

**The use of ex ante evaluation for policy instrument choice: how
do elected officials, public administrations and societal
stakeholders influence optimal policy instrument choice in
Flemish public policymaking?**

By

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The use of ex ante evaluation for policy instrument choice: how do elected officials, public administrations and societal stakeholders influence optimal policy instrument choice in Flemish public policymaking?

When policy makers decide on new policy initiatives, they ideally base their policy instrument choice on a complete evaluation of different policy instrument options. In Flanders, a mandatory regulatory impact assessment (RIA) is aimed at directing policy makers towards fully-informed and optimal policy instrument decisions. In our study, we investigated whether policymakers in practice are able to make optimal policy instrument choices based on complete information of all alternatives. We conducted an extensive qualitative research using semi-structured interviews with 55 representatives of elected officials, public administrations and societal stakeholders involved in the development of new legislative initiatives. These legislative initiatives were selected from four different policy domains of the Flemish regional government: Work and Social Economy; Environment, Nature and Energy; Spatial Planning, Housing Policy and Immovable Heritage; and Well-being, Public Health and Family Policy. The interviews have been systematically coded and analyzed using the software program NVivo.

The research revealed that the ex-ante impact assessment is primarily focused on the financial impacts of policy instruments. The findings point at the strong influence of ministers, policy advisors and interest groups over the scope of the considered policy instruments and at the suboptimal application of the RIA, which primarily serves the justification of already chosen policy instruments. The results of the study reveal a tension in ex ante policy evaluations between – on the one hand – evidence based policy making based on the proper application of the RIA and – on the other hand – the policy preferences of the involved policy actors, who are usually more influential in a neo-corporatist context.

1. Introduction

Today, European policy makers and public administrations are confronted with a challenging policy environment that impedes the consideration and choice of policy instruments in the policy development phase. Policy makers are faced with wicked problems for which no simple and accustomed policy instruments exist. Moreover, budgetary constraints and EU legislation restrict the policy choices that policy makers can make, while creating incentives for new national legislation. In Flanders, two factors render the policy development

process even more complex: federalism and neo-corporatism. In this paper, we investigate how these contextual variables influence the choice of policy instruments.

Under title 1.1 we provide a theoretical framework for the concepts: ‘policy instruments’, ‘ex-ante policy evaluation’, and ‘policy instrument choice’. Then, we will describe the Flemish policy context under title 1.2.

1.1 Theoretical framework

Here, we will provide a theoretical framework that could clarify the meaning of ‘policy instruments’, ‘ex-ante policy evaluation’, and ‘policy instrument choice’. We will identify what these concepts mean and how they should be interpreted in the context of this paper.

‘Policy instruments’ could be defined as: “*an identifiable method through which collective action is structured to address a public problem*” (Salamon, 2002). According to Hood’s (1984) NATO-model, policy instruments can be categorized into four categories:

- 1) **Nodality** (communicative instruments): These policy instruments aim at influencing the behavior of citizens by providing information and by using communicative methods to persuade them (e.g. campaigning, advice).
- 2) **Authority** (regulatory policy instruments): Regulatory policy instruments try to influence citizens’ behavior by imposing regulations (e.g. voluntary agreements, legal sanctions).
- 3) **Treasure** (economic policy instruments): These instruments attempt to induce specific behavior in citizens by providing economic incentives (e.g. subsidies, tax deductions).
- 4) **Organization** (organizational policy instruments): This describes the direct provision of public goods and services by public actors (e.g. maintenance of public roads).

We define ‘ex-ante policy evaluation’ very broadly, taking into account both formal and informal varieties of policy evaluation, since both varieties are crucial for understanding how policy decisions are made. Mostly, when authors mention policy evaluation, they refer to formal varieties of policy evaluation. Formal policy evaluation could be defined as: “[...] *the systematic and objective determination of the worth or merit of an object*” (Scriven, 1980). Informal policy evaluation is less systematic and objective in nature. It arrives at conclusions and policy decisions by making use of practical experiences, rough estimates and logical assumptions (De Peuter, De Smedt, and Bouckaert, 2007).

‘Policy instrument choice’ is traditionally approached from two different perspectives: the design-perspective and the context-perspective. According to the design-perspective, the choice of policy instruments should be approached from a rational goal-oriented point-of-view. Based on a rational choice process, policy makers make policy instrument choices in order to comply with certain policy goals (Howlett and Ramesh, 1995). Salamon (2002) differentiates between: (1) policy instrument choice criteria aimed at attaining certain policy goals (effectiveness, efficiency, equity and legitimacy), and (2) policy instrument choice criteria aimed at attaining an optimal implementation of the policy (the degree of coerciveness, directness, automaticity and visibility).

In the context-perspective, policy instrument choice is not independent of context. It perceives the choice of policy instruments as a process that happens within a specific policy context and that is carried out by incompletely informed and irrational individuals. Policy instrument choice is dependent on the available knowledge, assumptions and preferences of policy makers (Howlett and Ramesh, 1995). Linder and Peters (1998) identify three categories of contextual variables that influence policy instrument choice: factors at the macro level (e.g. policy styles and cultures, or institutionalized influence of certain interest groups), at the meso level (organizational variables (internal administrative culture, traditions, etc.), and problem-specific variables (time, available knowledge, etc.)), and at the micro level (the age, educational background, or political ideology of policy makers).

1.2 The Flemish policy context

Belgium is an example of dual federalism. Next to the Belgian federal government, which has its own exclusive political competences (e.g. defense and social security), the country is divided into three regions – Flanders, Wallonia, and Brussels – that are exclusively responsible for area- and economy-related matters (e.g. agriculture and spatial planning), and three communities – the Flemish community, the French-speaking community, and the German-speaking community – that are exclusively responsible for person-, linguistic- and culture-related matters (e.g. education and media). All regions and communities dispose of their own government and parliament, although in Flanders, the parliaments and governments of the Flemish region and the Flemish community are merged into one single government and one single parliament. Sometimes, a policy problem touches the competences of several policy levels. In that case, several policy levels may be designated to cooperate in order to solve the policy problem.

Flanders can be defined as an example of a neo-corporatist economy in which the three “social partners” (labor unions, employers’ unions and governments) cooperate to determine social and economic policies. In other policy areas, interest groups are strongly involved in policy making as well, both informally and via formal advisory bodies. Consequently, public policy makers in Flanders have to take the preferences and interests of various interest groups into account when making policy instrument choices. Note that Flanders has a weak parliament as a consequence of the participative multi-party system. The governing parties – and not the parliament – are the primary political actors involved in political decision making.

In such a context, the Flemish government has implemented a the so-called ‘regulatory impact assessment’ (RIA). The RIA is a tool for formal ex-ante policy evaluation, in which the effects of various policy options or instruments are assessed. The RIA is meant to influence the quality of policy instrument choice by encouraging a thoughtful and objective consideration of all possible policy instruments (Van Humbeeck, 2012). This instrument departs from a design-perspective on policy instrument choice. Usually, the RIA includes the following aspects:

“[...] a clear identification of the problem and the policy objectives, an elaboration of relevant alternative policy options, an examination of impacts (positive and negative) of each option, an appraisal the capacity of government agencies to implement and enforce regulation and the capacity of affected parties to comply, and a structured consultation with stakeholders” (Van Humbeeck, 2012).

The question could be asked whether a formal tool for ex-ante policy evaluation conflicts with the various policy goals and interest group sensibilities that are usually taken into account during the policy development process in a neo-corporatist regime. Is the policy instruments choice determined by the results of formal ex-ante evaluations, by interest group demands, by policy goals, by efficiency considerations, or by other factors? Does it comply more with the design-perspective or the context-perspective on policy instrument choice? In this paper, we attempt to find an answer to the question what criteria determine the policy instrument choice in a complex policy context. We will answer the following research questions:

- 1. What criteria are used to choose between policy instruments during the ex-ante policy evaluation process in Flemish public policy making?**
- 2. To what extent do these criteria influence the final policy instrument choice?**

2. Data and methods

Between September 2014 and September 2015 we conducted a total of 54 semi-structured interviews with 55 different actors – representatives from interest groups, ministerial policy advisors and civil servants from the public administration – that were involved in the policy development process of 16 legislative initiatives from 4 different Flemish policy domains. The interviews were transcribed and analyzed using the software program NVivo.

In selecting the policy domains, we took into account three criteria: (1) whether we could expect a willingness to cooperate in the research from the involved administration, (2) the relative importance of the policy domain in the Flemish budget¹, (3) the technicity of the policy domain and the extent in which results are objectively measurable², since this could influence what criteria are used to make a choice between policy instruments.

Afterwards, we selected 16 legislative initiatives (4 in every selected policy domain). In choosing these legislative initiatives we took into account the following 10 criteria:

- 1) **The age of the case:** Since for older cases, it is harder to find respondents that were involved, and those that were involved remember less of the policy development process.
- 2) **The cooperative attitudes of the people involved:** some cases were not involved in the study since the possible respondents refused cooperation in the study.
- 3) **Types of policy instruments:** we attempted to include a variety of cases in which different types of policy instruments were considered and selected.
- 4) **Ex-ante evaluation methods:** we tried to include a variety of cases in which different formal (and informal) evaluation methods were utilized.
- 5) **The availability of a RIA:** In some cases, a RIA was conducted during the policy development phase, while in other cases no RIA was available. Both cases with and without RIA were included in our study.

¹ 'Welfare, Public Health and Family Policy' was the second highest financed Flemish policy domain in 2015 with 27,70% of the total Flemish budget. 'Work and Social Economy' was the third highest financed policy domain in 2015 and accounted for 9,71% of the total Flemish budget. 'Environment, Nature and Energy' belonged somewhere in the middle with 2,21% of the total Flemish budget. And 'Spatial Planning, Housing and Immovable Heritage' was the second lowest financed Flemish policy domain, which accounted for 1,74% of the Flemish budget in 2015 (Flemish Government, 2015).

² For example: gas emissions in the policy domain Environment, Nature and Energy are more easily and objectively measurable than the well-being of parents, which is the goal of some policies in the policy domain of Welfare, Public Health and Family Policy.

- 6) **Approval by the parliament:** Some legislative initiatives ('decreten') have to be approved by the parliament before they become operative. Other legislative initiatives ('besluiten van de Vlaamse regering') concern the implementation of legislative initiatives approved by the parliament and only require approval by the government. Both variants of legislative initiatives are included in the study.
- 7) **Involvement of other policy domains:** We attempted to involve some cases in which there was some cooperation with other policy domains.
- 8) **European involvement:** We sought some cases in which European legislation influenced the policy development process.
- 9) **Aimed at external actors:** Some cases that treated the internal structures and organization of the Flemish government were excluded from the analysis.
- 10) **Spread among policy fields:** All policy domains consist of two to three specific policy fields. We attempted to include at least one case from each policy field.

Before conducting the interviews, we performed a document analysis on primarily public documents in order to choose between potential cases for the research and to get acquainted with these cases. Table 1 provides an overview of the selected cases and the number of interviews that was conducted per case.

Table 1: overview of cases and interviews

Policy domains	Legislative initiatives	Number of interviews
Work and Social Economy	Legislation on the local service economy	Ministerial policy advisors: 1 Public administrations: 2 Interest groups: 3
	Legislation on the work experience program	Ministerial policy advisors: / Public administrations: 3 Interest groups: 2
	Legislation on career accompaniment	Ministerial policy advisors: 1 Public administrations: 3 Interest groups: 2
	Legislation on career- and diversity plans	Ministerial policy advisors: / Public administrations: 1 Interest groups: 1
Spatial Planning, Housing and Immovable Heritage	Legislation on maritime heritage	Ministerial policy advisors: / Public administrations: 1 Interest groups: 1
	Legislation on the rental guarantee fund	Ministerial policy advisors: 1 Public administrations: / Interest groups: 3
	Legislation on social rental offices	Ministerial policy advisors: 1 Public administrations: 1 Interest groups: 1

	Legislation on the subsidy for the implementation of the digital application for planning permission	Ministerial policy advisors: / Public administrations: 1 Interest groups: /
Environment, Nature and Energy	Legislation on low emission zones	Ministerial policy advisors: / Public administrations: 1 Interest groups: 3
	Legislation on river fishing	Ministerial policy advisors: / Public administrations: 1 Interest groups: 1
	Legislation on sound standards in establishments	Ministerial policy advisors: 1 Public administrations: 1 Interest groups: 2
	Legislation on energy performance regulations for builders	Ministerial policy advisors: 1 Public administrations: 1 Interest groups: 2
Welfare, Public Health and Family Policy	Legislation on family care centers	Ministerial policy advisors: / Public administrations: 2 Interest groups: 1
	Legislation on subsidies for day care for children	Ministerial policy advisors: / Public administrations: 2 Interest groups: 2
	Legislation on age limits for facilities for the disabled	Ministerial policy advisors: 1 Public administrations: 1 Interest groups: 3
	Legislation on the warranty for mortgage loans for welfare and health facilities	Ministerial policy advisors: / Public administrations: 1 Interest groups: /

In order to investigate the different aspects that could be investigated during the formal and informal ex-ante policy evaluation of a legislative initiative, we used the classification constructed by Fobé and Brans (2013) to identify and interpret the interview responses. All responses fitted into one of the categories described in table 2.

Table 2: Possible treated topics during the ex-ante policy evaluation

1)	Implementation (aspects related with implementing the considered policy instruments)
	<ul style="list-style-type: none"> • Budget • Policy level • Technical details (short/long term, conditions for application, phases & height,...) • Monitoring & control • Data management
2)	Target group (aspects related with the support by and the consequences for the target groups that will be affected by the policy change)
	<ul style="list-style-type: none"> • Demand / resistance • Access & reach • Wins / losses • Target group size, age, dependence on instrument • Legal security
3)	Information and knowledge (information sources that could be used to make a policy instrument choice are investigated)
	<ul style="list-style-type: none"> • Experiences in other countries

	<ul style="list-style-type: none"> • Experiences in own country, policy domain • Available data and research knowledge on the topic • Available ex post evaluations of the instrument(s)
4)	Governance and coordination (attuning the considered policy instruments with existing policies, and other policy domains and levels)
	<ul style="list-style-type: none"> • Relation to other instruments • Impact on and relation to other policy sectors • Impact on and coordination with other policy levels • Policy space within European framework
5)	Policy goals (investigate to what extent the considered policy instruments contribute to reaching the premised policy goals)
	<ul style="list-style-type: none"> • Effectiveness & efficiency • Assessment of reaching policy goals • Factors for success in reaching policy goals
6)	Role of government (policy makers reflect on the roles the government should and should not play in society)
	<ul style="list-style-type: none"> • Responding to societal demand or policy problems • Costs, risks and benefits for government • Avoiding state support • Correcting market failures • Acting directly to target group or indirectly
7)	General characteristics (the nature and characteristics of the considered policy instruments are investigated)
	<ul style="list-style-type: none"> • Flexibility & adaptability • Innovativeness • Access and openness • Coercion

Source: Fobé and Brans (2013)

3. Results

Under title 3.1, we will describe to what extent the above mentioned topics of ex-ante policy evaluation were treated during the ex-ante policy evaluation. Afterwards, we will provide more insights into the criteria for selecting specific policy instruments that were identified during the interviews under title 3.2.

3.1 Treated topics during the ex-ante policy evaluation

In the data and methodology-section, we identified 7 topics that could be treated or investigated during a formal or informal ex-ante policy evaluation. We should emphasize that in every investigated case, all of these 7 topics were – at least informally and sometimes also formally – investigated or taken into consideration during the ex-ante policy evaluation. For some aspects, we find however that there is a focus on certain specific aspects related to these topics or that in some policy domains, certain topics are more intensely investigated than others.

We find that ‘implementation’ is the most intensely investigated topic during the ex-ante policy evaluation in all investigated policy domains and cases. Especially aspects related

with budget (estimations of the cost of the policy instrument(s)) and ‘technical details’ associated with the implementation of the policy receive most attention.

Considering the topic ‘target group’, our study shows that aspects related with the demand and the resistance against the policy option, the access and reach of the policy and the financial wins and losses of the policy for various target groups are more often investigated during the ex-ante policy evaluation than the target group dependence on the instrument and legal issues. This attention for the demand and resistance by the target group also appears when we look at the aspects related with the topic ‘role of government’. We detect that the extent to which the government is able to respond to societal demand is very often part of the ex-ante policy evaluation. The costs, risks and benefits of implementing a specific policy instrument for the government are often investigated as well. Meanwhile, there exists relatively less reflection on the ways in which governments can avoid state support, correct market failures, and whether acting directly or indirectly towards the target groups is the best option.

Note that the relatively lower attention for these last three aspects is usually not the consequence of a conscious choice. It is rather the mere consequence of the fact that state support is not an available policy option, that there is no way on which interference in the market is a possible pathway or solution for the policy problem, or that acting indirectly towards the target group is not an easy or logical policy option. However, the high attention for target group demands, and financial consequences for both target groups and the government point towards the importance these two actors have in determining the policy choice in a neo-corporatist context.

For the topic ‘governance and coordination’, we find that there is a strong difference between the four policy domains concerning the amount of policy space within the European framework that is available. In the policy domain Work and Social Economy, most investigated cases involved the granting of state support for organizations in order for them to deliver certain services. Here, policy choices were strongly determined by the European legislation on Services of General Economic Interest (SGEI), that regulates under which circumstances such state support is allowed. For all cases from the policy domain of Work and Social policy, European legislation had a strong influence on the policy instrument choice, whether in the policy domain of Spatial Planning, Housing and Immovable Heritage, there was no reflection upon the policy space within the European framework in any of the investigated cases. The other two investigated policy domains were somewhat in between.

We find that the topic that is least intensely investigated during the ex-ante policy evaluation is the ‘general characteristics’ of the considered policy instruments, with aspects considering the flexibility and the innovativeness of the policy instrument as the least investigated aspects. Policy makers reflect more on the coercive nature of the investigated policy instruments, and on the accessibility of the policy instruments. Note that not investigating certain aspects of policy instruments is not necessarily the consequence of disinterest. Most of the time, we see that certain considerations are just not relevant or applicable to the case in question.

In general, we find that all topics are usually covered during the ex-ante policy evaluation, with some variety on specific aspects of these topics that are given more attention, which can mostly be explained by the specific nature or content of the cases. The reflection on these aspects does not primarily happen in a formal manner, using calculations and formal evaluation methods. Only for financial simulations, formal calculations are available. However, most of the above mentioned aspects are considered in an informal way during meetings between political advisors, public administrations, and interest groups.

3.2 Criteria that determine the policy instrument choice

Under title 3.1 we investigated the topics that are considered and reflected upon during the ex-ante policy evaluation. Here, we will discuss the criteria that determine the actual policy instrument choices.

We find that two criteria were predominant in determining the choice of policy instruments: accordance with the policy goals of the minister, and the support by the involved interest groups. In almost all investigated cases, these two criteria were essential for understanding the policy choices that were made, and were underlying to greatest number of policy choices. The predominance of these criteria can be explained by the fact that most policy choices are the result of informal ex-ante policy evaluation that occurs during consultations between the ministerial policy advisors, interest groups, and the involved public administration. During the early phases of the policy development stage, informal consultations between these three actors usually determine the most important policy instrument choices. More formal consultations (e.g. in formal advisory bodies) rarely influence the policy choices that are made.

Most of the time, the policy initiative is initiated by the ministerial policy advisors. The policy initiatives are based on policy goals or preferences that were expressed in the coalition agreement, or in policy notes created by the minister and/or his advisors in the beginning of

the legislature. Sometimes, policy initiatives are initiated by interest groups, and public administrations as well.

Interest groups are primarily involved in the substantive policy choices, and to a lesser extent in the discussions on how the policy instruments should be implemented. Interest groups can provide practical knowledge about a certain topic, but can also obstruct the smooth development process of a policy initiative by behaving uncooperatively. Some factors have been found to influence the extent to which interest groups are involved. According to the respondents, interest group involvement is higher when: the policy initiative is more 'important' and controversial, the interest group has good relations with the minister and his policy advisors, the minister or his advisors request a stronger involvement, no policy advisors or persons within the administration obstruct the involvement of interest groups, there is low time pressure, there is low fragmentation of interest groups, the policy initiative is initiated by the minister and his policy advisors and not by the parliament, the interest group disposes of some authority about a certain topic, or the interest group will be strongly affected by the policy initiative.

In most cases, two other criteria were of importance for understanding policy instrument choice as well: the financial cost of the policy instrument, and the feasibility of implementing this policy instrument by the executive administration. In some cases, these two criteria were as important for the determining policy choices as the policy goals of the minister and the interest group support. However, most of the time, these criteria, although relevant, played a secondary role. Note that administrations involved in policy development often have an important role in determining noticing the administrative and financial limits that are associated with the implementation of specific policy instruments.

Concerning the financial cost of policy instruments, it should be noted that this was most of the time a reason to not select a policy instrument, instead of a reason to select it. Although policy instruments were often rejected for being too expensive, they were seldom explicitly chosen because they were the cheapest option.

The feasibility of the implementation mostly referred to the complexity of the implementation or the fact that the existing administrative workforce was insufficient for implementing a considered policy option.

A third group of criteria concerns those criteria that were mentioned in a relatively large part of the investigated cases, but were almost always of secondary importance. These criteria

are: accordance with the European regulation, results from studies, and support from government coalition partners. As we mentioned before, the accordance with European regulation was mostly important for legislative initiatives from the policy domain Work and Social Economy, where accordance with the European legislation on Services of General Economic Interest (SGEI) strongly determined what policy choices the involved actors were allowed to make.

The importance of support within the government coalition for selecting policy instruments depended strongly on the extent to which the investigated case received media attention and was somewhat controversial. When media-attention was high, and the policy initiative contained some controversial aspects, coalition partners were eager to propose adaptations to the proposed policy initiative. In less controversial policy initiatives, we see that not only coalition partners were less involved, but also that ministers and their ministerial policy advisors were more inclined to leave the policy development to the public administration and the involved interest groups.

We found that when policy solutions had more technical and measurable results, research evidence was more important in determining the policy instrument choices. We found that in the policy domain of Environment, Nature and Energy – where policy results are more measurable (e.g. the impact of noise on hearing, the impact of emission regulation on CO²-emissions, etc.) – policy makers were more inclined to rely on studies, mostly by external actors (universities or research bureaus), to determine policy choices, and more specifically the upper or lower limits for emission-, noise-, and other standards.

Next to criteria used to choose between policy instruments, we also identified factors that had a rare or no influence on policy instrument choice. For instance, we found that formal tools for policy evaluation (such as SWOT-analysis, pilot projects, multi-criteria analysis, etc.), are sporadically used, and hardly influence the policy instrument choices. However, in cases that are somewhat more important and influential, we observe that ex-post evaluations of the previous policy that is altered in the new policy initiative are more often available than for less significant policy initiatives. These ex-post evaluations are usually carried out by external actors (universities and research bureaus).

The RIA, another formal tool for formal policy evaluation, is primarily used as a document for reporting on the ex-ante policy evaluation after the actual policy instrument choice has already been made. It has no influence on the actual choice of policy instruments.

Although some respondents found the RIA somewhat useful for stimulating reflection on policy instrument choices, others referred to the RIA as an unnecessary administrative burden. And in some cases, it was said that comparing the benefits and losses of various policy instruments is superfluous because only one realistic and logic policy instrument choice is possible.

One exception on the rule that formal evaluations are scarcely used should be made for financial simulations as a formal policy evaluation tool. In most cases, some form of simulation of the financial consequences of a certain policy instrument on the budget, the administration and the target groups was carried out. It should be noted, however, that these financial simulations were not often used to weigh various policy instruments, but only to identify the costs of the policy instrument that is already preferred by the involved actors (mostly by the ministerial policy advisors).

This leads us to a second restriction on policy instrument choice that was identified in the study. We found that only in two of the sixteen investigated cases, a broad and formal ex-ante policy evaluation (by external researchers) of a great variety of policy instruments was carried out. Since ministers and their policy advisors on the one hand and interest groups on the other hand already have their own preferences for certain policy instruments, a great number of alternative options are discarded from the beginning of the policy development process. Also, administrations are not always eager to carry out such an intensive comparison between policy instruments because they claim to not have sufficient time to do this.

Time-constraints are an often mentioned problem by the respondents. The fact that scarcely-investigated policy initiatives are already panned out, that radical changes in the policy initiative are proposed at a moment when it is already in a late development phase, that time estimates are often too optimistic, and that the work and tasks of various involved partners are not well-attuned, influences the time available for a profound and qualitative study and choice of policy instruments negatively.

Another aspect that is rarely taken into account during ex ante policy evaluations is the impact of the considered policy instruments on the long term and on the broader society. According to the respondents, investigating these impacts requires time, expertise and budgetary means that are not available to public administrations. Some respondents also mention that there is no one-on-one impact of a specific policy instrument on the longer term or broader society. A great variety of contextual aspects should be taken into account.

Consequently, we observe that in the policy domain of Environment, Nature and Energy – where the direct impact of specific instrument choices on the environment is easier to investigate (e.g. CO²-emissions) – there is more attention for long-term and broader societal impacts during the ex-ante policy evaluation.

Finally, we have to note that whereas we see that in the investigated cases, ministers, coalition partners, and interest groups have a strong influence on the policy instrument choice, other actors do not seem to have such an influence: other policy domains, other policy levels and the parliament were not often mentioned as a source of influence. The limited influence of the parliament corresponds to our expectations, since in the Flemish multi-party system, parliaments are relatively weak compared to the government.

Considering the cooperation across policy levels and policy domains, we observe that there is certainly some cooperation, especially between policy domains, however, these cooperation do not influence the important policy instrument choices. These cooperation are primarily used to check whether policy initiatives do not run counter regulations and existing policies in other policy areas. Of course, in some cases, it may not even be relevant to include other policy domains or policy levels, which was also the most frequently mentioned reason to not include them. However, we observe that networks and structural partnerships between policy levels and policy domains are often associated with a stronger inclination to reach out to the administration or the policy advisors across policy domains and policy levels.

4. Discussion

In the discussion, we will answer our two research questions:

1. What criteria are used to choose between policy instruments during the ex-ante policy evaluation process in Flemish public policy making?
2. To what extent do these criteria influence the final policy instrument choice?

We find that a great number of topics are taken under consideration and reflected upon during the ex-ante policy evaluation phase of the 16 investigated policy initiatives. We found that policy makers reflect on: the implementation of the policy instrument, the influence the policy instrument has on the target group, the different information sources that could be used to inform the policy development process, the extent to which the policy instrument is attuned with other policies, the extent to which policy instruments contribute to reaching policy goals, the role the government should and should not play in society when implementing policies, and

the characteristics of the policy instrument. Although not all aspects related with these topics are always reflected upon – sometimes simple because they are not relevant for the case in question – all topics are usually covered during the ex-ante policy evaluation process. Most of these topics are not treated during a formal ex-ante policy evaluation, but they are, however, reflected upon during negotiations between ministerial policy advisors, public administrations, and interest groups. We see that the absence of an integration of formal policy evaluation tools, does not necessarily mean that a broad range of topics is not investigated or reflected upon during the policy development phase.

We find that the most prominent criteria for selecting policy instruments are: the policy goals and preferences of the minister and his policy advisors, and the preferences of interest groups. Other actors – such as other policy domains, policy levels and the parliament – seem to have a very small influence on policy instrument choice in the cases we studied. To a lesser extent, administrative feasibility and financial cost play an important role in selecting policy instruments. Research results (especially in the more easily and objectively measurable cases from the policy domain Environment, Nature and Energy), European regulations (especially in the policy domain Work and Social Economy where European regulations influence the opportunities more strongly) and feasibility within the government coalition (especially for more controversial policy initiatives) play an important secondary role in determining policy choices.

We found that formal ex-ante policy evaluation instruments are only sporadically used – except for financial simulations, which are carried out in almost all cases – and that the RIA has no influence on the policy instrument choice. It is merely an instrument for reporting about the policy development process. According to the respondents, there is no sufficient time, expertise and budget available for an extensive formal evaluation of the societal and long-term effects of various potential policy instruments. Therefore, such an analysis is rarely carried out. Only in the policy domain of Environment, Nature and Energy – where policy consequences of more easily measurable and quantifiable – we observe a more prominent use of external studies for investigating the long-term and societal consequences of various policy initiatives.

It seems that the design-perspective on policy instrument choice has little explanatory power for understanding policy instrument choice in Flanders. The Flemish policy development follows the definition of the context-perspective more closely: the preferences of political and interest group actors, rather than objective studies and evaluations, determine the

choice of policy instruments. The neo-corporatist system seems to have an important influence on the policy instrument choice process. Moreover, we observe that a lot of context factors: lack of budget, lack of time and expertise, limit the possibility for administrations to carry out formal and ‘rational’ ex-ante policy evaluations.

One could question whether in such a context, which is by nature defined by consultation and deliberation and less by study and objective evaluation, an obligatory ex-ante evaluation instrument such as the RIA is the most useful way to foster a better and more qualitative policy instrument choice. It is not used as a tool for policy instrument choice, since it does not fit the informal ex-ante policy evaluation process that may be typical for a neo-corporatist system. Respondents from public administrations often describe the RIA as an administrative and time-consuming burden. We see that they already refer to various time-consuming phenomena (e.g. changes to the policy initiative are proposed when the policy development process is already in a late stage of development) as the causes of suboptimal ex-ante policy evaluation processes.

Maybe, instead of imposing formal tools such as the RIA, the quality of the policy development process could be improved by reducing time-consuming barriers to a more optimal policy instrument choice? One could for example implement a more thoughtful time planning at the beginning of the policy development process. Or one could involve interest groups in a more early phase of the policy development process in order to provide them with a sense of ownership over the policy instrument choice process, which could lead to a more cooperative attitude during and thus less time-consuming discussions. These could make place for modest, more ‘rational’ evaluation tools. Not necessarily extensive studies, but evaluation tools such as SWOT-analyses or organized brainstorm sessions.

This study comes with some limits. Since it is a qualitative study of 16 cases in only four Flemish policy domains, it is by definition not representative of all Flemish policy initiatives. More aggregated, quantitative research could possibly add to the study by providing insights in the criteria that are at the basis of the selection of policy instruments.

5. Bibliography

- De Peuter, B., De Smedt, J., and Bouckaert, G. (2007). *Guide to policy evaluation. Part 1: Evaluation design and management [Handleiding beleidsevaluatie. Deel 1: Evaluatiedesign en management]*. Leuven: Policy Research Centre Governmental Organisation Decisive Governance.
- Flemish Government. (2015). *The Flemish budget in numbers [De Vlaamse begroting in cijfers]*. [04.11.2015, Flemish Government: <https://www.vlaanderen.be/nl/vlaamse-overheid/werking-van-de-vlaamse-overheid/de-vlaamse-begroting-cijfers/>].
- Fobé, E., and Brans, M. (2013, June 26-28). *The conduct and use of ex ante evaluation of policy instrument choice*. Paper presented at the International Conference on Public Policy in Grénoble, France.
- Hood, C. (1984). *The tools of government*. New Jersey: Chatham House.
- Howlett, M., and Ramesh, M. (1995). *Studying Public Policy. Policy Cycles and Policy Subsystems*. Oxford: Oxford University Press.
- Linder, S., and Peters, G. (1998). The study of policy instruments. Four schools of thought. In G. Peters and F. van Nispen (Eds.), *Public policy instruments. Evaluating tools of public administration* (pp. 33-45). Cheltenham: Edward Elgar.
- Salamon, L. (2002). *The tools of government. A Guide to the new governance*. Oxford: Oxford University Press.
- Scriven, M. (1980). *The logic of evaluation*. Inverness CA: Edgepress.
- Van Humbeeck, P. (2012, February 9-10). *Regulatory impact analysis in Flanders and Belgium. Policy and trends*. Paper presented at the 1st European Environmental Evaluators Network Forum in Leuven, Belgium.