

ESPON ARTS

Assessment of Regional and Territorial Sensitivity

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This report presents a more detailed overview of the analytical approach to be applied by the project. This Applied Research Project is conducted within the framework of the ESPON 2013 Programme, partly financed by the European Regional Development Fund.

The partnership behind the ESPON Programme consists of the EU Commission and the Member States of the EU27, plus Iceland, Liechtenstein, Norway and Switzerland. Each partner is represented in the ESPON Monitoring Committee.

This report does not necessarily reflect the opinion of the members of the Monitoring Committee.

Information on the ESPON Programme and projects can be found on www.espon.eu

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This basic report exists only in an electronic version.

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1 More detailed overview of the analytical approach to be applied

1.1 Main objectives of the research project

The main objectives of the ESPON ARTS project are the following:

- (a) presenting a **new and fresh reflection on methodologies** for assessing territorial and regional sensitivity of EU legislation, policies and directives (LPD), on the basis of an accurate and critical evaluation of recent most advanced practices in Member Countries and present achievements inside the ESPON Program;
- (b) building a **general common framework** in which assessments concerning single different LPDs could fit;
- (c) applying the proposed framework to around **12 EU directives**, chosen in a wider array of recent ones and approved by the ESPON MC and CU;
- (d) building a more **in depth assessment of 3 directives**, those in which a more thorough specification of specific territorial impacts will be apparent, specifying the results through tables and maps for European NUTS-2 and possibly NUTS-3 regions;
- (e) supplying policy makers with an **operational procedure** that could work as a “**evidence based policy support**” in the preparation of new legislation and directives;

The operational procedure should be as easy and simple as possible, indicating cases of excessive regional impact of LPD on some typology of regions or even cases of “outlier”, disproportionate impact.

The EU stakeholders (the Commission, national, regional and local authorities) and the ESPON MC will be involved in a dialogue concerning both the methodology and the main results, in order to reach a wider consensus and to strengthen the validity of results.

1.2 Concept and definitions

In the Terms of Reference (ToR) for this project call, territorial and regional **sensitivity** to EU legislation is defined as *“the degree to which a territory (region) is directly and indirectly affected, either adversely or beneficially, by change in European legislation or policy”*. It refers therefore to the probability (or risk) of being affected by EU directives, *“an important variable in Territorial Impact Analysis”* (p. 172); to the *“possible”* or *“potential”* impact of these directives.

This definition seems appropriate, and comes close to the “Potential Impact” (PIM) defined in the ESPON 2013/1/6 project. The PIM is directly and objectively linked to the main logical chain between cause (policy measure) and effect (territorial impact), without (or before) the inclusion of the Desirability and Vulnerability elements that appear more linked to subjective judgements (see the Final Report, October 2009).

The vulnerability concept

The terminology in the ToR in ESPON ARTS is rooted to the vulnerability concept developed by the IPCC¹ and broadly discussed in the impact assessments in natural sciences, especially concerning climate change. This approach allows to assess the impact of a policy by combining the exposure deriving from the effect of a policy measure and the territorial sensitivity (of regions).

However, the definitions between the ToR and the IPCC approach differ. In ESPON ARTS we will stick to the IPCC definitions in order to be able to communicate the TIA concept with this scientific community.

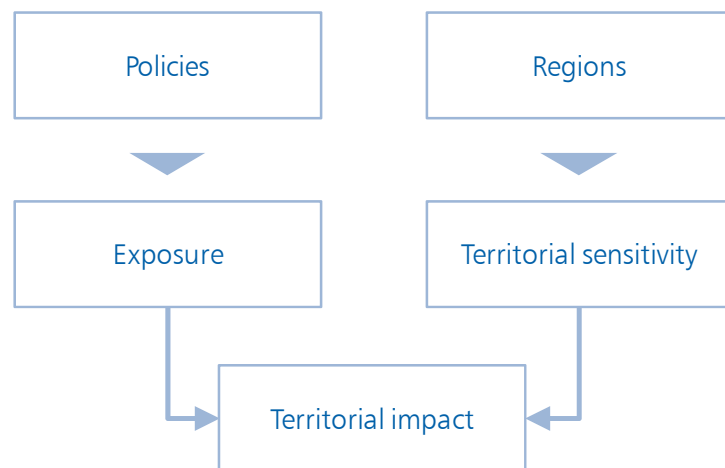
The concept of vulnerability consists of four core elements: exposure, sensitivity, potential impact and adaptive capacity:

- The **exposure** describes the way policies affect European regions, e.g. change of temperature or the overall trends of population development.
- The (territorial) **sensitivity** describes how a territory/region will react to a certain exposure in principle. It reflects the character of a region in relation to a certain policy. Territorial sensitivity takes into account possible negative effects as well as possible benefits.
- The **impact** is the potential effect of a given exposure (in the future) – caused e.g. by a certain policy – in relation to the sensitivity of a certain region. Thus, the impact is a function of combining the exposure of a policy with the sensitivity of a region. Basically the potential impact can be direct or indirect with a long cause-and-effect chain.
- The **adaptive capacity** is the ability of a system to adjust to the potential impact, to moderate potential damages, to take advantage of opportunities, or to cope with the consequences (IPCC, 2007). Thus, adaptive capacity is closely linked with governance aspects.

ESPON ARTS focuses on analysing the impact. In contrast to the IPCC-vulnerability concept it does not consider the (possible) adaptive capacity of a territory. However, as we also want to discuss governance issues in the projects, aspects of the adaptive capacity of territories will be taken into account in a qualitative way.

¹ Intergovernmental Panel on Climate Change

Figure 1: The territorial impact combining exposure with sensitivity



Looking at the effects to be analysed on the exposure-side in ESPON ARTS three distinct elements/processes are taken into account:

- (a) **a direct and intentional impact of EU directives**, which is proportional to the presence of the territorial assets involved in sectoral EU LPDs. Impacts could be positive (with major or minor regional intensity), neutral or negative. This scale allows one to define *winners* and *losers*. In this case, the impact analysis shall concern:
 - the logical chain between policy measures and impact,
 - the importance of relevant territorial assets/capital in the regional economy/society,
 - the intensity of policy intervention,
 - the possible inter-regional spillover effects.
- (b) **an indirect and mainly unintentional or unexpected impact of the directives**, concerning positive or negative side effects. Also in this case, impacts could be positive (synergy effects) or negative, also defining winners and losers. Also in this case, the relevant impact analysis shall concern:
 - logical chain, from policy to impact,
 - importance of the relevant territorial assets in the regional context,
 - intensity of policy intervention.
- (c) the **response and adaptation capability** of the regional context: the “filtered” impact. This element would in fact:
 - reduce the effect of potentially negative impacts,
 - emphasize/multiply the effect of potentially positive impacts.

The relevance of the last process is linked to main characteristics of the regional context:

- (I) the *complexity and differentiation* of the socio-economic context,
- (II) the *redundancy* of potential internal and external linkages,

(III) the local *governance structure*. In fact, “*domestic territorial characteristics and governance systems act as a filter and interface*” between EU directives and territorial actual impacts (Zonneveld, Waterhout, 2009). General results of the same EU intervention are likely to be highly differentiated among regions and territories according to territorial specificities and, particularly, of national/regional/local governance systems. Therefore we speak here about “filtered” impacts. In this case, both a theoretical and an empirical analysis will be carried out through case studies.

A kind of feedback effect of EU LPD could also be present (and should be examined). This concerns the effect of LPDs on territorial policymaking in the different territorial realms, in terms of limiting decision space (especially planning). In this respect, the cases of Habitat Directives, Air and Water Quality, State Aid etc. are very relevant cases, which continue to be widely debated in the European policy arena.

All the preceding tasks will be carried out on a sample of 12 (10-15) directives. From these, 3 cases will be selected in a second time for more in-depth analysis. Important consultation activities will be organised with the principal stakeholders (ESPON CU and MA, European Commission, including, possibly, also representatives of the Commission’s Impact Assessment Board) in order to:

- agree on methodological elements,
- define thresholds for the potential impacts or local sensitivity, beyond which impacts should be mitigated, monetized, repaid for, or policies reoriented. This could take advantage of the discussions/interactions during ESPON meetings.
- define fields in which governance styles and traditions could make a real difference in terms of impacts, and whether the effects of EU directives on territorial governance systems, their limits and manoeuvring space, may be of relevance for the project.

2 Use of existing ESPON results relevant for this project

The necessity of an in-depth assessment of the territorial and regional effects of EU sectoral policies and directives had already entered the European policy debate during the preparation of the European Spatial Development Perspective (1995-1999). Given the inherently multi-dimensional nature of the possible, intentional and unintentional effects of the Union’s policies, often going well beyond the single goals for which policies were built, the need for an integrated assessment came into full view. Furthermore, it was realized in that time that any integrated assessment should address multiple dimensions – the economic, the social, the environmental, the

cultural – all of which represent distinct but interconnected aspects of what was increasingly considered as the 'territorial realm'.

Following up on this discussion, the Tampere Action Plan (1999), in which the construction of a Territorial Impact Assessment (TIA) methodology was taken on as a main task for the subsequent action of the Committee for Spatial Development, the mission of this methodological and operational work was assigned to the newly born ESPON 2006 programme.

In time, this mission became even more central in the EU policy debate. *The Third Report on Economic and Social Cohesion “A New Partnership for Cohesion”* (February 2004) introduced the general goal of “territorial cohesion”, afterwards confirmed and institutionally strengthened through its inclusion among the main new goals of the Union in the Draft Constitution and the New Treaty. More recently, the *Territorial Agenda* of the Union (May 2007) and the First Action Programme (November 2007), as well as the *Green Paper on Territorial Cohesion* (October 2008), focussed explicitly on the issue of regional diversity, and emphasized the relevance of territorial and regional “uniqueness” for devising appropriate and diversified development strategies. These must be based on local specificities, knowledge and identity.

This last point is particularly relevant for the impact assessment debate: regional diversities imply in fact a different sensitivity to EU LPDs, justifying the increasing attention paid to this precise issue.

Very recently, the Commission itself produced a thorough and consistent document, taking a further step in the development and refinement of a growing tradition of impact studies of EU policies and directives (since 2002): the *Impact Assessment Guidelines* (January 2009) (SEC(2009)92). The general objectives of these guidelines are similar to the ones indicated by ESPON, namely:

- “to ensure that Commission initiatives and EU legislation are prepared on the basis of transparent, comprehensive and balanced evidence”,
- to prepare “evidence for political decision makers on the advantages and disadvantages of possible policy options by assessing their potential impacts” through “the likely economic, social and environmental impacts of those options” (p. 4), both “intentional”, i.e. referring to the very objectives of the policies, and “unintended” (p. 31);
- to improve “the quality of policy proposals by providing transparency on the benefits and costs of different policy alternatives” (p. 6).

The impact assessment in this case refers to the Union in aggregate terms, but a reference is explicitly made to the case in which impacts would “have a specific impact on certain regions” or “on single Member States” (p. 33).

Of course, the interest on regional differentiated impacts is central in ESPON ARTS: impact assessment has to be made truly territorial, in order to activate counter-

actions (or policy refinements) at all policy making levels, from the local to the EU one, in cases regional sensitivity and potential impacts are estimated to be too high.

Which elements of EU decision making have to be subject to Impact Assessment? It is important to distinguish first of all between *legislation* and *policies*: in the latter case, support and spending are the key elements, while in the former case decisions take the form of legislative prescriptions. Within legislation, one can further distinguish between *regulations* and *directives*: while the legislation refers to precise obligations that have to be implemented immediately and in the same way throughout Europe, generally bearing a limited differential territorial impact, the policies – namely directives – represent a form of binding EU legislation aimed at Member States who are called upon to adopt consequent national legislation ².

ESPON has taken up the challenge of territorial impact assessment since its beginning by issuing targeted reflections and project proposals. In fact:

- Many ESPON projects were launched addressing the effects of sectoral policies on regional disparities, namely in the fields of agriculture, transportation, communication, structural policies, excellence policies.
- ESPON 2006 project 3.1 developed a general frame of “requirements” for TIA.
- ESPON 2006 project 3.2. developed an in-depth analysis and comparison among existing TIA proposals. Furthermore it stimulated the preparation of a prototype, fully operational model for TIA at NUTs-3 level, applied to EU TEN-T policy and utilising previous ESPON research achievements in sectoral modelling: the TEQUILA model.
- ESPON Project 2.4.1 developed an advanced analysis of “Territorial trends and policy impacts in the field of EU environmental policy”; the logical chains from policy to impact was carefully inspected in the case of many directives, with some interesting convergence with the TEQUILA methodology, but operational development was kept at the aggregate national/international level.
- ESPON Project 2.4.2. Integrated analysis of transnational and national territories provided an integrated and structured analysis of the results of the ongoing and finalised ESPON project results, “zooming” in on different territorial contexts and scales, in order to identify existing spatial patterns and territorial specificities and complementarities. Thus, it provided insights in the types of territories and their development patterns.
- ESPON Project 4.1.3. Monitoring Territorial Development contributed to developing a European Spatial Monitoring System for the continuous assessment of territorial development trends in relation to set territorial policy

² Because directives have to be transposed into national legislation they receive an additional dimension, which may result in different impacts across Member States. This means that their final impacts are both predictable and unpredictable. Predictable in the sense that specified results, processes and products have to be delivered following directly from the directive. Unpredictable in the sense that several impacts relate to the transposition of a directive into national legislation and depend on national institutional contexts (see: Zonneveld, Waterhout, 2009).

objectives. This study tested the capability of the current indicators and tools of supporting a sequential reporting by elaborating a tentative spatial monitoring report. In this process, the study supported the identification of the most appropriate indicators allowing for a periodic assessment/evaluation of the evolution of the European territory towards the acknowledged territorial policy options aiming at the most relevant Commission and intergovernmental policy documents and reflecting territorial balance and cohesion.

- ESPON 2013/1/6 Project TIPTAP developed a more structured, but still exploratory model of TIA, namely TEQUILA 2, applied to CAP and transport policies. Main advances in terms of operational results refer to three elements: mapping of quantitative impacts at NUTS 2 and NUTS 3; the inclusion of policy makers priorities concerning the relevance of the different impact dimensions (economy, environment, society, ...) and the indication of what the Impact Assessment Guideline calls the “outlier impacts” (regions that are “disproportionately affected” by the policies) (p. 33).

In general it is possible to affirm that the need is still felt for an “evidence based policy support” to the EU policymaking and legislative process:

- facilitating debate on EU policies and directives,
- facilitating consensus on policies/directives by receiving bodies and local authorities,
- optimising policy measure production,
- supporting the inclusion of mitigation, compensation and countermeasures in cases where sensitivity and potential impact appear disproportional and/or excessive.

3 Methodology and hypothesis for further investigation

Breaking down the vulnerability concept the scientific approach of ESPON ARTS is structured around the construction and empirical implementation of two matrices and a filter in order to combine them:

- The **Directive Exposure Matrix** pictures the potential exposure deriving from a policy.
- The **Regional Sensitivity Filter** defines for each type of region its principal sensitivity against the different types of exposure
- The **Territorial Impact Matrix** combines the sensitivity of a type of region – through a sensitivity filter – with the exposure resulting in a statement about the impact of a directive.

The analysis of the impact will be done by a **conceptual model** describing logical chains and causal loops linking the exposure and the sensitivity.

3.1 The Directive Exposure Matrix

The Directive Exposure Matrix forms a comprehensive and unique logical framework, valid for all kinds of directives (in order to overcome a limitation of the TEQUILA approach, in which each impact study had to construct its own impact criteria). It aims at defining different types of exposure that can derive from any EU legislation.

Types of exposure

First of all a list of different types of exposure caused by EU legislation is to be setup. The intensity of the exposure needs to reflect the “Territorial Capital”.³ The main sub-classes of territorial capital may be listed as follows:

- infrastructure and settlement/urban structure
- environmental capital
- cultural heritage, landscape and identity capital
- private production capital
- human and cognitive capital
- social capital (civiness, rules, values)
- relational capital (networking and cooperation capability).

Both the exposure and the regional sensibility variables are linked to the relative presence of these elements of territorial capital in each region, which may be subject to faster/slower accumulation, de-cumulation, maintenance, valorization, depletion, re-use processes as a consequence of EU LPDs. Another important reference for such a list of exposure is the *Impact Assessment Guidelines* of the Commission (SEC(2009)92), which contains a rich list of impacts (divided into economic, social and environmental impacts).⁴

An first list of types of exposure has (e.g. regarding landscape and culture) can be found in the annex.

³ A taxonomy of territorial capital elements was recently proposed (Capello *et al.*, 2008, ch. 2: “*Regional competitiveness: towards a concept of territorial capital*”), encompassing both material and immaterial assets, and public goods, private goods and impure public goods – public goods subject to congestion or opportunistic behaviour.

⁴ Please note that the term “impact” in the *Impact Assessment Guidelines* of the Commission (SEC(2009)92) differs from the term “impact” we use according to the vulnerability concept.

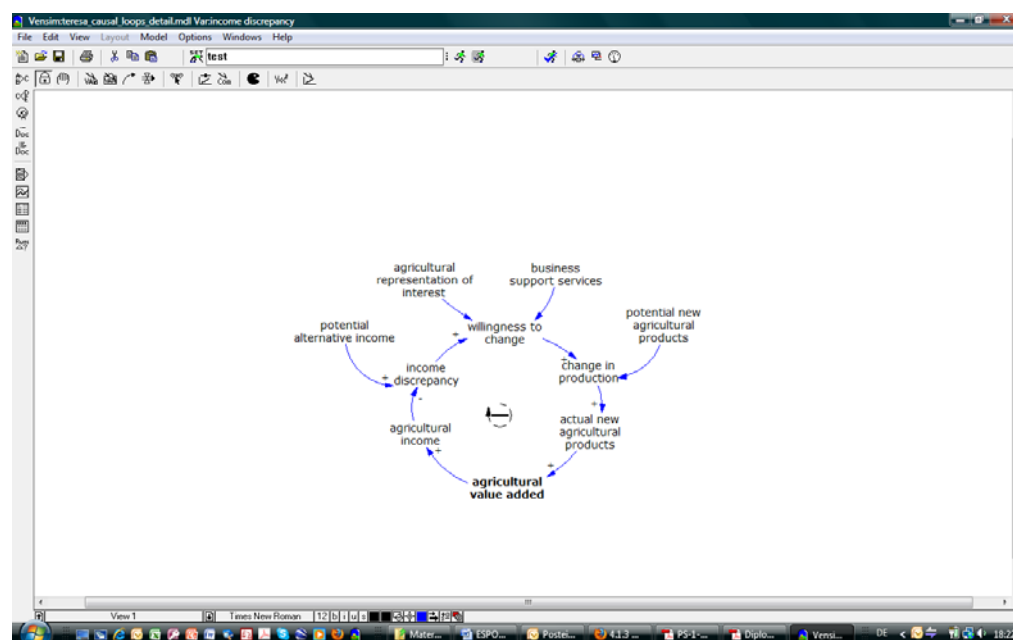
Depicting the relation between the Directives and the types of exposure

In order to depict the relation between the directives and the types of exposure a logical chain will be built through mainly qualitative, discursive but stringent, methodologies, with reference to “problem/causal trees”, as suggested by the *Impact Assessment Guidelines*. The activation of single cells in the Directive Exposure Matrix refers to two different effects and forms of exposure:

- direct and intentional effects,
- indirect and unintentional effects,
- “filtered” impacts through the local governance system.

Therefore, a conceptual model will be applied to **each chosen directive** (WP 2.4). The following figure provides an example of such a conceptual model providing feedback loops for the case of modeling the effects of policy interventions on farming behavior.

Figure 2: Example for system dynamics modeling – causal loops (conceptual model) in agriculture



Source: TERESA project (project conducted in the 6th RFP – <http://www.teresa-eu.info/>).

For the **three “Test directives”** chosen in the second step (WP 2.7), a more sophisticated, though simplified systems dynamics approach⁵ will be used allowing to depict and simulate complex system relations in a non-linear way and picturing complex cause-effect relations and various feedback loops. After having defined systemic relations, necessary coefficients have to be estimated through a “controlled expert judgement session”, in order to define intensity of direct and indirect likely

⁵ See Forrester J.W. (1971): Principles of systems; Wright-Allen Press; Cambridge, Mass. 2. preliminary ed., 5. print.

impacts. Not only partners of the project will be involved, but also ESPON stakeholders and policy makers (WP2.6).

3.2 The Regional Sensitivity Filter

For each specific directive, the Regional Sensitivity Filter defines for each type of region its principal sensitivity against the different types of exposure. As regional typology the results of the ongoing ESPON study on “Typology Compilation” will be used.

The description of the sensitivity can use indicators of territorial redundancy and geographical specificity. These elements, coming from specific conditions of territories, do not only refer to the presence of single territorial assets but to the general territorial “climate”, generated by the complexity, diversification and combination of the different assets. They are mainly responsible for the unintentional effects of policies and may be the source of huge variations in the sensitivity to specific directives.

3.3 The Territorial Impact Matrix

Combining the exposure of a directive with the regional sensitivity leads to the impact of a directive in a certain type of region. For each specific directive, it encompasses on the two dimensions respectively:

- the previous typology of exposure,
- the sensitivity according to the typology of regions as laid down in the sensitivity filter.

For each directive a Territorial Impact Matrix will be developed combining exposure and sensitivity according to common aggregation rules to be developed. This is the bases to produce maps picturing the impact of a directive on European regions.

3.4 Governance aspects

In the case of the 3 test directives, governance aspects will be analysed further: The way in which EU directives are translated into Member State legislation and the way in which they merge, interact and coexist with local practices and governance styles have a deep impact on the likely outcome. Local practices, public attitudes, management cultures, public/private relationships and trust work as “filters” between cause and effect, between EU legislative intervention and outcomes. In relation to the selected case study directives a typology of governance elements and styles, mainly in the territorial and environmental planning area, will be built and applied. Methodology in this case will be mainly qualitative.

Several assumptions will be tested:

1. The main differences across the EU will be found on the national level,
2. Differentiation *within* Member States can occur as the result of different *state structures* (see ESPON 2006 2.3.2)
3. The territorial and governance implications of EU directives will be the result of *internal cooperation and deliberation* between various policy domains within Member States.
4. Concrete implications of EU directives will also be partly determined or influenced by the *level of multilevel policy making* within a country.
5. The nature of territorial implications of EU directive (or certain categories of directives) will be influenced by the *judicial system* within a country.
6. A certain level of *institutional capacity* is required to apply directives.

3.5 Selecting the Directives to be analysed

According to the ToR ESPON ARTS will analyse 10-15 Directives on the basis of theoretical findings and a quick screening of a long list. The selection is to provide a good sample of EU legislation deriving from as many different territorially relevant policy domains as possible. The choice of the directives encompasses :

- health, safety,
- air quality, ozone,
- soil, habitat, biodiversity,
- society, gender,
- transport, energy, communication,
- economy and business,
- agriculture,
- governance.

In the last case, directives on governance, one has to deal with a different sub-typology of directives, what could be termed as “meta-directives”. In these cases, the directive is not aimed at reaching specific sectoral goals, but aims at influencing governance; it does not say *what* should be done, only *how* it should be done⁶.

The screening is done by an relevance filter in a three steps approach. (For details see chapter 6.)

⁶ Several examples of jurisprudence related to construction works and public-private area based development projects show how such directives impact on ‘ways of doing things’ (Korthals Altes 2006). Currently the EU Court of Justice’s decision regarding the Auroux/Roanne Case, regarding whether public development projects on privately owned ground (by a development company) should be tendered openly or not, still puzzles many local authorities.

4 Review of the main literature, data sources, etc.

4.1 Aspects of TIA methodology

The analysis of regional sensitivity to EU directives and policies is to be intended as a simplified, evidence-based procedure of Territorial Impact Assessment (TIA). Therefore, the literature on the subject mainly reduces to the literature on TIA which, on its turn, is mainly based on official statements and requests of the EU Commission and Council of Ministers and consequent recent research work realized in order to respond to these requests.

The task of devising a TIA methodology goes back to the Tampere declaration of EU spatial planning Ministers (autumn 1999) and was subsequently taken up by the Committee on Spatial Development and by a special informal sub-committee, starting 2000. In one of the early (but almost unique) reports, TIA is defined as “a tool for assessing the impact of spatial development against spatial policy objectives or prospects for an area”, working at “any spatial scale” and therefore applicable to large projects, plans and programmes (Williams et al., 2000, ECTP/CSD 2001, Böhme & Eser, 2008).

But only with the ESPON experience was a methodology for TIA really implemented. The ESPON methodology, as developed mainly in the TIPTAP project, is based on a well-established methodology, namely Multi Criteria Decision Analysis ⁷. These methods aim at taking into account heterogeneous and conflicting dimensions of complex decision problems. Despite the rich variety of these methods, they all have one element in common, the use of multiple judgement or evaluation criteria. The methods offer an operational framework for a multidisciplinary approach to various planning problems. The specificity of the ESPON approach refers to the number of regions on which single policies/directives impinge: it is not, as usual in MCDA, a single territorial unit under scrutiny, but a host of more than 260 Nuts-2 regions or more than 1.360 Nuts-3 regions (Camagni, 2009).

The approach has many aspects in common with Strategic Environmental Assessment (SEA) procedures: in the multiplicity of impacts to be assessed and the necessity of a summative, final assessment, comparing the different impacts (see: CEC, 1998; Eggenberger, Partidario, 2000).

As far as the impact assessment of EC policies is concerned, since many years the Commission has requested impact studies (CEC, 2002, 2004) on multiple directives, regulations and policy decisions. Generally these studies refer to an aggregate impact on the EU and no regional differentiation of effects is pursued; the different impacts are defined on the basis of accurate logical chains (from policy to impacts), something that is also retained in the Terms of reference and in this Project.

⁷ A review of various types of multicriteria evaluation methods can be found among others in Rietveld, 1980; Nijkamp P., Rietveld P., Voogd H., 1990; Munda, 1995; Janssen and Munda, 1999.

4.2 Impact Assessment case study

For political as well as substantive reasons the Commission's Impact Assessment (IA) practice qualifies as one of the best opportunities to get TIA implemented at the EU level (Zonneveld & Waterhout 2009)⁸: The IA procedure was introduced in 2002 and further developed by means of a gradual process that allowed Commission officials and organization to grow with it. New guidelines have been issued in 2005⁹ and in 2009¹⁰, based on several evaluations and commentaries (e.g. Renda 2006, EEAC 2006, Lee & Kirkpatrick 2006). The IA procedure is applied to all policy proposals of the Commission, which means that each year some 100+ Impact Assessments are completed.

Organizationally, an Impact Assessment Board has been set-up in 2006, which evaluates all impact assessment processes and provides recommendation to improve their quality. Also, each Directorate-General has an Impact Assessment unit which assists its policy makers in carrying out IA's related to the proposals they are working on. Indeed, IA is carried out by the policy initiative taker.

The basic idea of the IA procedure is that ex ante impact evaluation, parallel to the policy making process, will improve the original ideas and result in robust, effective, efficient and widely supported policies. An IA usually takes about a year to one and a half year and is intended as a bottom-up process. In principle each and every stakeholder is invited to be part of the IA process. As explained elsewhere (Zonneveld & Waterhout 2009) IA guidelines outline "...a set of logical steps" to be followed when preparing policy proposals: "It is a process that prepares evidence for political decision-makers on the advantages and disadvantages of possible policy options by assessing their potential impacts." (CEC, 2009a: 4).

Within the scope of this ESPON ARTS project it is envisaged to carry out three case studies to already completed Impact Assessments. This allows a more informed assessment of the IA's potential to address issues related to territorial impact. The policy proposals selected for further analyses concern:

1. Proposal for a Regulation of the European Parliament and of the Council concerning a European rail network for competitive freight (2008)¹¹
2. Package of Implementation measures for the EU's objectives on climate change and renewable energy for 2020 (2008);¹²
3. Towards a better targeting of the aid to farmers in areas with natural handicaps.¹³

⁸ SEA might be another good option.

⁹ 'Impact Assessment Guidelines', SEC(2005)791, 15 June 2005.

¹⁰ 'Impact Assessment Guidelines', SEC(2009)92, 15 January 2009.

¹¹ {SEC(2008) 3028} {SEC(2008) 3029} COM/2008/0852 final – COD 2008/0247 */

¹² The package includes: 1) Proposal for Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the EU greenhouse gas emission allowance trading system; 2) Proposal for Decision of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020, and 3) Proposal for Directive of the European Parliament and of the Council on the promotion of use of renewable energy sources {COM(2008) 16} {COM(2008) 17} {COM(2008) 19}/* SEC/2008/0085 final */

As is the case with all completed impact assessments they are all accompanied by a brief report of the Commission's Impact Assessment Board expressing its opinion on the quality of the assessment as such and recommendations for improvement.¹⁴

There is no room here to discuss each IA separately so, based on desk research we only briefly present some preliminary conclusions which feed into a set of interview questions (see annex), and will be further elaborated after having completed interviews with a number of key actors. What becomes clear from the three Impact Assessments is that there is no run-of-the-mill format to be used. Each IA follows its own logic and uses its own methods and data, depending on the policy proposal at stake. The main challenge of the IA is to translate broad and abstract policy proposals into plausible and concrete expected outcomes. A standard approach is to 'calculate' the impacts of three or more policy alternatives. Depending on what sources of evidence are available several techniques are used such as modelling, expert opinions, inter service consultation (i.e. consultations between Directorates-General within the Commission), consultation with stakeholders outside the Commission, existing datasets, handbooks, indexes, case studies. IA procedures always make use of existing knowledge and never develop data themselves. In terms of addressing territorial impact this may have consequences as (apart from ESPON) there is little territorial data available. In this sense it was, for example, striking to see that the renewable energy Impact Assessment did not address territorial issues at all (such as the surface area needed for the production of bio fuel), but mainly focused on the economic consequences for energy customers. Only in the case of proposals with a clear and immediately obvious territorial dimension, such as the aid for farmers in areas with natural handicaps and railway freight transport, is the territorial dimension taken into account. In other cases, for example, land use impacts, this is less likely to happen and only takes place if the Impact Assessment Board asks for it.

To establish a more complete picture of the IA procedure and its potential to address territorial issues it is necessary to complement the desk-analysis with information drawn from the expertise of directly involved practitioners. It is envisaged within a next stage of the project to conduct interviews with project leaders of the three IA's, DG Regio officials involved in IA's and, in order to obtain a further overview, with Impact Assessment Board members. The list of questions attached in the annex will provide further guidance for the interviews.

4.3 Experiences and practices in TIA

At the 2001 ECTP/CSD conference several participants indicated that in their country bits and pieces of what could be called territorial impact assessment were carried

¹³ Communication from the Commission (...) Towards a better targeting of the aid to farmers in areas with natural handicaps {SEC(2009) 449} {SEC(2009) 450} {SEC(2009) 451}

¹⁴ All completed Impact Assessments plus accompanying proposal and opinion of the Impact Assessment Board can be downloaded from: http://ec.europa.eu/governance/impact/iab_en.htm.

out, although the regulatory base differs greatly and is not always there (ECTP/CSD 2001). Only in a few countries is some form of territorial impact assessment standard practice, i.e. Germany, Switzerland and Austria. In the latter two – where the partly obligation to carry out a TIA or a *Raumverträglichkeitsprüfung* is based on law – TIA is directed to the identification of possible territorial impacts in relation to concrete projects. What is important, though, is that among the Member States there is no common understanding of TIA. The remainder of this section will present a brief overview of TIA experiences in the following selected Member States: (in order of appearance) NL, UK, SE, AT, GE, SL, FR.

Netherlands

The Netherlands recently experienced significant impact of a number of EU directives. Most notable examples are the directives on air quality, birds and habitat, nitrate, procurement and water (e.g. Ravensteyn & Evers 2004, Waterhout 2008, Korthals Altes 2006, Dühr et al. 2010). The common consensus why these directives cause impact (sometimes more than in adjacent countries) develops around notions of improper transposition into national legislation (i.e. including elements on top of the directive to new legislation), lacking coordination horizontally between sector departments and vertically between national and decentralised administrations (i.e. governance) as well as external legal factors such as the relative ease with which a case can be brought to court. Territorial impact of EU policies is most strongly felt at the local and regional levels. Once the impact is felt there, however, it is too late to influence the EU policymaking process.

There is no such tool as a TIA in the Netherlands. Common appraisal instruments include the Environmental Impact Assessment, Strategic Environmental Assessment as well as Multi Criteria Analyses and business cases, which are applied to projects as well as, in cases, policies. Land use plans and infrastructure plans, for example, always are subject to EIA. Whilst EIA pays some attention to effects on land use in the narrow sense, it does not address wider territorial implications, nor do the other instruments.

Another method at the level of policy making that could be regarded a form of TIA concerns the procedures and governance principles that apply to spatial and sector policy development in general. The various coordination systems at national level including interdepartmental writing teams, inter departmental policy preparation committees at various levels of seniority, with the national spatial planning commission consisting of director generals where both spatial and sectoral policies with spatial impact are negotiated as the highest body, and finally the ministerial council for spatial planning and environment, ensure that policy proposals are discussed from a range of perspectives, including the possible spatial implications. This is generally regarded as an effective system. Specifically with regard to EU policy implementation (dealt by according to the principle of 'departmental

autonomy') these coordination systems, which primarily target national policy, do not play a role. Interdepartmental committees dealing with EU policy development (i.e. the CoCo) do not play a role during transposing policies into national legislation.

In order to deal more specifically with the impact of EU policies the government has asked the Netherlands Environmental Assessment Agency to develop an easy to apply method. The 'quick scan' (NEAA 2009) that was the result of this exercise was regarded a good example of an assessment tool at the EU Seminar on the Impact of EU policies held on 5 March 2009 in Amsterdam (VROM 2009). It contains 16 questions that should be answered by specialists from all the layers of government and by specialists with different professional backgrounds (see annex).

United Kingdom

Over time UK spatial planning has been influenced by EU policies. However, there is little influence reported of EU directives, but rather of the European spatial planning discourse (Dühr et al. 2010). Hague et al (2008) report that policy makers within the UK experience inconsistencies between EU policies, mainly between environmental, cohesion, competition and energy policies. Also there is some tension between EU and domestic systems: a specific example concerns the river basin approach of the Water Framework Directive which does not synchronize with domestic administrative boundaries. Similar issues apply to special protection areas under the Birds and Habitat directives. Other policies causing significant impact are agricultural, fisheries and regional policy.

A report by Hague, Crawford & Gracy (2008)¹⁵ reveals that there is little explicit use of the TIA concept in the UK (England, Wales, North Ireland and Scotland), even amongst sophisticated professionals engaged in making spatial policies or assessing impacts of sectoral policies. Furthermore, the fact that so many other forms of impact assessment already exist makes practitioners uneasy about any requirement for TIA to become a standard practice.

In biggest the UK the main challenge for policy makers is how to deal with the sheer abundance of impact or appraisal instruments. Apart from EIA and SEA (which by some respondents are qualified as too limited in scope to address the comprehensive objective of planning) several other instruments are mentioned that in one way or the other (could) cover certain aspects of TIA. For example: sustainability appraisal, rural proofing, Regulatory Impact Assessment (RIA), Equalities Impact Assessments, Health Impact Assessment (HIA). At the 2001 ECTP/CSD workshop also mention was made of the New Approach To Appraisal in the field of transport. This NATA is a an integrated approach in that it looks at different impacts –

¹⁵ The report was drafted as a response to a questionnaire as part of analytical action led by the Netherlands under the First Action Programme of the Territorial Agenda of the EU (the Leipzig Agenda) to investigate current practice in Territorial Impact Assessment (TIA)

environmental impacts (landscape, biodiversity), economic impacts and social considerations (accessibility).

In Wales the spatial plan itself is increasingly being used as the yardstick along which possible territorial impacts are measured and assessed. To this end some experimenting is done with the 'Policy Integration Tool', which checks for the alignment of, for example, the Welsh Spatial Plan, with the overall government policies and sustainable development criteria.

Due to the assessment instrument congestion some thinking is going on about developing more general comprehensive assessment instrument. Recent work undertaken for CLG and RTPI by the Universities of Manchester and Sheffield has developed an interactive assessment approach which takes the spatial perspective as its focus. The starting point of this approach is formed by a comprehensible, meaningful and agreed set of territorial indicators that could provide the benchmark against which to assess territorial impacts. It identifies spatial outcome measures that are explicitly designed to be used in analytical "bundles" to examine trends in economic, social and environmental aspects of development and explore (both ex ante and ex-post) the impacts of alternative interventions (see text in the annex) (Hague et al. 2008). At the time of writing it is not clear whether or not this approach has been further developed and implemented.

Sweden

Sweden is influenced by EU policies, but up until now there is little evidence that this has led to discussions on a TIA-like instrument or the desirability of such an instrument. And if such an instrument would be designed and devised by the EU than it should be easy to use and not increase the bureaucratic burden.¹⁶ Sweden itself does not know an instrument comparable to TIA.

Depending on which source is followed territorial development in Sweden is influenced by various EU policies. Mention is made of CAP, TEN and environmental policies to exert most impact on territorial development in Sweden.¹⁷ There is no evidence that these policies contradict each other. Nor do they cause difficulties for the planning practice, which is decentralized to mostly local authorities.

A recent study by Hague (2010) reveals that on top of the above mentioned policies also air quality policy has an impact in a sense that in particular for urban areas this has led to debate. More important however is the Lisbon Strategy and EU competition policy which raises fundamental questions regarding the traditional

¹⁶ Based on the response of the Swedish government to a questionnaire of the Netherlands – a task carried out under the First Action Programme of the Territorial Agenda of the EU (the Leipzig Agenda) to investigate current practice in Territorial Impact Assessment (TIA). Questionnaire was filled out based on a consultation of staff of the Ministry of Enterprise, Energy and Communications, Division for Regional Growth.

¹⁷ Idem.

decentralized and dispersed service provision as regards, for example, higher education. Also the ban on regionalized taxes on petrol, as devised by EU competition policy, for example causes significant disadvantage on people and firms located in peripheral areas.

Austria

In the case of Austria, TIA procedures date back to 1959 (Healy, 2001) and are practised at local/regional level. Legal requirements for the tool under the term „Raumverträglichkeitsprüfung“ are embodied in the regional planning acts of some of the provinces (‘Länder’) focusing on the territorial impact of large scale projects in an early phase of the project development: Carinthian law provides for a formal procedure, Lower Austria understands the tool as part of basic research on local level and in Upper Austria the Raumverträglichkeitsprüfung appears as term for supra-local consideration of interest. The remainder of provinces implement similar interoffice procedures mostly for certain project types, i.e. cable cars, shopping centres. (ÖIR, 2000)

The proceeding is conducted during a project’s drafting stage to aid decision-making of local planning authorities and investors to evaluate projects and if necessary develop alternatives (Dallhammer, 2004).

Additionally a stakeholder survey undertaken in 2008 (Dallhammer, 2008) mentions the following existing methods for the further assessment of territorial impacts:

- EU evaluations in the course of the preparation of operational programmes or in the investigation of their effects
- Monitoring and spatial planning reports among others in the course of the evaluation of regional planning acts (e.g. Salzburg)
- The study of spatial effects of plans and programmes as part of the Strategic Environmental Assessment (in particular for traffic) as well as implementation reports of the SEA of the Federal Ministry of Agriculture, Forestry, Environment and Water
- Interdisciplinary collaboration of planning departments in some *Länder* leading to statements of territorial consequences of sectoral policies.

Germany

In Germany TIA-style procedures have a rather long tradition. Components of TIA exist within the legislation for spatial planning under the term “Raumordnungsverfahren”. Legal basis for the proceeding are the federal spatial planning act, (federal) spatial planning regulations and the state planning law,

The procedure assesses whether territorially relevant plans, policies and measures are in tune with the aims and objectives of official planning policies. Every major

project and regional planning document (especially in the areas of human settlement, industry, transport, energy and waste disposal) must undergo this procedure before it can be approved by the regional parliament. This is most relevant for major infrastructure and large retail developments (Hague, 2008).

The federal transport infrastructure planning for example, the *Report EU Seminar on Territorial Impact of EU policies* (VROM, 2009) states that “*the assessment procedure allows for the transparent and comparable assessment of the relevant spatial development aspects in the context of the whole network. The crucial aims and requirements of spatial development will be implemented by identifying project-related elements of spatial relevance in the two fields of ‘distribution and development aims’ and ‘congestion relief and shift to other modes of transport’*”.

Slovenia

The closest appraisal to territorial impacts in Slovenia are environmental impact assessments (regulated by the Environmental Protection Act, 2008) and the impact assessment of project alternatives in the course of preparing the national plan for highway construction (Golobič/Marot, 2008).

Within the framework of a research project, Slovenia has developed a pilot instrument (Urbanistični Inštitut RS, 2008) for TIA since 2007. It is an online-based tool that allows experts to assess impacts of individual policy measures on spatial structures. This instrument is supposed to improve the quality and coherence of the policy-making process.

The first level of the assessment concerns the quantitative and qualitative evaluation of each of the measures and their potential impacts. Based on a scale from –2 to +2 the impacts are rated and additionally described. This step of the analysis is done by an interdisciplinary group of experts, using the internet support tool for interactive evaluation and storage of the results in the database.

On the next level impacts are aggregated according to their primary elements (physical, socio-cultural, economic) using a relational input-output matrix. In the last step, correlation analysis aggregates the impacts again, according to their interrelations (territorial identity, quality and effectiveness). Impacts are determined on a territorial scale of NUTs 3 regions.

In a practical application, not only experts but also policy makers and stakeholders should be actively involved in the assessment procedure (VROM, 2009). The described TIA has been tested on the National Energy programme and is currently not integrated in any formal procedure.

France

France uses a computer application called “PRESAGE” for the monitoring, management and the control of operational programmes and contracts between the state and the regions. The application allows for appreciating the territorial impact of regional projects according to the European nomenclature relating to the territorial dimension.

The territorial impact in France is measured under sectoral angles, for example the impact of the program in terms of green house gas emissions or created jobs for the economic dimension.¹⁸ A comprehensive tool to assess the territorial impact of policies does not exist, it is the confrontation of data provided by various tools that gives an indication of the impact on territories and regions of different size.

This instrument of evaluation can be used for different options:

- The Presage-CTE-application allows for appreciating the spatial impact of regional projects according to the European nomenclature relating to the territorial and regional dimension.
- The Presage-CTE-tool can also locate a project geographically on the different administrative levels.
- Beside it allows to attach a project to a special territory of project. This approach makes it possible to bring a financed project closer to a territorial strategy carried by a territory of project. Such a project is then likely to have a positive territorial impact;
- The application allows to appreciate the territorial impact of a project too, compare the European nomenclature relating to territorial dimension.¹⁹

The main ambition is therefore to tend the territorial impact of the operation. Today the Presage computer application is used in other European countries – for example in Germany – to evaluate the territorial impacts of the policy of the European Union too.

4.4 DATA sources (incl. EU candidate countries)

In order to capture sensitivity of regions to EU legislation it will be necessary to tap on various data sources. As explained in the methodological section of this report sensitivity may be covering various realms within a territory.

Certainly a first best way would be to follow exactly the systemic link between the cause (i.e. EU legislation as translated into EU directives) and the various effects (intended as well as unintended). The systemic links (in the sense of positive and negative feedback loops) would be depicted by functional chains linking not only

¹⁸ B2_Discussion paper NL, S. 7f.

¹⁹ B2_Discussion paper NL, S. 7f.

causes and effects, but covering all aspects of these effects (economic, social, environmental, cultural). The ongoing Regions 2020 project commissioned by DG Regio provides some examples of such systemic pictures.

What can be learned from the Regions 2020 project with respect to data availability and regional coverage of data is that we are facing considerable data gaps on the regional level in some aspects of territorial impacts. Especially social impacts as well as environmental impacts are difficult to be captured on a NUTS 2/3 level for the entire ESPON space.

5 Distribution of work packages among partners, the break down of the project's budget on the individual partners per budget line

5.1 Distribution of Work

The bulk of the project, in terms of preparation and delivery of the Final report, will encompass fifteen months, tentatively from early March 2010 to end of May 2011. Subsequent months will be devoted to dissemination and discussion of results, both in scientific and policy-oriented contexts.

The proposed Work Packages are organised as follows (see timetable)

WP1: Coordination: 15 + 6 months, involving the Lead Partner

This WP will assure consistency of scientific approach, parallel working of all PP in the different areas assigned, cross interaction among partners, keeping with duties and deadlines.

WP2: Activities: 15 months, tentatively from March 2010 to May 2011; all PP involved

WP2.1: Literature and data: 3 months, up to the Inception Report, all PPs

Literature review will concern:

- the different aspects of the Territorial Impact Assessment methodology (LP and PP2),
- the analysis of existing experiences through a limited number of IA case studies, i.e: a set of already completed IA's will be analysed and interviews will be

conducted with key stakeholders in order to assess if and how a territorial dimension could be integrated in future IA's (PP3),

- the collection of recent experiences and practices in Territorial Impact Assessment in some interesting countries (Netherlands, Sweden, France, Germany, Austria, Slovenia, UK) (LP, PP3, PP4).

Inquiry on data availability will concern mainly data on territorial capital (PP2); other assessments on data on territorial specificities are already available inside ESPON.

WP2.2: Policy screening and Directives selection – 6 months, up to the Inception Report, all PPs

Selection of directives is a crucial initial task. Selection criteria are :

- likely relevant territorial impact,
- simplicity: avoiding directives with multiple goals, multiple targets and multiple intervention tools
- precision in the policy measures/intensity.

The suggestions given in the Impact Assessment Guidelines for directive drafting are relevant: objectives should be SMART: Specific (precise and concrete), Measurable, Achievable, Realistic, Time-dependent (related to fixed date or time period).

WP2.3: Scientific approach and methodology – 6 months, up to the Inception Report, all PPs

In this WP the following activities will be carried out:

- the construction of the common vector of potential impacts to be used in all directive analyses and included in the Directive Exposure Matrix (all partners)
- the methodology of the sensitivity analysis: Logical chain tree (LP, PP3, PP4), Dynamic modelling (LP), territorialization of impacts (PP2), governance filter and its empirical approach (PP3)

WP2.4: Directive Exposure Matrix – two months, up to November 2010, all PPs

The analysis will be carried out on each of the (approx.) 12 directives and the Directive Exposure Matrix will be built. For each directive the logical chain between policy measure and typology of impact will be analysed, with a common concept but allocating single fields to each partner:

- agriculture, fisheries and society (LP)
- economy and infrastructure (PP2)
- environment (PP4)
- habitat and land (PP3)

WP2.5: Experts and stakeholder interaction- 1 month, December 2010, all PPs

The Directive Exposure matrix and the methodologies for territorialization of impacts (WP2.6) will be discussed with external experts and ESPON stakeholders.

WP2.6:

Regional Sensitivity Filter and Territorial Impact Matrix – two months, up to January 2011, all PPs

This will be the core of the quantitative/qualitative analysis: impacts will be diversified by region according to specificities in terms of Territorial capital, Geo-morphological and Performance indicators, Governance elements. The usual allocation of directive fields among all PPs will be followed.

WP2.7: Test Directives – 2 months, up to February 2011 – LP, PP2 and PP4

Three directives will be chosen and allocated to LP, PP2 and PP4, in order to deepen the sensitivity analysis. The use of a dynamic simulation model will be carried out as long as possible (LP) and applied to the three cases. Maps on regional and territorial sensitivity will be produced for each case.

WP2.8: Governance Case Studies – 2 months, up to February 2011 , PP3

PP3 will carry out empirical analyses on how governance structures impinge on sensitivity and outcomes of EU directives. Regional case studies will be selected referring to the 3 test directives, as well as the governance filter mentioned in WP 2.3.

WP2.9: Conclusions and recommendations – 4 months up to May 2011, all PPs

Some early conclusions and policy recommendations will be drafted in the month of January, in time for the Draft Final report. Refinements and elaboration will be carried out in the subsequent three months during the drafting of the Final Report.

WP3: Dissemination – 6 months up to November 2011 – LP and PP2 mainly

The dissemination phase will host the following activities:

- presentation and discussion of methodology and results in scientific meetings and international conferences, due to the methodologically innovative character of the research project. A scientific workshop could also be organised in cooperation with the ESPON MC;
- presentation of results at DG REGIO, and subsequently at the DGs involved in the directives chosen as case studies, with possibility of interactive change and feedbacks collection;

- presentation of results at the national level, still with a comparative goal and specific aim of interests (results are relevant mainly in an interregional comparative setting);
- presentation and discussion of results in some regional cases where case studies highlight specific or critical results.

Partners involved: mainly LP and PP2.

Table 1: Workpackages and Timetable

WP	First year												Second year																											
	Mar 10	Apr 10	May 10	Jun 10	Jul 10	Aug 10	Sep 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11	Jul 11	Aug 11	Sep 11	Oct 11	Nov 11																			
WP1 Coordination	OIR												OIR																											
WP2.1 Literature Review and Data Collection	OIR BEST OTB																																							
WP2.2 Policy Screening and Directive Selection	ALL																																							
WP2.3 Scientific Approach and Methodology	ALL																																							
WP2.4 Directives Typology Matrix a) Agriculture, Fisheries and Society b) Economy and Infrastructure c) Environment d) Habitat and Land							OIR a		BEST b		PBL c		OTB d																											
WP2.5 Sensitivity Matrix a) Agriculture, Fisheries and Society b) Economy and Infrastructure c) Environment d) Habitat and Land							OIR a		BEST b		PBL c		OTB d																											
WP2.6 Experts and Stakeholders Interaction											ALL																													
WP2.7 Test Directives a) Agriculture, Fisheries and Society b) Economy and Infrastructure c) Environment							OIR a		BEST b		PBL c																													
WP2.8 Governance Case Studies							OTB																																	
WP2.9 Conclusions and Recommendations													ALL																											
WP3 Dissemination													ALL																											
Output Timetable	Inception Report (IR)					31st August 2010					Draft Final Report (dFR)					28th February 2011					Final Report (FR)					31st May 2011					Dissemination					30th Nov. 2011				
	OIR						BEST		PBL		OTB		ALL																											

5.2 The breakdown of the project's budget on the individual partners per budget line

The following table shows the breakdown of the project's budget on the individual partners per budget line:

Table 2: Overview on the breakdown of the ESPON ARTS budget

6 Project specific Part

6.1 Relevance Filter

The relevance filter was developed as a tool to screen policies in order to attain a selection of 10-15 territorial relevant directives. This filter contains 3 steps:

(a) Eur-Lex Filter

The website of Eur-Lex (http://eur-lex.europa.eu/RECH_menu.do) contains all legal documents of the EU. A refinement of the search enquiry is the first filtering step towards the relevant directives:

- Excluding the words 'amending', 'adapting', 'correcting' from the **search terms**. Once the relevant directives are identified, it has to be checked, if there are any important amendments to these specific documents. (Search for: 'directive'; exclude: 'amending', 'adapting', 'correcting')
- Reducing the **time frame**: the coming into effect of the Treaty of Maastricht '93 is the starting point of the time frame (1993.01 – 2010.12)
- Singling out directives as the relevant **document type**, also found under the headline **legislation** (directives). At this step one should **restrict the search to acts in force**
- Using **classification headings** to search only within one topic (i.e. agriculture, environment...) All together there are 20 categories.

(b) Title check

After the Eur-Lex filter, the number of directives should have decreased significantly. The next steps comprise reading through the titles of the directives and sort out those which

- do not cover the entire EU (directives targeting single states)
- have self evidently no territorial impact (i.e. statistics, marketing measures,...)
- Filter out substantively overlapping directives (e.g. choose only one on water, air, noise, safety, etc) best done by choosing the most recent one.

(c) Text check

This last step involves reading through the directives and assess if it has a potential effect on the territorial based economy of a region, the society and population as well as on the built and natural environment. It also includes rating these potential impacts into no-, low-, high- or unknown relevance.

This rating of hypothetical intensity or importance of impact is based on expert judgment.

This quick scan is documented in an excel-sheet, which is decisive for the selection of 5 – 8 directives per partner.

Table 3: Relevance filter process

Number of directives	Result of Eur-Lex filter	Result of title check	Result of text check – selection for potential analysis
4396 directives	1393 directives	149 directives	28 directives

6.2 Directive/Typology Matrix – proposal of a list of Directives to be analysed in ESPON ARTS

The implementation of the relevance filter leads to the preliminary result of the following proposed directives. Subsequently to the discussion with the CU an ensemble of 10-15 directives will be chosen and analysed in terms of their sensitivity through the Directive/Typology matrix. In this matrix the types of potential territorial impact of the directives are linked with the sensitivity to impacts on territory and governance structures.

The proposed directives are lists in the following table. A short description can be found in the annex.

Code	Category	Title	Potential territorial impact on															
			Economy					Society		Built Environment			Natural Environment					
			Production	Agriculture	Services (public)	Services (private)	Tourism	Health	Social disparities	Transport system	Land use	Regional development	Soil	Water	Air	Fauna/Flora/Habitat		
1999/30/EC		relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air	high rel.	low rel.	no rel.	no rel.	no rel.	high rel.	no rel.	high rel.	high rel.	high rel.	no rel.	no rel.	high rel.	no rel.		
2000/60/EC		establishing a framework for Community action in the field of water policy	high rel.	high rel.	low rel.	no rel.	low rel.	no rel.	no rel.	low rel.	high rel.	high rel.	high rel.	high rel.	high rel.	no rel.	high rel.	
2001/42/EC		on the assessment of the effects of certain plans and programmes on the environment	low rel.	low rel.	low rel.	no rel.	low rel.	high rel.	no rel.	no rel.	high rel.	high rel.	high rel.	high rel.	high rel.	high rel.	high rel.	
2001/77/EC		on the promotion of electricity produced from renewable energy sources in the internal electricity market	low rel.	low rel.	no rel.	no rel.	no rel.	low rel.	no rel.	low rel.	high rel.	high rel.	high rel.	high rel.	high rel.	high rel.	high rel.	
2003/30/EC		on the promotion of the use of biofuels or other renewable fuels for transport	low rel.	high rel.	no rel.	no rel.	no rel.	no rel.	no rel.	no rel.	high rel.	high rel.	low rel.	low rel.	low rel.	low rel.	low rel.	
2004/35/CE		on environmental liability with regard to the prevention and remedying of environmental damage	high rel.	high rel.	no rel.	low rel.	low rel.	low rel.	low rel.	high rel.	high rel.	low rel.	high rel.	high rel.	no rel.	high rel.	high rel.	
2004/48/EC		on the enforcement of property rights	high rel.	high rel.	low rel.	high rel.	no rel.	no rel.	no rel.	no rel.	no rel.	high rel.	no rel.	high rel.	no rel.	no rel.	no rel.	
2004/52/EC		on the interoperability of electronic road toll systems in the Community	low rel.	low rel.	low rel.	low rel.	high rel.	high rel.	no rel.	no rel.	high rel.	no rel.	low rel.	low rel.	no rel.	no rel.	no rel.	
2007/36/EC		on the exercise of certain rights of shareholders in listed companies	high rel.	no rel.	no rel.	high rel.	no rel.	no rel.	no rel.	no rel.	no rel.	low rel.	high rel.	no rel.	no rel.	no rel.	no rel.	
2008/114/EC		infrastructures and the assessment of the need to improve their protection	high rel.	low rel.	high rel.	high rel.	high rel.	low rel.	low rel.	high rel.	low rel.	high rel.	no rel.	no rel.	low rel.	no rel.	no rel.	
2009/33/EC		on the promotion of clean and energy-efficient road transport vehicles	high rel.	no rel.	high rel.	high rel.	low rel.	high rel.	no rel.	high rel.	no rel.	low rel.	no rel.	no rel.	high rel.	no rel.	no rel.	
2009/40/EC		on roadworthiness tests for motor vehicles and their trailers	low rel.	no rel.	low rel.	low rel.	low rel.	high rel.	no rel.	high rel.	no rel.	low rel.	no rel.	no rel.	high rel.	no rel.	no rel.	
2009/65/EC		on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS)	low rel.	low rel.	low rel.	high rel.	low rel.	no rel.	unknown	no rel.	no rel.	high rel.	no rel.	no rel.	no rel.	no rel.	no rel.	
2010/31/EU		on the energy performance of buildings	high rel.	low rel.	low rel.	low rel.	low rel.	no rel.	no rel.	no rel.	unknown	low rel.	low rel.	low rel.	low rel.	low rel.	low rel.	
2000/78/EC		establishing a general framework for equal treatment in employment and occupation	high rel.	low rel.	high rel.	high rel.	low rel.	no rel.	high rel.	no rel.	no rel.	high rel.	no rel.	no rel.	no rel.	no rel.	no rel.	
2001/81/EC		on national emission ceilings for certain atmospheric pollutants	high rel.	low rel.	no rel.	no rel.	no rel.	low rel.	no rel.	high rel.	no rel.	high rel.	high rel.	high rel.	high rel.	no rel.	no rel.	
2002/49/EC		relating to the assessment and management of environmental noise	low rel.	no rel.	high rel.	no rel.	no rel.	high rel.	no rel.	high rel.	high rel.	low rel.	no rel.	no rel.	no rel.	no rel.	no rel.	
2003/49/EC		on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States	high rel.	no rel.	high rel.	low rel.	no rel.	no rel.	no rel.	no rel.	no rel.	low rel.	low rel.	no rel.	no rel.	no rel.	no rel.	
2005/56/EC		on cross-border mergers of limited liability companies (Text with EEA relevance)	high rel.	no rel.	no rel.	high rel.	no rel.	no rel.	no rel.	no rel.	low rel.	low rel.	high rel.	no rel.	no rel.	no rel.	no rel.	
2006/112/EC		on the common system of value added tax	low rel.	low rel.	no rel.	high rel.	low rel.	no rel.	unknown	no rel.	no rel.	low rel.	no rel.	no rel.	no rel.	no rel.	no rel.	
2008/110/EC		on safety on the Community's railways	low rel.	no rel.	low rel.	high rel.	high rel.	high rel.	no rel.	high rel.	no rel.	low rel.	no rel.	no rel.	no rel.	no rel.	no rel.	
2008/56/EC		establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)	low rel.	high rel.	no rel.	no rel.	low rel.	no rel.	no rel.	low rel.	no rel.	no rel.	no rel.	high rel.	no rel.	high rel.	high rel.	
2009/120/EC		on the Community code relating to medicinal products for human use as regards advanced therapy medicinal products	high rel.	no rel.	high rel.	high rel.	no rel.	high rel.	low rel.	no rel.	no rel.	low rel.	no rel.	no rel.	no rel.	no rel.	no rel.	
1998/49/EC		on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community	high rel.	low rel.	high rel.	high rel.	high rel.	low rel.	low rel.	no rel.	no rel.	high rel.	no rel.	no rel.	no rel.	no rel.	no rel.	
2002/99/EC		laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption	low rel.	high rel.	high rel.	no rel.	no rel.	high rel.	no rel.	no rel.	no rel.	no rel.	no rel.	no rel.	no rel.	low rel.	low rel.	
2005/36/EC		on the recognition of professional qualifications (Text with EEA relevance) (INCL. 99/42, 95/43, 92/51, 89/48)	high rel.	high rel.	high rel.	high rel.	high rel.	high rel.	high rel.	high rel.	no rel.	no rel.	high rel.	no rel.	no rel.	no rel.	no rel.	
2008/106/EC		on the minimum level of training of seafarers (recast) (Text with EEA relevance) (INCL. 01/27 und 2 weitere)	low rel.	no rel.	high rel.	high rel.	no rel.	low rel.	no rel.	high rel.	no rel.	high rel.	no rel.	high rel.	no rel.	low rel.	low rel.	
2009/128/EC		establishing a framework for Community action to achieve the sustainable use of pesticides	high rel.	high rel.	low rel.	no rel.	unknown	high rel.	no rel.	no rel.	high rel.	no rel.	high rel.	high rel.	high rel.	high rel.	high rel.	
2009/145/EC		providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties	no rel.	high rel.	no rel.	no rel.	low rel.	unknown	no rel.	no rel.	high rel.	high rel.	high rel.	high rel.	low rel.	low rel.	high rel.	

7 Overview of more detailed deliveries and outputs envisaged by the project

In the course of this project a relevance filter was developed. This filter is a procedure to be used by policy makers in order to scan for potentially territorial relevant directives.

A comprehensive and logical framework combining the exposure of legislation with the regional sensitivity leading to an estimation of the impact of policy decisions on European level will be developed. This will contain the following elements:

- A **Directive Exposure Matrix** with a list of types of exposure
- A **Regional Sensitivity Filter** defining the sensitivity of different types of regions according to the types of exposure
- A **Territorial Impact Matrix** combining the sensitivity of a type of region – through a sensitivity filter – with the exposure resulting in a statement about the impact of a directive.
- A methodology, how to complete the directive impact matrix for new or existing directives

10-15 directives with a analysis of their exposure on regional development combined with the sensitivity of different types of regions is another output of the project. Thereby logical chains will be built through qualitative analysis with reference to “problem/causal trees” and the use of relevant indicators and data.

Three test directives will be singled out and subjected to an exemplary in-depth analysis on regional sensitivity. Maps on regional and territorial sensitivity will be produced for each case. Additionally, the role of governance structures related to the outcomes of EU directives and sensitivity of regions will be examined for these test directives.

After the inception report, the next and final delivery is the (Draft) Final Report.

8 Indication of likely barriers that the project implementation might face

ESPON ARTS intends to define different types of legislation in order to assess the impact of a certain type of directive on the territorial development. In detail it should assess the impact of 10-15 European directives in general and of 3 in detail on regions.

The focus on directives allows especially to take governance aspects on board, as the implementation of an directive depends on the Member States. However,

Directives are only one part of EU legislation. Thus, the concentration on directives does not allow to draw conclusions on other EU legislations as e.g. on regulations.

Furthermore, it turns out that the development of a typology of legislation based on literature review is not useful, as the potential exposure deriving from a directive is quite specific and has to be assessed in detail in order to get valid results. So it is doubtful to find a methodology allowing to provide conclusions about a regional differentiated impact of a type of directive that will lead to an outcome that can be used in the policy development process.

9 Orientation of the project previewed towards the Draft Final

The following steps will be taken in order to proceed towards the draft final report:

1. Development of the **Directive Exposure Matrix** including a definition of types of exposure
2. Setting up the **Regional Sensitivity Filter** by defining the types of regions used and defining the different sensitivity of each type according to the types of exposure.
3. Development of the **Territorial Impact Matrix** by the agreement of the rules for combining exposure and sensitivity to the impact
4. Elaboration of logical chains for selected directives linking the legislation to the types of exposure considering the direct, indirect and “filtered” effects
5. The results of the territorial impact matrices will be mapped accordingly, in terms of 5-6 classes.

This entire procedure will be followed for each of the 12 directives selected.

For the in-depth **IA case study** (see chapter 4.2) the next step is to interview the keyplayers.

Annex

A1 Types of territorial impacts to be assessed

<p>Economic effects</p> <ul style="list-style-type: none"> – Competitiveness, trade and investment flows, – Sectoral production and profitability, – Cross-border relocation of economic activity, – Innovation and R&D (given the attraction to large metropolitan areas and advanced regions), – Property rights (a fundamental issue in relation spatial planning; see Needham, 2006), – Accessibility
<p>Social and cultural effects</p> <ul style="list-style-type: none"> – Access to services of general economic interest (the origin of the principle of territorial cohesion and codified in the Amsterdam Treaty) – Employment and labour markets (given the specialization differentiation among territories) – Social impact on – amongst others – localities (the latter form a territorial unit), – Impacts on health due to changes in the amount of noise, air, water and soil quality (apart from soil quality – the draft directive has been turned down by the EP – there are directives on every environmental component which have an effect on territorial development and policy) – Impact on the cross-border provision of services and cross-border cooperation in terms of health and educational systems, – Impact on the preservation of cultural heritage (the latter has been introduced in the ESDP as an important object of European spatial planning policy) and cultural diversity
<p>Environmental effects</p> <ul style="list-style-type: none"> – Influence on the demand for transport and/or modal split (obviously a highly relevant spatial planning issue) – Effect on emissions and air pollution (relevant for land-use and quality of life in general) – Effects on the energy intensity of the economy (relevant for territorial efficiency, as it pertains to transport network provision and land-use patterns, which are spatially differentiated) – Influence on the number and range of species (this concerns the qualities of areas and places in terms of natural heritage) – Effects on endangered species, their habitats or ecologically sensitive areas (different kinds of territorial units are explicitly mentioned here) – Effect on the increase of landscape fragmentation which may effect migration routes, ecological corridors or buffer zones (territorial integration of nature is the obvious spatial concept behind this) – Effects on the scenic value of protected landscapes (again: a territorial category is the key issue here) – Water quality and resources (the water system approach is leading as is explicitly stated in the EU Water Framework Directive to which this refers), especially in coastal areas – Soil quality or resources, including the loss of soil through urbanisation (this basically addresses land-use; the background is formed by the Soil Framework Directive which was proposed in 2004 but was eventually rejected in the EP) and soil erosion – Effects on land use, mainly in terms of the use of greenfield sites, urban sprawl and the separation of rural and urban areas (this is a classic issue of spatial planning), – Change in types of agriculture and wood/forest development (impact on cultural landscapes) – Waste production, generation and recycling (there are obvious links with land-use here).

Source: adapted and enlarged from Zonneveld and Waterhout, 2009

A2 Interview guidance for assessing the IA application

Interview guidance

General questions on procedure:

- how long has the IA process taken?
- which directorate/unit was coordinating the IA (had they experience and/or assistance in carrying out the IA)?
- officials of which DGs took part in the Impact Assessment Steering Group (IASG)? How were they selected?
- Have other (non-CEC) stakeholders showed interest in the IA, and did they participate in the IASG?

IA approach and way of working:

- The IA procedure leaves room to decide on the approach to take, how was the approach determined for this particular IA and why was this deemed the best way?
- How was the work and preparation of draft texts organized? What was the general atmosphere within the Impact Assessment Steering Group? Was the topic political? Resistance/cooperative/etc?

Data gathering:

- How is impact determined?
- What qualitative sources have been used?
- What quantitative sources were available?
- What is done in the case that few sources/data are available, but impact is expected?

Territorial aspects:

- Have territorial aspects been considered? And if so, where did the initiative come from?
- Were representatives of DG Regio taking part in the IASG?
- How have territorial issues been dealt with, qualitatively and quantitatively?
- What problems did the IASG encounter in order to estimate territorial impact? How have they been dealt with?
- How has been dealt with the territorial diversity of the EU?
- Have governance aspects been considered too?
- Any further suggestions on establishing territorial impact?

A3 An example of existing TIA: The 'quick scan' of the Netherlands Environmental Assessment Agency

The NEAA-TIA strategy in a nutshell

The TIA strategy is a set of guidelines specifying what kind of assessment would be appropriate for a proposal from the European Commission. This is dependent on a number of factors, such as the specific knowledge requirements of the Dutch Government, the degree to which effects are deemed to be critical and the position of the proposal in the European policy-making process.

Step 1: survey the situation

a) Determine the policy phase on the basis of relevant documentation and procedures. [In the case of territorial cohesion, the European Commission has published a Green Paper which poses a number of questions to experts and Member States. For this reason, the PBL-TIA strategy identifies territorial cohesion to be in the so-called expert phase. After the consultation round, it will enter the Commission phase, where the Commission itself formulates policy options.]

b) Determine significance. This is done in consultation with the Ministry of VROM. The decision to commission the PBL for a TIA demonstrates that there is an expectation that this issue is important.

c) Determine knowledge requirements. [Since so much is open regarding territorial cohesion, this will necessitate an exploration of potential (likely and promising) alternatives which could play a role in the EU debate.]

d) Determine possible impacts. A number of decisions need to be made about the effects to be included in the analysis. For the analysis, the strategy identifies three criteria for determining critical effects of EC proposals.

- Extent of impact (e.g. magnitude, irreversibility, urgency)
- Relevance for the spatial structure
- Relevance for spatial policy and objectives

Step 2: analyse problem and context

In the second step, the problem to be solved by the proposed EU policy needs to be addressed. How did this problem arise and what are the driving forces behind it? What is expected for the future? Is the proposed policy the only solution or are there others? [In this case, there are a variety of problems that have been attached to territorial cohesion, such as balanced economic development, making optimal use of territorial capital and improving the coordination of sector policies.]

Step 3: identify alternative policy options

[In the case of territorial cohesion this step was performed on two levels because there are still many uncertainties about which problem is being addressed. First, a possible interpretation is identified and then, within this interpretation, potential policy options are elaborated.]

Step 4: estimate impact for the Netherlands

For this step, a number of questions are posed for each possible interpretation.

- Which actors will be affected by a territorial cohesion policy?
- To which extent will the legal and administrative framework change for these activities under the territorial cohesion policy?
- Which activities performed by these actors could be affected?
- Which geographical areas are affected and to which extent?
- To which extent do the actors experience this as an advantage or disadvantage?

Source: NEEA 2009

A4 An example of existing TIA: The interactive set of spatial outcome indicators for sustainable development in the UK

An interactive set of spatial outcome indicators for sustainable development

1. Additional commercial floorspace developed
2. Additional new homes completed
3. Percentage change in derelict land stock
4. Percentage of appeals allowed against refusal of planning permission
5. Change in inter- and intra-regional transport infrastructure capacity and connections
6. Percentage change of working age people in employment
7. Percentage change in the total number of VAT – registered business
8. Change in job density
9. Change in the level of commuting independence
10. Loss of protected land
11. Percentage of residents surveyed satisfied with their neighbourhood as a place to live.
12. Change in area of parks and green spaces per 1000 population
13. Change in carbon footprint (CO2 emission per capita)
14. Change in commuting mode (public transport)
15. Congestion: average journey time per mile during the morning peak
16. Percentage of residents surveyed finding it easy to access key local services
17. Percentage change in total resident population
18. Percentage of population who live in the 10% most deprived wards (Index of Multiple Deprivation)
19. Percentage of households that can afford to purchase the average first time buyer property.
20. Change in supply-side over-qualification index value

Source: Hague et al. 2008

A5 Short descriptions of the selected Directives

Priority A

Commission Directive 2009/145/EC of 26 November 2009 **providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions** and are threatened by genetic erosion **and of vegetable varieties** with no intrinsic value for commercial crop production but **developed for growing under particular conditions** and for marketing of seed of those landraces and varieties

Source <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:312:0044:0054:EN:PDF>

Interest of the theme

this Directive lays down certain derogations, in relation to the conservation *in situ* and the sustainable use of plant genetic resources through growing and marketing for acceptance for inclusion in the national catalogues of varieties of vegetable species, as provided for in Directive 2002/55/EC,

- of landraces and varieties which have been traditionally grown in particular localities and regions and threatened by genetic erosion; and
- of varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions;
- and for the marketing of seed of such conservation varieties and varieties developed for growing under particular conditions.

Typology of impact

Agriculture, land use, regional development, natural environment

Logical chain

The accepted use and marketing of landraces and varieties traditional to certain regions stimulates the agriculture in otherwise unfertile areas. This has effects on land use and acts as a unique selling point in tourism, triggering regional development.

Territorial differentiation of impact

High

Council Directive 2009/128/EC on the establishing a framework for Community action to **achieve the sustainable use of pesticides**

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:309:0071:0086:EN:PDF>

Interest of the theme

This Directive establishes a framework to achieve a sustainable use of pesticides by reducing the risks and impacts of pesticide use on human health and the environment and promoting the use of integrated pest management and of alternative approaches or techniques such as non-chemical alternatives to pesticides

Typology of impact

Production, agriculture, public services, health, land use, natural environment

Logical chain to impacts

These rules for the use of pesticides effect agricultural production: The promotion of alternative approaches alters the region's range of arable crops. Obligatory establishment of buffer- and safeguard zones (i.e. for surface and groundwater used for the abstraction of drinking water, areas used by the general public or by vulnerable groups) involves changes in landuse. Awareness building and limiting specific practices (especially aerial spraying) has an impact on public health and the natural environment.

Territorial differentiation

High

Council Directive 2002/99/EC laying down the **animal health rules governing the production, processing, distribution and introduction of products of animal origin** for human consumption

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:018:0011:0020:EN:PDF>

Interest of the theme.

This Directive lays down the general animal health rules governing all stages of the production, processing and distribution within the Community and the introduction from third countries of products of animal origin and products obtained therefrom intended for human consumption

Typology of impact

Production, agriculture, public services, health, fauna/flora/habitat

Logical chain to impacts

Constraining the freedom of movement of goods and services is justified in consumer protection and health concerns. It does however cause a territorial impact of agricultural production. The scope of additional monitoring for inspectors and veterinarians differs according to the size and density of the units to be monitored, having an impact on public services.

Territorial differentiation

Low

Council Directive 2008/106/EC on the **minimum level of training of seafarers** (recast)

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:323:0033:0061:EN:PDF>

Interest of the theme

The Directive sets out the rules on training and the standards of competence to be met by seafarers who are candidates for the issue or revalidation of certificates that allow them to perform the functions for which the relevant certificate of proficiency is issued. It includes regulations concerning rest periods for watch keeping persons and communication among crew members.

Typology of impact

Production, public and private services, health, transport, regional development, water and flora/fauna/habitat

Logical chain to impacts

Better training standards need adapted public services (i.e. tutors, educational institutions...). Highly qualified crew members and stricter labour legislation means on the one hand costs for shipping-companies which in turn demand higher prizes for the freight. On the other hand it means increased safety at sea, lower health risks for the crew and the general public.

Territorial differentiation

High

Council Directive 2005/36/EC on the recognition of professional qualifications

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2005L0036:20090427:EN:PDF>

Interest of the theme

This Directive establishes rules according to which a Member State which makes access to or pursuit of a regulated profession in its territory contingent upon possession of specific professional qualifications (referred to hereinafter as the host Member State) shall recognise professional qualifications obtained in one or more other Member States (referred to hereinafter as the home Member State) and which allow the holder of the said qualifications to pursue the same profession there, for access to and pursuit of that profession.

Typology of impact

Production, agriculture, public and private services, tourism, health, social disparities, regional development

Logical chain to impacts

The recognition of professional qualifications triggers regional development and all sectors of economy through creating a favourable environment for the movement of workers and establishment of service enterprises thus reduces social disparities.

Territorial differentiation

High

Council Directive 98/49/EC on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community

Source <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:209:0046:0049:EN:PDF>

Interest of the theme

The aim of this Directive is to protect the rights of members of supplementary pension schemes who move from one Member State to another, thereby contributing to the removal of obstacles to the free movement of employed and self-employed persons within the Community. Such protection refers to pension rights under both voluntary and compulsory supplementary pension schemes, with the exception of schemes covered by Regulation (EEC) No 1408/71

Typology of impact

Production, agriculture, public and private services, tourism, health, social disparities and regional development

Logical chain

Creating a favourable environment for the movement for workers, thus having an impact on all branches of economy, pushing regional development. The strengthening of pension rights reduces social disparities in areas with high emigration rates within the EU.

Territorial differentiation of impact

High

Council Directive 2008/114 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection

Source <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:345:0075:0082:EN:PDF>

Interest of the theme

This directive establishes a procedure for the identification of European critical infrastructures ('Elcs') and a common approach to the assessment of the need to improve the protection of people.

Typology of impact

accessibility, economic performance, quality of life, reduction of risk

Logical chain

Identification and investment in critical infrastructures in regions, especially in regions with low level of accessibility (e.g. below a threshold or locked national areas) should increase their competitiveness and GDP, and reduce disparities as compared to more accessible regions

Territorial differentiation of impact

Medium

Council Directive 2004/52 on the interoperability of electronic road toll systems in the Community

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:166:0124:0143:EN:PDF>

Interest of the theme

This directive lays down the conditions necessary to ensure interoperability of electronic toll system in the EC. This is of relevance to the removal of artificial barriers to the operation of the internal market.

Typology of impact

Accessibility, congestion, emissions, rail/road share

Logical chain to impacts

Interoperability of electronic road toll systems (namely for highways) is a means to improve road traffic and accessibility, mainly in cross-border regions, thus improving economic performance and reducing emissions and congestion time; it will also impact on competitiveness of road vs rail.

Territorial differentiation

Medium

Council Directive 2009/40 on roadworthiness tests for motor vehicles and their trailers

And related Directives

DIRECTIVE N°: 32000L0030

Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community

OJ L 203, 10.8.2000, p. 1–8

DIRECTIVE N°: 32010L0047

Commission Directive 2010/47/EU of 5 July 2010 adapting to technical progress Directive 2000/30/EC of the European Parliament and of the Council on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community OJ L 173, 8.7.2010, p. 33–46

DIRECTIVE N°: 32010L0048

Commission Directive 2010/48/EU of 5 July 2010 adapting to technical progress Directive 2009/40/EC of the European Parliament and of the Council on roadworthiness tests for motor vehicles and their trailers (Text with EEA relevance)

OJ L 173, 8.7.2010, p. 47–72

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:141:0012:0028:EN:PDF>

Interest of the theme

This directive aims at improving road safety and the environment.

Typology of impact

Safety, emissions, (economic performance)

Logical chain to impacts

Improving check of safety and efficiency vehicles should reduce emissions and accidents. This will also impose extra costs for users; on the other hand, this will generate extra income for automobile mechanics.

Territorial differentiation

Medium

Council Directives on the promotion of clean and energy-efficient road transport vehicles

DIRECTIVE N°: 32001L0001

Directive 2001/1/EC of the European Parliament and of the Council of 22 January 2001 amending Council Directive 70/220/EEC concerning measures to be taken against air pollution by emissions from motor vehicles

OJ L 35, 6.2.2001, p. 34–35

DIRECTIVE N°: 32001L0100

Directive 2001/100/EC of the European Parliament and of the Council of 7 December 2001 amending Council Directive 70/220/EEC on the approximation of the laws of the Member States on measures to be taken against air pollution by emissions from motor vehicles (Text with EEA relevance)

OJ L 16, 18.1.2002, p. 32–34

DIRECTIVE N°: 32002L0080

Commission Directive 2002/80/EC of 3 October 2002 adapting to technical progress Council Directive 70/220/EEC relating to measures to be taken against air pollution by emissions from motor vehicles (Text with EEA relevance.)

OJ L 291, 28.10.2002, p. 20–56

DIRECTIVE N°: 32003L0030

Directive 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport

OJ L 123, 17.5.2003, p. 42–46

DIRECTIVE N°32003L0076

Commission Directive 2003/76/EC of 11 August 2003 amending Council Directive 70/220/EEC relating to measures to be taken against air pollution by emissions from motor vehicles (Text with EEA relevance)

OJ L 206, 15.8.2003, p. 29–30

DIRECTIVE N°: 32009L0033

Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles (Text with EEA relevance) – INDICATOR: CO2 emissions

OJ L 120, 15.5.2009, p. 5–12

Source: http://eur-lex.europa.eu/Result.do?arg0=air+pollution&arg1=&arg2=&titre=titre&chlang=en&RechType=RECH_mot&idRoot=3&refinecode=LEG*T1%3DV112%3BT2%3DV1%3BT3%3DV1&Submit=Search

Interest of the theme

This directive aims at reducing vehicle emissions and at improving the environment.

Typology of impact

Emissions, economic performance

Logical chain to impacts

Additional technological improvements may be required to produce less polluting vehicle. This may turn into a higher propensity to introduce technical innovations in the manufacturing process as well as product innovations, and thus, to efficiency gains and growth in the medium-long term. However, this may also represent a source of extra cost for car manufacturers. These directives are likely to impact especially in regions with a higher rate of fleet renewal and higher income.

Territorial differentiation

Medium

Council Directive 2004/48 on the enforcement of property rights

Source <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:204:0027:0027:EN:PDF>

Interest of the theme

This directive aims at promoting innovation and creativity by supporting the enforcement of property rights such as patents and ultimately employment and competitiveness.

Typology of impact

Economic performance, innovation rate, employment

Logical chain

Creating a favourable environment for innovation and creativity turns into efficiency and productivity gains, GDP and employment growth.

Territorial differentiation of impact

High

Council Directive 2009/65 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS)

Source <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:302:0032:0096:en:PDF>

Interest of the theme

This directive is the main reference for the set of legislative tools implemented by the EU to face financial crisis.

Typology of impact

Economic performance, investment in real economy, employment

Logical chain

The introduction of new rules for the financial sector should limit volatility, promoting investments in other sectors. This should limit possibility of excessive and unbalanced profits from finance, increasing investments in other industries. Therefore, this directive should determine benefits for employment and all related issues.

Territorial differentiation of impact

High

Council Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:327:0001:0072:EN:PDF>

Interest of the theme

Pursuant this directive, member states must take necessary steps to maintain and improve 'good ecological and chemical status' of surface water and ground water quality in river basin districts, and achieve the highest ecological and chemical status reasonably possible within 15 years. Price mechanisms should be introduced for cost recovery of water services to provide an incentive to industry, households and agriculture to use water efficiently, thereby contributing to environmental objectives. Member States may bear in mind social, environmental and economic effects of the recovery as well as the geographic and climatic conditions of the region or regions affected.

Typology of impact

land use, agriculture, production, water quality, soil quality, public services

Logical chain

Good ecological and chemical conditions are determined by 1. the type of land use at the border of water bodies, now and in the past 2. the location within the river basin, upstream or downstream.

Territorial differentiation of impact

High

Council Directive 2001/42/EC of the European Parliament and the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:197:0030:0037:EN:PDF>

Interest of the theme

An environmental assessment shall be carried out during the preparation of plans or programmes (regarding agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development) which are likely to have significant environmental effects.

Typology of impact

land use, transport, regional development agriculture, tourism, natural habitats and soil/water/air quality.

Logical chain to impacts

The obligation to perform an environmental impact assessment may lead to other land uses, for example with regard to infrastructure. This can affect regional development potentials. Directive intensifies effects of EU-directives like the Bird/Habitat-directives. Real impacts depend on the way in which SEA is integrated into decision making. Territorial differentiation not only due to differences in regional environmental conditions, but also on the basis of administrative and juridical system in place.

Territorial differentiation

Medium/high

Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999L0030:EN:HTML>

Interest of the theme

This directive establishes limit values for air pollutants (sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead), methodology for assessing air quality and measurement. It also provides for maintaining quality where it is already good.

Typology of impact

Production (especially construction), transport, land-use, health, air quality

Logical chain

Areas exceeding air pollution norms (usually urban) are required to take measures to improve air quality. This can impact urban development (buildings and infrastructure). In addition, this directive should produce better air quality and health in affected regions.

Territorial differentiation of impact

High

Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage

Source <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0035:EN:HTML>

Interest of the theme

This directive introduces a polluter-pays system for environmental damage to Natura2000 areas. Environmental damage includes substances, preparations, organisms or micro-organisms. In addition to providing for punitive actions against polluters, the directive also stipulates preventative actions when damage is deemed imminent and provides rules for how damage is to be remedied.

Typology of impact

This could have adverse impacts on production (industry, tourism, agriculture, transport) and any other kinds of economic activities polluting habitats. It should result in guaranteeing and improving environmental quality of Natura2000 areas and thus on flora and fauna.

Logical chain

Regions containing Natura2000 areas, and perhaps regions adjacent to Natura2000 areas as well, contain potential polluting activities. If forced to pay compensation, this could have a GDP impact. Directive should enhance environmental quality as well.

Territorial differentiation of impact

High

Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:153:0013:0035:EN:PDF>

Interest of the theme

The directive promotes the improvement of the energy performance of buildings within the Union, taking into account outdoor climatic and local conditions, as well as indoor climate requirements and cost-effectiveness. Local planners are directly addressed by the directive, to properly consider the optimal combination of improvements in energy efficiency, use of

energy from renewable sources and use of district heating and cooling when planning, designing, building and renovating industrial or residential areas.

Typology of impact

This directive aims at the reduction of emissions. It has potential impact on the construction of buildings and consequently on urban development and its costs. It also will affect the planning system.

Logical chain

All areas with buildings could be potentially affected by this directive. It requires member states that all new buildings comply with 'near zero-energy buildings' standards by 31 December 2020 (and 31 December 2018 in case of public buildings). This means that new buildings (or buildings undergoing major renovation) have a very high performance on energy efficiency and that the low amount of energy used comes from renewable sources. This is to be achieved by establishing monitoring systems including energy performance certificates for several building categories, national plans to achieve targets, policies and incentives. A logical step to carry out this sequence of measures would be to map building categories and their energy performance and subsequently focus on those areas and places where major improvement could be achieved by solutions on district level. This would imply an important role for planning, which focus will shift towards issues related to energy. Indirectly the directive will further stimulate the production of renewable energy (wind, solar, water, biomass etc.) which will have important territorial impact too.

Areas with more buildings or plans for more buildings should be more affected, as should areas with less energy efficient buildings. As far as these are unevenly distributed across the European territory, the impacts will differ accordingly. This could raise short-term costs for businesses with large energy inefficient buildings (industry/agriculture), but produce long-term benefits in lower energy costs.

Territorial differentiation

High

Directive 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:123:0042:0046:EN:PDF>

Interest of the theme

This Directive aims at promoting the use of biofuels or other renewable fuels to replace diesel or petrol for transport purposes in each Member State, with a view to contributing to objectives such as meeting climate change commitments, environmentally friendly security of supply and promoting renewable energy sources. Mentioned substitutes for traditional fuel are 'biofuels' (liquid or gaseous fuel for transport produced from biomass) and hydrogen. The use and production of biomass – defined as the biodegradable fraction of products, waste and residues from agriculture (including vegetal and animal substances), forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste – has vast implications on land use (world wide) and the agricultural sector.

Typology of impact

Agriculture, land use, soil, reduction of emissions

Logical chain

The production of biomass (based on agricultural crop (sugar cane, corn), vegetable oil, forestry, waste etc.) demands large amounts of land, in Europe and world wide. There is potentially huge impact on agriculture (in terms of a division of products), forestry, waste management and, as an effect of these and other factors, on land use.

Territorial differentiation

High

Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 **on the promotion of electricity produced from renewable energy sources in the internal electricity market**

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:283:0033:0040:EN:PDF>

Interest of the theme

The purpose of this Directive is to promote an increase in the contribution of renewable energy sources to electricity production in the internal market for electricity and to create a basis for a future Community framework thereof. '*renewable energy sources*' shall mean renewable non-fossil energy sources (wind, solar, geothermal, wave, tidal, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases). Most of these sources require considerable amount of land or have implications for other, current functions.

Typology of impact

Land use, agriculture, transport (in particular related to power grid), reduction of emissions

Logical chain

The production renewable energy usually requires land or a legal change of land-use (in particular wind, solar, wave, tidal and biomass). This has direct impact on planning, which should seek to accommodate these new functions (which may conflict with existing uses of land). Because of fluctuating and less controllable production, renewable energy also puts higher demands on existing power grids as well as on control of fossil energy production.

Territorial differentiation

High

Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 **on the exercise of certain rights of shareholders in listed companies**

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:184:0017:0024:EN:PDF>

Interest of the theme

The directive establishes the same rights for shareholders, wherever they reside, attaching to voting shares in relation to general meetings of companies which have their registered office in a Member State and whose shares are admitted to trading on a regulated market situated or operating within a Member State. This means that shareholders have equal access to information and equal influence on decision making in companies. Decisions of medium and large companies can have considerable impact on regional development.

Typology of impact

Regional development, land use, production

Logical chain

Establishing equal rights for company shareholders, wherever they reside, opens the door to companies becoming increasingly footloose. Small, medium and even large companies are often rooted in a particular local or regional context and important for regional development. A more international ownership and influence on decision making of companies may cut these roots off, and have considerable impact on regional development.

Territorial differentiation

Low to Medium (depending on openness of a member state's economic system and the extent to which member state legislation already provides for equal shareholder rights)

Priority B

Council Directive 2008/110 amending Directive 2004/49/EC on **safety on the Community's railways** (Railway Safety Directive)

and

Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive)

OJ L 164, 30.4.2004, p. 44–113

Source <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:345:0062:0067:EN:PDF>

Interest of the theme

The purpose of this Directive is to ensure the development and improvement of safety on the Community's railways and improved access to the market for rail transport services by: (a) harmonising the regulatory structure in the Member States; (b) defining responsibilities between the actors; (c) developing common safety targets and common safety methods with a view to greater harmonisation of national rules; (d) requiring the establishment, in every Member State, of a safety authority and an accident and incident investigating body; (e) defining common principles for the management, regulation and supervision of railway safety.

Typology of impact

Rail traffic, safety, accessibility, rail/road share.

Logical chain

Greater controls and higher safety requirements should reduce the number of accidents and increase rail traffic as compared to road traffic.

Territorial differentiation of impact

Low

Council Directive 2009/120 amending Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to **medicinal products for human use as regards advanced therapy medicinal products**

Source <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:242:0003:0012:EN:PDF>

Interest of the theme

This directive aims at tightening procedures of marketing authorization for medicinal products for human use in order to improve safety of patients.

Typology of impact

Economic performance, innovation rate, employment, health

Logical chain

Additional safety requirements can represent extra research and manufacturing costs for drugs developers, on the one hand. On the other, additional safety requirements can contribute to the production of more effective drugs and to a healthier population. This will especially affect regions specialised in pharmaceutical and chemical sectors.

Territorial differentiation of impact

Medium

Council Directive 2000/78/EC establishing a **general framework for equal treatment in employment and occupation**

and related directives:

DIRECTIVE N°: 32002L0073

Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions
OJ L 269, 5.10.2002, p. 15–20

DIRECTIVE N°: 32004L0113

Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services
OJ L 373, 21.12.2004, p. 37–43 (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)
OJ L 153M, 7.6.2006, p. 294–300 (MT)

DIRECTIVE N°: 32006L0054

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation
OJ L 204, 26.7.2006, p. 23–36

Source [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:303:0016:0022:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:303:0016:0022:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:303:0016:0022:EN:PDF)

Interest of the theme

This directive aims at laying down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation.

Typology of impact

Employment, social cohesion

Logical chain

There will be an impact on female occupation, especially in regions with lower participation rate and on vocational and on-job training.

Territorial differentiation of impact

Low

Council Directive 2006/112 on the common system of value added tax (VAT)

Source <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:347:0001:0118:en:PDF>

Interest of the theme

The VAT is one of the most important tax imposed across the EU. The harmonization of this tax aims to reduce possible distortive effects on the EU market, based on different national VAT rates. Specifically, this directive reforms VAT on services, introducing a distinction between VAT on business-to-business (B2B) and business-to-customer (B2C) services. The main criteria is that final consumers have to pay the VAT where the service is used: this means in the country of final consumer for B2B service and in the country of producer in the case of B2C services.

Typology of impact

International trade of services, employment, employment in service

Logical chain

The harmonization of VAT should reduce benefit for B2B services located in country with a low rate of VAT, while there should be a limited impact for B2C services. The harmonization of VAT should promote a delocalization of B2B services towards core areas, reducing import of services, and then a growth of GDP in main areas and a reduction in the share of services for peripheral regions.

Territorial differentiation of impact

Low

Council Directive 2001/81/EC of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:309:0022:0030:EN:PDF>

Interest of the theme

The aim of the directive is to limit emissions of acidifying and eutrophying pollutants and ozone precursors in order to improve environmental protection as well as human health by establishing national emission ceilings, taking the years 2010 and 2020 as benchmarks. Member States are responsible for implementing measures to comply with national emission ceilings, and lay down rules on penalties applicable to infringements of the provisions of the directive and ensure that they are implemented.

Typology of impact

production, regional development (agriculture)

Logical chain to impacts

Although the levels of the national emission ceilings are tailored to the individual countries, regions with heavy industries built under regimes with more relaxed environmental standards will have more difficulty of attaining the goals. Industrial competitiveness of regions will also determine the ability to invest in technical measures.

Territorial differentiation

High

Council Directive 2002/49/EC of the European Parliament and of the Council relating to the assessment and management of environmental noise

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:189:0012:0025:EN:PDF>

Interest of the theme

Member States shall make noise maps and action plans for agglomerations, major roads, major railways and major airports. Exceeding limit values shall cause competent authorities to consider or enforce mitigation measures²⁰ such as land use planning, systems engineering for traffic, traffic planning, abatement by sound insulation measures and noise control of sources.

Typology of impact

land use, transport, health, social disparities, regional development

Logical chain to impacts

Urban areas as well as areas near infrastructure, industries and airports may have difficulty meeting the norm. Differences in noise exposure sometimes coincide with social-economic

²⁰ limit values may be different for different types of noise (road-, rail-, air-traffic noise, industrial noise, etc.), different surroundings and different noise sensitiveness of the populations; they may also be different for existing situations and for new situations (where there is a change in the situation regarding the noise source or the use of the surrounding);

differences. Regional development can be hampered by strict noise control at for example airports. Differences in administrative and juridical system will determine to some extent whether these norms affect land-use planning.

Territorial differentiation

High

Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)

Source <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:164:0019:01:EN:HTML>

Interest of the theme

This Directive establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest. Done by protecting and preserving areas, prevent and reduce inputs. Requires marine strategies that take an ecosystem-based approach. Addresses policy coherence and integration and cross-border cooperation.

Typology of impact

This directive concerns coastal areas of Europe. Will mainly have impact on territorial governance in terms of planning systems and coordination between regions. Should result in improved environmental quality of seas.

Logical chain

Coastal areas involved in drawing up strategies in cooperation with neighbors. Specific measures are unspecified but could have territorial impacts. Ultimately should result in environmental benefit.

Territorial differentiation of impact

High

Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:310:0001:0009:EN:PDF>

Interest of the theme

The directive facilitates cross-border mergers between limited liability companies located in different EU member states in order to stimulate cooperation and consolidation. Such mergers traditionally have been difficult because of legislative and administrative complexities. Mergers may influence the way companies are embedded in regional contexts.

Typology of impact

Regional development, land use, production

Logical chain

Cross-border company mergers lead to larger companies, new company cultures and decision making trajectories between the company's headquarters and decentralized offices. In effect mergers lead to a different relation between company and region, in particular where previously independent companies become part of a larger company with headquarters elsewhere. Mergers may also lead to new communication, control and travel patterns within companies themselves and therefore to the re-location of company parts. Headquarters of companies are generally located near international airports and close to high level service clusters.

Territorial differentiation

Medium

Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:157:0049:0054:EN:PDF>

Interest of the theme

The directive establishes a common taxation system to interest and royalty payments between companies in order to create a single European market that functions as a domestic market. In effect the directive abolishes the possibility to apply within a member state varying tax mechanisms to differentiated branches in order to stimulate development of particular sectors.

Typology of impact

Regional development, production

Logical chain

Tax mechanisms (i.e. the possibility to grant particular companies or sectors with certain taxation advantages) can be used by member states to help or stimulate certain types of companies or companies within certain regions (i.e. the directive specifically refers to an exclusion cause for Spain which tries to boost its technological sector by means of specific tax regulations). Harmonization of the taxation system reduces the possibilities of governments to intervene in the market and therewith possibilities to either help companies surviving, boost particular sectors or to compensate companies located in regions having particular handicaps.

Territorial differentiation

Low to Medium (depending on the extent to which governments make use of taxation as an instrument to stimulate regional development and/or certain sectors)

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