the most easy to assess based on just the EU policy proposal. Effects will not necessarily be the same all over Europe. Variables such as the territorial characteristics of a country and the territorial governance system may influence the final outcome of EU policies. Variations between member states may become even bigger when the EU policy in case has to be further transposed in domestic legislation or requires the development of regional policy schemes. In such cases, the impact will be influenced by a number of follow-up decisions at national and regional level. This opens up possibilities for larger variations between member states, in particular where indirect impacts and impacts on territorial governance systems are concerned.

Table 1 shows possible impacts of EU policies. Between them the impact on governance is often regarded to be a bigger problem than impact on territory as such. The latter often concerns the prohibiting of certain activities in specified areas. This can be a pain for the stakeholders involved, but at least it is clear. Impact on governance systems often requires a more fundamental reaction by stakeholders since these policies impact on standard practices, routines and ways of doing things. Changing institutionalised behaviour, which can have long historical roots, often is perceived as very painful. Unfortunately, filtering out such impacts on territorial governance systems beforehand is very difficult and requires a lot of expertise. Territorial impact assessments should somehow facilitate the mobilisation of such expertise.

Table 1 – Types of territorial impact

Type of Impact	Direct	Indirect
Territory	<ul style="list-style-type: none"> - Land use is different due to EU policy (place based developments cannot take place due to habitat directive; infrastructure has been developed in cohesion countries due to cohesion fund) - Land use is same, but in different form (A2 Maastricht: air quality demands different approaches – tunnel is still build but with special measures being taken at the ends) 	<ul style="list-style-type: none"> - Policy leads to additional, unforeseen, land use requirements (rationalization of agriculture leads to need for better roads) - Policy has effects for land use and development elsewhere (stimulation of TENs leads to better accessibility capital cities, but to isolated in-between regions).
Territorial governance	<ul style="list-style-type: none"> - Policy leads to new procedural requirements in territorial decision making process (example: environmental impact assessment; procurement regulations; habitat test etc.) 	<ul style="list-style-type: none"> - Shift of balance in issues to address in territorial development plans and projects (unbalanced share of attention has to be paid to for instance meeting air quality and birds impact requirements, which goes at the expense of other urgent spatial planning issues such as the overall spatial quality or territorial cohesion) - Limitation of decision space in territorial deliberation (sectoral requirements secure certain land uses, thereby shrinking the room to manoeuvre for deliberation on possible other uses; indicative territorial governance instruments, like global land use plans, are challenged by research requirements of for example environmental impact assessment that require detailed analysis)

4. EU TIA in a multi-level context

Given the fact that EU policies are developed and implemented in a multi-level context; does it make sense to develop a Territorial Impact Assessment to be applied at the EU level? As indicated, for the trained eye it will indeed be possible to assess an EU policy proposal on its direct territorial impacts. Indirect impacts and impacts on governance are harder to assess but may, in case of a sophisticated assessment procedure, eventually also be traced beforehand. Such procedures will not guarantee that no other unforeseen impacts will occur. Domestic territorial governance systems and the national territorial characteristics often act as an interface between EU policies and their application at the national, regional and local level. In such an institutional context it therefore hardly can be expected that a TIA at EU level pre-empts all possible undesired outcomes of a new policy. However, assessing territorial impacts of EU policy proposals at EU level can already reduce a lot of damage in terms of unwanted and unforeseen impacts.

If the aim of an EU TIA is to measure and avoid all unwanted territorial impact of EU policies as such, then it is not sufficient to only implement a TIA procedure at the Community level. Such a TIA procedure, in order to be effective, should be complemented by similar assessment procedures at the level of member states. Similar to the Strategic Environmental Assessment and environmental impact assessment instruments, one should think of territorial impact instruments that assess national, regional and local policies as well as of instruments to assess individual projects (like the *Raumverträglichkeitsprüfungen*). Given the current European spatial planning discourse, in which a dominant storyline concerns the avoidance (in all possible ways) of new obligatory instruments that increase the administrative burden, a new national TIA instrument can only be introduced on a voluntary basis (Faludi & Waterhout 2002; Waterhout 2008; Faludi 2009).

In the view of the EU ministers responsible for spatial planning and territorial cohesion a new TIA instrument will and should only be obligatory to the European Commission. Also the latest ministerial gathering in Prague 2009 concluded this. Ministerial agreed documents like the ESDP and the Territorial Agenda suggest that this procedure leads to mutually consistent and territorially well-aligned EU policies. This may be true, but a recent case study research has pointed out, and in contrast to popular belief, from a territorial perspective local and regional policy makers hardly experience any problems with inconsistent EU policies, be they transposed or not (Zonneveld et al. 2008). Currently, their only worry in this respect concerns the unclear situation as regards the hierarchy between the Water Framework Directive and the Habitat Directive, which in case of certain species may ask for contradictory demands.

At a macro level there are inconsistencies between regional policy and common agricultural policy, the latter being beneficial mostly to farmers in richer parts of Europe (ESPON/Arkleton 2006). Other inconsistencies reported concern those between EU and domestic policies, but this could be blamed on either failure of national delegations during the making of the EU regulation or to the fact that in the meantime a new discourse has emerged.

It is not that there are no inconsistencies at all between EU policies, but their impact may just not be as big as is often assumed. Where inconsistencies do occur usually they can easily, though against some costs, be 'repaired' at a lower administrative level. Although this is not a desirable situation from a perspective of good governance, it is not that urgent that a TIA should be required at EU level. Whilst EU policy coherence certainly would improve as the result from TIA, the main argument for a TIA at EU level remains that single policy proposals can have significant impact on territory and territorial governance.

A TIA at EU level could have added value. The question, however, is whether the efforts outweigh the potential benefits. This largely would depend on the design of a separate TIA instrument and whether it would be a 'light' procedure. It also depends on the question whether the political climate in the Commission is right for a new instrument like this? The answer to this question is clearly negative. Just as national politicians do not fancy new policies coming from Brussels, Brussels does not like to be forced to implement new routines and instruments. Whereas this could be dismissed as a standard reaction, Brussels may have a point in this particular case. Since 2001, when the white paper on governance was published, the European Commission is working on a so-called integrated impact assessment procedure. This procedure, henceforth referred to as Impact Assessment, aims at integrating and aligning all existing sectoral assessment instruments of which there have been many. The next section will discuss the EU Impact Assessment in more depth.

In conclusion, substantive as well as political and administrative reasons lead us to conclude that a TIA at EU level will lead to better policies, in particular when similar instruments are applied at the national level, but that an EU TIA should not be implemented as a *separate* instrument. A better and probably more successful strategy would be to integrate TIA elements in the European Commission's own Integrated Assessment instrument. Several important subject areas – including areas related to the objectives of social and economic cohesion – are integrated in the existing method of Impact Assessment and the issue of territory alone is not that exclusive to justify a separate evaluation instrument. In this respect we agree with a recent report by the Netherlands Environmental Assessment Agency which assesses that the creation of evaluation procedures alongside the existing IA would harm the IA's status (NEAA 2009). At EU level the interrelationships between Strategic Environmental Assessment and (general) Impact Assessment already form an issue of political debate. Another assessment instrument could only harm efforts to integrate territorial matters in decision making processes. Moreover, as we will see in the following section, the Impact Assessment procedure may in short time become an effective platform to successfully fulfil the wishes of EU ministers responsible for spatial planning and territorial cohesion.

5. EU's Impact Assessment: a useful tool?

Now that we have concluded that the prospects for introducing an all together new TIA instrument at EU level are rather slim, we turn to discussing the possibilities of achieving territorial objectives by means of the Commission's Impact Assessment. Is there any scope to introduce into the existing and just revised Impact Assessment procedure a territorial dimension? And if yes, how could this be done and what would be needed for such an effort? These questions will be answered in the following two sections by analyzing the background and working of the existing Impact Assessment procedure and by doing some recommendations based on the current practice around IA.

5.1 Background and development of IA

Being introduced on 5 June 2002 the European Commission's Impact Assessment (IA) procedure is a relative new instrument.¹³ It followed on the report of the Mandelkern Group on Better Regulation (2001) and the White paper on Governance (CEC 2001) that was inspired by the Mandelkern group. Both documents address the 2000 Lisbon European Council's statement on better regulation¹⁴ which was reiterated at the Göteborg and Laeken Councils in 2001. The Integrated Assessment aims to replace previous single-sector initiatives and to assess the potential impact of policy proposals and legislation from an economic, social and environmental perspective.

The explicit proposal for the IA came from the Mandelkern Group (see amongst others the Action Programme in the report on pages iii-v). It can be seen as the expected outcome of a long standing desire to simplify and improve EU regulation. As can be read in the report, already in 1985 the European Commission and individual member states expressed the need for better regulation as a prerequisite for the Single Market. Since the mid-1990s the search for better policy making become more systematic. Several initiatives at both the EU and member state level eventually led to the inclusion of a protocol in the Amsterdam Treaty setting out good principles for EU policy making. The Lisbon Council finally asked "[t]o set out by 2001 a strategy for further co-coordinated action to simplify the regulatory environment, including the performance of public administration, at both national and Community level." (Mandelkern Group 2001: 8) Under this mandate the Mandelkern group wrote its report.

The IA procedure is exclusively aimed at policy proposals by the European Commission, but aims to involve stakeholders from all administrative levels. The main objective of IA is to improve the quality, effectiveness and efficiency of Commission proposals, to provide more policy consistency and transparency and to improve and simplify the regulatory environment. The idea is that, through IA, proposals do not only tackle the problem they aim to solve but also take into account side effects on other policy areas.¹⁵ In so doing, the procedure is regarded an aid to political decision making, not a substitute for it.

The IA procedure is introduced by means of a gradual process that allows Commission officials and organisation to grow with it. New guidelines, having been issued in 2005¹⁶ and in 2009¹⁷ and based on several evaluations (e.g. Renda 2006) and commentaries (e.g. EEAC 2006), serve as an indication of the progress and further evolvement of the IA procedure since its introduction in 2002.

Several indications demonstrate that the Impact Assessment is considered serious business. One is the so-called inter-institutional backing of the procedure by the Commission, the European Parliament and the Council. A growing number of joint agreements emphasise the positive contribution of impact assessments in improving the quality of Community legislation, particularly with regard to its scope

¹³ European Commission Communication on Impact Assessment (COM(2002) 276). This communication included guidelines on how assessment ought to be done: 'Impact Assessment in the Commission – Guidelines' and 'A Handbook for Impact Assessment in the Commission – How to do an Impact Assessment'.

¹⁴ Presidency Conclusions, Lisbon European Council, 23 and 24 March 2000.

¹⁵ http://ec.europa.eu/governance/impact/aims_en.htm

¹⁶ 'Impact Assessment Guidelines', SEC(2005)791, 15 June 2005.

¹⁷ 'Impact Assessment Guidelines', SEC(2009)92, 15 January 2009.

and substance.¹⁸ Also Impact Assessment is discussed within the board of Commissioners itself, with President Barosso himself calling the shots.¹⁹

A further indication that the IA procedure is becoming 'business as usual' status, is the organisational footprint of the IA instrument within the Commission administration. The IA procedure, despite previous experiences with single sector assessments, meant a departure with policy routines. Organizationally, an Impact Assessment Board has been set-up in 2006, which evaluates impact assessment processes and provides recommendation to improve their quality. Also, each Directorate-General has an Impact Assessment unit which assists its policy makers in carrying out IA's related to the proposals they are working on. Indeed, IA is carried out by the policy initiative taker.

The basic principle of the IA procedure is that ex ante impact evaluation, parallel to the policy making process, will improve the original ideas and result in robust, effective, efficient and widely supported policies. An IA usually takes about a year to one and a half year and is intended as a bottom-up process. In principle each and every stakeholder is invited to be part of the IA process. In reality this is not always feasible as not all stakeholders are aware of the ongoing policy process or do not have the resources to participate. This issue will be addressed in the next section.

According to the IAGuidelines impact assessment is " a set of logical steps" to be followed when preparing policy proposals: "It is a process that prepares evidence for political decision-makers on the advantages and disadvantages of possible policy options by assessing their potential impacts." (CEC, 2009a: 4). In this vision on where IA is about and how it should influence the decision-making process IA is seen as part of the design of new policy and not something which starts after policy proposals have been fully drafted. This does not mean that IA is always carried out in this way (see CEC, 2009b: 9-10) but in an ideal case it should.

According to the IA guidelines a number of questions have to be answered:

1. What is the nature and scale of the problem, how is it evolving, and who is most affected by it?
2. What are the views of the stakeholders concerned?
3. Should the Union be involved?
4. If so, what objectives should it set to address the problem?
5. What are the main policy options for reaching these objectives?
6. What are the likely economic, social and environmental impacts of those options?
7. How do the main options compare in terms of effectiveness, efficiency and coherence in solving the problems?
8. How could future monitoring and evaluation be organized?

In term of the actual design of policy question 5 is most critical. Here the full array of possible policy instruments should be laid on the table. Answering question 6 obviously is the core of an IA procedure. Here a three step procedure has to be followed in which every step is meant to sharpen the focus of the actual IA and to deepen the assessment:

- Step 1: Identification of economic, social and environmental impact of a policy, why they occur and who is affected.
- Step 2: Qualitative assessment of the more significant impacts.
- Step 3: In-depth qualitative and quantitative analysis of the most significant impacts.

To guide the impact assessment a very large set of questions – nearly 150 under 35 headings! – has been developed by the Assessment Board which are supposed to assist the impact assessors particularly during the first step. This number and thus the vast array of potential impacts – the questionnaire is not meant to be exhaustive so other questions and their related issues may be raised - makes it necessary to pose the question how to improve the IA's performance from a territorial

¹⁸ Inter-Institutional Agreement on Better Lawmaking, Official Journal of the European Union, 2003/C321/01, 16 December 2003. In November 2005 this agreement was supplemented by the 'Common approach to Impact Assessment' setting out 'traffic rules' for impact assessment in legislative processes: Council document 14901/05 of 24 November 2005.

¹⁹ 'Better Regulation and enhanced Impact Assessment', Information note from the President to the Commission, SEC(2007)926, 28 June 2007.

perspective? We will address this question in the next section. First we take a look at the questionnaire itself.

5.2 How territorial is the Commission's IA?

Many of the questions guiding the IA process are related to territorial interests. We will briefly summarize the most important territorial issues using the headings of the IA questionnaire and adding – between brackets – some explanation for our selection of questions which we think are territorial:

- Economic impacts
 - o Competitiveness, trade and investment flows, for instance cross-border relocation of economic activity (cross-border effects have always drawn the attention of spatial planners taking a European perspective);
 - o Property rights (a fundamental issue in relation spatial planning; see Needham, 2006)
 - o Specific regions or sectors ('region' is of course a classic territorial unit)
- Social impacts
 - o Access to services of general economic interest (the origin of the principle of territorial cohesion and as such already part of the present EC Treaty)
 - o Social impact on – amongst others – localities (the latter form a territorial unit)
 - o Impacts on health due to changes in the amount of noise, air, water and soil quality (apart from soil quality – the draft directive has been turned down by the EP – there are directives on every environmental component which have an effect on territorial development and policy)
 - o Impact on the cross-border provision of services and cross-border cooperation in terms of health and educational systems (see our remark on cross-border relationships above)
 - o Impact on the preservation of cultural heritage (the latter concept has been introduced in the ESDP as an important object of – European – spatial planning policy)
- Environmental impacts
 - o Influence on the demand for transport and/or modal split (obviously a highly relevant spatial planning issue)
 - o Effect on emissions of air pollutants (relevant for land-use and quality of life in general)
 - o Influence on the number and range of species (this concerns the qualities of areas and places in terms of natural heritage)
 - o Effects on endangered species, their habitats or ecologically sensitive areas (different sorts of territorial units are explicitly mentioned here)
 - o Effect on the increase of landscape fragmentation which may effect migration routes, ecological corridors or buffer zones (territorial integration of nature is the obvious spatial concept behind this)
 - o Effects on the scenic value of protected landscapes (again: a territorial category is the key issue here)
 - o Water quality and resources (the water system approach is leading as is explicitly stated in the EU Water Framework Directive to which this refers)
 - o Soil quality or resources, including the loss of soil through urbanisation (this basically addresses land-use; the background is formed by the Soil Framework Directive which was proposed in 2004 but was eventually rejected in the EP)
 - o Effects on land use mainly in terms of the use of greenfield sites and the divide between rural and urban areas (this is a classic core issue of spatial planning)
 - o Waste production, generation and recycling (there are obvious links with land-use here).

It is obvious that the largest number of questions related to territorially relevant issues is raised under the heading of environmental impacts. One might assume there is a relation with the content of the 1999 European Spatial Development Perspective. The ESDP introduced the concept of cultural heritage which can be found in these guidelines as well. But as the ESDP is a non-binding, informal policy framework we think that the IA guidelines are much stronger linked with a number of environmental directives. After all these directives are part of the EU as a regulatory framework. Likewise questions raised under the heading of economic and social impacts are related to EU

cohesion objectives and the Lissabon strategy. So the majority of questions and issues raised in the Commission IA Guidance are related to policy objectives and legislation agreed upon within the EU.

Nevertheless the conclusion can be drawn that the 2009 revised Impact Assessment guidelines of the European Commission provide for territorial impact assessment of legislative and policy proposals. Perhaps not everything is worked out properly yet and in terms of operationalisation the IA certainly has its shortcomings. At a basic level however planners cannot ask for more. Their biggest challenge now is to provide the tools and data that can be applied in IA processes. An important issue remains though. All questions in the revised IA guidelines table address single issues. There are no questions that address multi-dimensional spatial concerns. An integrating spatial element like accessibility seems to be missing. But since the EU does not have an integrated, comprehensive spatial planning strategy – and probably never will as this is a competence of member states – it should not come as a surprise that integrated spatial planning concepts are not part of the IA guidelines. Before we discuss some examples of impact assessments of policy proposals which are territorially highly relevant we would like to underline that about all the questions of which we think they are territorially relevant were already part of the previous 2005 guidelines which have been partially revised in 2006 with the exception of the notion of cultural heritage. So the conclusion that in its methodology the Commission impact assessment procedure includes territorial impact assessment in retrospect could have been drawn four years ago.

5.3 Some experiences: Analysis of spatially relevant IA's

In order to see whether the IA procedure is an appropriate route, or has the potential, for addressing issues related to territorial impact the paper now turns to analysing three recently completed impact assessments. For this purpose we have selected three IA's relating to policy proposals that potentially have a clear territorial impact. The proposals in case concern:

- Proposal for a regulation concerning a European rail network for competitive freight;
- Package of Implementation measures for the EU's objectives on climate change and renewable energy for 2020;
- Towards a better targeting of the aid to farmers in areas with natural handicaps.

All of them are of recent origin with the first two being completed in 2008 and the last one in 2009. As is the case with all completed Impact Assessments they are all accompanied by a brief report of the Commission's Impact Assessment Board expressing its opinion on the quality of the assessment as such and recommendations for improvement.²⁰

European rail network for competitive freight

This IA follows up the Communication adopted by the Commission on 18 October entitled 'Towards a rail network giving priority to freight'.²¹ The main objective of this communication is to increase the possibilities for cross border freight transport by rail. Amongst others the communication foresees in provisions relating to cooperation between national infrastructure managers, improving access to to infrastructure, guaranteeing freight trains adequate priority, and improving inter modality along corridors.

The IA²² is structured around three policy alternatives that are assessed by means of studying the impacts of two possible corridors: corridor A (Rotterdam – Genoa) and corridor E (Dresden – Budapest). These corridors have been chosen because they are complementary in geographical terms (North-South/East-West; situated in different areas of the union) in terms of outlets (maritime/land; dense/non-dense areas), in terms of actual traffic (intensity of traffic; division of traffic between passengers and freight/between international and internal freight) and in terms of past experience of cooperation between the different national stakeholders. In so doing the IA already takes a strong territorial perspective in assessing the various impacts. The three policy alternatives assessed concern option A (the status quo) a reference scenario, option B (policy initiatives) aimed at governance

²⁰ All completed Impact Assessments plus accompanying proposal and opinion of the Impact Assessment Board can be downloaded from: http://ec.europa.eu/governance/impact/iab_en.htm.

²¹ COM(2007) 608

²² SEC(2008)3028 (summary), SEC(2008)3029 and IAB opinion SEC(2008)3030.

improvement through soft measures such as exchange of practices, and C (legislative reinforcement) aimed at hard measures (legislation) to force member states to cooperate on at least one corridor.

Indeed, territorial issues play a role in the assessment. By taking a corridor approach the assessment pays attention to effects on specific types of areas, densely and less dense populated for example. It concludes that the proposal, in particular options B and C, will have a positive impact on the quality of life in metropolitan or urban areas if the modal split changes. Under the label of externalities²³ also congestion costs and impacts on noise, air and climate change are calculated. Interestingly, use has been made of the 'Handbook on estimation of external costs in the transport sector' published in February 2008 and produced within the study for the European Commission Internalisation Measures and Policies for All external Cost of Transport (IMPACT). The makers of the assessment regard the handbook "...the most complete and state-of-the-art report that provides the best practice figures on the monetary external costs based on vehicle kilometres." Apart from this, most attention of the assessment was on non-territorial issues related to the smoothness of transborder transport. Consequently, the Impact Assessment Board recommends to further explore the environmental impacts of the proposed options, which are now only aggregated in monetary terms by using the handbook. The IAB asks for a more quantitative as well as qualitative assessments of all environmental impacts. One could imagine that such assessment would also benefit a more thorough assessment of territorial impacts.

Climate change and energy from renewable resources by 2020

The climate change and renewable energy proposal has been developed in order to reach the ambitions of the EU of 20% renewable energy by 2020 and 10% biofuel. The three key measures concern a directive for the promotion of renewable energy, a proposal for amending the EU Emissions Trading Directive and a proposal related to the sharing of efforts to meet the Community's greenhouse gas reduction commitment in sectors that are not covered by the emissions trading system (such as transport, buildings, services, smaller industrial installations, agriculture and waste). Whereas from a territorial perspective one would expect the assessment to deal with issues related to land use and landscape, for example to grow crop for biofuel, the assessment is all about economic, competition, fairness, subsidiarity, technical and cost-efficiency aspects. There is one reference to land use, but only in terms that this issue has not been taken into account. Whilst the Impact Assessment Board criticises the IA in terms of the little account taken for environmental impacts, it also does not raise the issue of paying attention to territorial impacts such as land use.

Aid to farmers in areas with natural handicaps

The proposal relating to better targeting the aid to farmers in areas with natural handicaps has a clear territorial aspect that sounds through in the accompanying impact assessment, which is made up by the officials of DG AGRI. The issue at stake concerns a revision of the LFA (Less Favoured Areas) aid scheme (which finds its origin back in 1975) into the NHP (Natural Handicap Payments) scheme, something the Council could not reach agreement on in 2005. From its title it becomes instantly clear that the LFA programme is targeted at specific areas and thus has an intrinsic territorial dimension. Three problems need to be tackled. First, whilst the LFA programme used socio-economic indicators to delimitate so-called intermediate Less Favoured Areas, the proposed NHP scheme, with revised objectives, focuses on land management. Second, the extreme diversity of the criteria used by the member states for designating intermediate LFAs might lead to unequal treatment of beneficiaries. Third, insufficient targeting of the aid on the areas most in danger of land abandonment.²⁴ Whilst not being a major policy reform, clearly adapting of the LFA delimitation and payment system in line with the policy objective defined by the Council in 2005 is a sensitive exercise.

Naturally this IA is all about land use and the impact of the new policy on the socio-economic well-being of the areas in case. The main problem is that a data system is lacking that allows the Commission to present a thorough underpinning of a new area delimitation system. Instead of socio-

²³ Annex 22 of the Impact Assessment SEC(2008)3028, which, except of most of the annexes, is performed in French, speaks of: Méthode de calcul et de monétisation des couts externes évités.

²⁴ See: SEC(2009)450, SEC(2009)451 and SEC(2009)452.

economic indicators it wants to use bio-physical indicators to determine where aid should go, such in order to better manage the landscape and sustain specific types of landscapes.

The IA distinguishes between four policy options (1. Status Quo+, 2. Common Bio-physical Criteria, 3. Eligibility rules, 4. High Nature Value) and assesses them in terms of:

- Transparency and targeting of the aid
- Socio-economic impacts
- Viability of rural communities
- Environmental effects

Also the four policy options have been discussed in public consultations rounds. However, due to lack of sufficient data not all options could be extensively assessed on their potential outcomes. The focus is very much on territorial impacts though and frequent reference is made to concerns relating to: land abandonment, land management, open landscapes, territorial diversity of the EU, land marginalisation, arable land, land productivity and so forth. Use is also made of the ESPON study to the influence of CAP (as referred to above in this paper). The IA is mainly based on expert opinions, extensive consultations (which receive appraisal from the Impact Assessment Board) and qualitative approaches. What seems to be lacking are clear and easy to use quantitative models to analyse the territorial impact of the proposed NHP scheme. Because the territorial diversity within Europe does not allow a common definition of what natural handicaps are these models should not be too rigid in this respect.

Resume

What becomes clear from the three Impact Assessments is that there is no run-of-the-mill format to be used. Each IA follows its own logic and uses its own methods and data, depending on the policy proposal at stake. The main challenge of the IA is to translate broad and abstract policy proposals into plausible and concrete expected outcomes. A standard approach is to 'calculate' the impacts of three or more policy alternatives. For this use is made of several techniques such as modelling, expert opinions, inter service consultation, consultation with stakeholders outside the Commission, existing datasets, handbooks (as described above), indexes, case studies, depending on what sources of evidence are available. IA procedures always make use of existing knowledge and never develop data on their own. In terms of addressing territorial impact this may have consequences as (apart from ESPON) there is little territorial data available. IA procedures will take account of economic, social and environmental impacts, since this is prescribed by IA guidelines, but will not automatically assess territorial issues. Only in the case of proposals with a clear territorial dimension, such as the aid for farmers in areas with natural handicaps and railway freight transport, will the territorial dimension be taken into account. In other cases this is less likely to happen, as the renewable energy Impact Assessment showed, and will land use impacts only be addressed if the Impact Assessment Board asks to do so. The other option is when stakeholders from outside point at possible territorial impact and are able to deliver easily applicable tools and instruments to take this issue further into account.

6. How to improve the IA's performance from a territorial perspective?

The necessity of thinking out of the box

IA is carried out by the developer of the policy proposal, i.e. commission officials from the respective Directorate General. The Secretary General monitors and facilitates this process, which in first instance is done by the in-house Impact Assessment Unit of the DG itself (each DG has such a unit). The IA procedure follows a number of standard steps, starting with developing the problem definition. Completing the IA can take about one to two years.

The Commission's impact assessment procedure is increasingly monitored outside the Commission because there is great interest how the Commission evaluates its own legislation and policy making process. After all since the white paper on good governance (CEC, 2001) the commission promised that I would do its utter best to improve its own track record on this.

Some evaluations are carried out by independent external organizations like the Centre for European Policy Studies which recently carried out a rather comprehensive evaluation (see Renda, 2006).

Another example is the evaluation carried out by the Network of European Environment and Sustainable Development Advisory Councils (EEAC, 2006). The Commission itself has created its own evaluation tool through the independent Impact Assessment Board which is active since 2006 and is linked to the Secretary General. This board publishes evaluations of the IIA procedure in general (for instance see CEC, 2009b) but also advises on individual assessment procedures. Asking the opinion of the Board is even obligatory although it is known from various evaluations that the timing often does not allow for proper consultation: sometimes the Board simply does not get enough time to evaluate an IA properly.

An issue which is of critical importance to TIA is the horizontal challenge of impact assessment. Remember that the (potential) territorial impact of a wide range of EU policies and different forms of legislation for many years has been the main reason for pleas to organize some sort of territorial impact assessment and for some to even create a spatial planning strategy (see section 2). Although we have not discussed this the model was that of environmental policy which became part of the *compétence* of the Community even before it was mentioned in the EC Treaty and is now heavily institutionalized through – amongst other – directives on impact assessment and the IA procedure itself.

In the previous section we have seen that the current IA evaluation guidelines contain a large number of territorially relevant issues. We can expect that most people trained in territorial policy immediately know what is mentioned by these issues and probably will also be able to propose some criteria or indicators to assess the impact in relation to the policy or regulatory proposal which is under scrutiny. The impact assessment is however carried out by the Community service which is responsible for the proposed legislation or policy. Thinking out of the box so to speak is crucial. The people who carry out an IA have to think of possible impacts outside their own domain. The IA procedure provides for an organizational platform focussing on horizontal relationships within the Commission to make this happen: the so called Impact Assessment Steering Groups or IASGs. Such groups allow early co-ordination and in principle enables other services to provide specific expertise and guidance and contact with a broader range of stakeholders which could be involved along the way.²⁵ The latter has a vertical component because the opinion of member states and local and regional government within member states is of crucial importance here. We come back to this below.

The IA guidelines are quite clear who should be part of such an IASG: "You [=Commission staff preparing an impact assessment] should include in the IASG the DGs whose policies are likely to be affected by or contribute to the objectives of your initiative ..." (CEC, 2009a, 8). In relation to possible territorial impacts this is however not very obvious. Nevertheless the *political ownership* of territoriality and territorial issues – we use this terminology because there is no *compétence* in relation to territorial development or policy making – is in the hand of DG Regio and within this DG of a very small number of people. Identifying the relevant unit and people when it comes to territorial issues is therefor a challenge on its own for those groups carrying out an assessment.

There is a reverse side to this as well. DG Regio could decide to be pro-active in this matters although it remains to be seen whether there is enough manpower to do this. Nevertheless one may expect that DG Regio knows the Commission Legislative and Work Programme (CLWP) like the back of its hand since it is part of it. Identifying those proposals which are territorially relevant and seeking possibilities to get involved in the relevant Impact Assessment procedure seems an obvious strategy here although this might go against the administrative culture within the Commission.

How to facilitate Impact Assessment?

Recognizing that territorial issues are at stake in relation to certain policy and legislative proposals is one thing and the IASG could certainly be instrumental in this. It should be kept in mind though that an IASG only convenes occasionally during an IA procedure. Although its meetings can be of critical importance in terms of guidance of the assessment it is not the unit where the actual work takes place. Therefore next to the organization of Commission Impact Assessment one can look at impact

²⁵ Introduction Robert Scharrenborg (EC; Secretariat General) EU Seminar on Territorial Impact, Amsterdam, 5 March 2009.

assessment as a *process*. A main question becomes then: who could possibly provide the relevant knowledge, data and tools to assess which territorial impacts are at stake?

Impact assessment is carried out in a constrained time frame and more often than not by people who are not trained in territorial research. Also in many cases territorial impacts and impacts on territorial governance systems will not be immediately manifest. EU policies and legislation pass through a chain of decision-making by public and private actors which might have a territorial impact. But in terms of ex ante evaluation – this is basically what impact assessment entails – this is not very easy to predict and to measure. So there is a great need for easy to handle research tools. Handbooks could be very useful as we have seen in the previous section in one particular case but one can think of other tools as well. In terms of the amount and level of detail of research the IA guidelines themselves emphasize the principle of proportionality basically meaning that the research efforts should be in balance with the anticipated impact and its nature. Also the manpower which could be invested in impact assessment is limited and there are time constraints as well.

ESPOON could facilitate Impact Assessment by providing tools that are indeed simple and transparent also in terms of the data needed. In the ESPON programme a great deal of research has been dedicated to – in most cases – ex post impact assessment. To influence policy making in an earlier stage of the policy cycle – the design of policies and legislation – it seems an obvious choice that part of the programme is and/or will be dedicated to the development of impact tools. For ESPON this has not been main business so far as the programme is dedicated to carry out research itself by selected research groups and consortia. Providing methods and tools so others can do research is something different. Nevertheless ESPON has developed an assessment model: TEQUILA. TEQUILA however is a very refined impact assessment tool which needs a great deal of data as the instrument is mainly developed to carry out research covering the entire EU – or ESPON – territory.²⁶ So it may be questioned whether TEQUILA fits the requirement of an easy to handle tool. Parts of it may be simplified to allow non-specialists to work with it.

The issue of 'softer voices'

So far we have discussed impact assessment as a horizontal single-level policy tool, carried out in a context of deliberation and exchange of information at the EU level, mainly the Commission level. The Commission Impact Assessment procedure is nevertheless to be carried out in a multi-actor as well as a multi-level setting. Consulting "all affected stakeholders" is specifically mentioned in the IA guidelines. This is considered "an essential tool for producing high quality and credible policy proposals." (CEC 2009a: 18)

To be able to identify the relevant stakeholders one already got to have some idea or hypothesis about the likely impacts. This counts for impact in general but possibly territorial impacts in particular as these impacts can differ greatly as the result of the vast territorial diversity across the EU. Next to that territorial impacts manifest themselves particularly at the local and regional levels as the ESPON impact assessments show. So these are the levels which have to be addressed by the Community impact assessment procedure. In theory this in itself could mean that stakeholders at these levels have to be identified and consulted following the impact guidance we have quoted above. In discussions this is sometimes referred to as the issue of 'softer voices' (see VROM, 2009). For the small groups within the Community services who have to carry out an impact assessment it will be a very difficult task to consult all the potential stakeholders at regional and local level. This is where the member state level becomes particularly important although not every country has a tradition of strong local or regional government or has a political culture in which it is standard practice to carry out consultation at these levels in those cases where it is obvious the (territorial) impacts of new policies and legislation will particularly be felt at these lower levels of scale.

Above we have concluded that the political ownership of territoriality at Community and Commission level rests with DG Regio. But the ownership is spread at different levels of scale. It is unavoidable that those member states who think that the possible territorial impact of policies and regulations have to be taken into account when designing such new policies and regulations will act pro-actively. Like DG Regio they have to keep a very close eye on the CLWP in order to detect when the

²⁶ In ESPON also five non-EU member states participate to the ESPON area is larger than the EU.

appropriate window of opportunity is there to try influence the course of action in general and to transfer the evidence of possible territorial impacts in particular. To be able to do this some homework has to be done i.e. some kind of territorial impact assessment a country level. It seems a prerequisite that the ministry which is responsible for territorial issues cooperates closely with the ministry that is responsible for the follow up of a possible new EU legislation and policy.

7. Conclusion

The necessity to carry out some sort of what is presently called territorial impact assessment has been underlined by many starting as early as the late 1960s. The object of this call has always been the interaction between territorially relevant European Community and member state policies and legislation. The bottom line of the argumentation is that if these policies and legislation have a territorial impact at member state, regional or local level this impact should be the object of explicit research and – subsequently – decision making.

It has indeed become clear that EU policies often sort out territorial impact, so the concern about Territorial Impact Assessment does make sense. EU policies, be they spending or regulative policies, can cause various effects on territory. This paper has differentiated between direct and indirect impacts (the main difference being the time dimension) on the one hand, and impacts on territory and territorial governance systems on the other the latter including democratically legitimized choices in relation to territorial development.

Direct territorial impacts, i.e. impacts on territory that become immediately visible, may be the most easy to assess based on just the EU policy proposal. However, the effects will not necessarily be the same all over Europe. Variables such as the territorial characteristics of a country and the territorial governance system may influence the final outcome of EU policies. Variations between member states may become even bigger when the EU policy in case has to be further transposed in domestic legislation or requires the development of regional policy schemes (i.e. in the case of directives or funding respectively).

In particular indirect impacts on territorial governance systems, which stakeholders perceive as very painful, will vary widely among member states. Unfortunately, filtering out such impacts on territorial governance systems beforehand is very difficult and requires a lot of expertise. This could be overcome for instance by setting up some sort of community of practice with members from member states and local and regional government who could assist in identifying possible effects in the early stages of the decision-making process about policy proposals, including the Commission impact assessment. The commission could facilitate the exchange of experience possibly in many other ways as well nevertheless a pro-active stance by member states and local government is anyway needed what organisational provisions are taken. Next to that a sensitive attitude from the commission in relation to 'early warnings' from member states is required.

This having said, the authors of this paper do strongly oppose against developing a separate TIA instrument at the EU level, rather they would advise to integrate territorial elements in the existing European Commission's Integrated Assessment instrument. Clearly, from a political perspective any additional assessment instrument will not be accepted, as this would harm the efforts of the Commission in streamlining assessment procedures and developing good governance.

Based on the multi-level governance structure in which the EU operates it has to be concluded, though, that a territorial impact assessment at EU level will not pre-empt all unwanted and unintended impacts. If this is what a member state aspires, then it should consider the voluntary application of a TIA instrument at national and lower levels of government. The results of the application of such an instrument will have to find its way to the Commission and other relevant institutions in the decision-making process about new policy proposals like the European parliament. Some organisational provisions at EU level are needed as we have stated above.

But there is another reason why we think spatial planners should not – or no longer – argue for a separate territorial impact assessment tool and that is that the present integrated assessment

procedure is expected to address a great number of territorially relevant issues. This does not mean however that the impact assessment of policy proposals which are territorially relevant takes the obvious territorial issues on board. Above we have concluded that IA procedures will take account of economic, social and environmental impacts, since this is prescribed by IA guidelines, but will not automatically assess territorial issues. Only in the case of proposals with a clear territorial dimension, such as the aid for farmers in areas with natural handicaps and railway freight transport, will the territorial dimension be taken into account. In other cases this is less likely to happen. The possible effects – territoriality not being part of the policy making process – will not be overcome by a separate TIA tool.

Instead we have to look at the IA procedure by asking the question how to improve the IA's performance from a territorial perspective? In the previous section we have tried to identify a number of building blocks to at least partially answer the question how to improve the IA's performance for territorial perspective. We have emphasized there is a horizontal – i.e. multisectoraal – dimension to this question which not only concerns the European Commission itself but also the level of national government in EU member states. We have also addressed a vertical dimension because knowledge and insights about possible or likely territorial impacts of new policies and regulations have to be found at the local and regional level but at the same time have to arrive at the level of the Commission's impact assessment procedure. We have also addressed the more instrumental side of carrying out (territorial) impact assessment. Territorial impact assessment as part of the standard Commission impact assessment procedure could be seen as an exercise in learning. We have emphasized the need for easy to handle tools because impact assessment is not carried out by large academic groups over a long period of time but has to be carried out in time and manpower constraints and – not to be overlooked! – as part of a regulatory design process. 'Heavy' multivariate methodologies might be scientifically interesting and challenging but impractical to use in such a context.

Finally, discussing territorial impact or any other unforeseen and/or unwanted impact of EU policy, one should also take a look at the characteristic of EU directives. Many of these directives – especially in the domain of environmental policies – are quite detailed about *how* to achieve the results and objectives. Some EU member states are struggling with – territorial – impacts just because of this. A possible way to overcome this is to build in more flexibility in relation to the route which ultimately leads to the objectives of the directive. Another option is to choose for non-regulatory approaches to reach – environmental – objectives like for instance the Open Method of Coordination which is used in other EU policy domains.

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Annex - Territorial aspects already addressed in Impact Assessment

Source: CEC 2009 – Impact Assessment Guidelines 15 January 2009 – SEC(2009)92), pp. 32 – 37

Table 1: Economic Impacts

ECONOMIC IMPACTS	KEY QUESTIONS
Functioning of the internal market and competition	<ul style="list-style-type: none"> - What impact (positive or negative) does the option have on the free movement of goods, services, capital and workers? - Will it lead to a reduction in consumer choice, higher prices due to less competition, the creation of barriers for new suppliers and service providers, the facilitation of anti-competitive behaviour or emergence of monopolies, market segmentation, etc?
Competitiveness, trade and investment flows	<ul style="list-style-type: none"> - What impact does the option have on the global competitive position of EU firms? Does it impact productivity - What impact does the option have on trade barriers? - Does it provoke cross-border investment flows (including relocation of economic activity)?
Operating costs and conduct of business/Small and Medium Enterprises	<ul style="list-style-type: none"> - Will it impose additional adjustment, compliance or transaction costs on businesses? - How does the option affect the cost or availability of essential inputs (raw materials, machinery, labour, energy, etc.)? - Does it affect access to finance? - Does it impact on the investment cycle? - Will it entail the withdrawal of certain products from the market? Is the marketing of products limited or prohibited? - Will it entail stricter regulation of the conduct of a particular business? - Will it lead to new or the closing down of businesses? - Are some products or businesses treated differently from others in a comparable situation?
Administrative burdens on businesses	<ul style="list-style-type: none"> - Does it affect the nature of information obligations placed on businesses (for example, the type of data required, reporting frequency, the complexity of submission process)? - What is the impact of these burdens on SMEs in particular?
Public authorities	<ul style="list-style-type: none"> - Does the option have budgetary consequences for public authorities at different levels of government (national, regional, local), both immediately and in the long run? - Does it bring additional governmental administrative burden? - Does the option require the creation of new or restructuring of existing public authorities?
Property rights	<ul style="list-style-type: none"> - Are property rights affected (land, movable property, tangible/intangible assets)? Is acquisition, sale or use of property rights limited? <p>Or will there be a complete loss of property?</p>

Innovation and research	<ul style="list-style-type: none"> - Does the option stimulate or hinder research and development? - Does it facilitate the introduction and dissemination of new production methods, technologies and products? - Does it affect intellectual property rights (patents, trademarks, copyright, other know-how rights)? - Does it promote or limit academic or industrial research? - Does it promote greater productivity/resource efficiency?
Consumers and households	<ul style="list-style-type: none"> - Does the option affect the prices consumers pay? - Does it impact on consumers' ability to benefit from the internal market? - Does it have an impact on the quality and availability of the goods/services they buy, on consumer choice and confidence? (cf. in particular non-existing and incomplete markets – see Annex 8) - Does it affect consumer information and protection? - Does it have significant consequences for the financial situation of individuals / households, both immediately and in the long run? - Does it affect the economic protection of the family and of children?
Specific regions or sectors	<ul style="list-style-type: none"> - Does the option have significant effects on certain sectors? - Will it have a specific impact on certain regions, for instance in terms of jobs created or lost? - Is there a single Member State, region or sector which is disproportionately affected (so-called "outlier" impact)?
Third countries and international relations	<ul style="list-style-type: none"> - How does the option affect trade or investment flows between the EU and third countries? How does it affect EU trade policy and its international obligations, including in the WTO? - Does the option affect specific groups (foreign and domestic businesses and consumers) and if so in what way? - Does the option concern an area in which international standards, common regulatory approaches or international regulatory dialogues exist? - Does it affect EU foreign policy and EU/EC development policy? - What are the impacts on third countries with which the EU has preferential trade arrangements? - Does it affect developing countries at different stages of development (least developed and other low-income and middle income countries) in a different manner? - Does the option impose adjustment costs on developing countries? - Does the option affect goods or services that are produced or consumed by developing countries?
Macroeconomic environment	<ul style="list-style-type: none"> - Does it have overall consequences of the option for economic growth and employment? - How does the option contribute to improving the conditions for investment and the proper functioning of markets? - Does the option have direct impacts on macro-economic stabilisation?

Table 2: Social Impacts

SOCIAL IMPACTS	KEY QUESTIONS
<p>Employment and labour markets</p>	<ul style="list-style-type: none"> - Does the option facilitate new job creation? - Does it lead directly or indirectly to a loss of jobs? - Does it have specific negative consequences for particular professions, groups of workers, or self-employed persons? - Does it affect particular age groups? - Does it affect the demand for labour? - Does it have an impact on the functioning of the labour market? - Does it have an impact on the reconciliation between private, family and professional life?
<p>Standards and rights related to job quality</p>	<ul style="list-style-type: none"> - Does the option impact on job quality? - Does the option affect the access of workers or job-seekers to vocational or continuous training? - Will it affect workers' health, safety and dignity? - Does the option directly or indirectly affect workers' existing rights and obligations, in particular as regards information and consultation within their undertaking and protection against dismissal? - Does it affect the protection of young people at work? - Does it directly or indirectly affect employers' existing rights and obligations? - Does it bring about minimum employment standards across the EU? - Does the option facilitate or restrict restructuring, adaptation to change and the use of technological innovations in the workplace?
<p>Social inclusion and protection of particular groups</p>	<ul style="list-style-type: none"> - Does the option affect access to the labour market or transitions into/out of the labour market? - Does it lead directly or indirectly to greater equality or inequality? - Does it affect equal access to services and goods? - Does it affect access to placement services or to services of general economic interest? - Does the option make the public better informed about a particular issue? - Does the option affect specific groups of individuals (for example the most vulnerable or the most at risk of poverty, children, women, elderly, the disabled, unemployed or ethnic, linguistic and religious minorities, asylum seekers), firms or other organisations (for example churches) or localities more than others? - Does the option significantly affect third country nationals?
<p>Gender equality, equality treatment and opportunities, non - discrimination</p>	<ul style="list-style-type: none"> - Does the option affect the principle of non-discrimination, equal treatment and equal opportunities for all? - Does the option have a different impact on women and men? - Does the option promote equality between women and men? - Does the option entail any different treatment of groups or individuals directly

	<p>on grounds of sex, racial or ethnic origin, religion or belief, disability, age, and sexual orientation? Or could it lead to indirect discrimination?</p>
<p>Individuals, private and family life, personal data</p>	<ul style="list-style-type: none"> - Does the option impose additional administrative requirements on individuals or increase administrative complexity? - Does the option affect the privacy, of individuals (including their home and communications)? - Does it affect the right to liberty of individuals? - Does it affect their right to move freely within the EU? - Does it affect family life or the legal, economic or social protection of the family? - Does it affect the rights of the child? - Does the option involve the processing of personal data or the concerned individual's right of access to personal data?
<p>Governance, participation, good administration, access to justice, media and ethics</p>	<ul style="list-style-type: none"> - Does the option affect the involvement of stakeholders in issues of governance as provided for in the Treaty and the new governance approach? - Are all actors and stakeholders treated on an equal footing, with due respect for their diversity? Does the option impact on cultural and linguistic diversity? - Does it affect the autonomy of the social partners in the areas for which they are competent? Does it, for example, affect the right of collective bargaining at any level or the right to take collective action? - Does the implementation of the proposed measures affect public institutions and administrations, for example in regard to their responsibilities? - Will the option affect the individual's rights and relations with the public administration? - Does it affect the individual's access to justice? - Does it foresee the right to an effective remedy before a tribunal? - Does the option make the public better informed about a particular issue? Does it affect the public's access to information? - Does the option affect political parties or civic organisations? - Does the option affect the media, media pluralism and freedom of expression? - Does the option raise (bio) ethical issues (cloning, use of human body or its parts for financial gain, genetic research/testing, use of genetic information)?

Public health and safety	<ul style="list-style-type: none"> - Does the option affect the health and safety of individuals/populations, including life expectancy, mortality and morbidity, through impacts on the socio-economic environment (working environment, income, education, occupation, nutrition)? - Does the option increase or decrease the likelihood of health risks due to substances harmful to the natural environment? - Does it affect health due to changes in the amount of noise, air, water or soil quality? - Will it affect health due to changes energy use and/or waste disposal? - Does the option affect lifestyle-related determinants of health such as diet, physical activity or use of tobacco, alcohol, or drugs? - Are there specific effects on particular risk groups (determined by age, gender, disability, social group, mobility, region, etc.)?
Crime, Terrorism and Security	<ul style="list-style-type: none"> - Does the option improve or hinder security, crime or terrorism? - Does the option affect the criminal's chances of detection or his/her potential gain from the crime? - Is the option likely to increase the number of criminal acts? - Does it affect law enforcement capacity? - Will it have an impact on security interests? - Will it have an impact on the right to liberty and security, right to fair trial and the right of defence? - Does it affect the rights of victims of crime and witnesses?
Access to and effects on social protection, health and educational systems	<ul style="list-style-type: none"> - Does the option have an impact on services in terms of quality/access for all? - Does it have an effect on the education and mobility of workers (health, education, etc.)? - Does the option affect the access of individuals to public/private education or vocational and continuing training? - Does it affect the cross-border provision of services, referrals across borders and co-operation in border regions? - Does the option affect the financing / organisation / access to social, health and care services? - Does it affect universities and academic freedom / self-governance?
Culture	<ul style="list-style-type: none"> - Does the proposal have an impact on the preservation of cultural heritage? - Does the proposal have an impact on cultural diversity? - Does the proposal have an impact on citizens' participation in cultural manifestations, or their access to cultural resources?
Social impacts in third countries	<ul style="list-style-type: none"> - Does the option have a social impact on third countries that would be relevant for overarching EU policies, such as development policy? - Does it affect international obligations and commitments of the EU arising from e.g. the ACP-EC Partnership Agreement or the Millennium Development Goals? - Does it increase poverty in developing countries or have an impact on income of the poorest populations?

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Table 3: Environmental impacts

ENVIRONMENTAL IMPACTS	KEY QUESTIONS
The climate	<ul style="list-style-type: none"> - Does the option affect the emission of greenhouse gases (e.g. carbon dioxide, methane etc) into the atmosphere? - Does the option affect the emission of ozone-depleting substances (CFCs, HCFCs etc)? - Does the option affect our ability to adapt to climate change?
Transport and the use of energy	<ul style="list-style-type: none"> - Does the option affect the energy intensity of the economy? - Does the option affect the fuel mix (between coal, gas, nuclear, renewables etc) used in energy production? - Will it increase or decrease the demand for transport (passenger or freight), or influence its modal split? - Does it increase or decrease vehicle emissions? - Will the option increase/decrease energy and fuel needs/consumption?
Air quality	<ul style="list-style-type: none"> - Does the option have an effect on emissions of acidifying, eutrophying, photochemical or harmful air pollutants that might affect human health, damage crops or buildings or lead to deterioration in the environment (soil or rivers etc)?
Biodiversity, flora, fauna and landscapes	<ul style="list-style-type: none"> - Does the option reduce the number of species/varieties/races in any area (i.e. reduce biological diversity) or increase the range of species (e.g. by promoting conservation)? - Does it affect protected or endangered species or their habitats or ecologically sensitive areas? - Does it split the landscape into smaller areas or in other ways affect migration routes, ecological corridors or buffer zones? - Does the option affect the scenic value of protected landscape?
Water quality and resources	<ul style="list-style-type: none"> - Does the option decrease or increase the quality or quantity of freshwater and groundwater? - Does it raise or lower the quality of waters in coastal and marine areas (e.g. through discharges of sewage, nutrients, oil, heavy metals, and other pollutants)? - Does it affect drinking water resources?
Soil quality or resources	<ul style="list-style-type: none"> - Does the option affect the acidification, contamination or salinity of soil, and soil erosion rates? - Does it lead to loss of available soil (e.g. through building or construction works) or increase the amount of usable soil (e.g. through land decontamination)?

Land use	<ul style="list-style-type: none"> - Does the option have the effect of bringing new areas of land ('greenfields') into use for the first time? - Does it affect land designated as sensitive for ecological reasons? Does it lead to a change in land use (for example, the divide between rural and urban, or change in type of agriculture)?
Renewable or non-renewable resources	<ul style="list-style-type: none"> - Does the option affect the use of renewable resources (fish etc) and lead to their use being faster than they can regenerate? - Does it reduce or increase use of non-renewable resources (groundwater, minerals etc)?
The environmental consequences of firms and consumers	<ul style="list-style-type: none"> - Does the option lead to more sustainable production and consumption? - Does the option change the relative prices of environmental friendly and unfriendly products? - Does the option promote or restrict environmentally un/friendly goods and services through changes in the rules on capital investments, loans, insurance services etc? - Will it lead to businesses becoming more or less polluting through changes in the way in which they operate?
Waste production / generation / recycling	<ul style="list-style-type: none"> - Does the option affect waste production (solid, urban, agricultural, industrial, mining, radioactive or toxic waste) or how waste is treated, disposed of or recycled?
The likelihood or scale of environmental risks	<ul style="list-style-type: none"> - Does the option affect the likelihood or prevention of fire, explosions, breakdowns, accidents and accidental emissions? - Does it affect the risk of unauthorised or unintentional dissemination of environmentally alien or genetically modified organisms?
Animal welfare	<ul style="list-style-type: none"> - Does the option have an impact on health of animals? - Does the option affect animal welfare (i.e. humane treatment of animals)? - Does the option affect the safety of food and feed?
International environmental impacts	<ul style="list-style-type: none"> - Does the option have an impact on the environment in third countries that would be relevant for overarching EU policies, such as development policy?