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NARRATING IMPACT ASSESSMENT IN THE EUROPEAN UNION

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ABSTRACT

Since 2003, the European Commission has produced analytical documents to appraise and support its proposals included in the annual law programme. These so-called impact assessments (IAs) are now quite common in the preparation of legislation in the member states of the European Union. Previous research has been concerned with the quality of the IAs in terms of evidence-based policy, especially in terms of economic analysis and other standards of smart regulation. In this paper, we move from a different perspective. We draw on the narrative policy analysis literature to explore impact assessment as text. We consider a sample of IAs that differ by originating DGs, legal instrument, and level of saliency. The findings show that the narrative components of the IA are quite prominent in the sample. The Commission may use IA to produce evidence-based policy, but it also engages with IA it to provide a presentation of self, to establish EU norms and values, and to secure legitimacy via causal plots, doomsday scenarios, and narrative dramatization.

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<http://centres.exeter.ac.uk/ceg/research/ALREG/index.php>

1. INTRODUCTION

In his review of 'Theories of the Policy Process' for the Public Policy Yearbook 2011, Matthew Nowlin (2011) puts the Narrative Policy Framework on top of the section on 'emerging trends'. Although this framework has often been associated with post-empirical analysis, following Jones and McBeth (2010), Nowlin argues that the framework 'offers a way for policy scholars to empirically measure how policy relevant information is transmitted and interpreted by both policy elites and the mass public' (2011: 53, emphasis added). To understand this position, one has to consider that social scientists often operate with a social ontology combined with an objective epistemology (Searle 1995). Granted that entities such as narratives are representations of policy created by social actors, and thus have an inter-subjective nature, they can still be examined empirically using an objective epistemology. This paper belongs to this conceptual framework.¹

Specifically, our aim is to add value to the narrative policy framework by combining two important dimensions, that is, discourse (Schmidt 2008) and the presentation of self (Goffman, 1959) and in doing so explore the different purposes to which narratives are directed. Let us start with discourse. Our take on narratives is enhanced by an analysis of the two forms in which discursive entities operate in public policy. As shown by Schmidt (2002, 2008), the discursive aspects of policy-making fall in two categories. One is coordinative discourse, that is, how elites use discursive structures (narratives in our case), to make sense of reality and coordinate their policy initiatives. The other is communicative discourse, that is; how policy narratives are communicated to pressure groups, the public and, more generally, the external environment in order to achieve legitimacy for the policy choice taken by the elites. In our paper, we explore narratives as tools of discursive coordination within a complex organisation like the European Commission, and as communicative tools through which policy-makers seek to enhance the plausibility, acceptability and, ultimately, legitimacy for their policy proposals. Both in coordinating and communicating policy, elites tend to project a certain definition of their identity via the narratives they deploy, most often in terms of the moral and normative assumptions behind policy choice. Drawing on Goffman (1959), one can argue that this presentation of self occurs when we combine activity at the back and front stages.

Empirically, we are concerned with the IAs produced by the European Commission in the preparation of policy proposals. Since 2003, the Commission has used the IA procedure to support the policy formulation process in the context of its smart regulation strategy (European Commission

¹For more general information on policy narratives see the editors' introduction to the symposium.

2010). Drawing on a large international experience of using economic analysis to appraise policy proposals (Kirkpatrick and Parker 2007, OECD 2009), the Commission is committed to the analysis of both legislative and non-legislative proposals via a series of steps described in the impact assessment guidelines.² IAs are documents describing a process. Interestingly, the documents are considered internal preparatory papers – hence they are referenced as SEC rather than COM, to limit the options for judicial review of the European Court of Justice. However, they are published online when the accompanying proposals are formally presented by the Commission. The process of preparing an IA includes problem definition, the identification of alternative feasible options, consultation, economic analysis of the options, and a final choice - regulatory or not. For example, the IA may well conclude that a non-binding option is better than a directive. Whilst the IA of the Commission draws on European and North-American experience with regulatory appraisal, it is distinctive in two ways (Meuwese 2008). First, it considers the social and environmental dimensions alongside the economic dimension of policy proposals, whilst other systems are eminently concerned with one dimension, typically the economic effects or sustainability. Second, although it is geared towards the economic analysis of proposals, it differs from the US approach because there is no a-priori preference for cost-benefit analysis (CBA) as method used to carry out economic analysis.

The literature on IA in the EU, and more generally in Europe, is vast (Turnpenny et al. 2009). However, most of this literature is limited to two types of research questions: first, the governance characteristics of IA, including usages of IA (Nilsson et al. 2008, Radaelli 2010) and, second, the trends in the overall quality of IA (Renda 2006, Cecot et al. 2008, Fritsch et al. 2012). Thus, we know a good deal about how European Commission IAs differ from their North American counterparts and the role they have in promoting 'rational' or evidence-based policy ideals. But IAs are also an important step in policy formulation. Here we focus on this formulation role by conceptualising IAs as arguments used to justify a given definition of the policy problem and EU regulatory intervention. This leads us to the study of the narrative structure of IAs rather than their economic analysis and usages by decision-makers. Specifically, we know decidedly less about the variation that exists between the IAs produced in the Commission. Indeed, our null hypothesis is that the IA formulaic template imposed on all Directorate Generales (DG) has homogenized not only the structure but also the IA content. Reasons for that are the presence of a common template (guidelines are enforced by the Secretariat General, plus systematic training on IA), the coordinating role of the Sec Gen, and the scrutiny role of the Impact Assessment Board (IAB), a regulatory

² See http://ec.europa.eu/governance/impact/index_en.htm

oversight body assisted by the Secretariat General at the technical level. There has been previous research pointing to the institutionalization of IA (Allio 2008, Radaelli and Meuwese 2010, Melloni 2011) so homogenization could well be the result of institutionalisation. We also know less about the political and rhetorical purposes these texts serve. By looking at the narrative structure and content of individual IAs, this paper explores these narratives as tools of advocacy as well as inquiry (echoing Toulmin et al 1984: 7).

The paper is structured as follows. In section 1, we make the case for looking at IA through the lenses of discursive institutionalism (Schmidt 2008) and presentation of self (Goffman 1959). In section 2 we then outline our selection criteria and introduce the data we generated for this project, then in section 3 we move to sample and data. In section 4 we present our empirical analysis of the data drawn from a sample of IAs. Since this is the first study to consider the narrative dimension of IA, one aim of our analysis is to explore the variability and common features in our sample, rather than presenting specific hypotheses to be tested. We conclude with a discussion and suggestions for future research, including hypotheses that might usefully be tested in the future.

2. IMPACT ASSESSMENT AS NARRATIVE

(Why) should we consider IAs as policy narratives? Our first curiosity is indeed about the existence and function of a narrative dimension in IA. The *prima facie* case for narrative analysis is that the Commission uses the IA documents to make the case for its proposals and to show how a given conclusion was reached. Thus, in a sense, the IA activity is all about persuading the public that the accompanying proposal meets some criteria of evidence-based policy to which the EU is committed. But, there are also more specific issues to consider.

The guidelines of the European Commission (2005b, 2009c) explain that all IAs are expected to be developed around a common template. The guidelines have an explicit narrative structure. Indeed, we can match precisely the steps of the IA, and the features of argumentation and policy narratives (Roe 1994, Toulmin 1958). The IA, so the guidelines say, should start with a presentation of what the problem is. In terms of Toulmin's analysis of argumentation, this is the 'claim' made by the Commission. By identifying a general problem, the Commission makes a given social, environmental, economic problem 'out there' amenable to human action within the EU policy-making framework. According to Roe (1994), this is an essential property of policy narratives.

The guidelines also specify that the officers should provide evidence supporting problem definition. Yet again, this corresponds to Toulmin's link between the 'claim' and the 'grounds' or evidence that are appealed to as foundation for the 'claim' (1958). Further, there is an explicit requirement to explain what will happen in absence of EU action – the default option of not intervention. In Roe's narrative framework, the text describing 'what happens if we do not act together' is the worst case scenario component of the narrative. By explicitly requiring an analysis of the 'do nothing' option, the guidelines stimulate IA authors to dramatize this scenario, often transforming it in a doomsday scenario where particularly bad policy outcomes are evoked in the text. Finally, a good IA should describe a wide range of actors and sectors that can be affected by the proposed intervention. This is sometimes an aseptic list of those who are going to gain from the EU policy and those who are going to incur costs. But, in some cases, the IA transforms this list into something more, that is, following a classic template of narratives and causal stories (Stone 1988, Roe 1994, Jones and McBeth 2010), proper 'heroes' and 'villains'.

The classic IA document is thus a script with a narrative structure. One more observation is in order: The IA script is related to both the frontstage and the backstage. The backstage is reflected in the IAs in the sections portraying the coordination of policy among different DGs and policy elites more generally. The frontstage is where the IA content is displayed for the wider European public and member states. Following Goffman(1959), we suggest that activity on these stages combine to provide certain personae or presentations of self of the European Commission. This means that although, in principle, the process of preparing the assessment should be entirely dedicated to evidence-based policy, the Commission, according to this conjecture, can manipulate it to establish norms, reiterate beliefs, define the range of acceptable and undesirable actions – in short, presenting itself. Different presentations are conceptually possible, from presenting the Brussels-based bureaucracy as a diligent agent of the European Parliament and the Council to more assertive presentations, including the presentation of a Commission directly responsive, if not accountable, to the public opinion and the major stakeholders in the EU policy process.

These remarks concerning the front and the back stages have important connections with the discursive dimension of policy narratives. To see this, we need to relate IA to the policy formulation process. Before the introduction of the impact assessment process in 2003, policy proposals were developed within a given service of the Commission - the DG - subject to inter-service consultation and monitoring from the Legal Service and more generally the Secretariat General. Observers in the past noted the relative autonomy of the DGs in the preparation of proposals, and the weakness of

the Secretariat General in providing robust coordination. Upon completion of their interview programme within the Commission, Kassim and Menon (2004: 28) spoke of a 'collection of baronies' to highlight the relative autonomy of the bureaucratic units, i.e. the DGs in charge of policy formulation. The situation has changed with the institutionalization of the impact assessment process, as shown by previous studies (Allio 2008, Melloni 2011, Radaelli and Meuwese 2010). This process has complicated the policy formulation network by introducing a mechanism of discussion and deliberation centred upon the evidence to be gathered and reflected in the IA document – and most importantly how the evidence connects with the various options and the final recommendation. Radaelli and Meuwese (2010) argue that the different preferences, constituencies and organisational cultures of the DGs are in-built into the IA process. DGs may have different ways of looking at policy problems. But they have been forced to articulate their opinions in terms of evidence, and consequently they have given up some bureaucratic autonomy – to other DGs and to the Secretariat General, which has gained in coordination capacity. This leads to a null hypothesis of no or limited variation across IA to be contrasted with hypotheses about persisting variation - due to organizational culture, or whether a given DG is close to the core of smart regulation within the Commission policy or not.

This intense inter-organizational activity in the appraisal of proposal has made the IA process a cornerstone of what Vivien Schmidt (2008) calls coordinative discourse, i.e. how elites in a given organisation or policy subsystem coordinate their action by using discourse. Tellingly, the IA document is finalized together with the proposal agreed by the College of the Commission. Up until the last minute, the Commissioners can utilise the IA and the draft proposal (say, a draft directive) to coordinate and agree. The scrutiny of the draft IAs by the IAB adds another important element to the policy formulation network (Alemanno 2008, European Commission 2012). Practically, this means that the Board has an opportunity to insist on the inclusion or exploration of certain issues, and steer coordinative discourse in one direction or another.

However, the IA is also an important discursive tool in providing justification and legitimacy for the choices made by the Commission. In this sense, the IA speaks to a broader audience, where there are both institutional publics like the European Parliament and the Council, and the various audiences of stakeholders. According to Schmidt (2008) this is communicative discourse, or the legitimising function of a speech or text. In the case of the European Commission, legitimacy is also intertwined with issues concerning the legal basis for intervention and the scope for EU action in areas where *prima facie* member states seem more equipped to solve problems.

To sum up then, IAs can be seen, as it has often been seen in previous research projects, as the epitome of evidence-based policymaking. But it can also be examined through the lenses of the narrative policy framework. In this section we made the case for a narrative analysis of IA based on the structure of the guidelines and the aim to persuade the reader that, although not absent by other types of documents, is accentuated in this document. We also argued that the IA may be manipulated to provide a presentation of self by the Commission, going beyond evidence-based policy into the territory of norms, values and what an organization stands for and cares about. Finally, we argued that IA as discourse as a coordinative function as well as communication properties.

3. RESEARCH QUESTIONS, SAMPLE SELECTION, CODING AND DATA

To recap, our first research aim deals with the existence and purposes of the narrative dimension of IA. This leads us to the following research questions: Does evidence on IA show a non-trivial usage of narrative structures such as causal plots, doomsday scenarios, dramatization, heroes and villains, moral reasons for action and other elements associated with narrative policy analysis (Roe 1994)? In relation to this, does the Commission make use of IA for functions other than evidence-based policy, specifically manipulation of self and the establishment of norms? How do the IA perform in relation to communicative and coordinative discourse? Further, we are interested in the variability across cases. Considering that there is a process of institutionalization under way (Radaelli and Meuwese 2010) and that recent research shows common patterns in the EU IAs (Fritsch et al. 2012), do the IAs also look alike in terms of narrative structure? Or does the engagement with the narrative dimension vary across cases?

To answer these questions, we need to provide a suitable sample and originate data. The Commission experimented with IA in the period 2003-2005 (Allio 2008). After that, the production of IAs has become a pretty stable, routine-like feature of policy formulation, not the least thanks to the establishment of the IAB tasked with exercising oversight on the quality of the draft assessments prepared inside the Commission.

To analyse in-depth a certain number of IAs, we did not want to censor our sample. With this in mind, we adopted the following three criteria for inclusion: binding versus non-binding proposals (like Communications); low versus high saliency issues; and DGs that historically have been very

close to the smart regulation agenda of the EU versus more peripheral DGs, which have either contested or have simply been less interested in this agenda (Allio, 2008). This way we control for whether the appraisal supports legislation or non-legislative proposals, the politicization of policy issues and organizational culture. The combination of these criteria provides eight possible combinations in a truth table which drove our selection of cases. In consequence, we have selected eight IAs summarised in Table 1:

IAs selected (lead DG, year in which the assessment was concluded, reference)	Shorthand name	Core DG	High saliency	Legally binding
Proposal for a regulation concerning trade in seal products (ENV, 2008, European Commission 2008)	SEALS IA	+	+	+
Communication on a European initiative on Alzheimer's disease and other dementias (Health Consumers, 2009, European Commission 2009b)	ALZHEIMERS IA	+	+	-
Report on the possibilities of further improving the environmental characteristics of recreational craft engines (ENTR, 2007, European Commission 2007a)	RECREATIONAL CRAFTS ENGINES IA	+	-	-
White paper on sport (EDULCULT, 2007, European Commission 2007b)	SPORT IA	-	-	-
Protecting Europe from large scale cyber-attacks and disruptions: enhancing preparedness, security and resilience (INFOSOC, 2009, European Commission 2009a)	CYBER IA		+	-
Directive on a common consolidated corporate tax base (TAXUD, 2011, European Commission 2011a)	COMMON TAX IA	-	-	+
Directive on restrictions on the marketing of certain measuring devices containing mercury (ENTR, 2005, European Commission 2005a)	MERCURY IA	+	-	+
Directive on a common system of financial transaction tax (TAXUD, 2011, European Commission 2011b)	FINANCIAL TRANSACTION TAX	-	+	+

Table 1: Sample selected for empirical analysis

In order to analyse these eight IAs systematically, we developed a scorecard consisting of 23 items (see Table 2 below). The first five scorecard items describe the technical features of an IA document, namely the European Commission's SEC code, DGs leading or being involved in the drafting process, length of IA including annexes and supporting studies, and the type of envisaged output document. 18 scorecard items dedicate to the narrative elements of an IA and thereby describe features that

we will analyse in more detail below, for example causal plot, heroes and villains, dramatic elements, and doomsday scenarios.

Item	Definition
ID	ID of impact assessment
Lead DG	Lead DG
DGs involved	DGs other than lead DG involved in preparing impact assessment
Type	Legal status of document: communication; white paper; decision; regulation; directive
Length	Total length of impact assessment including annexes and other associated studies
Triggered by EP or Council	Is there evidence that this policy initiative is a response to EP or Council request to take action?
Problem	Nature of the policy problem whose existence and merit for action must be established. Guiding questions: What is the problem? How is it defined? By defining the problem in a special way, does the Commission rule out other definitions of the problem that are in principle plausible? Does the Commission evoke some norms or values in defining the problem one way or another?
Identity	Is the European Commission's identity as an organization evoked in the narrative and, if so, how?
Types of evidence	Types of evidence used to support the causal claim
Characters	Actors affected by policy intervention. Guiding questions: Who is affected (animals, humans, the general public, the producer)? Who is concerned about the issue? Who should speak in this story?
Causal plot	Presence of a causal plot, from problem definition to policy solution
Heroes and Villains	In relation to the policy problem identified, does the impact assessment present heroes and villains?
Meta-narrative	Presence of a meta-narrative. Guiding question: Does the IA propose a synthesis of different narratives?
Metaphors	Presence of metaphors in the impact assessment
Conflict	Does the RIA acknowledge that there is conflict and disagreement? Does it represent conflict and if so how?
Type of support for choice	Evidence used to support and justify preferred option
Criteria	Criteria use when comparing different options: benefit-cost principle, thresholds of costs, cost-effectiveness, multi-criteria. Guiding questions: What is the nature of reasoning – qualitative (reasoning), quantitative (monetized). What is the status of the evidence – functional or decorative to the claim and/or solution?
Dooms	Presence of a doomsday scenario. Guiding question: What happens without EU intervention?
Drama	Presence of dramatic tension in the text.
Wider questions	Does the IA produce questions for EP, Council, national bureaucracies: options or conclusions?
Rebut	Presence of statements recognizing the restrictions which may legitimately be applied to the claim
Conclusion	Concludes with strong policy direction
Genre	Ideal-type genre represented by narrative

Table 2: Coding framework

In terms of measurement, our coding framework contains three types of items: first, those reporting on the presence or absence of a narrative feature, resulting in a simple 'yes/no' score; second, those presenting information about the presence or absence of a narrative feature ('yes/no'), supported by extensive qualitative evidence such as quotations; and, third, those providing qualitative evidence related to specific categories or ideal types (see, for instance, 'Genre' or 'Characters').

The eight IAs were coded blind by each of the three authors, resulting in three completed scorecards per IA. These scores were subsequently aggregated with a view to produce one master scorecard per IA which would then guide the below analysis. Across all cases, we were able to code on average 79 per cent of variables. However, due to the aggregation of scores into master scorecards we reached a coverage of 100 per cent for all IAs. Intercoder reliability was high, with more than 90 per cent; cases of conflicting scores were resolved in a discursive process amongst the three co-authors of this paper.

4. EMPIRICAL ANALYSIS

Following Schmidt (2008), we are interested in both the discursive content of narratives and the interactive processes in which these ideas and values are shaped, shared and deployed. Specifically, the sample of eight IAs were coded with the aim of uncovering narrative content, how this is used in the European Commission's policy construction backstage on the one hand, and communication at the front on the other and how these combine to create different Commission personae or presentations of self. The findings are summarized in Table 3. Additional information on specific narrative items is provided in the Appendix. Even a cursory look at Table 3 shows that the narrative dimension of IA is not a monolith - there is variability in the sample, for the basic fact that not all IAs engage with narrative policy constructions (the Appendix shows that not all IAs have a causal plot, doomsday scenarios and dramatization effects) to specific narrative items.

	MERCURY2005	RECREATIONAL CRAFT ENGINES2007	SPORT2007	SEALS2008	ALZHEIMER2009	CYBER2009	COMMON TAX BASE2011	FINANCIAL TRANSACTION TAX2011
ID	SEC(2005) 101	SEC(2007) 819	SEC(2007) 932/2	SEC(2008) 2290	SEC(2009) 1040	SEC(2009) 399	SEC(2011) 315	SEC(2011) 1102
Lead DG	Environment	Enterprise	Education and culture	Environment	Health and consumers	Information society and media	Taxation and customs union	Taxation and customs union
DGs involved	Lead DG only plus SG.	Lead DG only	17 DGs	Lead DG only	4 DGs	11 DGs + SG	Lead DG only	6 DGs + SG
Type	Communication	Communication	White paper	Regulation	Communication	Communication	Directive	Directive
Length	Long	Short	Short	Long	Short	Long	Long	Long
Triggered by EP and Council	Yes	Yes	No	No	Yes	No	Yes	No
Problem	Health-related	Environmental	Political Extending regulatory competences of the Commission	Normative Respond to normative beliefs held by European citizens	Information base Lack of coordination among member states when it comes to sharing research findings and information	Security-related Lack of coordination among member states	Technical (tax barriers)	Political Lack of coordination among member states
Identity / Presentation of Self	Evidence-based organization Diligent agent Gentle civilized global power concerned with fairness Foresightful actor	Evidence-based organization Diligent agent	Evidence-based organization Strategic actor looking for policy spill-overs Horizontal organization able to respond effectively on cross-cutting issues to an	Evidence-based organization Diligent agent Gentle civilized global power concerned with fairness	Evidence-based organization Gentle civilized global power concerned with fairness Possible repository of data and best practice	Evidence-based organization Strategic actor able to cross over the boundaries between technical and political	Evidence-based organization Gentle civilized global power concerned with fairness Organization oriented to long-term goals	Evidence-based organization Diligent agent Custodian of the single market Fairness-oriented

			expectant public and stakeholders		Promoting NGOs Oriented to new-cutting edge research			
Types of evidence	Inconclusive quantitative evidence related to health and economic impacts	Evidence and consultation	No empirical evidence yet statements making the case for a political commitment of the Commission	Qualitative studies, many of them non-scientific, and consultation	Values and collective responsibility	Evidence in support of a political commitment to overcome fragmented action	High number of various studies aggregated in one document	Economic analysis and political commitment
Characters	Consumers, artisanal miners, producers and traders, fishing industry, industrial sectors such as power generation	Industry, environmental agencies, individual firms	Citizens, minors, athletes, sport NGOs, sport federations, domestic policymakers	Animals, EU citizens, non-EU citizens, local communities, hunting countries	Patients and their families, NGOs, researchers, residential care staff	Business, citizens, public administrations	Business firms, revenue authorities, jobholders	Financial sector, revenue authorities, different income groups
Causal plot	Yes	No	No	Yes	No	Yes	Yes	Yes
Heroes or villains	No	No	Yes Hero: European Commission responding to public and stakeholders Villains: criminals encouraging doping	Yes Heroes: sentient seals Villains: countries with weak enforcement and training or with insufficient data	Yes Heroes: patients, their families, carers, researchers Villains: Alzheimers; time	Yes Hero: European Commission Villains: those who perpetrate attacks	Yes Hero: European Commission has identified problem long time ago	Yes Hero: European Commission protecting single market and handling the economic crisis with fairness Villains: greedy bankers
Meta-narrative	No	No	No	Yes Secondary narrative: seal hunting as dark, mysterious business, EU action	No	No	No	Yes Main narrative: raising income, secondary narratives focus on protecting the

				is also needed to improve our knowledge about this sector in general				single market from distortion, distributive impacts, observations on the fear of relocation
Metaphors	No	No	No	No	No	Yes	Yes	No
Expert Endorsement	No	No	No	Yes	Yes	Yes	Yes	Yes
Conflict	Yes Distributional issues	Yes Different positions regarding scope of action	No	Yes Distributional conflict among member states	Yes Lack of consensus on ethical issues	No	No	Yes Polarised opinions depending on affectedness
Type of support for choice	Economic analyses, studies from toxicology and medicine	Compliance costs, environmental impact assessments	No empirical evidence	Descriptive evidence, norms, analysis of current compliance patterns	Norms	Economic evidence, information gathered in consultations, case studies	Economic analysis and consultation	Economic analysis
Criteria	Cost-effectiveness	MCA focusing on efficiency, effectiveness and consistency including compliance costs,	Reasoning informed by strategic commitment of the European Commission	Reasoning informed by qualitative empirical evidence and descriptive statistics	Qualitative reasoning	Qualitative reasoning	Maximum net benefit in a macro-economic outlook	Assessments of various impacts following different criteria
Dooms	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Drama / Emotive	Yes	No	Yes	No	No	Yes	Yes	No
Temporal Urgency	No	Yes	Yes	No	Yes	Yes	Yes	No
Wider questions	Yes	No	Yes	No	No	Yes	No	No
Rebut	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Conclusion	No	No	No	Yes	Yes	Yes	No	Yes
Genre	Handbook for problem solving	Homework for problem solving	Manifesto	Handbook for problem solving	Essay on a theme	Thriller	Handbook for problem-solving	Manifesto

Table 3: Summary of Findings

Let us now examine narratives in IA by looking at the interplay between ideas and evidence (section 4.1.) and the interactive dimensions (section 4.2) where we'll find discursive coordination in the backstage and communicative purposes in the frontstage.

4.1 The ideational dimension of IA narratives

Let us rehearse yet again the classic argument (in narrative policy analysis) that ideas – both cognitive and normative – serve as the basis for collective action or are deployed to inform, reinforce, and potentially reconfigure, the understandings and preferences of policy actors and publics (Surel 2000, Schmidt 2008, 2010). How does this ideational dimension fare in relation to the classic (for IA) mode of analysis, grounded in economics?

IAs originated as the analytical vehicles through which the economic analyses of competing policy options might be debated and communicated. The function of such evidence is to lay bare the logic of different courses of policy action and underline the necessity of the one finally recommended. But, especially in the EU context, where data cover 27 countries (and in some of our IAs there are also significant extra-EU dimensions), it is often impossible to rely on data or robust estimates to carry out a full CBA. Recall that the Commission has not selected cost-benefit analysis as main criterion, hence we should not expect this to be the overwhelming mode of analysis. Indeed, our first finding is that narrative and economic modes (including the special case of cost-benefit analysis) come out as equally important.

As one might expect, the two tax-related IAs – COMMON TAX BASE and FINANCIAL TRANSACTION TAX – contained dense amount of quantitative data and deployed the formal economic CBA analysis originally envisaged as the analytical basis for all IAs. However, our sample suggests a more varied analytical picture than this 'ideal'. Six of the studies contain no CBA. Two of the four studies that do deploy some economic analyses underline the uncertain nature of some of the data they use (MERCURY IA and CYBER IA). The MERCURY IA offers a typical qualifier regarding the epistemic uncertainty created by knowledge gaps and time lags '... there are two factors that make monetising impacts in this way for the EU difficult. Firstly, the real...' (p15) '...there is little scientific information that indicates how further cuts in mercury emissions would translate into, say, reduced levels of methylmercury in fish, or over what time period changes could be expected.' (p15).

The message of these IAs is that the evidence-based policy does not necessarily mean that all IAs make bold statements about how certain or decisive is the scientific information. For example, in the

CYBER IA, before analysing the policy options it is noted that '... trustable data to base the analysis on are not readily available' (p26). The SEALS IA offers another example. It starts with the sentence, right in the first paragraph of the Executive Summary:

'[I]n line with its commitment to high animal welfare standards, the European Commission undertook to conduct an objective, in-depth analysis of the animal welfare aspects of seal hunting in sealing countries ... there are only a limited number of studies ...that can be used to evaluate with a high degree of certainty the efficacy of the various killing methods...there is reported evidence that in practice effective killing does not always happen and some animals are killed and skinned in a way, which causes avoidable pain, distress and other forms of suffering (p8).

But, then much later in the script the language is toned down further still, observing that:

'[P]olicy decisions will have to be taken on limited information. EFSA stated clearly that there was a scarcity of robust, scientifically peer reviewed data' (p45).

In these conditions, it is impossible to rely on quantifiable costs and benefits. Consequently, the scripts for the regulation of seal products (and five others) become a qualitative ranking of different options (and their possible combinations) against the main objectives of the regulatory intervention.

Thus, even in the face of uncertain cognitive evidence, the majority of our IA sample offered policy direction (half of the cases). In the absence of a robust evidence base emphasising the logic of necessity, narratives are used to connect the dots and to provide normative foundations for policy action, transforming un-conclusive evidence into problems that are amenable to human action. This is reflected in the emphasis on the threefold-characterization of IA as concerning economic, social and environmental effects of policy. In a way, the IA system of the EU reflects a deep-level knowledge belief system. This contrasts with the epistemic foundations of the US IA which anchored the beliefs in the economic analysis of policy where there is no room for the three separate considerations of economic, social, and environmental effects.

Cognitive dimensions are nested into deeper-level core norms. For example, we found the core norm that integration is not simply about trade and markets, but brings together communities of professionals, researchers, and people beyond the boundaries of the nation-state. The norm that such coordination 'bring down barriers between countries' (REF), and should therefore be considered to be a valued aim in EU-level action, is represented in all of the IAs, to some extent. Text in the ALZHEIMER IA exemplifies not only the cognitive but normative importance of developing and coordinating EU communities of practice:

'[I]n addition, the main added-value of collaborative health research at Community level is obtained from trans-national cooperation, the integration of relevant activities and participants, and the concentration of European effort on fewer priorities. In particular, EU health research brings down barriers between countries, via multinational consortia and coordination of national funding programmes; enforces cooperation between different types of organisations:

universities, research centres, hospitals, SMEs, large companies, foundations, or patients' organisations. With its increased focus on translating basic discoveries into clinical applications (translational research), it also promotes cooperation between scientific disciplines, bringing together researchers, engineers, clinicians and industrialists' (p16, emphasis added)

But, there is a deeper, and fundamentally more political, sense in which normativity enters many of the IA texts. The following is a bit of a tautology, but looks like a normative belief that EU action can improve on the condition of Alzheimer's patients. EU action delivers on social benefits ...no matter what the costs are! This is exactly the opposite of the classic economic cost-benefit analysis argument. Indeed, it is a norm stating that it is 'good' or 'right' to do something at the EU-level to assist patients affected by these conditions. Under the veil of the 'benefits' language, we also find the norm that EU action has to be valued because it brings in coordination and more efficient use of resources:

'[I]t has been considered that any initiative that improves the situation for Alzheimer's and dementia patients will bring social benefits, such as improving equity of access, support their dignity, and help combat stigmatisation. Furthermore, any initiative that promotes coordination and supports more efficient use of resources will bring economic benefits' (p20).

Similarly, in the CYBER ATTACKS and in the COMMON TAX BASE cases, the Commission has no problem in bypassing the boundary between technical and political dimensions of policy formulation. In the ideal typical account, the IA is triggered and the Commission is engaged with a given issue because there is public concern, or a special request by the European Parliament or Council. Indeed, this official pathway to IA is exemplified in five of our sample. However, in the CYBER case, the IA is candid about telling a story in order to increase the credibility of the Commission. More precisely, the IA is carried out because it is a way to increase credibility. One would expect the Commission to say that the IA is carried out to maximize the weight of evidence in decision-making, but:

'[T]he aim of this initiative is in line with the Commissions' strategic objectives and better regulation principles notably to provide effective and efficient measures, ensure a high level of legal certainty across the EU, and thus help to strengthen the Community's credibility in the eyes of its citizens' (2009: REF)

Accordingly, political reasoning is used to score the policy options in the CYBER IA. In the COMMON TAX BASE the Commission enters directly the pre-negotiating stage by using simulation data to iron out all the possible hostile reactions of revenue authorities in the Member States - the proposal was developed over more than a decade of studies and pilot exercises. Practically, this IA wants to show that the possible negative reaction of country X has already been countered by simulation Y, that the effects on revenue do not necessarily harm a given Member States, and so on. This illustrates that the IA purpose includes but goes beyond providing the substantive evidence-based support to a decision. It may also serve to improve on policy formulation considering a wide range of dimensions,

some evidence-based in the sense of economic analysis, some still in a sense evidence-based, but related to expectations about the political reactions to different options made by the Commission. Indeed, for the officers at the Commission it makes sense to operate this way instead of bracketing the political out of the IA discourse.

4.2 The Interactive dimensions of IA narratives

Turning to the interactive dimension of IA narratives, following Schmidt we distinguish between the coordinative and communicative functions of IA narratives, where the former is generated backstage in elite discourse and the latter frontstage through dialogue with and to the public (2002: 210-211). However, before exploring the evidence of these interactions in our sample, we should first make the case that IAs are actually part of an interactive discursive process.

IAs are not simply substantive scripts elaborating the necessity and appropriateness of particular courses of policy action. These policy scripts are dynamic and inter-textual. Any single IA belongs to a wider ecology of documents. Taken as single text, it does not say anything valuable and its discursive significance unclear. But it becomes intelligible, and politically useful, when we read it alongside the submissions of pressure groups, the Communications of the Commission, the responses to public consultation and so on. To take one example, the SPORT IA refers to documents and initiatives (including rulings of the European Court of Justice that establish the informational and political background for the assessment and underline the interactivity of the IA process:

[I]nformation for the impact assessment on the proposed political initiative is based on in-house knowledge (consultations, conferences, expert meetings, working groups) along with existing studies (e.g. studies commissioned by DG EAC on sport and education, the Independent European Sport Review 2006), reports (e.g. EP reports: EOC, FIA & Herbert Smith report on "Rules of the Game") and surveys (e.g. Eurobarometer), which have enabled the Commission to identify where the main interests and concerns lie and how to focus possible future actions at EU level. It builds on the results of an extensive phase of political cooperation, broad public consultation and dialogue on sport at EU level' (p7).

Four of these policy scripts are also inter-departmental. DGs and the Secretariat General, and Impact Assessment Board interact to draft and redraft the IA. So, in the case of the SPORT IA it was particularly proud of the 'strong collegial approach' which involved no less than 17 DGs in the preparation and evolution of the document. The ALZHEIMER IA is also instructive in this respect. Developed by the Health and Consumers DG in association with the Directorates-General for Employment, Social Affairs and Equal Opportunities (DG EMPL), Research (DG RTD) and Justice, Freedom and Security (DG JLS), plus the supervision of the Secretariat General, this is clearly a rich

policy formulation network that looks very different from the autonomous baronies of the past. Indeed, the IA steering group met formally three times to coordinate on form and content of the Alzheimer IA. It follows that a good deal of the ALZHEIMER IA refers the preferences of different constituencies (public health, employment, the promotion of research across the EU, fairness and rights).

Discursive Coordination at the Backstage Narratives provide a common language for collective action for policy construction by elites (Schmidt, 2002: 210). The aim here is to construct consensual and coherent narratives about the policy problem, those affected and the way forward. The development of a narrative basis for collective action requires actors we categorised as 'backers'. Five of our IAs used endorsements of expert groups to underline the credibility of the policy action proposed. For example, in the ALZHEIMER IA, the policy elites included a panel of experts on Alzheimer disease and dementia, which was convened eight days before the IA was sent to the Impact Assessment Board (IAB) for scrutiny. The IA is very transparent on how the panel was used to build legitimacy for the IA – and more importantly still to endorse the need for more action at the EU level in this field, as shown by the final part of this sentence taken from the IA:

[T]he Panel broadly endorsed the impact analysis and options considered by the Commission, whilst also providing many references and data that enabled to more clearly define the context of the problem in the field of Alzheimer's disease and dementia, to further develop the option of a platform for voluntary cooperation at European level, and to reinforce the impact analysis of Community action in this area' (2009: REF).

The CYBER IA case goes further still – actually including a one photograph of expert workshops convened on the subject which is labelled as 'consensus development at experts workshop' (2009: REF).

Two further techniques were central in the Commission's coordination of elite action. The first concerns the identification of actors characterised as 'villains' – perpetrators of the policy problem – and how they related to the Commission as policy architect. Five IAs identified actors that can be categorised as villains. What is notable here is that the vast majority of the villains were presented as actors or forces that did not respect the traditional nation state boundaries – illness and time (ALZHEIMERS, 2009); transnational criminal networks (CYBER, 2009; SPORT IA), and non-EU countries where seal culling management systems are 'underdeveloped' (SEALS, 2008). Thus, with these villains to take on the Commission – as supranational entity – becomes the lynchpin in policy construction, problem analysis and stakeholder mobilization.

The second narrative technique used as a rallying call to policy elites concerned the presentation of time and creation of policy urgency. In five of our IA sample, temporal language or allusions to time were deployed to engender a sense that policy action should not be delayed. For example, in the CYBER IA:

'cyber-attacks have risen to an unprecedented level of sophisticationICT infrastructures are under constant attack and if Europe does not prepare itself the impact would be much more severe' where the field is marked by a 'phenomenal growth' (CYBER IA, 2009: 3).

Similarly, in the COMMON TAX BASE IA tax obstacles are now 'more and more evident and detrimental' (2011: REF) and the ALZHEIMER IA where the shadow cast by the future increase in illness rates and health costs of the ageing population is a theme which is ever present in the text (2009).

Discursive communication at the front stage

As well as enabling the Commission to coordinate policy construction and present itself to its policy partners, discursive narratives found in IAs have wider communicative functions. The Commission must not simply gather ideas and evidence that go into the problem and policy solution being proposed, it must also engender a sense of legitimacy for policy action, and locate it within the bigger picture of what that action for the EU project as a whole. In her analysis of the institutional dimension of interactive discourse, Schmidt notes that the balance of coordinative and communicative discourse is, in part, a function of the institutional make-up of the political system being studied. In a multi-actor, highly compound system such as the EU where power is dispersed, we would expect coordinative discourse to dominate (2002: 231; 2006). However, the concentration on communicative discourse in our sample of IAs was striking. While not using IAs to communicate directly with the European public, of course, the Commission uses the IAs as political platforms rehearsing the arguments and defence that should be made (by national leaders for example) to legitimize its own involvement in the issue at hand as well as the actual substance of the policy being proposed.

Our analysis suggested the introduction of drama is key in constructing a sense of legitimacy. Dramatic tension is injected in seven of the IA through use of both emotive language in relation to who is affected by a problem and what will be lost if no action is taken – these take the form of what we term 'doomsday scenarios' where the worst case scenarios are either remembered or postulated. The SEALS IA is the most emotive of the sample, where these sentient animals are framed as the heroes and victims of the IA. Similarly, we are reminded of the 'stigmatization'

of victims of Alzheimers and their carers (p13). The use of the doomsday scenario is found where the Commission justifies its proposal for action in the CYBER IA by emphasizing how 'vital' that sector is for all segments of society evoking the logic of learning from a past ICT security failure, here policy action to build 'the first and most critical line of defence against cyber attacks' (p20) becomes commonsense:

'Discussions after the Estonian attack suggest that the effects of similar events can be limited by preventative measures[T]he Commission, fully respecting the subsidiarity principle, is ideally placed to coordinate such efforts...' (ibid., p4).

Similarly, in the ALZHEIMER narrative is dominated by arguments that 'best practices' that could be shared could be lost and that opportunities to exploit research developments in member states are being missed are not currently being shared across the EU and lack of research (p13-14 in particular). Without the benefit of 'coordinated sharing of experience' the 'costs in public healthcare provision on long-term care in the Member States will increase' (p20). A similar sense that a window of opportunity could be missed is also evoked in the SPORT IA (p21).

The issues considered in the IA are often mundane low politics matters, but they are discursively linked to grandiose declarations and solemn texts. This discursive anchorage perhaps brings more leverage to the proposal made in the IA, or simply shows the importance for the entire EU of the issue being considered. One key technique deployed to give policy a sense of orientation within the wider EU project is to link it to previous directives, declarations and Treaties. For example, the ALZHEIMERS IA illustrates how legitimacy is intertwined with issues concerning the legal basis for intervention and the scope for EU action in areas where prima facie member states seem more equipped to solve problems. This IA is a good example of how discourse does not just target the stakeholders and the European Parliament, but it tackles directly the objections to EU intervention of the member states (or some of them). The Commission acknowledges that:

'[I]n the field of public health, Community action shall be directed towards the prevention of human illness and diseases as well as the improvement of public health in general. The principal responsibility for health services and medical care lies with the Member States, and it is thus primarily for Member States to respond to the challenge of dementias' (p14)

However, the IA looks at general-purposes articles to make the case for EU intervention. Specifically, it carries on by observing that:

'... as set out in Article 152 of the Treaty, the Community shall complement national policies, encourage cooperation between the Member States, and lend support to their action. There is substantial potential for Community added-value in addressing the specific problems set out above in order to help ensure effective and efficient recognition, prevention, diagnosis, treatment, care, and research for Alzheimer's diseases and other dementias in Europe. As set out in Article 165 of the Treaty, the Community and the Member States shall coordinate their research and technological development activities to ensure that national policies and

Community policy are mutually consistent. In close cooperation with the Member States, the Commission may take any useful initiative to promote coordination'. (p14)

The SPORT IA evokes the legal base in a different and necessarily creative way. Faced with no competence in the area, this IA is discursively anchored in the need to clarify the Commission's policy scope:

[T]he interaction between sport and EU law as well as the role of sport within EU policies ... has not been addressed in a comprehensive manner and needs to be illustrated in order to give orientation on how to take into account the existing texts at EU level that relate to sport' (p9).

In some cases, the Commission moves beyond justifying action in legal terms alone. For example, in the SEALS IA the Commission pressed home the idea of policy action as its part of a legal commitment to particular animal welfare standards but also as its moral duty both to seals as sentient animals and also to an expectant European public noting the 'high level of public concerns regarding animal welfare aspects of seal hunting' (p6). The SPORT IA offers a similar concern – by not becoming involved and pushing a policy forward, the Commission would be guilty of not living up to its responsibilities and promises to the EU public: which would be detrimental to the image of the Commission in meeting its citizens' expectations' (p20).

A further narrative tool used in the IAs to seek public legitimacy concerns the use of language that assumes common values. All eight of the IAs have some instances where the notion of 'European values' or 'European culture' is evoked. Again, the ALZHEIMER IA is instructive in this regard:

'Our shared European fundamental values mean that, across the European Union, we have a collective responsibility to ensure that people can age with dignity, in good health, and with same rights for health and social care as any other population group' (p5).

To stress this special orientation of the EU towards values may be just 'cheap talk' of course (Crawford and Sobel, 1982). But, one may reason that the Commission keeps repeating that Europeans have shared values in the IAs is to make a rhetorical point that can then be used yet again in the future by arguing that 'as we often said, we have shared European values to which we are all committed'. The statement in the ALZHEIMER IA about fundamental values is somewhat striking because in the same IA we found the acknowledgement that 'in Europe, there is no consensual view on ethical issues' (p13).

The European Commission's presentation of self

When the coordinative and communicative narratives techniques are combined, the result is akin to the Commission adopting different personae or presentations of self (1959). The European Commission, like other organizations performing in a dense environment, engages in the strategic presentation of self, and the manipulation of frames. Frank Schimmelfennig (2001) made this claim drawing on Goffman (1959) and with reference to the overall behaviour of the EU in the international community. Since we are concerned with the European Commission rather than the EU, what matters are the co-producers of policy – stakeholders (often business stakeholders), the European Parliament and the member states instead of the wider international community – and policy audience – member states and European public. Because of this, the Commission's IA may represent the problem as identified by institutions and actors other than the Commission. This way problem identification becomes a discursively effective way to present the Commission as responsive to its policy partners, other EU institutions and EU citizens. This self-presentation may be less or more important than others (such as presenting the Commission as an organisation dedicated to evidence-based policy), following Goffman much depends on the 'definition of the situation' (1959). For the Commission as a performer in a cultural environment to write an IA provides an opportunity to strategically suggest a presentation of self as an 'evidence-led organisation' (but also, depending on the subject matter, as upholder of certain values and beliefs in governance, the market and human rights) and to manipulate frames by presenting a certain definition of the policy problem. In fact, the first step in the IA is called 'problem definition' – this is where the Commission has an opportunity to manipulate policy frames. Typically, in the first section of the IAs the Commission's officers can choose among a number of options in terms of defining why a given social or economic problem deserves the attention of the EU and why a particular identification of what the problem is correct – and other definitions are inappropriate.

In our analysis we found multiple presentations of self. Table 3 summarizes these numerous personae adopted by the Commission and illustrates that all cases multiple identities were adopted within a single IA. Space constraints prevent us from outlining each of the personae, but rather three of the recurrent ones are explored here in more depth. The first was expected and is present in every IA: since the IA process is informed by the smart regulation agenda and evidence-based policy ideal, the Commission uses the IAs to present itself as an evidence-based organization dedicated to the dispassionate scrutiny of empirical evidence to meet the expectations of its European public.

A variation of this presentation is the calm, responsible, gentle giant– a presentation that is quite evident in the COMMON TAX BASE, MERCURY, SEALS AND ALZHEIMER IAs. For example, the COMMON TAX BASE IA argues that the Commission took responsibility for direct corporate tax coordination at least since the 1992, and lists with pride all the initiatives, studies, and proposals in the two decades since that date. The Commission is still committed to evidence-based policy, but this commitment is reinforced by a long-standing responsibility as custodian of the single market. Given this responsibility, the Commission does not follow the vagaries of political mood. Instead, it cumulates evidence for the ‘good cause’, study after study, communication after communication, proposal after proposal. Similarly in the MERCURY case, the Commission is conscious of its position as a significant exporter of mercury and the consequences of further additions to the ‘global pool’ (p15).

But there are also other presentations of self that are less in line with the evidence-based policy agenda. Four IAs show a diligent, responsive agent, in tune with the expectations of governmental and non-governmental actors, as well as citizens. Indeed, in the SPORT IA has a whole section entitled ‘a clear political demand’ (Section 3.2.3.1). But, it perhaps in the discussion relating to taking the ‘No Action option that this responsive persona is most explicit:

‘No action would finally mean not drawing any lesson from the repeated calls by governmental and non-governmental actors to better promote sport at EU level, and to raise the visibility of the social and economic potentials of sport’ (p22, emphasis added).

Responsive policy, however, is not the same as evidence-based policy. Indeed it is often argued that the economic appraisal of options is a way not to fall into the trap of responding to public opinion moods that can be misleading. Another example is RECREATIONAL CRAFTS ENGINES IA, where it is argued that the identification of the problem as one of improving on emission was made by the European Council and the Parliament, who ‘have requested the Commission to report on the possibilities of further improving the environmental characteristics of recreational marine engines’ (p2). Thus, here the Commission is again a diligent and responsive institutional citizen. Oddly, in the same IA it goes further in the presentation of self, showing not only responsiveness, but also the motivation to become a leader (comically, in an IA on recreational craft engines’ emissions, which cannot be seen as pivotal in reaching major climate change goals!):

[I]n view of the call by Heads of State at the Lahti informal meeting in October 2006 for urgent action on climate change and the Commission’s commitment to lead this policy process, a maximum effort should be made to further optimise this reduction potential’ (p25).

5. DISCUSSION AND CONCLUSIONS

While previous research has focused on the quality of IA as tools for evidence-based policy and smart regulation, in this paper we have explored a different perspective, drawing on the narrative policy framework developed by Roe (1994) and recently improved by Jones and McBeth (2010). This framework embraces a social ontology combined with an objective epistemology. The first result of our exploration is that there is plenty of empirical evidence that the IAs of the Commission have a narrative dimension (see Appendix). This is not a general feature, however. The Commission is a narrator, but not always - future research will have to explore the scope conditions that trigger a or hinder a narrative mode. In five cases there is a plot, drama or doomsday scenarios are represented in seven of the IAs, heroes or villains appear in six. Two cases seem to stick to a classic CBA template though, and a further two engage primarily with economic analysis. One can reason that evidence-based policy (or, in a narrower definition, economic analysis) does not exclude the narrative dimension. Future projects should consider jointly the two dimensions and establish conditions under which one of them is alternative to the other, when they strengthen each other, and when they have contradictory effects on the reader and the overall coherence of the IA.

By considering the narrative dimension, we were able to find that the IA is a useful tool to bypass the boundary between technical and political appraisal of proposal. We found evidence that the IA may usefully address political concerns and enter the pre-negotiation stage so to speak. Given that a current theme in the political discussion is about the independence and technical objectivity of the IA, our evidence suggests a completely different perspective. Instead of seeking unrealistic aseptic 'essays', we should reason that this tool may also improve on policy formulation by addressing political concerns via empirical analysis and reasoned argumentation. This makes the IA more interesting and useful to decision-makers (like the Commissioners) and elected politicians in the European Parliament and the Council. Perhaps it makes sense to operate this way instead of bracketing the political out of the IA discourse. This with the caveat that the bridge between the technical and the pre-negotiating stage should be built around evidence, otherwise the credibility of the whole exercise will suffer irremediably.

We identified one unifying narrative theme in our sample: coordination. Though smart regulators are supposed to believe in laboratory federalism, regulatory competition, learning via competition and emulation, mutual recognition and diversity, the narratives seem to suggest a preference for the concepts of coordination and harmonization. This is what our linguistic-narrative analysis tells us -

what we are saying is true only in terms of our coding framework, designed to tap into the linguistic, dramaturgical, textual components of the IA. Our scorecard was not designed to measure the type and quality of economic analysis. Hence, we cannot establish if the Commission insists on coordination when, say, regulatory competition is more plausible as solution to a common problem. This is an area where classic economic analyses of the IAs could usefully complement our narrative perspective.

The Commission may or may not use IA to produce economic analysis of legislation or to stick to other standards (such as consultation, problem definition, examination of alternatives to traditional regulation) of what is now called smart regulation (European Commission 2011c). To establish this, one needs research designs of the type used in the past by evaluators and academics (The Evaluation Partnership 2007, Fritsch et al. 2012). But no matter how engaged the Commission is with smart regulation, it is certainly engaged with the narrative dimension of IA. The narrative dimension is not a monolith, however. It varies in relation to genres. The different narrative techniques are deployed quite skilfully by the Commission. The Commission is a talented writer, who can elaborate on different genres - specifically, we found the problem-solving handbook; the thriller story; the manifesto for policy action, and the thematic essay. The less interesting IAs (from a narrative point of view) belong to the flat 'homework' genre or the 'revise and resubmit' essay, when the IAB makes critical remarks and the main preoccupation of the authors is to show compliance with the IAB suggestions rather than engaging with the narrative.

We found that our conjectures regarding the coordinative and communicative dimensions of IAs were not rejected by empirical evidence. The Commission uses IA to provide a definition of self and to establish norms and values. Specifically, our analysis led us to twelve personae or presentations of self (ves) adopted by the Commission - some within the same IA. In our sample the Commission presents itself as the gentle reflexive giant, diligent agent, the responsive organization, and, of course, the evidence-based organisation. Thus, the notion of smart regulation based around an evidence-based organisation is accurate, but in terms of presentation of self represents only the tip of the iceberg. Future research could establish whether the use of IA to present personae and to establish norms is a unique feature of the European Commission, or it also affects other producers of IA, such as the US federal executive agencies and the UK departments. To do this, one has to extend the analysis to samples from countries like the UK and the US.

The ultimate aim of the paper has been to generate hypotheses. This work is still in progress as we explore the implications of the rich data we have. Tentative avenues for hypothesis building include: the role of policy types (Lowi 1964); the impact of issue novelty; problem tractability, and the existence of pre-constructed target populations.[TO BE EXPANDED AFTER PSA]

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APPENDIX 1: THE FIVE CAUSAL PLOTS

MERCURY 2005	SEALS 2008	CYBER 2009	COMMON TAX BASE 2011	FINANCIAL TRANSACTION TAX 2011
<p>The plot is in five parts:</p> <p>First, mercury causes health problems.</p> <p>Second, the EU possesses the legal competences to protect public health.</p> <p>Third, although previous legislation has tackled many aspects, selected problems remain underregulated or are not covered by current legislation at all.</p> <p>Fourth, action must be taken in order to avoid the doomsday scenario.</p> <p>Fifth, forthcoming legislation shall cover those aspects.</p>	<p>The plot is in six parts:</p> <p>First, there is evidence for concern among European citizens when it comes to the hunting of seals.</p> <p>Second, these concerns refer to killing methods (rather than: killing at all, although this concern is mentioned as well).</p> <p>Third, these concerns are either based on information about cruel killing methods - or the entire lack of information and transparency.</p> <p>Fourth, if we were to prohibit trade entirely we would not create any incentive to improve on the welfare of animals outside Europe.</p> <p>Fifth, the EU needs to develop incentives which encourage less cruel killing methods and enhance transparency in order to make these improvements visible.</p> <p>Sixth, as the EU is a major market for seal products this policy will result in worldwide diffusion of good practices.</p>	<p>The plot is in six parts:</p> <p>First, there are discrepancies in the way in which member states ensure the security and resilience of critical information infrastructures, manage incidents, and involve the private sector..</p> <p>Second, there is a general lack of incentives and practical capacity for the private sector to invest in security at the level that governments would normally demand (market failure).</p> <p>Third, the low level of protection in some member states has the potential to increase the vulnerability of others.</p> <p>Fourth, the lack of systematic cross-border co-operation substantially reduces the effectiveness of countermeasures.</p> <p>Fifth, we need EU action to bridge gaps in national policies, enhance European governance for the security and resilience of such infrastructures, strengthen Europe's operational incident response capability, and enhance internet security and resilience.</p> <p>Sixth, we are committed to smart regulation and the Commission respects the authority of the member states.</p> <p>Seventh, we therefore do not propose a binding document and suggest a non-binding framework.</p>	<p>The plot is in five parts:</p> <p>First, there are 27 different tax codes in the EU.</p> <p>Second, firms operating in an integrated business environment have to disintegrate their tax business into 27 regimes which change quite often.</p> <p>Third, this establishes tax barriers to the internal market.</p> <p>Fourth, most previous EU initiatives are legally non-binding and have so far not led to any action at member state level.</p> <p>Fifth, there are five different ways to go about tax reform, all of which resulting in welfare improvements.</p>	<p>The plot is in four parts:</p> <p>First, individual member states have taken action to respond to the financial crisis.</p> <p>Second, there are, however, four problems: market distortions due to unilateral action, ineffectiveness on a domestic level, confusion amongst market participants, and partial unfairness when it comes to deciding who carries the burden.</p> <p>Third, the status quo is doomed to fail.</p> <p>Fourth, we therefore need a EU-level solution.</p>

APPENDIX 2: THE FOUR DRAMATIC IAS

MERCURY2005	SPORT2007	CYBER2009	COMMON TAX BASE 2011
<p>This impact assessment does not contain highly dramatic or emotive elements yet the danger of mercury are clearly spelt out:</p> <p>“Mercury and its compounds are <u>highly</u> toxic to humans, ecosystems and wildlife. High doses can be fatal to humans, but even relatively low doses can have <u>serious</u> adverse neurodevelopmental impacts, and have recently been linked with possible <u>harmful</u> effects on the cardiovascular, immune and reproductive systems. Mercury is <u>persistent</u> and can change in the environment into methylmercury, the most toxic form. Methylmercury readily passes both the placental barrier and the blood-brain barrier, inhibiting potential mental development <u>even before birth</u>. Methylmercury collects and concentrates especially in the aquatic food chain, making populations with a high intake of fish and seafood <u>particularly vulnerable</u>.” (p5)</p>	<p>This impact assessment does not contain highly dramatic or emotive elements yet the dangerous implications of the status quo and potential future challenges are emphasised:</p> <p>“There are also certain developments inherent in the field of sport (e.g. increasing <u>commercialisation</u> and professionalisation of sport, stagnation of voluntary engagement in sport, emergence of new stakeholders in sport outside the traditional organisational structures, increasing recourse to <u>litigation</u>) as well as <u>risks</u> and <u>threats</u> related to sport (e.g. trafficking of young players, doping, <u>violence</u>, <u>racism</u>, <u>corruption</u>).” (p12)</p>	<p>This impact assessment uses many examples of drama, although the language is quite even:</p> <p>“The risks due to man-made <u>attacks</u>, natural <u>disasters</u> or technical <u>failures</u> are often <u>not fully understood</u> and/or analysed. Consequently, awareness across stakeholders is <u>insufficient</u> to devise adequate safeguards and countermeasures” (p3)</p> <p>“The ICT sector is <u>vital</u> for all segments of society: for the private sector, for governments and public administrations and for the citizens.” (p3)</p> <p>“At the same time, <u>no</u> Member State is an <u>island</u>. The global nature of the Internet, which is the <u>most evident example</u> of an interconnected CII, requires a <u>holistic and global approach</u> to network and information security. At EU level it is possible and necessary to have a direct impact; international cooperation will build on effective action at this level.”</p> <p>“DDoS attacks work by <u>infecting</u> the machines of <u>innocent users</u> with malware that gives control to the party who wrote the malware. If the initial distribution of the malware is effective in infecting sufficient machines, the result is a global network of compromised machines known as a ‘bot-net’ (short for a robot network) that can then be used to attack another system. The target system will then find itself subject to <u>significant</u> levels of incoming traffic way above anything it is designed to cope with under normal operating circumstances. At this point, the target system can no longer cope, being unable to differentiate between ‘legitimate’ incoming traffic and that generated by <u>zombies</u>. At this point the only solution is often to disconnect the system from the public Internet until the attacks stop, denying service to legitimate users and <u>zombies</u> alike.” (p74)</p>	<p>This impact assessment contains a moderate number of examples of drama:</p> <p>“Both these elements are indeed perceived as <u>major</u> tax obstacle by the business sector.” (p42)</p> <p>“In addition, according to the European Tax Survey, cross-border activities have a <u>substantial</u> influence on the size of compliance costs.” (p43)</p> <p>“Compared to the ‘status quo’ scenario, <u>all</u> the different policy scenarios analysed result in a slight improvement of aggregate welfare.” (p44)</p> <p>“The study identified the <u>fundamental</u> advantages of providing EU businesses with a common consolidated corporate tax base for their EU-wide activities.” (p53)</p>

APPENDIX 3: DOOMSDAY SCENARIOS IN SEVEN IAS

MERCURY2005	SPORT2007	SEALS2008	ALZHEIMER2009	CYBER2009	COMMON TAX BASE 2011	FINANCIAL TRANSACTION TAX 2011
<p>"The possible resumption of mercury mining and primary production in the EU would bring new mercury into circulation, and also would generate emissions at the site of production. If production at Almadén were on average 275 tonnes per year¹³, then the direct emission to air would be of the order of 2 tonnes per year. Surplus mercury from the chlor-alkali industry would be recirculated into society. The EU would remain the dominant global</p>	<p>"Taking no action would have the following consequences: a) Given the strong calls from stakeholders for more legal clarity, the Commission (...) would miss the opportunity to enhance knowledge of the case-law of the Community Courts and the decisional practice of the Commission, in particular as regards the application of EU internal market rules and competition law to sport. Limited understanding of the impact of EU law on sport increases the risk of decisions taken by stakeholders in the field of sport that run counter to EU law, and therefore also the risk of infringement procedures and litigation before the Court. b) The opportunity to further address sport governance issues and to contribute to tackling challenges arising for instance from the weak protection of under-aged sportspersons as well as from serious threats to sport such as doping, violence and racism would be missed, with the result of a continuation of these harmful developments. c) (...)to ignore an important concern of both the grassroots sport sector and Member State sport</p>	<p>"If no action is taken at Community level, seal products will continue to be placed on the EU market without any reassurance to the consumer that the animal has been killed and skinned without causing avoidable pain, distress, fear and other forms of suffering. More EU Member States might therefore undertake individual action in response to the animal welfare concerns expressed by many citizens. Such a situation will lead to a continued fragmentation of the EC's internal market. Without any action at Community level, it will be difficult to ensure that the</p>	<p>"This option would only continue current actions in the field of Alzheimer's disease and dementia that are currently in progress. As the EuroCoDe project has now finished, this work will now stop and will not be taken further except through calls for proposal within the scope of the current Health Programme. Current projects and proposals under the Framework Programme for research would continue. Moreover, actions in the individual Member States, such as research</p>	<p>"Nothing too dramatic, even toned: 'The cross-border nature of the problem would accentuate the differences in security, resilience and preparedness across Europe. The vulnerability of CII in Europe would remain high and possibly rise, despite individual efforts.'" (p5)</p> <p>"ICT infrastructures are under constant attack and, if Europe does not duly prepare itself, at all levels and by involving all stakeholders, the impacts from large scale attacks might be severe.'" (p6)</p> <p>"Without horizontal actions at EU level, Member States would continue acting individually or in the</p>	<p>"All in all, from the general economic trends pointing to increasing internationalisation of production it can be inferred that the current problems deriving from the fragmented EU landscape when it comes to corporate taxation are likely to aggravate in the absence of policy intervention." (p17)</p>	<p>"Non coordinated action, planned and implemented by each Member State on its own would aggravate the current situation. It would further contribute to distorting the internal market for financial services, as the cost associated to them would vary across Member States." (p23)</p> <p>"EU action in the field of financial sector taxation would respect the subsidiarity principle, because the internal market objectives pursued cannot be achieved by the Member States acting unilaterally, but can only be achieved at Union level. Unilateral</p>

<p>mercury supplier, and the continued high level of supply would keep prices low (and possibly reduce them further) and stimulate demand. The likely result would be increased consumption and emissions, compared to other options, although this cannot be quantified. It seems inevitable that some of the mercury would find its way to illegal and poorly controlled applications with high levels of emissions." (p24)</p> <p>"The EU would remain the dominant global supplier. Hence a significant amount of the negative effects associated with global mercury use described in this ExIA would be attributable to EU-</p>	<p>authorities. For instance, the traditional ways of financing sport at national level face challenges that could usefully be further studied at EU level inter alia to ensure that future EU policies, that are likely to impact on the financing of grassroots sport can be developed while taking full account of a sector where information to date is scarce. d) Policy makers at national level would have to continue to take decisions in the field of sport without the availability of sound and comparable EU-wide data at hand, in the economic field in particular. No action would mean to ignore the support of EU Sport Ministers for an initiative to develop sport satellite accounts. (...).e) No action would also mean that despite the clearly identified need to tackle obesity in a global approach and at all levels, the important role played by physical activity and sport would not receive the attention it deserves within EU policies, thus reinforcing the risk of an approach to fight obesity that puts the emphasis mainly on nutrition aspects and less so on physical activity, and the ultimate consequence of higher levels of obesity. f) (...) it would be more difficult to seize the opportunity to use the various components of the Life-Long-Learning Programme to tackle sport-related issues and to use sport as a pilot sector in the European Qualifications Framework and in the European Credit System for Vocational Education and Training. In case no action is taken, cooperation and dialogue in the field of sport</p>	<p>animal welfare aspects the killing and skinning of seals can effectively be addressed and that there would be an incentive for sealing countries to improve management methods in accordance with the best practices identified during the assessment process." (p19)</p>	<p>and establishment of national plans, would continue. This would probably include development of the knowledgebase as well as an improvement of early diagnosis in countries with comprehensive strategies; however, in MS with no political commitment and awareness of the dementia challenge will see little progress." (p18)</p> <p>"As a result of inaction, there will be no immediate burden on public authorities at different levels of government (national, regional, local), nor any additional funding requirements at EU-level. However, in the longer term, costs in public healthcare provision on long-term care in the Member States will</p>	<p>frame of bilateral or limited multilateral basis. There would be a risk linked to the evolution of different national approaches, which might be incompatible. In addition, cooperation across boundaries would be ad hoc and may be ineffective due to the sophistication and scale of cyber-attacks. Since Member States would continue to address these issues at different paces, stakeholders might refrain from investing in security and resilience, as the multitude of standards and obligations would decrease their competitiveness. The cross-border nature of the problem would accentuate the differences in security, resilience and preparedness across Europe. The vulnerability of CII in Europe would remain high and possibly rise, despite individual efforts." (Summary, p5)</p>		<p>action by Member States creates the internal market problem described above, it does not solve it." (p24)</p>
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<p>sourced mercury. Continuing mercury production in the EU could be taken as a sign in other countries that mercury is not a problem that needs to be taken seriously." (p33)</p>	<p>would continue within current structures and settings, which have proved to be unsatisfactory for many stakeholders who claim a voice and place in their dealings with the EU." (p20-22)</p>		<p>increase with the increasing burden of an ageing society, without the benefit of coordinated sharing of experience and best practice across the EU." (p20)</p>			
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