

Types of knowledge utilization of regulatory impact assessments: Evidence from Swiss policymaking

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Abstract

Ex ante policy appraisals, such as Regulatory Impact Assessments (RIAs), are promoted because they are expected to inform decisionmakers and, thus, to lead to better quality regulation. Such instrumental use is not the only possible use of RIAs. *Ex ante* policy appraisal can affect the policy process in various ways. However, a consolidated theory on the conditions for utilization of RIAs in the policy process has yet to be developed. In order to explore these conditions, we analyze three case studies of Swiss decisionmaking processes and apply concepts from knowledge utilization literature. In conclusion, we find that policy arenas matter more than the institutional context and design of RIA procedures. In line with previous literature, political use seems to be a prevalent type of utilization. Yet we find that, under specific conditions, RIAs also provide a basis for the optimization of policy designs (instrumental use), help improve interagency relations (policy-process use), and may change how a policy issue is understood (conceptual use).

Keywords: knowledge utilization, policy appraisal, policy instruments, public policy making, regulatory impact assessment (RIA), Switzerland.

1. Introduction: regulatory impact assessment and the policymaking process

A Regulatory Impact Assessment (RIA) is a type of *ex ante* policy appraisal, that is, a technique that seeks to inform decisionmakers by predicting and evaluating the consequences of various activities according to certain conventions (Allio 2008; Nilsson *et al.* 2008). As a product of the evidence-based policy movement (cf. Sager 2007; Sager & Anderegggen 2012), its promoters, primarily the Organisation for Economic Co-operation and Development (OECD), expect RIAs to strengthen the position of factual arguments

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advanced by experts and administrative actors over ideological arguments advanced by politicians, in the policymaking process (Radaelli 2005; Jacob *et al.* 2008). However, as Hertin *et al.* (2009a, p. 415) put it, “experts may not be seen as ‘guardians of the truth,’ but as political agents who try to enforce their discursive version of the truth upon the public sphere.”

There is little known about the “extent to which policy appraisals change the politics of policy-making” (Turnpenny *et al.* 2009, p. 647). “RIA is a particularly fascinating case for the analysis of the role of knowledge in policy-making because it has quasi-scientific ambitions, but also takes place at the heart of government” (Hertin *et al.* 2009a, p. 413). Thus, even though RIAs are conceptualized in a rational-technical manner, use of knowledge induced by such assessments is also political in nature (Hertin *et al.* 2009b). Moreover, RIAs are processes themselves, which are interrelated with the political process (Radaelli 2009a, p. 43). There are “complex interrelationships and fuzzy boundaries between assessment activities and the political process” (Hertin *et al.* 2009a, p. 420). So far there has been limited research on RIAs in regard to knowledge utilization, that is, how such assessments affect policymaking process (see Hertin *et al.* 2009a,b; Radaelli 2009b; Dunlop *et al.* 2012; Ellig *et al.* 2012; Shapiro & Morrall 2012).

We seek to contribute to this research by employing concepts from the knowledge utilization literature for the analysis of the effects of in-depth RIAs on policymaking processes in Switzerland. As Swiss in-depth RIAs (see the following section for definition) comply with the OECD best practice standards (OECD 2005, 2008), the results of this explorative study can shed light on the complex interaction between RIAs and policymaking processes beyond Switzerland. Our guiding research question is: To what extent and under which conditions is the knowledge induced by in-depth RIAs used in the Swiss federal decisionmaking process? In short, we find that policy arenas matter. While the Swiss political system in general is not favorable to RIAs – because functional equivalents are already well established – we find evidence of use of this instrument beyond strategic (“political”) use. We find that conduction and results of these appraisals may be used to adapt policy design (“instrumental use”), and may result in changing attitudes and increased knowledge concerning a policy problem (“conceptual use”). In addition, conducting these impact assessments may contribute to enhance relations between relevant actors (“policy-process use”) in a specific policy area. If, and what kind, of RIA utilization occurs depends on characteristics of the issue at hand and the actors involved.

The remainder of this paper unfolds as follows: In the next section we shortly present the Swiss political system and how it affects RIA usage. We then conceptualize four types of RIA utilization in the policy process based on the literature on knowledge utilization. Subsequently, we present the actor-centered institutionalism heuristic, which will act as our framework for analyzing the effects of RIAs on Swiss policymaking. Then, we discuss the chosen research design, the selected cases and the institutional context. Drawing on the data provided by the three case studies, we subsequently analyze the conditions for the different types of RIA use to occur. The final section presents the conclusion of our findings and provides a discussion of what can be learnt for future research.

2. The institutional context of Swiss policymaking

The Swiss political system is often seen as a special case (*Sonderfall*) in West European democracies, because it is a direct democracy, with strong federalism and a system of

consociationalism (Sager & Zollinger 2011). Switzerland is considered to be an extreme case of federal consensus democracy (Lijphart 1999). According to Neidhart (1970, p. 22) the optional referendum, in particular, has necessitated the creation of “special conflict resolution models.” Neidhart (1970) contends that the threat of a referendum explains the high degree of pre-parliamentary consultation. In order to anticipate this risk, the administration is forced to find solutions that are widely accepted and based on compromises. Thus, the referendum threat leads to the institutionalization of procedures designed to overcome conflicts in the pre-parliamentary phase. One such institutionalized procedure is the pre-parliamentary consultation procedure (*Vernehmlassung*), in which all actors possessing a “referendum capacity” are invited to participate.

Sager and Rissi (2011) contend that the institutionalized procedures of the Swiss policymaking system limit the extent to which RIAs are used: When political systems that depend more on negotiation than on evidence to develop policies formally adopt RIA systems, they often struggle to actually utilize RIAs in the policymaking process. Additionally, Sager and Rissi (2011) argue that this is because the logic of consensus in pre-parliamentary policymaking interferes with the logic of rational-instrumental policymaking as put forward by RIAs. Turnpenny *et al.* (2008) find that the integration of RIAs into policymaking is hard to achieve when organizational traditions are strong and when RIAs are perceived as having the purpose of supporting policymaking, rather than being decisionmaking instruments. Furthermore, other procedures in the policy process, in particular, an institutionalized consultation procedure, already cover the typical functions of RIAs. Therefore, there is limited functional need for RIAs in the Swiss political system, which depends heavily on negotiation, has an institutionalized consultation procedure, and does not provide an environment that fosters evidence-based policy. This conclusion is shared by Widmer and Neuenschwander (2004, p. 391): “Policy making in Switzerland is oriented toward gathering support more than toward gathering evidence.”

RIAs were introduced in Switzerland in 1999 as instruments to reduce administrative burden and are mandatory for all new legislation and legislation under revision. The assessments are carried out by the Swiss federal office, which is also charged with drafting the legislation proposal. According to Swiss guidelines, RIAs have to be completed before the proposal is transferred from the administration to the parliament. The assessments are supposed to inform policymakers on probable (economic) effects of the proposal and show alternative options for legislation already in an early stage of the legislative process. In 2005, an assessment of the Parliamentary Control of the Administration claimed that RIAs have no effect on policymaking in Switzerland (PCA 2005). In reaction to this assessment “in-depth RIA” was introduced as an upgraded version of “normal” RIA. In-depth RIAs require more resources and, therefore, are only conducted for selected policymaking projects chosen by the Federal Council (Federal Council 2006).¹ In-depth RIAs should not be thought of as being a whole new type of RIA, but, rather, an improved version of normal RIAs. In contrast to “normal RIAs,” the oversight body is involved in the conduction of in-depth RIAs and the results are published.² Including some other minor elements, these modifications make Swiss in-depth RIAs compliant with the OECD best practice standards (OECD 2005, 2008). Initial indications show that the combination of policy experts and the economic knowledge of the oversight body have the potential to assure a high quality of assessment (Allio 2011). RIAs in Switzerland

are similar to those in other OECD countries, because they take place during the pre-parliamentary legislative process and resemble the OECD template. Therefore, an analysis of RIAs in Switzerland sheds light on RIAs in all OECD countries.

3. Typology of RIA utilization

There is a long tradition of research on how knowledge is used in policy processes, which has identified a number of different types of knowledge utilization (cf. Weiss 1979). One common typology of knowledge utilization includes instrumental use, conceptual use, symbolic use, and process use (Johnson 1998, pp. 93–94).³ Here, utilization is viewed as taking place at different times, occasionally overlapping, in the policy process. The main users of RIA findings are the administrative bodies who are expected to use RIA-derived knowledge in the further development of policy. External stakeholders who can be considered second tier users also use RIA results. Legislators (MOPs) only use RIA findings when they are presented in reports on proposed policy, after the pre-parliamentary process.

Various authors have put forward additional typologies and concepts (e.g. Dunlop *et al.* 2012, p. 26).⁴ In our study, we use the typology put forth by Johnson (1998); the following section provides a short definition of each type of use.

Instrumental use is defined as *the direct and intended utilization of knowledge derived from an RIA in order to modify the design of the policy proposal* (Johnson 1998, p. 93). In other words, the findings of an impact assessment provide insight about the policy proposal, which is then applied to optimize the proposal. Instrumental use corresponds most closely with the original intention of RIAs (OECD 2005). It, therefore, is not surprising that this direct form of utilization prevails in various recent studies on RIA usage (Ellig *et al.* 2012; Shapiro & Morrall 2012; Taylor *et al.* 2012).

Conceptual use is understood as *a substantial change of how actors included in the policy process perceive the policy issue. This change is induced by new knowledge presented by an RIA* (Johnson 1998, p. 94). Conceptual use occurs when RIAs influence decisionmakers' and stakeholders' cognitive thinking about the policy or future policy in the same field. It does not necessarily result in changes to the policy proposal at hand, but may lead to changes to content of the policy in the long term. In other words "the appraisal process can be used to enhance substantive understandings of the cause and effect mechanisms that underpin the policy issue" (Dunlop *et al.* 2012, p. 27). Therefore, conceptual use goes beyond instrumental use, because conceptual use may cause substantial change of policy design, while instrumental use focuses only on optimization of the current policy.

Political use⁵ is the *utilization of knowledge generated by an RIA in order to justify a political position in this specific policymaking process*. The impact assessment can, thus, be an instrument to support prior beliefs and preferred policy options, to legitimize already taken actions or to prevent measures from being taken at all. The same newly generated knowledge can even be used by various stakeholders to support different positions (Johnson 1998, p. 94). Political use, thus, occurs when individuals use RIA information for political self-interest.

Some authors have raised concerns about misuse of knowledge in the context of political (i.e. strategic/tactical) use (e.g. Patton 1997, p. 360; Hertin *et al.* 2009b, pp. 1197–1198). In this paper – in which misuse is not specifically examined – symbolic

use is not considered to be misuse, as long as findings are not manipulated or intentionally misinterpreted (Weiss 1979).

Policy-process use is understood as the *establishment of contacts between different administrative units and stakeholders during the implementation of an RIA*. For example, the inclusion of various actors in the appraisal process may lead to the establishment of new policy networks (Patton 1997; Balthasar 2007, p. 48).⁶ Policy-process use, thus, captures behavioral changes in persons involved in the administration of RIAs, as a result of their participation in the process. Policy-process use, however, is a debated type of utilization and sometimes it is seen only as an intermediary product to other types of knowledge utilization (Mark & Henry 2004; Weiss *et al.* 2005). We argue that policy-process use is able to capture an effect that is different from any other types of utilization, as policy-process use, as we understand it, is the result of the process of conducting RIAs and not of their findings.

4. The actor-centered institutionalism heuristic

Policymaking is a complex task involving a number of state and non-state actors, long time spans, complex issues, and resource redistribution. In order to structure the analysis we apply the actor-centered institutionalism approach as put forward by Mayntz and Scharpf (1995) and Scharpf (1997).

In actor-centered institutionalism, institutions are considered to be enabling and constraining actors' actions, but they do not determine their actions. According to Weiss (1999, p. 478) institutions matter: "Policy makers function within organizations, and government organizations have a history, tradition, culture, standard operating procedures, rules, budgets and so forth that set powerful constraints on what can and cannot be considered." Actor-centered institutionalism advises that the institutional context constitutes a relatively stable framework for specific policymaking processes.

However, within this institutional context – as well as historical and political contexts – actors act in specific constellations. These actors can be understood as individuals or groups of people (i.e. organizations, associations), who influence the policy process according to their preferences. Since policy formulation involves multiple actors, the specific actor constellation is recognized by actor-centered institutionalism as being important (Mayntz & Scharpf 1995, Scharpf 1997).

It has been shown that institutional settings are important for the effective functioning of RIAs (Radaelli 2005; Turnpenny *et al.* 2008) and that the administration of RIAs is a process in itself, which is connected to the policy process and proceeds alongside, and in interaction with, policymaking (Hertin *et al.* 2009a; Radaelli 2009a). Therefore, actor-centered institutionalism is well suited to structure the analysis of RIA use.

5. Research design, case selection, and data

This study is exploratory in nature and applies Johnson's (1998) typology of use and actor-centered institutionalism as an analytic heuristic. An appropriate method for dealing with highly complex causal relationships is to perform comprehensive analyses of theoretically important cases in a comparative case study design (Blatter *et al.* 2007, pp. 127–135). We selected examples of in-depth RIAs for our case studies, as we

expect more utilization from them than from normal RIAs (see second section on the institutional context). While conducting RIAs is mandatory for a wide range of policy projects, the actual assessment activities do not actually have to be documented for normal RIAs. As a consequence, for many policy projects there exists no documentation concerning the impact assessment. In contrast, in-depth RIAs are very well documented. Until mid-2009, there were only three completed in-depth RIAs in Switzerland. Accordingly, we use these three cases for our empirical analysis:

- The adaptation of Swiss chemical policy following the introduction of the new European directive on Registration, Evaluation, Authorization and Restriction of Chemicals (REACH);
- the revision of the Federal Law on non-tariff trade barriers/Cassis de Dijon principle (LNTB); and
- the revision of the Federal Coordination Commission of Occupational Safety's (FCOS) directive on the in-company consultation of occupational physicians and other occupational safety specialists (ASA).

This study uses similar types of data sources as other studies in the field of knowledge utilization have used in order to describe the specific policymaking processes of these cases (e.g. Balthasar 2007; Hertin *et al.* 2009a,b). The analysis of the documents and interviews will follow the common approach of qualitative content analysis by Mayring (2008, pp. 53–99). For all three cases, there is a range of documents available that were analyzed in order to obtain a comprehensive understanding of the policy process and the assessment activities: extensive reports on the conducted RIA; and further documents from the pre-parliamentary policymaking process, such as intermediate versions of the proposed policy, explanatory documents for the consultation procedure, reports on the results of the consultation, and the message to the parliament from the Federal Council when they propose the new legislation. Structured interviews were conducted in order to gain additional information about the debate that took place behind the scenes of the policy processes and in order to be able to appraise whether any type of knowledge utilization as a result of the RIA occurred (Balthasar 2007).

For each case we interviewed one or two public officials who were part of both the process of designing the proposed legislation and the RIA that was conducted. In addition, we conducted an interview with a public official of the oversight body who participated in the implementation of all three RIAs. Based on a questionnaire that was used in two European research projects,⁷ the interview questions were customized to each case after studying the available documentation of the cases (Blatter *et al.* 2007). The interviewees were asked about the political process and their role in it, about the RIA that was conducted, about its use in the policymaking process, and, finally, about their attitudes toward RIAs in general. It is important to keep in mind that these interviews were conducted with civil servants, who themselves were actors in the pre-parliamentary decisionmaking process. Therefore, information gained from them is contingent on their perception of and experience with RIAs and the specific policymaking process. However, as there were no major differences between the interview statements, and because of the extensive documentation that was available for each of the cases, we are convinced that we have a reliable base to analyze RIA use and its conditions in these cases.⁸

6. Case studies

6.1. Chemical regulation (REACH)

6.1.1. Policymaking process

The chemical industry is a vital branch of the Swiss economy. To facilitate trade with the EU, the biggest export destination for Swiss chemical products, Swiss legislation was harmonized with EU legislation in 2005 (Stadler & Kölliker 2007). The introduction of REACH in 2007 substantially changed regulation on chemicals (Boller & Hug 2007): REACH significantly increases safety and environmental protection requirements for chemicals and requires that all chemicals imported to the EU be registered at a centralized agency. Therefore, REACH was expected to cause a major administrative burden for Swiss producers, which put Swiss legislators under pressure to react with an adaptation of Swiss chemical policy (Stadler & Kölliker 2007; Interview 1).

Before REACH came into effect, the leading agencies in Switzerland concerning chemical regulation – the Federal Office for the Environment (FOEN) and the Federal Office for Public Health (FOPH) – together with major industrial stakeholders, had already begun discussing their options. An in-depth RIA was launched to systematically analyze the different possibilities for implementation and to provide a basis for rational decisionmaking by the Federal Council (Interview 1). The RIA concluded that the best option would be to fully adopt the requirements of REACH in areas affected by trade with the EU, and to retain Swiss regulation for all other areas (Boller & Hug 2007). As a result, the Federal Council decided to adapt to REACH and mandated negotiations with the EU Commission to join the European Chemicals Agency (ECHA).

6.1.2. RIA

The goal of this RIA as stated in the report was to “to have a sufficient state of knowledge regarding the effects of the options on the environment; health; and the Swiss economy to be able to justify proposals on the course of action” (Boller & Hug 2007, p. 26). The impact assessment focused on four alternative policy options, ranging from no adaptation to full adoption of REACH, which would include joining the ECHA. Scenarios for these four options were presented and analyzed based on various studies conducted at the European level (Boller & Hug 2007).

The idea to conduct an RIA for REACH came from the economics division of the FOEN, which saw it as a good opportunity to test their own version of RIA⁹ (Interview 4, Interview 5). It was steered in cooperation with the FOPH and the oversight body and was conducted externally by a consulting firm who had already done impact studies on REACH at the European level. Input from the involved agencies and industrial stakeholders was included in the assessment. The completed in-depth RIA is compliant with the Swiss RIA guidelines (Boller & Hug 2007).

6.1.3. Utilization

In the case of REACH there is indication for considerable *instrumental use*. The in-depth RIA led to explicit specification of alternative courses of action regarding the situation at hand with ascribed advantages and disadvantages, and was the foundation for decision-making (Boller & Hug 2007; Interview 4). As recommended, Switzerland adopted the requirements of REACH. There were also minor recommendations by the RIA, which have already been realized, such as installing a helpdesk for SMEs and adapting

administrative aspects of chemical regulation. The RIA contributed to a common understanding of the effects of REACH on Switzerland, and, in particular, on the chemical industry (Interview 1, Interview 4). Therefore, we conclude that there was *conceptual use* even though basic assumptions on the regulation of chemicals did not change. The interview partners for this case agree that no *political use* has taken place. In this very technical issue with a high degree of consensus between the regulators and the regulated, as well as little public interest, there was no need to justify any policy whatsoever. Finally, we find clear evidence for *policy-process use*. Stable contacts between the RIA oversight body and the FOEN's economic division were established following their cooperation on the RIA. They mutually benefited from gained know-how in the field of conducting an RIA (Interview 5). The FOEN also adjusted the design of its own version of the RIA, the Economic Assessment (VOBU), in response to experiences made by this "test" (Interview 4). In addition, the FOPH stated that it had improved its relations with stakeholders (Interview 1).

6.2. Law on non-tariff trade barriers (LNTB)

6.2.1. Policymaking process

When Switzerland decided not to join the European Economic Area in a popular vote in 1992, the Law on Non-tariff Trade Barriers (LNTB) evolved as an alternative attempt to reduce trade barriers. The LNTB requires that all Swiss regulation of products is compatible with EU law where the EU has harmonized their standards and where no paramount public interest in keeping differing regulation exists (Federal Council 2008). A revision of the LNTB was launched in 2004 to fight high price levels in Switzerland. Both the Federal Council and an initiative from the parliament attempted to introduce the so-called "cassis de Dijon principle" for goods imported from the EU (Federal Council 2008; Stadelhofer 2008).

The highly complex and comprehensive pre-parliamentary process of the revision of the LNTB took roughly four years and is by far the longest process included in our study. The State Secretariat for Economic Affairs (SECO) was responsible for the revision of the LNTB. Within the SECO there was a dispute as to whether the Cassis de Dijon principle should be adopted, irrespective of congruent action by the EU (Interview 3, Interview 5). In addition to the implementation of an in-depth RIA, the pre-parliamentary process included an external consultation procedure with 155 participating organizations and widespread public interest.

6.2.2. RIA

The in-depth RIA aimed to increase the transparency regarding economic effects of the already existing proposal and to prove its effectiveness. It was conducted by the in-depth RIA oversight body and other agencies within the SECO. The RIA looked only at the economic effects of the proposed policy. It was largely based on previous studies and did not present clear statements about expected effects, but concludes that the revision should lead to additional growth of at least 0.5 per cent of GDP (SECO 2008, p. 10). The RIA was initiated rather late in the pre-parliamentary process; only after the public consultation procedure for the proposal began. Results were published in a periodical of the SECO (e.g. Perritaz & Wallart 2008). Regarding mandatory content, the RIA did not fully comply with RIA guidelines, because it neither explicitly considered the necessity of state action, nor problems in implementation (SECO 2008).

6.2.3. Utilization

We do not find evidence for *instrumental use* in this case. The contribution of the in-depth RIA for LNTB was not to give advice on different alternative options of the proposal, but to show the scope of application and the effect on prices and competition for various branches of the economy. Therefore, very little *conceptual use* occurred, however, there was an increase in the knowledge base within the lead agencies regarding the effects of the proposal (Interview 3). The basic understanding of the policy issue, that is, the idea that high prices in Switzerland are partly caused by trade barriers, did not change. The RIA played a legitimizing role in the revision of the LNTB, thus, showing *political use*. The revision of LNTB was a high priority project for the SECO. There was a strong demand, also from the Parliament, to provide quantitative evidence on the effect of the measures. The intention of the RIA was to raise political support and to show that there has been sincere reasoning of the expected effects (Interview 5). The involvement of various SECO agencies induced *policy-process use*: the in-depth RIA improved inter-agency relations within the SECO, which includes the RIA oversight body (Interview 5).

6.3. Occupational safety directive (ASA)

6.3.1. Policymaking process

The ASA directive, which sets standards regarding occupational safety, was introduced in 1996. In 2006, the directive was revised, in part because a revision a decade later was planned for at the time of its introduction, but also because it had become outdated because of developments in the field of occupational safety, and compliance was low (Interview 2). Additionally, there were concerns from employers and the Federal Council about the unnecessary administrative burden for SMEs caused by the ASA directive (Tudisco 2007). These concerns were affirmed by a study (Muller 2007).

The ASA directive is issued by the Federal Coordination Commission for Occupational Safety (FCOS), which is an expert commission supervised by the Federal Office of Public Health (FOPH). In order to conduct the revision of the ASA directive, a project group was created consisting of the FCOS, representatives of implementing bodies (e.g. Swiss Accident Insurance Fund), and employee and employer organizations. The process included a public hearing on an interim proposal, which about 140 representatives from interest groups attended. The policymaking process concluded in a revised directive, which according to the RIA report significantly reduces administrative burden.

6.3.2. RIA

An in-depth RIA was initiated and conducted by the oversight body parallel to the revision process of the ASA directive. The main goal of the in-depth RIA was to compare the costs and benefits of the original and newly drafted directive. In the beginning, representatives of employees were skeptical about the conduction of an RIA because they were afraid that the assessment would show that the directive has a negative effect on the economy, however, they changed their opinion once intermediary results showed this fear would not come to pass (Interview 2). The results of the impact assessment were not yet available at the time of the public hearing (Interview 5), but preliminary results based on a draft proposal were presented at the final meeting of the project group when the final decisions on the revised directive were taken.

The report complied with Swiss in-depth RIA guidelines. The oversight body found itself to be pushed to capacity limits while conducting this assessment (Interview 5). The

assessment included cost–benefit analysis regarding administrative costs and presumed reduction in occupational accidents by the directive (SECO 2007, pp. 32–33). The RIA report includes clear information on its methodology and data (Kölliker 2007; SECO 2007).

6.3.3. Utilization

We find some indication of *instrumental use* in this case, even though the RIA report on ASA only compares the old and the newly proposed directive, and does not give any recommendation on how to adopt the directive. However, as an interviewee stated, there was a “shadow of the RIA” on the revision process (Interview 5). The fact that an economic impact assessment was conducted at all had an effect on the directive; in other words, the RIA pressured the policymakers to reduce the administrative burden of the directive. Some *conceptual use* is evident in the increased understanding regarding costs and benefits of the measures for occupational safety, which were shown by an explicit model of the effects of the directive in the assessments report (SECO 2007, p. 32). This new awareness of the costs of occupational safety can also be interpreted as *political use*: While the RIA certainly contributed to transparency on the effects of the directive, it was demanded by actors interested in decreasing administrative burden in the first place. The RIA served as a tool to decide one of the key issues of the whole revision: whether there is substantial reduction of administrative burden. Therefore, it performed a legitimacy providing function (Interview 2, Interview 5). In contrast, we do not find any evidence for *policy-process use*. This is most likely because the FCOS had already brought together relevant actors in the field of occupational safety.

7. Discussion

What do the three case studies tell us about the utilization of RIA in Swiss policymaking? In this section we put forward possible explanations for the differing degrees of use across the cases. The discussion is based on the characteristics of the policymaking processes, such as actors’ preferences, the wider policy process context, and specifically, the implementation of the RIA.

7.1. Instrumental use

Considering the three cases, we found instrumental use to be most prevalent in the case of the chemical regulation (REACH) implementation. Some instrumental use occurred in the Occupational Safety Directive (ASA) revision and none in the Non-Tariff Trade Barriers (LNTB) revision. A first explanation could be that more instrumental use occurs when RIAs are conducted at the beginning of the policymaking process and when they look at alternative policy options, as demonstrated by the REACH example. In contrast, the RIA for LNTB was carried out only when the draft proposal was already in external consultation. While policy design is not definite at this point in the process, we argue that because of the institutional context (potential referendum), the results of the consultation procedure are often very similar to the final design of the policy in Switzerland (Sager & Rissi 2011). This is because the risk of a potential referendum forces policymakers to raise broad support for the proposal. Therefore, if an RIA were to induce instrumental use at such a late phase of the policy process, it would have to locate policy options that were weighty enough to overrule the already generated consensus or serve the interest of a clear majority.

As for ASA, the implementation of the RIA began very early in the process and was explicitly coordinated with the revision process, but no alternatives were considered in a manner that could have been informative for policy design. However, there is evidence that the RIA did have an effect on policy design; as the RIA shadowed over the policy-making process (Interview 2) by putting pressure on the revision process to reduce administrative burden. In the case of the ASA directive, we find the influence of actors' preferences to be of importance. To begin with, both the Federal Council and the representatives of SMEs pushed for a reduction of administrative burden. Furthermore, an important actor within the FCOS had an interest in the revision reducing administrative burden of the directive: The vice-president of the FCOS was managing the revision process and aspiring to become the successor of the retiring president. In order to become the next president of the FCOS, he perceived it to be necessary that the RIA would affirm a decrease in administrative burden by the revised directive.

7.2. Conceptual use

None of the cases in this study exhibited high levels of conceptual use. One reason may be the short time spans covered by the cases considered. Knowledge utilization literature considers conceptual use to be something that happens over long periods of time (Nutley *et al.* 2007). This idea is consistent with the findings of Hertin *et al.* (2009b) who also argue that conceptual use is underestimated as a result of the short time spans of most RIAs. We do not follow this argument, because RIA induced knowledge is different from scientific knowledge: While scientific research does not have to be related to current policies and, thus, diffusion into policy processes is not obvious, RIAs are supposed to actively inform policymaking and are conducted or closely accompanied by policymakers. Therefore, we argue that the diffusion of RIA findings into policy processes is much more straightforward than in the case of scientific knowledge.

However, in order to change basic understanding of a policy issue, the RIA must produce new information that is able to have such an effect. In the cases considered, no knowledge was created that uprooted current understanding of the given policy area. Consequently, we did not find prominent conceptual use. Nevertheless, in two cases we did find some evidence of conceptual use. In the case of REACH, the challenge to current regulation came from external policy change. The assessment itself did not generate the basis for a new approach in chemical regulation, but it brought important actors together to discuss the changed environment of this policy area. A similar situation can be found in the case of the ASA directive: While the RIA itself did not introduce any new concepts into the field of occupational security, it clarified causalities and demonstrated that administrative burden actually is significant. This raised cost awareness to the regulating body. In contrast, in the case of LNTB, the RIA results served only to clarify the extent of the expected economic effects. Consequently, although there was some gain in knowledge, it did not alter the understanding of the policy issue.

7.3. Political use

We found considerable political use in the cases of the LNTB and the ASA directive revisions, and little in the case of REACH. We, therefore, assume that the quality of the assessment is not particularly important, because the cases with more significant political use have lower quality RIAs. As most people within the administration, as well as in the

wider public, are not experts on the methodological aspects of RIAs, the mere fact that “experts” produced a study on the effects of a policy proposal is enough to use their findings to support a political position.

Other characteristics of the policymaking process, such as the degree of conflict between actors, seem to be more indicative of political use than the quality of the RIA. In LNTB the results of the RIA were clearly supportive of a position in favor of the proposal and against the status quo. The results also showed which branches would profit and which would lose from the proposal. This might be seen as giving the opponents arguments against the proposal, but, in fact, it weakened their position by showing that pursuing their interest is possible only at the expense of general welfare. There was a lot of political controversy over the introduction of the Cassis de Dijon principle. For some protected branches involved the stakes were very high, because they would experience more competition and falling prices if Cassis de Dijon were implemented. At the same time it was a very important project for the SECO as this was seen as a major part of competition policy. In the case of ASA the final RIA is supportive of the new directive. There was political conflict between the FCOS and the employers during the policymaking process. However, the stakes were not particularly high, at least not on the individual firm level. For the representative of SMEs, the SECO and the Federal Council administrative burden of regulation was a major concern and the assessment report an important piece to demonstrate that the administrative burden would be significantly reduced by the newly proposed legislation. Regarding the case of REACH, conflict in the policy process was rather low as a result of various reasons: First, only selected interest groups actively participated in the process and, therefore, no fundamentally different interests clashed during the process. Second, the matter attracted little public attention because of the technical nature of the regulation of chemicals. Third, the process did not actually involve final decisions on the course of action. Consequently, although the RIA provided support for a specific course of action, there was no political use in this case.

7.4. Policy-process use

Policy-process use of RIAs would be expected to be low in Switzerland, as the Swiss policymaking process traditionally includes a wide range of actors (Sager & Zollinger 2011). Still, when there are actors that can mutually profit from enhanced relations, the RIA can act as a facilitator between various administrative units and further stakeholders, thus, supporting policy integration.

This hypothesis finds support in the case of the ASA, in which low policy-process use can be explained by two factors: First, the actors involved in the revision process already frequently meet because implementation of work security is organized in a tripartite way (state actors, employer and employee organizations). Second, the only outsider involved in implementation of the RIA was the oversight body. Neither for the FCOS, nor for the oversight body, is it important to maintain contacts with each other, as the FCOS is not an administrative unit that often develops new regulation and, therefore, RIAs are uncommon. LNTB, in contrast, shows how policy-process use can occur even when no new actors are involved in the assessment implementation: First, the RIA was designed as a forum for SECO agencies to overcome internal conflict. Second, the oversight body benefited from increased awareness of its own objectives and an enlarged network within the SECO. REACH involved actors outside of the administration, which resulted in new contacts between the administration and major stakeholders. FOEN and FOPH were

already maintaining close ties. Policy-process use in this case occurred mainly for FOEN's economic division, which established relations with the RIA oversight body at SECO. The conduction of the RIA led to the adoption of FOEN specific RIA guidelines. This case points to the importance of actors' interests in the occurrence of policy-process use. As FOEN's economic division wanted to use this case as a test for a new instrument, it had a clear interest in building closer relations to the RIA oversight body in order to be able to profit from their experience and be able to use this case to adjust structures and guidelines for their internal version of RIA (i.e. "Economic Assessment" VOBÜ).

8. Conclusion

When thinking of RIA as a process within and in interaction with the wider policymaking process, causalities become complex. In order to cope with this complex interaction, we conducted extensive case study research paying explicit attention to the dimension of time. In our three case studies, we found that in-depth RIAs induce considerable knowledge utilization in Swiss decisionmaking. In line with previous studies, political use was found to take place frequently (Hertin *et al.* 2009b; Dunlop *et al.* 2012). We also found strong evidence of process and instrumental use, and, to some degree, conceptual use. Interestingly, no type of utilization took place in all of the cases, and in none of the cases did all four considered types of utilization occur. Which type(s) of use actually occur depends on the characteristics of the policymaking process and the RIA itself. Therefore, we argue that even though the design of RIA systems has an influence on knowledge utilization, the actor constellations, as well as the context in a specific policymaking process, seem to be the dominant factors in determining RIA use. Actor-centered institutionalism gave us a framework to analyze RIA use in specific policymaking processes. In this respect, actor-centered institutionalism proved to be useful for the analysis of RIA induced knowledge utilization.

There was considerable variation of RIA use across our cases. We found evidence for the importance of both the characteristics of the RIA and the policymaking process in the case of instrumental use. Instrumental use was highest where various policy options were considered and the implementation of RIA marked the beginning of the policymaking process. Therefore, we conclude that it is necessary that an RIA considers alternatives and is conducted early in the process in order for instrumental use to occur. For conceptual use, the evidence is less clear. It seems that conceptual use depends on whether the implementation of an RIA provides a forum for various stakeholders to add their specific knowledge about the policy problem at hand. We found political use to be largely independent of the actual quality of the RIA report, but dependent on the assessment report supporting a specific political position. An RIA is used politically when the policymaking process is conflictive and stakes for involved actors are high. Policy-process use is found to primarily occur when actors have an actual interest in developing close contacts for future cooperation.

While the applied concepts of knowledge utilization are useful to assess how RIAs affect policymaking, some considerations have to be taken into account. To begin with, RIAs are different than other sources of knowledge. This is because they are much closer to policymaking than scientific research, because they are induced by, and sometimes even conducted by, actors involved in the policymaking process. Therefore, RIAs and the knowledge they produce are much more political in nature than scientific research. We

have also found that the inclusion of policy-process use as a separate category of use has proven to be valuable. While the other types of use also occur to a large degree during the process of conducting an RIA, they do not cover the important aspect of networking. In political systems aiming at policy integration through implementation of an RIA, policy-process use is an important outcome. We found political use of RIA to have various characteristics: actors not only use the results of an RIA to legitimize and raise support for preferred policy options, but also essentially use the implementation of the RIA as a strategic instrument to affect the policy process as a whole. For example, in one case an interviewee described a “shadow” of the RIA as having an impact on the decisionmaking process and setting the goals of the revision. We, therefore, recommend that future research on RIAs should look at political use in more detail (cf. also Hertin *et al.* 2009b; Dunlop *et al.* 2012). While RIAs may be instruments to improve regulation, that is, to promote evidence based policy, our case studies suggest that they are just as much another political instrument that actors utilize to pursue their personal agendas.

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Notes

- 1 The Federal Council is the executive body of Swiss Government.
- 2 This oversight body is a section of the State Secretariat for Economic Affairs (SECO).
- 3 Johnson’s (1998) typology of knowledge utilization has been applied by Balthasar (2007) for analysis of *ex post* evaluation in Switzerland and by Nutley *et al.* (2007).
- 4 Most recently, Dunlop *et al.* (2012, p. 26) developed and employed the typology of political, instrumental, communicative, and perfunctory utilization, which they suggest explains the way an RIA is framed and shaped at the stage of implementation. In this paper we conceptualize the RIA and its utilization as a part of the policy-making process. Therefore we will employ Johnson’s (1998, pp. 93–94) concepts of knowledge utilization and not those put forward by Dunlop *et al.* (2012).
- 5 We changed the label “symbolic use” (Johnson 1998) to “political use.”
- 6 This understanding is in line with the Dunlop *et al.* (2012) concept of communicative usage.
- 7 In effect the MATISSE (<http://www.matisse-project.net>) and the EVIA (<http://www.avanzi.org/evia>) projects.
- 8 See Rissi (2009) for the extensive case studies.
- 9 Later the FOEN’s version of RIA would be institutionalized as the Economic Assessment (VOBU).

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