

Implementation of Regulations

How Implementation Checks support the Exchange
of Information between Ministry and Agency

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Hand-in date: 12-05-2009

Glossary

CFI	Centrum Financiën Instellingen
DR	Dienst Regelingen
EP	European Parliament
EU	European Union
IC(s)	Implementation Check(s)
LNV	Ministry of Agriculture, Nature and Food Quality
NPM	New Public Management
OCW	Ministry of Education, Culture and Science
OECD	Organisation of Economic Cooperation and Development
RDW	Service for the registration and licensing of automobiles
V&W	Ministry of Transport, Public Works and Water Management
ZBO	Zelfstanding Bestuursorgaan

List of tables & figures

P. 13	Table 1- Four types of ICs
P. 25	Table 2 - Measurement of the normative system
P. 26	Table 3 - Measurement of regulative structures
P. 27	Table 4 - Measurement of cognitive structures
p. 28	Table 5 - Measurement of degree of harmonisation
P. 28	Table 6 - Measurement of perceived performance
P. 22	Figure 1- Analytical framework

Samenvatting

Het onderzoek dat hier voor u ligt, is uitgevoerd bij het agentschap Dienst Regelingen (DR). Dit agentschap voert een groot aantal nationale en Europese regelingen uit, doorgaans in opdracht van het Ministerie van LNV. Dit agentschap heeft te maken met de gevolgen van een sturing gericht op output en kostenbeheersing en richt zich enkel op de implementatie van nieuwe regelgeving. Hierdoor is een harde knip ontstaan tussen daadwerkelijk 'beleid maken' en 'beleid uitvoeren'.

Deze knip heeft gevolgen voor de informatie uitwisseling tussen opdrachtgever (het Ministerie van LNV) en de uitvoerder (DR). Een manier om die informatie stroom te verbeteren, is het gebruik van uitvoeringstoetsen. Deze uitvoeringstoetsen hebben tot doel om informatie over het uitvoeringsproces vroegtijdig boven tafel te krijgen. De doelstelling voor dit onderzoek was om in kaart te brengen hoe de werking van deze instrumenten binnen DR verbeterd kon worden. Om dit theoretisch te onderbouwen is gebruik gemaakt van de theorie van Scott (1995). Deze theorie stelt dat menselijk handelen wordt bepaald door normatieve, regulatieve en cognitieve structuren. Deze processen bepalen waarom iets wel of niet gebeurt, ook binnen organisaties.

Om te kijken hoe uitvoeringstoetsen binnen organisaties worden gebruikt, is uitgegaan van de veronderstelling dat een uitvoeringstoets een geschikt middel (normatief) is om de uitwisseling van informatie tussen opdrachtgever en uitvoerder te stroomlijnen. Dit wordt ondersteund door de setting van de organisatie: die van individuen daarbinnen (cognitief) en de regels die het gebruik van dit instrument verplicht stellen (regulatief).

De verwachting die in dit onderzoek werd onderzocht, ging uit van het idee dat de waardering van de prestaties van uitvoeringstoetsen, af hangt van de mate van samenhang tussen het normatieve systeem waarin uitvoeringstoetsen worden ingezet en de ondersteuning door regulatieve en cognitieve structuren. Een vergelijkend onderzoek met een tweetal andere organisaties waar uitvoeringstoetsen in gebruik zijn, heeft voorlopig aangetoond dat deze samenhang en ondersteuning er is. De mate van samenhang tussen het normatieve systeem en de regulatieve en cognitieve structuren bepaalt in positieve zin de waardering voor het instrument en de prestaties hiervan. De belangrijkste les die DR hieruit kan trekken is dat het normatieve systeem waarin de uitvoeringstoetsen zich bevinden, momenteel onvoldoende ondersteund wordt door regels die gebruik van dit instrument bevorderen. Om het functioneren van uitvoeringstoetsen te verbeteren, zal een bijbehorend arsenaal aan regels moeten worden opgesteld.

Summary

This study was conducted at the Dutch agency Dienst Regelingen (DR). DR is responsible for the implementation of a large amount of national and European regulations. The implementation of these regulations is usually assigned by the Ministry of LNV. The agency witnessed the consequences of the steering on output and cost reduction. DR is responsible only for implementation, while the regulations are designed at the Ministry of LNV.

This has consequences for the exchange of information between the Ministry of LNV and DR. One way to improve the exchange of information between the Ministry of LNV and DR is to make use of implementation checks (ICs). These implementation checks help to indicate consequences of new regulations, especially for the organization responsible for implementation. The assignment for this study was to indicate how the use and performance of these instruments could be improved. In order to construct a theoretical argument, the theory of Scott was deployed. This theory states that human actions are determined by regulative, normative and cognitive structures and that these structures determine whether an individual acts or not. This theory also helps to explain why people within organizations act or do not act.

In order to examine how ICs function within organizations, the study makes the assumption that ICs are an appropriate tool to exchange information between Ministry and agency. The ICs are embedded in a so-called normative system and are in this system considered an appropriate measure to achieve certain goals. In order to function and perform well, the normative system needs to be supported by a certain degree of rules (regulative) and the organizational setting in which individuals operate (cognitive). The hypothesis tested holds that the degree of harmonization between these three structures, determines the performance of the set of ICs.

A case-study on organizational level and a comparison with two other cases has shown that this true until proven otherwise. The degree of harmonization has a positive impact on the performance of the set of instruments. The most important recommendation for DR is that, for the ICs to function better, they need to be supported by more internal rules and regulative structures, in order for people to comply and perform ICs.

Preface

This is the thesis I wrote in order to obtain a European Studies double-diploma, for the program offered at both the University of Münster and the University of Twente. I wrote this thesis during an internship at the Dutch Ministry of Agriculture, Nature and Food Quality, at the department for the National Service for the Implementation of Regulations. This organisation granted me the opportunity to conduct research and to participate in and learn from their organisational processes. I would like to thank drs. Nathalie Scheidegger and especially drs. Raymond Roumimper for this opportunity and for the supervision and feedback during the process in which I wrote this thesis.

Next, I would like to thank my supervisors at the University of Twente, Dr. Duco Bannink and Dr. Pieter-Jan Klok for their advice and critique regarding the set-up of this thesis. Next, they provided valuable feedback about the methodological design of the study, and helped me to present the results of the analysis and construct a scientifically valid argument about implementation checks. I would also like to thank Dr. Jorg Waldmann, supervisor for the double-diploma from the University of Münster, for providing information about the procedures at the University of Münster and for reviewing my thesis.

Further, I would like to thank all who provided constructive critiques during the process and supported me along the way. Especially, I would like to thank my parents for their support, Niek for the review and critique of the work in progress and Daphne for all the details she drew my attention to.

Utrecht, 2009.

Bastiaan Vos

Table of contents

1 INTRODUCTION	9
1.1 BACKGROUND OF THE STUDY: EUROPEAN STUDIES AND PUBLIC ADMINISTRATION	9
1.1.1 <i>Europeanization</i>	9
1.1.2 <i>National and international trends</i>	10
1.1.3 <i>Dutch agencies</i>	10
1.2 DIENST REGELINGEN AGAINST THIS BACKGROUND	11
1.3 IMPLEMENTATION CHECKS	12
1.3.1 <i>Types of ICs</i>	13
1.4 OBJECTIVES OF THE STUDY	14
1.5 SETUP OF THESIS	15
2 THEORETICAL APPROACH	16
2.1 INTRODUCTION.....	16
2.1.1 <i>Carriers of institutions</i>	16
2.2 THE NORMATIVE STRUCTURE.....	17
2.2.1 <i>Carriers of the normative structure</i>	18
2.3 THE REGULATIVE STRUCTURE.....	18
2.3.1 <i>Carriers of the regulative structure</i>	20
2.4 THE COGNITIVE STRUCTURE	20
2.4.1 <i>Carriers of the cognitive structure</i>	21
2.5 THEORY-BASED ANALYTICAL FRAMEWORK	21
3 METHODOLOGICAL APPROACH/RESEARCH DESIGN.....	23
3.1 INSTITUTIONAL RESEARCH	23
3.2 EXPECTATIONS AND HYPOTHESIS	23
3.3 RESEARCH QUESTIONS AND APPROACH	24
3.4 OPERATIONAL DEFINITIONS	24
3.4.1 <i>Operational definition of the normative systems which embed ICs</i>	25
3.4.2 <i>Operational definition of the regulative structures which embed ICs</i>	26
3.4.3 <i>Operational definition of the cognitive structures which embed ICs</i>	27
3.4.4 <i>Degree of harmonisation between normative system and regulative & cognitive structures</i>	28
3.4.5 <i>Operational definition of performance</i>	28
3.5 SELECTION OF CASES AND RESPONDENTS	29
3.5.1 <i>Selection of organisations</i>	29
3.5.2 <i>Selection of respondents</i>	30
3.6 DATA, QUESTIONNAIRE AND QUALITATIVE APPROACH OF INTERVIEWS	30
3.7 VALIDITY&RELIABILITY	31
3.8 SETUP OF ANALYSIS.....	32
4 ANALYSIS MINISTRY OF V&W AND RDW	33
4.1 NORMATIVE SYSTEM OF ICs: EMBEDDING IN ORGANISATIONS	33
4.1.1 <i>Types and contents of ICs</i>	33
4.1.2 <i>Appropriateness of the ICs</i>	34
4.1.3 <i>Appropriateness for the members of the organisations</i>	35
4.2 REGULATIVE STRUCTURES THAT EMBED ICs.....	36
4.2.1 <i>Protocol and rules that state how ICs should be used</i>	36
4.2.2 <i>Structures that force actors to comply and perform an IC</i>	37
4.3 COGNITIVE STRUCTURES THAT EMBED ICs	37
4.3.1 <i>Organisational goals for the Ministry of V&W and the RDW</i>	37
4.3.2 <i>Inter-Organisational settings for respondents</i>	38
4.4 PERCEIVED PERFORMANCE OF THE ICs	39
4.4.1 <i>Overall performance</i>	39

4.4.2 Weak elements	39
4.4.3 Strong elements	39
4.5 ANALYSIS MINISTRY OF V&W AND RDW	40
5 ANALYSIS MINISTRY OF OCW AND CFI.....	42
5.1 NORMATIVE SYSTEM OF ICS: EMBEDDING IN ORGANISATIONS	42
5.1.1 Types and contents of ICs	42
5.1.2 Appropriateness of the ICs.....	43
5.1.3 Appropriateness for the members of the organisations.....	44
5.2 REGULATIVE STRUCTURES THAT EMBED ICS.....	45
5.2.1 Protocol and rules that state how an IC should be used.....	45
5.2.2 Structures that force actors to comply and perform an IC.....	45
5.3 COGNITIVE STRUCTURES THAT EMBED ICS	46
5.3.1 Organisational goals for the Ministry of OCW and CFI	46
5.3.2 Inter-Organisational settings for respondents.....	47
5.4 PERCEIVED PERFORMANCE OF THE ICS	47
5.4.1 Overall performance	47
5.4.2 Weak elements.....	48
5.4.3 Strong elements	48
5.5 ANALYSIS MINISTRY OF OCW AND CFI.....	49
6 ANALYSIS MINISTRY OF LNV AND DR.....	51
6.1 NORMATIVE SYSTEM OF ICS: EMBEDDING IN ORGANISATIONS	51
6.1.1 Types and contents of ICs	51
6.1.2 Appropriateness of the ICs.....	52
6.1.3 Appropriateness for the members of the organisation.....	53
6.2 REGULATIVE STRUCTURES THAT EMBED ICS.....	54
6.2.1 Protocol and rules that state how an IC should be used.....	54
6.2.2 Structures that force actors to comply and perform an IC.....	55
6.3 COGNITIVE STRUCTURES THAT EMBED ICS	55
6.3.1 Organisational Goals for the Ministry of LNV and DR.....	55
6.3.2 Inter-Organisational settings for respondents.....	56
6.4 PERCEIVED PERFORMANCE OF THE ICS	57
6.4.1 Overall performance	57
6.4.2 Weak elements.....	57
6.4.3 Strong elements	58
6.5 ANALYSIS MINISTRY OF LNV AND DR.....	59
7 CONCLUSIONS & RECOMMENDATIONS	61
7.1 HYPOTHESIS	61
7.2 MAIN RESEARCH QUESTION.....	63
7.3 RECOMMENDATIONS	63
REFERENCES.....	65
ANNEXES	68

1 INTRODUCTION

1.1 BACKGROUND OF THE STUDY: EUROPEAN STUDIES AND PUBLIC ADMINISTRATION

The host-organisation for this study is Dienst Regelingen (DR, in English: National Service for The Implementation of Regulations). This organisation is a semi-independent governmental organisation, which is responsible for implementation of many European regulations and a few Dutch regulations. Therefore provides this introduction an overview of the theoretical background that indicates how this organisation situates itself within in the process of the implementation of regulations. After this overview, the remainder of the introduction deals with the subject and objective of the study in more detail.

1.1.1 EUROPEANIZATION

According to multiple authors, the polity of the European Union (EU) is a multi-level governance structure, in which institutions such as the Commission, the Council of Ministers and the European Parliament (EP) all play their part (Scharpf, 1999; 2007; Eising, 2004). Multiple layers of institutions are active within this multi-level governance structure, and their level of influence on policy formulation and implementation differs per area of policymaking. These different institutional bodies all have their own specific role, with their own level of accountability to, and representation of, the general demos of the EU (Kohler Koch, 1999; 2006).

The policies of the EU become formal legislation via directives, regulations and decisions. They might also have the form of non-binding recommendations and opinions to the EU Member States. Regulations have general application and are directly applicable to all Member States (EC Treaty, art. 249). Once an EU regulation is ratified, actual implementation of these EU regulations is up to the Member States (Börzel, 2001).

Within these Member States, there is a sense that the amount of EU-regulations that have to be implemented and lived up to, still grows, and that 'Europe' is becoming more important in everyday activities. While the Commission develops extensive (legal) frameworks for the internal market and tries to establish policies that benefit the EU as a whole, there is a sense of pressure within the Member States that forces them to comply and incorporate the EU regulations into national policy frameworks. The process of generating and creating a larger share of EU-oriented law also carries the label of the process of "Europeanization" of national administrations and bureaucracies (Lenschow, 2007).

1.1.2 NATIONAL AND INTERNATIONAL TRENDS

Preceding and parallel to this process of Europeanization is the so-called New Public Management (NPM)-movement within Western countries, most of them cooperating in the Organisation of Economic Cooperation and Development (OECD). This NPM-movement has consequences for the organisation of public service provisions and indirectly influences the departments of national Ministries and sub-national governments. These institutes are responsible for the implementation of policies, be it transposed European legislation or national regulations, and have witnessed the impact of the NPM-movement on their daily activities. The NPM-movement is characterised by two basic notions: reducing or removing the differences between public and private sectors and emphasizing on accountability in terms of results (Hood, 1995).

The NPM-movement did result in a shift from a focus on the design of the process of public services, to a paradigm in which focus is on output and results. Next, there was a move from a hierarchical structure to a more competitive based provision of public services (Hood, 1995). Despite the expectation from different scholars about future convergence in the design of governmental activities between countries that embrace NPM as a leading, actual reflection of the NPM paradigm differs per country and is dependent on the countries different, already existing institutions (OECD, 1997).

In the Netherlands, the NPM movement reflected in the emergence of a system of different agencies, attached to the Ministries where they originally were performing their activities. This process has the label of a process that led to self-dependant agencies that were internally attached to their original Ministry (Smullen & Pollitt & Van Thiel, 2001). Similar processes took place in the United Kingdom, Japan and Latvia (Ibid: 6).

1.1.3 DUTCH AGENCIES

The Governments Account Act provides the legal basis for the establishment of these agencies. This act ratifies the legal provisions and the rationale of delegating certain tasks to an agency (in Dutch: agentschap or baten-laten dienst). The Act clearly states that if *“a different management is required for a certain department, the responsible Minister and the Minister for Financial Affairs can decide to split the budget and account and constitute a separate agency”* (Governments Account Act, 2001: Art 10-1).

This allows for a clear division of tasks and the possibility to focus on the performance of one element (the agency) of the Ministry (Ibid: Art 11:1-2). The most important definitions of this regulation are that the Minister remains responsible for the agency with regard to financial

activities. Next, the respective Minister remains the key representative responsible for the actions of the agency (Regulation Baten – Lasten Dienst, 2007: 1abc).

The choice for such a system and the possibility to create agencies was based on expectations regarding the results of this shift: agencies were likely to work efficient, target-oriented, have motivated people working within their organisation and to have a higher level of service towards their customers compared to the original governmental bureaucracies (Smullen & Pollitt & Van Thiel, 2001: 3).

In order to live up to these expectations, the affected organisations (responsible for implementation of regulations) became conditionally independent. Agencies obtained a certain freedom to manoeuvre, on the condition that they realised pre-agreed targets in the most efficient and effective manner possible (Ibid: 4). This paradox (more freedom in the process of implementation, less freedom to move away from the pre-agreed targets) is one that occurs in many different forms of agencification.

Despite the growth in the number of agencies from the 1990's, the results of the process are mixed (Van Thiel, 2004). One of the main critiques holds that the department of the Ministry that assigns the agency with a task (via an offer or an internal bid), does not provide enough information for the agency to carry out the task. In other words, the principal (in the form of an assigning Ministry) does not take his job very seriously (Oostrom & Van Thiel, 2004). The information about the process of implementation that comes from the agencies is not always taken into account by the principal and neither is it used in order to adapt new regulations to the practical needs of the agencies.

1.2 DIENST REGELINGEN AGAINST THIS BACKGROUND

DR is an agency of the Ministry of Agriculture, Nature and Quality of Food (LNV). With the decision to merge four separate bodies responsible for policy implementation into one separate agency, the Dutch government created an agency responsible for the implementation of 150 different regulations (KST86157; 2004).

The decision to merge these four bodies into one agency revolves around the NPM paradigm of a more efficient implementation of regulations and has a focus on the performance of the agency in the actual implementation of new regulations. Within the agency, no departments actually develop and propose new regulations or legislation; the focus is on the implementation of regulations that assigned by principals, after a process of proposals and cost-price calculation. The Ministry of LNV remains to be the largest principal (Ibid: 3).

Around 80% of the regulations implemented by DR have an origin somewhere in the European process of policymaking. This goes from actually paying the farmers the subsidies of the Common Agricultural Regulation (CAP) to certifying the accounts of other organisations that issue EU funds. DR is one of the two paying agencies of the EU in the Netherlands. Communication with the EU mainly runs via the mother departments of the Ministry of LNV, both via the policy departments (Agriculture, Fish, Nature and some minor other departments) and the clusters International Affairs and Judicial Affairs. Those two clusters within the Ministry of LNV are constantly present in Brussels via the Permanent Representation and at the end of the process of implementation transpose EU regulations and directives into national legislation.

Against the background of section 1.1, this paragraphs shows that DR is an actor in a multi-level system of governance. With the focus on implementation of many of the agricultural regulations issued by the EU, they hold an important position in the actual implementation by being the last link in the chain before the outcomes of the regulation process (e.g. money, new rules) reach the recipients. The rationale of steering on output shows in the agreements set-up between the Ministry of LNV and the agencies and reflects strongly in organisational processes.

1.3 IMPLEMENTATION CHECKS

With the creation of separate agencies, responsible for the actual implementation of regulations, there became a need for new instruments that could help to structure the exchange of information between the Ministry that assigns and the agency that implements regulations. A set of instruments which is often in use, are so-called implementation checks (ICs) (Min BZK, 2001).

The basic rationale of ICs is discussed by van Twist (2001) and the Dutch Ministry of the Interior and Kingdom Relations (From here: The Ministry of BZK) (2001). Van Twist states that an IC is useful in order to prevent problems in the implementation of regulations. The Ministry of BZK states that ICs should be used in order to test an intended regulation against the requirements of the implementation process (Min BZK, 2001). The Ministry of BZK considers the IC as a possible tool to enhance the information exchange between departments that work independently from each other. They therefore assume that there is an agency that is responsible for implementation and that this agency has a relation with the policy departments of Ministries (Ibid: 4). Performing an IC would lead to a situation in which the consequences for the organisation that implements the regulation are clear.

Van Twist (2001) discusses two types of problems: 1) the institution that implements the regulations uses its discretionary freedom in order to go its own way and 2) the different actors in the chain of regulation implementation do not communicate. This could lead to a reduced quality of

the implementation of regulations (van Twist, 2001: 30). These two problems are likely to occur when specific agreements constitute the relation between the department that initiates the regulation and the agency that implements the regulation. These agreements divide the process into an actor that is responsible for the design of the regulation and an actor that is responsible for the actual implementation. This leads to a situation in which asymmetric information exists on the process of designing regulations and the actual implementation of these regulations (Ibid: 31).

Therefore, an IC can lead to a situation in which information on the implementation of regulations becomes available earlier and more extensively in the process of policy and regulation design. This might lower the risk of hick-ups in the implementation of regulations. The presumption is that, because of an earlier exchange of information, it is less likely that elements of the implementation are left out of the preparation and writing of the regulation at the Ministry.

1.3.1 Types of ICs

Van Twist (2001) indicates that ICs revolve around two axes. The first axis is the moment of performing a check. The main question here is whether the regulation is still intended or that important formal decisions already have been made. The second axis is the institution that is primarily responsible for the IC: the department that develops the regulation or the organisation that implements the regulation. This axis addresses the question which of the two is responsible for performing a check (Van Twist, 2001: 30). Combining these axes leads to table one (Ibid: 31). According to van Twist (2001), these different ICs all have their own goals and contribution to the overall process of implementation, but the basic idea of an IC remains to prevent problems in the process of implementation.

Table.1: Four types of ICs (Van Twist, 2001)

Moment in the process ↓	Responsible for IC →	Policy department	Implementing organisation
Before new regulations are fixed		Type 1 Reason: improvement of regulations by planning and thinking in advance. Risks: blind spots	Type 4 Reason: improving regulations by early provision of information about consequences for implementation Risks: politicking
After new regulations are fixed		Type 2 Reason: gaining insight in practice of regulation implementation and the consequences of policies Risks: reparation of regulations after establishing them	Type 3 Reason: gaining insight in the operational consequences of established new regulations Risks: ad-hoc reparation of parts of regulations

Type-1 ICs serve as 'sticks' that force policymakers to think about implementation of their regulations, before implementation takes place. Its purpose is to visualise and name the risks in the implementation of new regulations by the organisation to which the regulation is assigned (agent). The instrument has to yield information on future problems, in order for it to be useful. (Van Twist, 2001: 31-32)

Type-2 ICs serve as tools for examining the procedures of the implementation process. It raises the question whether these procedures are still in line with the goals of the department that is responsible for the design of regulations. This means that civil servants even after the finalisation of regulations need to find out whether the reality is in line with the intention of the regulation (Van Twist, 2001: 32-33)

Type-3 ICs are useful for both organisation and try to find out what the implications of a new regulation are for the implementing organisation. Before the regulation is approved, it can influence this regulation by generating information about the overall consequences for the process of implementation. This requires general knowledge for the implementing organisation on what the new regulation actually represents (Van Twist, 2001: 33-34).

Type 4 ICs provide the opportunity for implementing organisation to use the information available within the organisation in order to improve its position strategically, in line with the expected changes in regulation or the new regulation that enters into force. This check works on basis of an idea or intended regulation (Van Twist, 2001: 35-37).

1.4 OBJECTIVES OF THE STUDY

As this is a practice-oriented study, the objective strongly correlates with the objective the host-organisation provided. The assignment is therefore to optimise the performance of ICs, for DR in the relation to the Ministry of LNV. The objective of this study is as follows:

Objective: to optimise the performance of implementation checks for DR in the process of information exchange between Ministry of LNV and DR.

An IC is considered to work optimally when the goals of the IC are fully met. This implies that the rationale behind an IC is met by the internal and external use of the particular instrument and that the goals set within a particular IC are met by practicing and use of the instrument. Internal use is in this sense the use within the respective organisation and external the use of the instrument towards the organisation that receives the information.

The research question (RQ) focuses therefore on the conditions that make the ICs reach the goal in the organisational relation between the agent that implements the regulation and the principal that assigns. When these conditions are sufficiently met within an organisation, the instrument reaches its goals and performs optimally.

RQ: What are the conditions required to optimise the performance of implementation checks within DR's organisational setting?

1.5 SETUP OF THESIS

The second chapter deals with the theoretical approach of this study and develops an analytical framework for the remainder of the analysis. The third chapter discusses the methodological approach and the selection of cases. The fourth, fifth, and sixth chapter offer the analysis of the selected cases, while the seventh chapter deals with the outcomes of the study and offers a discussion of the results. This includes the implied recommendations for the host-organisation.

2 THEORETICAL APPROACH

2.1 INTRODUCTION

In this study, ICs are instruments deployed in the relation between a Ministry and an agency or other organisation that implements regulations. Therefore, the presence of ICs somehow determines individual actions in both respective organisations. When constructing an argument about organisations and the way members within an organisation interact, institutional theory often serves as tool for further analysis.

Therefore, before even starting to analyse, it is necessary to define institutions. Institutions are a broadly discussed concept, and multiple definitions exist. This study prefers the broadest of these definitions, in order to provide as much room as possible for the analysis of relevant structures within organisations. In the words of Scott (1995: 33) "*Institutions consist of cognitive, normative and regulative structures that provide stability and meaning to social behaviour. Institutions are transported by various carriers – cultures, structures and routines – and they operate at multiple levels of jurisdiction*". Scott mentions cognitive, normative and regulative structures as providing stability and meaning to social behaviour.

These structures are discussed in more detail in section 2.2-2.4. According to Scott (1995: 35), the regulative, normative, and cognitive structures are carried by certain elements. These elements are a reflection of the respective structures and the argument is therefore that the carriers of institutions constitute cognitive, normative and regulative structures. Below, there is a discussion on the concept of carriers in more detail.

2.1.1 CARRIERS OF INSTITUTIONS

Scott builds for the concept of carriers on Jepperson (1991) and Giddens (1984). Especially Giddens theory of structuration is important. This theory emphasises the reciprocal relation of structure and action in all social behaviour. According to Giddens, structure represents the persistent or institutionalised aspect of behaviour: the social products of past actions, as well as context or medium in which current and ongoing action occurs (Scott, 1995: 9). In a contribution of Scott in 2004, there is a further elaboration on the concept of carriers. Derived from his earlier description of and theory on carriers and described more extensively, this study distinguishes four different carriers of symbolic systems, relational systems, routines, and artefacts (Scott, 2004: 881).

Symbolic systems are those types of symbolic schemes in which meaningful information is coded and conveyed. This means that there are common systems of belief that are shared between different actors and that these actors act to live up to these expectations (Scott, 2004: 882).

Relational systems are those systems that include interpersonal as well as inter-organisational relations. These relations can be either formal or informal, based on long-standing relations as well as newly established relations (Scott, 2004: 883).

Routines stand for the behaviour of actors that has become a habit, in which the actions of the actor reflect tacit knowledge about certain processes and how to respond to these processes (Scott, 2004: 883). Artefacts are the material cultures created by humans that help to assist in performing tasks (Scott, 2004: 884).

Most of the theorists mentioned by Scott, focus on only one structure of institutions in their research. The theory of Scott provides an overview of how all these three structures influence and shape institutions. For this study, it is assumed that the theory of Scott can serve as an analytical tool to analyse and review the position of ICs in the organisational processes between Ministry and (internal) agencies.

2.2 THE NORMATIVE STRUCTURE

The first structure of institutions discussed in this chapter, is the normative structure of institutions. This structure has as a premise that normative processes provide the basis for actions in social life. The rules that come from normative processes introduce prescriptive, evaluative, and obligatory dimensions in social life. A normative system in this sense means incorporation of both values and norms. Therefore, a normative system defines goals or objectives and sets out the ways to reach these goals. Values are how the preferred situation is perceived, while norms specify how things should be done. Depending on the role of actors within the organisation, they are expected to act in a certain way. Rational action is therefore always grounded in a social context that specifies the appropriate means (Scott, 1995: 37-39).

According to Parsons (1951), roles provide the basis for interaction between individuals. The roles constitute a system based on interdependence in which the roles of individuals have certain meanings and the people 'playing' those roles obey the same-shared values. Rules define the goals of interaction, and therefore one move by actor with role A, will be followed by a move of actor with role B. When actor A and B share the same normative culture or values, and live up to them, they form a collectivity (Parsons, 1951). In a collectivity, the normative culture will define the values and norms. Next, it will set the goals and move goals to identifiable persons. This creates as systems of interaction in which norms will define expectations for different units or classes of differentiated units. Values serve as those normative patterns that define the way in which the systems should be designed (Parsons, 1951).

March and Olsen (1987; 2007) focus on the logic of appropriateness. The logic of appropriateness is considered the perspective on human actions. They define to act appropriate as “*to proceed according to the institutionalized practices of a collectivity and mutual understandings of what is true, reasonable, natural, right and good*” (Olsen, 2007: 3). They argue that rules are followed not only because they have always been followed, or because someone tells them to follow the rules. Rules are followed “*because they are perceived adequate for the task at hand and to have normative validity*” (Ibid: 3).

This normative approach and the logic of appropriateness are elements of the broader ‘new institutionalism’. The basic idea behind this paradigm is that the matching of institutions and behaviours takes time and multiple, path-dependent equilibriums exist. The basic units of analysis of the new institutionalism are the internalized rules and practices. Together with the identities and roles, normative and causal beliefs and resources, the new institutionalist aims at providing knowledge on how these processes are transformed into institutionalised roles (Ibid: 4-5).

2.2.1 CARRIERS OF THE NORMATIVE STRUCTURE

Subsection 2.1.1 discussed the four carriers of institutions. While these carriers, according to Scott (2004), operate at multiple levels of jurisdiction and transport institutions, they differ per structure of institution. Normative is in this sense related to “*roles: conceptions of appropriate actions for particular individuals or specified social positions*” (Scott: 1995: 8). These are considered normative expectations of what actors are supposed to do. The following elements carry the normative structure:

Carriers of the normative structure

- Symbolic systems: values, expectations, standards.
- Relational systems: regimes, authority systems.
- Routines: jobs, roles, obedience to duty.
- Artefacts: objects meeting conventions, standards.

2.3 THE REGULATIVE STRUCTURE

The second structure is labelled as the regulative structure. According to Scott (1995), this regulative structure is in the broadest sense emphasised by all scholars. For regulative theorists, the basic idea behind institutions is that they constrain and regularize behaviour. The scholars that focus on this structure stress the importance of explicit regulative processes, such as: rule setting, monitoring and sanctioning activities. The central ingredients of the regulative structure are force, fear, and expedience. Recognizing the rules without judging about the content is a central element. Scholars of the regulative structure follow a social realist perspective: actors pursue their natural

interests rationally, according to cost-benefit logic. This implies that not obeying the rules is not beneficiary to the actors' interests: complying with a certain rule at a certain moment is thus in the interest of the actor (Scott, 1995: 35-37). The basic idea behind the regulative approach is consistent with the social realist perspective, which states that actors have their natural interests and try to pursue these rationally. According to social realists: "*norms and institutions affect the behaviour of actors by altering benefit/cost calculations*" (Hechter et al, 1990: 4). This is stressed by work in economics, especially via agency theory.

Agency theory is the theory that deals with the relation between principals and agents. The overall domain of agency theory is dedicated to describing a particular relationship between these two. An agency structure is in this sense a structure "of a principal and an agent who is engaged in cooperative behaviour, but has differing goals and differing attitudes towards risk" (Eisenhard, 1987). The basic idea is that within principal-agent relationships, efficient organisation of both information and risk-bearing cost should occur.

Around 1970, economists started working on the subject and especially focused on the relationship between a principal that delegates work to the agent. This relationship was described with the help of a metaphor: the contract. Two problems occur in agency relationships. The first of these problems is that the goals of the principal and the agent conflict, the second is that it is difficult for the principal to find out and verify what the agent is actually doing (Eisenhard, 1987: 58). This can cause negative external effects of the assignment. A contract can in this sense be used in order to specify the agreement between principal and agent and establishes, before delegation takes place and in order to limit the possible negative side effects of delegation.

These problems are based on the assumption that imperfect information block the opportunity for principals to register fully what is going with the agent's activities. In case of imperfect (or asymmetric) information and external effects, complex arrangements have to be developed (Spremann, 1987). Focus is here on the situation of asymmetric information, in which the principal and the agent have a skewed division of information or when the principal does not know what it needs to know. This involves two aspects: moral hazard and adverse selection. Moral hazard refers in this case to a lack of effort by the agent. In other words, the agent is shirking from his duties, because other jobs or tasks are more interesting and/or beneficiary. This usually occurs when the principal cannot detect what the agent is doing. Adverse selection is refers to a situation in which the agent misrepresents his ability: the agents pretend to possess certain skills, but the principal cannot check this (Eisenhard, 1987)

These conflicting problems leave the principal two options: investing in information systems in order to reveal the behaviour of the agent and the second option is to develop contracts on the outcomes. This co-aligns the agents' preferences with those of the principal. In both cases, the missing information comes at a cost (develop a contract or information system), and therefore information can be seen as a commodity. It can be traded against a certain other resource such as time or money (Eisenhard, 1987; Spremann 1987).

2.3.1 CARRIERS OF THE REGULATIVE STRUCTURE

Scott (2001; 2004) defines four kinds of carriers for the regulative structure. These four carriers provide input for the analysis based on regulative viewpoints. Assessment of institutions is according to these theorists based on the following carriers.

Carriers of the regulative structure

- Symbolic systems: rules, laws.
- Relational systems: governance systems, power systems.
- Routines: protocol, standard operating procedures.
- Artefacts: objects complying with mandated specifications.

2.4 THE COGNITIVE STRUCTURE

The third structure of institutions is considered the cognitive structure. These theorists stress the cognitive elements of institutions. Cognitive elements “*are the rules that constitute the nature of reality and the frames through which meaning is made*” (Scott, 1995: 40). In the cognitive paradigm, mediating between an external world of stimuli and the response of an individual is the collection of internalized symbolic representations of the world. Cognitive structures of institutions involve the processes, which are, in the words of Scott, taken for granted. This means that these processes are based on internal structures.

A citation of D’Andrade (1984: 88) captures this perspective best: “*In the cognitive paradigm, what a creature does is, in large part, a function of the creature’s internal representation of its environment*”. This implies that for analysis of a cognitive structure of institutions, focus is on the social environment of the institution. Interests of actors are considered to be varying by institutional context and as requiring explanations (Scott, 1995: 39-43).

According to Scott, institutional frameworks, as such define the ends and shape by which interests are determined. This results in certain constitutive rules, which eventually leads to a construction of actors and roles. Cognitive theorists stress, contrary to what regulative theorists argue, that games involve more than rules and enforcement systems. They consist of socially constructed players,

which have differing capacities for the parts they play. It depends on the societal or organisational settings what is expected from individuals (Scott, 1995: 42).

2.4.1 CARRIERS OF THE COGNITIVE STRUCTURE

Scott (2004) defines four carriers of the cognitive structure, which represent how meaning is provided to social actions in organisations.

- Symbolic systems: categories, typifications, schema.
- Relational systems: structural isomorphism, identities.
- Routines: scripts.
- Artefacts: objects possessing symbolic values.

2.5 THEORY-BASED ANALYTICAL FRAMEWORK

This study builds on the assumptions that the set of ICs, embedded within a relation between a Ministry and an agency responsible for implementation, are instruments that are part of a so-called normative system. Normative systems define goals or objectives but also designate the appropriate ways to pursue these goals (Scott, 1995). Therefore, a normative system comprises of goals, objectives, values and norms (which stem from these values). The ICs somehow fit in this normative system: the ICs are likely to contribute to the goals and objectives of the organisation and therefore considered an appropriate measure in the organisational settings. This is in line with van Twist (2001), whom considers the IC to represent an appropriate instrument in the process of implementation.

The basis of the analytical model is therefore the normative system. Within this normative system, the ICs are presented as appropriate instruments. In order for the ICs to work optimally, so in order to reach the goals of the ICs and thereby contribute to organisational goals and settings, the ICs need the support of regulative and cognitive structures.

Regulative structures make sure that it becomes instrumental for the individuals who are involved somehow in the process of implementation, to use ICs as an instrument that improves the exchange of information between a Ministry and agency. This follows the logic of weighing cost/benefit and is therefore based on complying with (in) formal rules or protocols.

Cognitive structures are the frames in which an individual operates. The individuals operate in an environment or organisational setting and this setting (subliminally) influences much of their behaviour. Therefore, if the ICs are an appropriate tool at one level but do not match the organisational settings at a lower level, it becomes likely that an IC will not fit and therefore will not reach its goals.

The figure below shows the relations between the different structures. The arrow between the regulative structures and the cognitive structures provides an indication of the relation between the rules that indicate how an IC should be used (regulative) and the frames from which individuals within an organisation operate (cognitive) reinforce or influence each other. It could for example be that a set of ICs is backed by certain rules, but that the instrument does not fit within the cognitive frame of the people who work with it.

For this study, we assume that a certain degree of harmonisation between on the one hand the embedding of ICs in the normative system and on the other hand the regulative and cognitive structures that support the ICs, determines how a set of ICs performs. The next chapter indicates how the methodology of this study deals with this issue.

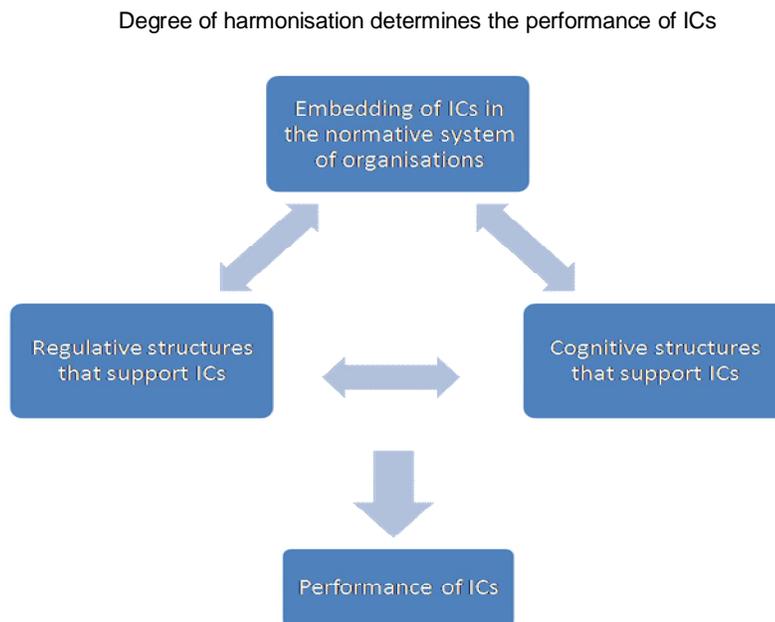


Figure one – Analytical framework

3 METHODOLOGICAL APPROACH/RESEARCH DESIGN

3.1 INSTITUTIONAL RESEARCH

According to Zucker (1977: p. 728) institutionalisation is both a process and a property variable. In some cases, an institution is discussed as an entity, as an existing system, while in other studies the focus is on a development over time. In this study, focus is on the current ICs within the normative system at DR and how the performance of ICs can be improved or made optimal given the current support of cognitive and regulative structures. Therefore, the focus is on the form of institutionalisation, which does not show a development over time but rather a fixed property variable.

By preferring a property approach to a process approach, it becomes possible to focus on the design of the current ICs and to develop recommendations on basis of a comparison with other organisations. This become possible because the property variable can be equalled with other organisations (in this case: organisations where ICs are in use as well). This has surplus value over only examining the current ICs at DR.

3.2 EXPECTATIONS AND HYPOTHESIS

Within DR, different forms of ICs have been embedded within the normative system. These ICs somehow contribute to the goals of the organisation and are therefore considered appropriate. However, these instruments have not been penetrated properly in all the organisational processes. The basic objective is to study how the ICs can be embedded more extensively in organisational processes, in order to increase the performance of the instruments. Based on the analytical model, it is assumed that it is necessary for regulative and cognitive structures to be in support of the instruments. Therefore the hypothesis for this study is:

The performance of ICs depends on the degree of harmonisation between the normative system of ICs and the regulative and cognitive structures that support the ICs.

This hypothesis clearly indicates the independent and dependent variables. The normative system of ICs and the support of regulative and cognitive structures are independent. These independent variables constitute a certain degree of harmonisation between one another. Depending on the degree of harmonisation, the performance of ICs is expected to differ. This is line with the analytical model of page 23

3.3 RESEARCH QUESTIONS AND APPROACH

In order to structure the study and develop an argument about how the performance of ICs can be improved at DR, several research questions are posed. These questions are based on the analytical model and refer to the research objective.

- § How do ICs fit within the normative systems of organisations?
- § Which regulative structures exist next to the normative systems in which ICs are embedded?
- § Which cognitive structures exist next to the normative systems in which ICs are embedded?
- § To what extent is there harmonisation between the normative systems of ICs and the support of cognitive and regulative structures?
- § What is the performance of ICs in the relation between Ministries and agencies?

The approach of the study is a qualitative case study, on organisational level. A qualitative case study is a study in which underlying meanings and relations are sought, while the cases are the organisations in which ICs are somehow embedded in the normative system. Next to DR and the Ministry of LNV, two comparable relations are subject of research. The description and selection of the cases is dealt with in paragraph 3.6.

3.4 OPERATIONAL DEFINITIONS

An operational definition or the process of operationalisation deals with the methods that are used to represent a concept (Shadish et al, 2001). An operational definition is a concrete and specific definition of how observations are categorized and how they relate to the (theoretical) concepts that are being used in the study (Babbie, 2001: 124-126).

For the operational definition of the theoretical concepts, this study builds on the carriers of institutional structures as set out in chapter 2. It is assumed that these carriers are stable at the moment of scrutiny and that they are fixed during the moment that this study is performed. Focus is on the carriers that are considered the most important in the relation between the assigning organisation and the implementing agency. For this study, the artefacts are excluded, because they represent only the material culture (materials), which are used to perform tasks. Relational systems are also excluded; they are considered fixed in the relation between a Ministry and an agency and only are discussed in the selection of cases.

3.4.1 OPERATIONAL DEFINITION OF THE NORMATIVE SYSTEMS WHICH EMBED ICS

A normative system defines goals and objectives and sets out the way to reach these goals (Scott, 1995). The description of a normative system serves as the basis for the operational definitions of the normative systems of the IC. ICs operate within organisations where the instrument is embedded in a normative system. The measurement of the normative structures should indicate how an IC fits in the normative system of an organisation.

First, it is necessary to define *which* ICs are embedded in the organisations. This is done on basis of the typology of van Twist. The four types of ICs defined by van Twist (2001) are matched with the ICs in use within cooperation between two organisations. This provides an overview of the set of instruments used and indicates why they are brought in on the normative level.

Second, an overview of *how* organisations embed the ICs within the normative system is provided. This is done by an overview of goals and objectives of the ICs and how this contributes to organisational goals. It gives an indication of the appropriateness of the instruments in their current form.

Third, the ICs are considered helpful and somehow appropriate in contribution to the organisational goals. The members of the organisation have a role within this as well. From the perspective of this role, they are able to explain why an IC helps to contribute to his or her personal activities. The members of the organisation and selection based on roles are discussed in section 3.6.

Table 2 - Measurement of the normative system

Normative structures	Carriers	Observation	Description	Indication
Types of ICs in use/ form and content of ICs	<ul style="list-style-type: none"> Standards Expectations ICs as norms derived from organisational values 	<ul style="list-style-type: none"> Documents that indicate which ICs are in use Actual ICs 	<ul style="list-style-type: none"> Description of the rationale behind ICs and the design of the ICs 	<ul style="list-style-type: none"> Sets of instrument in use at the organisation Normative interventions to achieve certain goals Typification of van Twist helps to structure different forms
Appropriateness of the ICs	<ul style="list-style-type: none"> ICs as norms derived from organisational values 	<ul style="list-style-type: none"> Documents that state why ICs are useful in the process of implementation 	<ul style="list-style-type: none"> Formal contribution to the goals in the implementation process 	<ul style="list-style-type: none"> The official contribution indicates use of instruments Appropriateness indicates how ICs contribute to organisational

				goals.
Appropriateness for daily activities of respondents	<ul style="list-style-type: none"> Jobs Roles 	<ul style="list-style-type: none"> Respondents 	<ul style="list-style-type: none"> Description of the contribution of ICs towards daily activities 	<ul style="list-style-type: none"> Indication of why ICs are appropriate for the respondents role within collectivity

3.4.2 OPERATIONAL DEFINITION OF THE REGULATIVE STRUCTURES WHICH EMBED ICS

Regulative structures constrain and regularize behaviour. For the operational definition of regulative structures that support an IC and regularize the practical use of the instrument, focus is on the rules that embed an IC within organisational processes and on the instrumentality of the ICs. Rules indicate how often and when the instrument should be used, while instrumentality deals with the weighing of arguments pro and contra actually performing an IC.

First, the regulative institutions that embed ICs are measured as formal rules and protocols that state how and when an IC can be used and which party can issue or request for ICs. These protocols and formal rules indicate how the ICs have been formally structured into the organisational settings and provide the basis for actors to rationalise the weighing of the instrumentality.

Second, regulative structures that force actors to comply with the ICs are measured. This is based on observations of formal structures that state why and how an IC should be used. The compliance is weighed on basis of cost/benefit. The structures that influences this cost/benefit analysis are measured. This implies that rules and sanctions are measured, and that the explanation of arguments of organisational members to comply or not to comply, is discussed.

Table 3 – Measurement of regulative structures

Regulative structures	Carriers	Observation	Description	Indicators
Protocol and rules that state how an IC should be used	<ul style="list-style-type: none"> Protocol Rules Standard operating procedures 	<ul style="list-style-type: none"> Agreements between Ministries and agencies Protocols and rules that are part of the procedure of ICs 	<ul style="list-style-type: none"> Description of which qualitative and quantitative demands are posed with official rules and protocol 	<ul style="list-style-type: none"> Qualitative demands to how and when an IC should be used. Quantitative demands to how and when an IC should be used.

Structures that force actors to comply/ perform ICs	<ul style="list-style-type: none"> • (informal) Protocol • Rules 	<ul style="list-style-type: none"> • Rules and sanctions in documents • Explanation of why actors comply (). 	<ul style="list-style-type: none"> • Description of informal and formal structures that force actors to comply 	<ul style="list-style-type: none"> • Formal sanctioning methods • informal arguments for complying
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3.4.3 OPERATIONAL DEFINITION OF THE COGNITIVE STRUCTURES WHICH EMBED ICS

Cognitive structures reflect processes, which people take for granted. As mentioned before, these constitute frames in which individuals automatically operate. The cognitive structures that embed ICs are therefore the representation of the environment in which individuals are active. This environment is in this study the implementation process, which runs via the Ministry towards an agency that is actually responsible for the final product of implementation. Therefore, the organisational setting as well as the inter-organisational relations proves important.

First, the organisational setting in which the individuals are active is discussed. This is done via providing an overview of the organisational goals and what the organisation actually tries to achieve giving their position. This position is based on internal and external stimuli and the position influences the goals the organisation actually has, within the process of implementation.

Second, the position of members of the organisations and the frame to which they operate are discussed. This means that the identities of the members of the organisation that work with ICs are measured, especially how members of the organisation usually interact when they cooperate with other actors in the implementation process. This means that there is a discussion of the role of the respondent, as seen from the perspective of inter-organisational cooperation. This way, it becomes possible to indicate the position of respondents and whether the timing and form of ICs at the normative level, match the cognitive frame from which people operate.

Table 4 – Measurement of cognitive structures

Cognitive structures	Carriers	Observation	Description	Indicators
Organisational setting in process of implementation of regulations	<ul style="list-style-type: none"> • Identities • Structural isomorphism 	<ul style="list-style-type: none"> • Documents that list goals and objectives • Respondents 	<ul style="list-style-type: none"> • Description of official objectives as stated by organisations 	<ul style="list-style-type: none"> • Indicates the setting of the organisation in the process of cooperation between organisations
Respondents and inter-organisational cooperation.	<ul style="list-style-type: none"> • Identities • Scripts 	<ul style="list-style-type: none"> • Respondents 	<ul style="list-style-type: none"> • Description of inter-organisation cooperation 	<ul style="list-style-type: none"> • Indicates how respondents normally frames cooperation with other party

3.4.4 DEGREE OF HARMONISATION BETWEEN NORMATIVE SYSTEM AND REGULATIVE & COGNITIVE STRUCTURES.

The degree of harmonisation between the embedding of ICs within the normative system on the one hand and the support of cognitive and regulative structures on the other hand, is measured as the observed situation in a case, compared to the ideal situation in which a set of ICs would perform optimally.

For an ideal situation, we consider the set of ICs fully supported by cognitive and regulative structures. This means that an IC is in full harmony with the cognitive framework in which an individual operates. It should fully fit within the framework in which an individual operates. The same goes for the regulative structures. These should support to the ICs to the fullest. This means that there is a clear and extensive protocol and that everyone involved is forced to perform ICs, be it formally or informally. The degree of harmonisation is therefore the objective judgement of the author that estimates to what degree the normative system in which ICs are embedded is supported by the cognitive and regulative structures.

Table 5: Measurement of degree of harmonisation

Measurement degree of harmonisation	Observation	Description	Indicators
Degree of harmonisation	<ul style="list-style-type: none"> Objective, by author 	<ul style="list-style-type: none"> Cognitive structures and support provided to the ICs in the normative system Regulative structures and support provided to the ICs in the normative system 	<ul style="list-style-type: none"> Comparison with ideal situation: cognitive and regulative structures

3.4.5 OPERATIONAL DEFINITION OF PERFORMANCE

The performance of ICs depends on the embedding of ICs within a certain organisation. Therefore, the perception of the people who work with the instrument, regarding the performance, proves important: they are able to judge about the effectiveness of ICs for their current situation. The perception of the individual respondents is therefore what proves important for construction of an argument regarding the performance of the instruments. It is possible to measure performance in multiple indicators and indicate which elements work properly in the relation between ministry and agency.

Table 6 – Measurement of perceived performance

Measurement of performance	Observation	Description	Indicators
Performance of the IC as perceived by organisational members	<ul style="list-style-type: none"> Respondents 	<ul style="list-style-type: none"> Description of how the overall performance of the IC is perceived 	<ul style="list-style-type: none"> Weak elements of IC as perceived by organisational members Strong elements of IC as perceived by organisational members Overall performance of the instruments

3.5 SELECTION OF CASES AND RESPONDENTS

The case selection has taken place on basis of two criteria. The first criterion for selection is the character and institutional setting of the host organisation. In order to compare the use of ICs in the relation between Ministry and Agency, it is necessary to compare with organisations, which resemble the same institutional setting and hierarchical structures. This strengthens of the comparison between the organisations and implies that only inter-organisational relations similar to those between the Ministry of LNV and DR qualify for further research. This is line with the relational systems that were discussed as a carrier: these relational systems need to be equal. In this criterion is also included that the selected organisations should have ICs embedded within their normative system.

The second criterion for selecting the cases is the dependent variable. The perceived performance of the ICs in the inter-organisational relation between the Ministry of LNV and DR is considered relatively weak. Therefore, we seek to find two cases in which the perceived performance of the ICs is higher than at DR. Selection on basis of the independent variable allows for a study which independent variables (cognitive, normative or regulative) cause that the ICs are considered to perform better at the case that are selected for further scrutiny.

3.5.1 SELECTION OF ORGANISATIONS

The selected organisations are one other agency in the sense of DR (a baten-laten dienst) and one “zelfstandig bestuursorgaan” (ZBO). Both of these organisations are selected on the expectation that they the share the same normative systems of ICs, but that cognitive and regulative structures that support this normative system differ from the situation at DR. This expectation is based on preparatory research by the author, which yielded the information that the overall performance of the ICs in these relations is considered good.

The selected organisations are CFI and Ministry of OCW and the RDW and the Ministry of V&W. The CFI is an internal agency, which supports the Ministry of OCW in the implementation of educational regulations and is responsible for the funding of schools in the Netherlands. The RDW is responsible for the implementation of laws and regulations related to the licensing and control of vehicles in the Netherlands.

3.5.2 SELECTION OF RESPONDENTS

The scope of the study requires a limited number of respondents. Selection of the respondents took place on basis of the roles they fulfil. Because the subject of study is the use of ICs within the implementation process, the roles of the respondents should be that they somehow (for a small part) contribute to implementation of new policies and regulations. Therefore, respondents within Ministries are selected on basis of the following variables: they work at departments that have as a main task 1) to develop and establish new policies and regulations or to 2) communicate with advisors of the agency responsible for implementation.

Within the agency responsible for implementation, employees are selected on basis of two variables: 1) they have to work with implementation checks and 2) they need to cooperate with the department of the principal that assigns the regulation to be implemented by the respective agency.

In total, 16 respondents were selected. Half of them (8) are employed at a Ministry that provide assignments for the agencies responsible for implementation and the other half (8) within the agencies responsible for implementation.

3.6 DATA, QUESTIONNAIRE AND QUALITATIVE APPROACH OF INTERVIEWS

The data required for this study are from qualitative sources and based on documents and interviews with respondents that work with ICs. These are gathered via qualitative interviews, which are according to Babbie (2001) considered to be a conversation in which the interviewer establishes a general direction.

This direction allows the interviewer to focus on the topics raised by the respondents, instead of following a completely pre-defined yes or no questionnaire. The qualitative approach for interviews implies that questions were redesigned during the process, and that interviews are analysed during the whole process of gathering data.

A couple of basic questions were developed beforehand. These questions constitute the interview protocol, which is listed in Annex 2. Not only do the interviews yield information about the perceived performance of the instrument in the structures that embed the ICs and allow for request of relevant documents. Globally, the questions deal with the following subjects:

- Overview of appropriateness of the instrument
- Description of the procedure and content of ICs as this is experienced by respondents
- Overview of elements, which state why respondents are likely to comply with the ICs.
- Perception of the performance of ICs in the relation between the Ministry and the agency that implements regulations assigned by the Ministry.

3.7 VALIDITY&RELIABILITY

The extent to which the study offers reliable results, is strongly dependent on the degree of information that is provided by the (members of the) organisation involved (Shadish et al, 2001). Due to the complex processes that together constitute *'implementation of new regulations'*, it becomes difficult to check whether all information is taken into account. There are a limited number of respondents, which all have specific tasks in the process of policy design and implementation. The methodology deals with this threat via the spread of the respondents across organisations and across the 'chain' of policy implementation. This way, there is a lower risk that the study does not yield the required information.

The respondents are one of the major threats to the construct validity of the study. These respondents discuss the instruments they work with daily, and have been selected for that same reason. However, in some cases the instruments are taken for granted and already part of organisational settings for years. This could lead to situations in which respondents state the instrument is appropriate, because they work with it every week or even daily. It becomes difficult to split the cognitive structures in which the respondent operates and the normative level on which the ICs are brought in. The questions asked during the interviews therefore strongly focused on splitting the 'appropriateness' question from the daily use questions and observations.

A threat to internal validity is that there is a lack of clarity concerning the independent and dependent variable (Shadish et al. 2001). The independent variable could be the intervention on the normative level of organisation, which states why and how ICs are appropriate. The cognitive and regulative structures then support and are dependent on the form of the IC. It could also be that the cognitive and regulative structures determine how an IC should be designed on the normative level, because they are independent and therefore necessary to take into account before an IC is designed.

For this study, the normative intervention is considered independent: at a moment in time, it is decided to start with an IC. This implies a change in the organisational settings and depending on the support of cognitive and regulative structures that are present on the moment of scrutiny; there is a certain degree of harmonisation. This way, the performance of the instruments is dependent on the degree of harmonisation of the regulative, normative and cognitive structures.

3.8 SETUP OF ANALYSIS

On basis of the operational definitions, the analytical framework and the research question, the cases are analyzed. In the case analysis, first, a description of the normative systems of ICs is provided and the regulative and cognitive structures that support the IC. Second, there is an overview of the perceived performance of ICs in the organisations that were subject of research. The concept of the degree of harmonisation is not so much something you observe and measure straightaway, but is part of the analysis in the last paragraph of the chapter.

4 ANALYSIS MINISTRY OF V&W AND RDW

4.1 NORMATIVE SYSTEM OF ICS: EMBEDDING IN ORGANISATIONS

4.1.1 TYPES AND CONTENTS OF ICS

Within the implementation process of the Ministry of V&W and the RDW, two different forms of ICs are in use. The first IC is an extensive check, type-4 IC. This extensive check addresses the formal intention (a first version of a law or regulation) at the Ministry of V&W or from a higher stage, such as the EU. This intention has already passed the first phases of policy formulation and is likely to be part of the work processes of the RDW for the years to come. The second IC in use is a type-3 IC, a minor check. This check mainly serves as the last check and addresses the question whether the proposed regulation contains all relevant judicial definitions.

A type-4 IC – An extensive check

The extensive check works on basis of intended policies or changes to law at the Ministry of V&W. The expected changes to policies or changes to law are tested on their consequences for the implementation and the policy field. With a formal letter, the policymaker at the Ministry of V&W requests an IC from the RDW, and the expectation for the policymaker is to require many details about the implementation process. The policymaker wants to find out how and when his proposed policy can be implemented.

There is discretionary space for the policymaker to decide whether a proposal qualifies for an extensive form of IC: it is up to the judgement of the policymaker that prepares a new regulation to decide whether the new plan important enough to perform out an extensive analysis within the RDW. The policymaker also sets a time-span in which he would like answers to the questions raised in the IC. This discretionary allows for a flexible use of the instrument: only when considered appropriate, the instrument can be used.

The scope of the information requested by the Ministry of V&W in an extensive form of ICs is rather broad. Based on the intention of the policy department at the Ministry of V&W, a number of data are requested. The most important elements of the extensive IC results in the re-occurring questions to the RDW, and mainly focus on the question whether the RDW can:

- § Indicate costs for consumers
- § Develop a time-frame in which the regulation can be implemented
- § Develop and list important conditions for the implementation process

Received requests at RDW

The type of information that the organisational members of the RDW have to gather for the Ministry of V&W depends on the issue raised by the policymakers at the Ministry of V&W. The set-up of the procedure is that the head of the judicial and administrative staff of the RDW receives the request for an extensive IC. This is because the Ministry of V&W strongly feels that judicial input from the RDW regarding regulation is also useful.

When the staffs of the RDW receive the requests, they decide which internal route the IC takes in the organisation. According to respondents, it is in 90% of the cases, that a member of the judicial and administrative staff 'set outs' the IC in the internal organisation of the RDW (Interviews 7&8).

This implies that all employees, stakeholders in the implementation of the intended regulation, are involved. This involvement can be direct or indirect via representation by the head of their department. An example of an extensive form of IC carried out in recent years was the IC concerning the implementation of a European directive that poses technical requirements to vehicles.

A type-3 IC: a minor check

The minor checks serve as a tool for when it comes to slight changes in already existing regulations and laws. The procedure prescribes that the policymaker estimates the consequences of the upcoming changes in regulation. If these are not so much a massive change of the activities that have to be carried out by the RDW, but only minor changes to existing regulations and laws a, minor check could serve to at least get the consent about the changes that are proposed in the upcoming regulations.

Received requests at RDW

The procedure prescribes that at the RDW, the judicial and administrative affairs department deals with the received requests. This department should estimate whether the changes in legal definitions are likely to influence the daily activities of the RDW. If the department considers this the case, then the same procedure applies as with the extensive check.

4.1.2 APPROPRIATENESS OF THE ICS

Contribution to goals of the organisation: Ministry of V&W

The document, which states what ICs are and how they contribute to the goals of the organisations, is the information agreement between the Ministry of V&W and the RDW. In this document, the ICs are referred to as an instrument to check the influence of new policies and proposed laws and changes in regulations at the organisation that is likely to implement these regulations.

The basic idea of how the ICs contribute to organisational goals of the Ministry of V&W is that the ICs contribute to not so much the quality of the implementation process, but that they create clarity about the implementation of new regulations. Within the Ministry of V&W, there is a belief that with performing an IC, the whole 'chain' of policy implementation is covered.

The contribution of the IC towards the goals of the Ministry is that the involvement of the RDW is guaranteed from the start. This involvement is appropriate because the employees of the Ministry of V&W cannot oversee the consequences of their intended regulations for the implementation at the RDW. Next, the involvement is appropriate because the RDW has eventually the contact with the target groups of regulations or policies, namely the customers that want to register their vehicle or have a yearly check-up for their vehicle.

Contribution to goals of the organisation: RDW

The difference with the contribution to the organisational goals of the Ministry of V&W is that the range of ICs provides the RDW with inside information about the changes to come. With this information, the RDW should be more able to provide enough detailed feedback to the Ministry of V&W about the consequences of new regulations and other points of attention. The contribution to the goals of the RDW is that the ICs offer a way to indicate beforehand which people within the organisation are likely to be involved in the implementation of the regulation. This offers an overview of which people are likely to become involved in this process and allows for an effort of those that are experts or stakeholders in a certain field.

The appropriateness of ICs is therefore in the supportive role of the IC towards internal processes within the RDW. Next, the instrument allows for a complete tuning of the regulation before the Minister approves it. The RDW should offer knowledge and expertise to the employees of the Ministries and in return should receive the opportunity to influence convictions within the Ministry of V&W.

4.1.3 APPROPRIATENESS FOR THE MEMBERS OF THE ORGANISATIONS

Ministry of V&W

The rationale that is used by both respondents at the Ministry of V&W, holds that within the chain from formulation to implementation of regulations, the policymakers do not have a complete overview of the process of implementation and which elements are important in this process. In the words of a respondent *"The policymaker is a process manager and in some cases he is confronted with 30 or more different people that all work on implementation. All these 30 people have more knowledge about the actual implementation of the regulation than the professional at the Ministry of V&W (Interview 6)."*

This quote illustrates that ICs are designed in order to be supportive to the overall goals of the Ministry, because it yields information that is not currently available at the policy departments. In the words of a respondent at the Ministry of V&W: *“I do want to know what the consequences of the intended policy are, especially for the customers of the RDW (Interview 5).”*

RDW

Within the organisation of the RDW, there is a strong belief that the ICs are appropriate, for daily activities as well as for the organisation as a whole. This is because the instrument is designed to force policymakers to think in advance about consequences for the process of implementation: *“Of course, we cannot oversee what is likely to happen completely in once a regulation is implemented. However, we can estimate and limit negative consequences. This helps me to perform better and the organisation to deliver a better service to the customer (Interview 7).”*

According to respondents, this provides an opportunity to the organisation to state after the whole process of formulation of new policies and regulation, what they consider important and to have a formal response by the organisation that is responsible for implementation. This limits the risk of hick-ups in the actual process of implementation and thereby should help the respondents in their daily activities. The appropriateness of the ICs is therefore to be found in the contribution to the overall goals of the organisation.

4.2 REGULATIVE STRUCTURES THAT EMBED ICS

4.2.1 PROTOCOL AND RULES THAT STATE HOW ICS SHOULD BE USED

The basic regulative structure that supports the normative system is considered the ‘Information Agreement’ between the Ministry of V&W and the RDW. This agreement lays down procedures and rules that come with the ICs and provides a document where employees of both the Ministry of V&W and the RDW can refer. It formalizes the ICs and lays down general provisions about the process of performing an IC. This agreement, between the Ministry of V&W and the RDW offers a protocol for the requested ICs by the Ministry of V&W. Next, it indicates which elements could be included in the IC.

The general provisions are flexible, in the sense that they only lay down the general procedure and the fact that ICs can take place. The general procedure is that the Ministry of V&W requests, with a formal letter, an IC from the RDW. Nevertheless, this is up to the individual policymaker: if the policymaker assumes that the RDW is in some way affected by the new regulation or the change in a law, the he or she could request an IC. If not, then there are no provisions in the information agreement that force policymakers to request ICs. Next, it lays down provisions that allow the

opportunity to reflect on the intended regulation and states the minimum requirements towards the information that the RDW has to send to the Ministry of V&W.

4.2.2 STRUCTURES THAT FORCE ACTORS TO COMPLY AND PERFORM AN IC

Rules and sanctions

There are no formal sanctions or rules that force actors to perform an IC. Neither any document nor procedure contains formal sanctions for organisation if they not comply with the request for an IC. Due to the discretionary space that is there for the policymaker *“it comes down to the initiative of the individual policymaker to step out and perform an IC” (Interview 5)*. Therefore, the informal structures that force different actors within the process to perform an IC are important.

Compliance mechanism

At the Ministry of V&W, the informal structures that force actors to perform an IC are based on reciprocal understanding of stakes. The policymaker knows that if he does not requests an IC of the RDW, the notion among peers and supervisors will be that he did not prepare his proposal very well. The policymaker wants to prevent this from happening. Therefore, he requests an IC at the RDW, because otherwise he would lose credibility at the Ministry.

At the RDW, actors are forced to perform an IC by two means. First, if a request comes from the Ministry of V&W, it becomes a formal duty to carry out an IC. This is a different position than the Ministry of V&W and forces the actors at the RDW to respond to the Ministry of V&W. In case of a non-response, according to respondents of the RDW, *“we lose our credibility and our possibility to influence the process and the Minister (Interview 7)”*. They therefore want to comply and perform an IC.

4.3 COGNITIVE STRUCTURES THAT EMBED ICS

4.3.1 ORGANISATIONAL GOALS FOR THE MINISTRY OF V&W AND THE RDW

The formal objective of the Ministry of V&W is to guarantee that the physical system of the Netherlands is solid and that transportation within the Netherlands runs smoothly, so that we can live and work safely in the Netherlands (Website Min V&W, 2009). The Ministry thereby adds to the durability and dynamics of the Netherlands.

The mission and goals of the RDW stem from their original position in guaranteeing safety, cleanness and economic reliable transportation. The RDW implements several regulations and other tasks that have been attributed by law. Their aim is to offer reliable and professional service, in which quality and continuity are central. The motto that is attached to this notion: *“The RDW is for every partner in the chain of vehicle regulation a reliable partner.”* (Report, 2008)

The two organisations clearly hold a different position. While the Ministry of V&W strongly focuses on actions that are overall beneficiary in their field of work, the RDW strongly feels that they are most of all responsible for implementation. They provide input regarding certain issues, which affect both the Ministry of V&W and the RDW, but they remain to be mainly responsible for implementation.

4.3.2 INTER-ORGANISATIONAL SETTINGS FOR RESPONDENTS

The respondents at the Ministry of V&W state that their main role within the organisational setting is to facilitate the Minister in providing elementary information about new policies and laws. The respondent that works on judicial affairs feels that his role within the organisations is to provide informed opinion on legal matters that might arise in the case of an intended policy, while the policymaker states that the thing he wants to be is the spider in the web of policy formulation regarding the issues he works on.

With regard to inter-organisational cooperation, the respondents note that they are active in what they consider a highly dynamic environment, in which all of a sudden the plans they have been working on can change. They feel within this environment responsible for the system of policy formulation and the correct formulation of new plans and focus in their contact with other parties in the chain of policy implementation mainly on this issue.

The respondents at the RDW both work on the judicial and administrative affairs department. They consider their role in the process of policy implementation to guarantee that new regulations or major changes to laws are sufficiently worked out in the supporting legal documents and implemented easily within the organisational processes of the RDW. For this role, they have a lot of contact with the principal, which is in most cases the Ministry of V&W.

This contact with the main principal constitutes a large part of their framework through which they operate. Their everyday activities are largely shaped by the contact with the main principal and they feel highly dependent on what the main principal decides to do and to carry. This results in much informal and formal contact with the principal.

4.4 PERCEIVED PERFORMANCE OF THE ICS

4.4.1 OVERALL PERFORMANCE

The overall performance of the set of instruments is considered good. The quality of the work at both organisations improves by the instruments, because it initiates cooperation between the two sides. According to respondents, they are both forced to cooperate anyhow, but the set of instruments creates a good opportunity to exchange information early on. This improves not so much the quality of the policies, as it does improve the relation between the two separate organisations as well as the implementation of new policies.

4.4.2 WEAK ELEMENTS

At the Ministry of V&W, they sometimes consider the time-consuming elements of the ICs as annoying. They do want to cooperate, but in some cases, it just takes too much time. It is not that this leads to delays in the process, but in cases of political pressure, this is a reason for not using the instrument. In most of the cases, however, they use the instruments.

At the RDW, they consider that in some cases they do not have enough information to deliver requested information to the Ministry of V&W. Due to the relatively unsure future of the intended policies, they sometimes make more costs retrieving the information than actually benefitting from the information that they generate for the Ministry of V&W.

4.4.3 STRONG ELEMENTS

One of the strongest elements at the Ministry of V&W is considered the notion that ICs fill a lack of knowledge about actual implementation of new policies. This notion comes with the dependency of the Ministry of V&W on the RDW regarding implementation of the regulations. In case they do not involve the RDW because of lack of time, they still receive the information. This is considered a strong element, because it keeps on forcing organisational members to participate.

At the RDW, the strongest elements of the ICs are considered pre-emptive indication of implementation consequences and the notion that an IC ends an informal process with an official document. If there remain to be differences about the formulation of regulations, then the official documents makes clear what the position of the RDW is. This limits risks for the organisation. Next, the cooperation improves the quality of the implementation process.

4.5 ANALYSIS MINISTRY OF V&W AND RDW

The form of the ICs can be summarized as a type-3 and type 4-IC, according to van Twist. The instruments generate information about different variants (the extensive check) and they check the regulations on details (a minor check). The normative system that supports the use of ICs shows in the strong appropriateness of the instrument.

The goals of both ICs are to provide an opportunity to the RDW to deliver input regarding organisational consequences of implementation of new regulations, while the Ministry of V&W needs this information to adjust policies better to the demands posed by actual implementation. Next, the policy processes for the Ministry of V&W and the RDW are considered complex and the ICs are appropriate to reduce the complexity and to force to think in advance about organisational consequences of new regulations.

A protocol and an individual weighing of the consequences of performing an IC form the regulative structures that support these normative systems. There is a protocol in which there are fixed agreements between the Ministry of V&W and the RDW, especially about two things. First, the RDW is free to perform an IC once it feels that the initiative at the Ministry of V&W is likely to influence their daily activities and second that the Ministry of V&W has discretionary freedom in determining whether they want to have an IC performed or not. There are no fixed definitions of what should be included, but the agreement that ICs can be performed already creates clarity that information should be communicated early on.

The organisational setting in which respondents of the Ministry of V&W and the RDW operate is a dynamic one, in which both organisations try to achieve different goals. The respondents within these organisations make clear that their main role within this is to facilitate the organisational goals, by delivering input on the issues they feel they are most qualified in. Within the Ministry of V&W, this is the so-called “*spider in the web*” of policy creation and adjustments, while at the RDW they want to take care of good and solid implementation.

There is a strong degree of harmonisation between the normative system and the regulative and cognitive structures that support this normative system. The regulative structures and the cognitive structures support the ICs as they are brought on in the normative level. The appropriateness of the instrument has a great deal of reflection in the main regulative structure that supports the IC. The instrument can be used when the policymaker feels that it is necessary. The RDW is then obliged to perform an IC. Next, the RDW can perform an IC without a request of the Ministry of V&W, creating the opportunity for them to reflect anyhow.

The appropriateness also shows in the support of the organisational setting in which they operate. The ICs are designed to match the individual, organisational experiences of what members of the organisation are likely to do, and how they feel they should perform certain tasks.

There is an interaction between on the one hand the cognitive structure and on the other hand the regulative structure. The cognitive structure and framework for inter-organisational cooperation indicate that it is highly important for both parties to cooperate on issues and that they do this in informal ways. The regulative protocol supports this, by making it possible for the individual policymaker to judge whether the new policy requires the involvement of the RDW.

The performance of the two ICs is considered good, as perceived by respondents. The weakest elements of the ICs are that they are not completely suited to fit in cases of much political pressure and that in some cases they are time-consuming. The strongest elements are that the instruments force employees at the Ministry of V&W to participate, while the RDW becomes involved early on and that their input is taken serious and required necessary by the employees at the Ministry of V&W.

5 ANALYSIS MINISTRY OF OCW AND CFI

5.1 NORMATIVE SYSTEM OF ICS: EMBEDDING IN ORGANISATIONS

5.1.1 TYPES AND CONTENTS OF ICS

Three different types of ICs are present in the relation between the Ministry of OCW and CFI. These ICs all have different rationales and serve different purposes. Below is a description of the three forms of ICs and the moment they are being used in the process.

A type-1 IC – An extensive analysis based on an intended policy

Based on an intended change in policies or laws, an extensive analysis can be requested by the Ministry of OCW. The aim of this extensive analysis is to indicate what the consequences are of a plan, before it becomes a new policy. This should be done via the retrieval of possible costs, the required ability to implement a new policy, possible cost reductions and consequences for the information gathering of the implementing agency. (Procedure ICs, OCW/CFI, 2005).

According to the respondents at the Ministry of OCW, such a check is possible when there are intentions and slumbering policy initiatives at the Ministry of OCW (Interview 1 and 2). In normal cases, the IC should be formulated, as a formal request of the director of the policy department towards the director of the CF. This formal request should yield certain information and is based on the proposals and plans lower level policymakers develop. The Ministry of OCW indicates a formal time span in which the check has to be performed, usually on advice of the policymaker that work on the issue.

CFI receives the formal request, and within the organisation, teams are formed of people that are likely to become involved in the process of implementing this new policy. According to respondents at CFI, it only makes sense to analyse roughly in case of extensive analysis, because the plans are still in a phase that they develop on main lines (Interview 3 and 4). This means that the information requested by the Ministry of OCW is only general and limited to expectations about what the consequences of the plan are. The indications are developed on basis of unsecure information (a plan at the Ministry).

A type – 4 IC: an extensive check on basis of a concept law or policy (not a Ministerial regulation)

The extensive check is a procedure on basis of which concepts of policies and laws are checked and their consequences are weighed. Next, the consequences for the organisation that implements are discussed. This mainly discusses the burden of change for the organisations that implement those laws and policies. It tries to indicate costs of implementation and administrative burdens for the actors, which are likely to make use of the regulation (Procedure ICs, OCW/CFI, 2005).

The respondents at the Ministry of OCW indicate that the extensive check is requested on basis of concept law or policies, in which the consequences for the implementing agency are already quite clear. This implies that the results of this IC should only yield minor changes to the policy and serves much more as a guarantee that the CFI is involved in the process, than as a way to alter the course of the policy. The time span of these checks differs, but usually the answer needs to be formulated in two months.

At CFI, the extensive check is used to construct the work processes and involve all organisational members before the law or policies enter into force. The agency indicates costs and consequences for the field and implementation costs for the Ministry. Next, it designs information systems and backbones for registration. If something is unclear or difficult to implement, then the communication with the Ministry of OCW should focus on solving these practical problems.

A type-3 IC: a minor check on basis of a concept Ministerial regulation

The minor check is the last form of ICs in use in the relation between the Ministry of OCW and CFI. It deals with Ministerial regulations, which are small and not of much influence on the work processes of the Ministry of OCW and the CFI. Therefore, this minor check only discusses whether there are any remarks about the Ministerial regulation and the consequences for implementation. The remarks focus mainly on judicial formulation. Usually, the time span in which answers are delivered to the formal request is a week.

At the Ministry of OCW, the final check is mainly regarded as a notion that CFI has considered the consequences of the Ministerial regulation for their organisation. It is a formal tool, which just acknowledges that all required measures have been taken. Respondents at the CFI value the instrument in the same way.

5.1.2 APPROPRIATENESS OF THE ICS

Contribution of ICs to overall goals of the organisation: Min OCW

The formal contribution of the IC is that employees of the different policy departments of the Ministry are forced to think about the consequences for CFI. In case of a lengthy process, there is so much discussion only at the Ministry itself that the implementation of the regulation or law is ignored or that it gets less attention than required. In case of much political pressure, the process becomes so hasty that the first thing to forget is the implementation at CFI or IBG.¹ The IC limits those risks and thereby contributes to the formulation of policies that are developed at the Ministry (OCW/RZO, 2001).

¹ IBG: Informatie Beheer Group, the agency that is responsible for paying study grants to students and for the registration of all students in the Netherlands

Within the Ministry of OCW, respondents have a sense that the creation of new regulations or adjustments to law is above all, a lengthy process. Lengthy in case of preparations that could take one to two years and include many actors. In some cases, however, there is so much political pressure that the regulation or adjustment of the law needs to be implemented within three weeks. The different forms of ICs that are present are designed to achieve a better implementation process and deal with all situations that could emerge because of the implementation of new regulations or changes to existing regulations.

Contribution of ICs to overall goals of the organisation: CFI

The different forms of ICs present have, as a main goal for CFI to make use of the information that is available before new regulations are designed or enter into force and to deliver an informed opinion to the Ministry of OCW about the consequences of the intended regulation or policy for the execution of it. The requests for ICs helps to improve the CFI daily activities, because it creates a tool to exchange information (Internal report CFI, 2005).

The respondents at CFI share a belief that ICs provide information about the process of implementation that can be used in order to achieve two things. First, it guarantees that the implementation of new regulations and policies takes place after the agency that implements the regulation is consulted and second, that the information about the implementation of a new regulation or policy is generated before the actual implementation will take place.

5.1.3 APPROPRIATENESS FOR THE MEMBERS OF THE ORGANISATIONS

OCW

The IC helps respondents in their daily activities by forcing them to think about consequences for the implementation and via this way involving the members of the organisation of CFI. This improves their views on the consequences of the policy for the implementation and for the target group. It is an appropriate instrument to indicate consequences for the implementation of the policies that they try to prepare. The contribution of the ICs is therefore to be found in creating awareness about organisational consequences of the plans people propose within the Ministry of OCW and therefore helps employees of OCW to think more in advance.

CFI

The ICs help respondents at CFI to structure work in their role of being responsible for the implementation of new policies and regulation. The main contribution lies in the intermediary function of an IC, because it formalizes the link between the target group and the policy departments at the Ministry of OCW. Next, it formalizes the feedback of the agency towards the Ministry of OCW. This is considered important and appropriate because it leads to better implementation and clearer agreements between Ministry and agency.

5.2 REGULATIVE STRUCTURES THAT EMBED ICS

5.2.1 PROTOCOL AND RULES THAT STATE HOW AN IC SHOULD BE USED

The basic rule-setting document with regard to ICs is the OCW/RZO (2001) in which an agreement is stated, on basis of which the ICs are performed. The rules in this document state that if members of the organisations of the Ministry of OCW need to request an IC, the members of the CFI need to answer in a formal manner. This implies that the different organisational elements of CFI and the Ministry of OCW need to cooperate on issues.

Basically, all new regulations, changes to law or other decisions are open to requests ICs on. The internal procedures at the Ministry of OCW state that the implementing organisations should be involved straight from the first idea about a change to a regulation or a new policy. The requests have to be made by directors of the policy departments and should state clear what information is requested and which time span is required for an answer to this question. The kind of information requested is open and leaves discretionary space to the policymaker.

The internal procedures are flexible in the sense that they do not state any requirements about what should be in the IC. There is an agreement between OCW and CFI that the first can requests an informed opinion about the changes to come with the regulation and the effects on the organisational processes of CFI. The procedures are available, but are not referred to often.

5.2.2 STRUCTURES THAT FORCE ACTORS TO COMPLY AND PERFORM AN IC

Rules and sanctions

At the Ministry of OCW, there are informal and formal structures that force actors to perform ICs and requests information from the CFI. The first formal structure is that the Lower House is able to request the information about the outcomes of the IC. This implies that an IC has to be done, especially in cases with a touchy political profile. The second formal procedure is the so-called 'Startnota'. This 'Startnota' implies that the implementing agencies are involved early on. Complying with these structures is based on informal sanctions: no official sanctions are stated if one does not comply with the request to perform an IC.

Compliance mechanism

According to respondents at the Ministry of OCW, the risks are too high if you do not perform an IC. First, it might be that the programs you are working on suffer from a reduced quality, and this leads eventually to a different position in the organisation. Second, if the Lower House requests the information, and you did not perform an IC, then your position within the organisation becomes very difficult. You lose credibility.

At CFI, the ICs become part of the normal work processes, the moment they are requested by a director at the Ministry of OCW. Therefore, it is impossible not to comply. There would be a complete loss of credibility and negotiation positions towards the Ministry of OCW in case that an IC is not performed. OCW is in this case the principal that assigns ICs to be carried out by CFI.

5.3 COGNITIVE STRUCTURES THAT EMBED ICS

5.3.1 ORGANISATIONAL GOALS FOR THE MINISTRY OF OCW AND CFI

Within the Ministry of OCW, the objectives for the organisation are strongly linked to education:

- Everyone attends good education
- Everyone prepares for independency and responsibility
- Everyone can enjoy culture
- Teachers, artists and scientist are able to do their work

This reflects in the role of the employees of: employees of OCW are dedicated, experts, professional, accessible, and stimulating. Dedication is linked to the work for representatives of the parliamentary democracy and aims to work integer and efficient. The public cause is what is at stake. All other key elements of the employees at the Ministry are linked to this public cause and keep this is in mind (Website OCW, 2009). For employees, this shows in the notion that all the work done by employees, should in some way benefit the target group of the Ministry.

Within CFI, different objectives and goals are prevalent. CFI has been founded with clear, primary tasks: “to lawfully and effectively defray institutions with financial means according to law and regulations of the Minister” (Organisational Mandate, 2005). In order to do this properly, a portfolio holder (or principal) holds all law and regulation in its control. The basic goals of the CFI are the easily formulated: “*to implement regulations and laws of the Ministry of OCW or second/third parties² in the most effective manner*”.

² Second and third parties are bureaucratic definitions for second principals (other Ministries) or third principals (water boards, provinces, municipalities). Those second and third principals usually assign for 10% of the total workload to agencies.

The position of both organisations in the process of policy implementation is different from one another. The organisation of the Ministry of OCW strongly focuses on the overall field, while the CFI aims to reduce costs as much as possible and to focus fully on the implementation on the regulation. The relation between these two organisations is based on mutual understanding of what is important for both parties.

5.3.2 INTER-ORGANISATIONAL SETTINGS FOR RESPONDENTS

The organisational members of OCW, in this case both policymakers; feel as that they are part of the system that helps to support the educational field. *“Finally, everything we do is done for the target group and those are the people that benefit from our policies (Interview 1)”*. The (majority of the) target group has to benefit from the actions that are performed by the policymakers. They do this within a highly dynamic environment.

In some cases, a new regulation has to be implemented within only weeks, due to political pressure and promises by the Minister, and sometimes it takes over five years to actually develop and implement new regulations. Within this dynamic environment, both respondents contribute by being a link in the development of new policies and regulations.

Within CFI, the role of the respondents is are to structure the assignments of the Ministry of OCW in order to prepare the grounds as good as possible for new regulations and rules. They do this from a rationality of *“delivering as much service as necessary for the target group and by being as cost-effective as possible (Interview 3)”*. The respondents see themselves as contributing to the proper implementation of new policies and regulations by being a link between the policy departments of the Ministry of OCW and the target group.

The framework, through which individuals of both organisations cooperate, is one of much informal contact. Most of the cooperation takes place not via the formal lines of directors but via indirect contact and phone calls between the different members of both departments. This leads to a situation in which in some cases, the formal elements of cooperation are simply forgotten and everything is dealt with in an informal manner.

5.4 PERCEIVED PERFORMANCE OF THE ICS

5.4.1 OVERALL PERFORMANCE

At both organisations, respondents state that the sets of instruments are useful in the process of creating a solid exchange of information between the Ministry of OCW and the CFI. The main reasons why the set of instruments are useful for the process of information exchange is that both sides are forced to work together on the issue and that signals about organisational consequences

of new policies and regulations are discussed. The set of instruments is considered of benefit towards organisational goals and help organisational members in their daily activities.

5.4.2 WEAK ELEMENTS

At the Ministry of OCW, the current ICs are in some cases not performed due to political pressure. The instruments require time to be performed and in some cases, this is not available. Another weak element of the check is that once something has been politically promised, it becomes very difficult to change the outcomes. It has to be implemented anyhow and therefore the ICs only deal with the conditions under which. This limits the impact of ICs.

At CFI, there is a sense that the set of instruments is sometimes ignored at the Ministry, due to political pressure and inward thinking by the members of the organisation of OCW. Therefore, they sometimes feel that it makes no sense whether their answer to the formal request is received in time. The reason for this weak element of the procedure IC lies in, according to the respondents at CFI in the different rationales and dynamics at both organisations.

5.4.3 STRONG ELEMENTS

The strong elements of the IC are according to the respondents at the Ministry of OCW that it is always helpful for the quality of your policies to contact members of CFI about the changes to come and the processes that are currently active at the Ministry of OCW. The formal requirements of ICs force members of OCW to do this and create in this sense better-informed policymakers at the Ministry of OCW.

At CFI, the strongest element of ICs is that the procedures provide the opportunity to discuss certain policy initiatives beforehand, so that the consequences and risks for CFI can be limited as much as possible. Next, within CFI, it serves as a stick to discuss the convictions within the organisation with the Ministry of OCW and via this way improve the quality of the workload for the organisation.

5.5 ANALYSIS MINISTRY OF OCW AND CFI

Three forms of ICs are in use, an extensive analysis (type 1), an extensive check (type 3) and a minor check (type 4). These forms all have their different rationale and aim at serving a specific need at that moment in time. The normative system that indicates why ICs are considered to be important for internal processes and organisational goals, makes clear that the ICs mainly contribute to a limitation of risks in the lengthy or short process of creation of regulations. This helps the respondents in their role, because it provides input for a better analysis of what happens when the regulation reaches the target groups.

The regulative structures that support these ICs consist of an agreement, which makes the policymakers at the Ministry of OCW responsible for requesting an IC, or in some cases, in return of explaining why an IC is not requested. Once the Ministry of OCW requests an IC, it becomes obligatory for CFI to respond. The notion that the policymakers at the Ministry of OCW are more or less free to request implementation checks, makes not that less are requested: an internal document or a proposed policy has more power once an IC is performed and attached to a policy or regulation proposal. Another important element of the regulative structure that supports the ICs is the notion that the Lower House can request the documents. This makes it very dangerous for an individual policymaker not to perform an IC: he becomes directly responsible once one of the documents is missing.

The cognitive structures represented by the organisational setting and inter-organisational cooperation of the respondents strongly focus on providing good policies and designing proper regulations for the educational field, the target group. The daily activities of the respondents are in line with the organisational goals and they feel that they contribute to the goals of the organisation. The communication that comes with these different forms of ICs usually takes place in informal consults, in order to adjust the outcomes of ICs and thereby limit the risk of hick-up is the process of exchange of information between the Ministry of OCW and CFI.

The regulative and cognitive structures reinforce one another. While the ICs are the official end of a period of informal cooperation, which the members of the organisation did all the time, the regulative demands, support the existing framework of individuals at an organisation.

The degree of harmonisation between the ICs on the normative level and the support of cognitive and regulative structures is strong. The regulative structures force respondents at the Ministry of OCW to construct a well-prepared policy proposal and the request for an IC has become part of it. A policy proposal loses quality once an IC is not requested. The ICs further are in line with the organisations settings, because all members feel that they participate in large processes, which are designed to benefit the target groups. This leads to a situation in which everything is taken into account before a policy is designed. An IC helps to improve this process.

The overall perception of the performance of the sets of instruments is good: they all help to indicate consequences for the implementation of the policies (and therefore the CFI) and help to structure the communication between the two. The weakest elements, as perceived by both members at the Ministry of OCW and the CFI are that the political pressure is sometimes too much in order to facilitate a proper reflection of the opinion of the CFI. Involvement of the CFI is on the other hand considered one of the most positive elements.

6 ANALYSIS MINISTRY OF LNV AND DR

6.1 NORMATIVE SYSTEM OF ICS: EMBEDDING IN ORGANISATIONS

6.1.1 TYPES AND CONTENTS OF ICS

Within the Ministry of LNV and DR, two different ICs are in use. The first is considered an extensive analysis, which comes in the form of the internal bid or offer. The second is a minor check at the end of the period in which regulations are created.

A type-4 IC: an internal offer

The internal offer is the main steering instrument for the relation between the Ministry of LNV and DR. On basis of the expected outcome of the process of regulation formation, the Ministry of LNV formally requests if DR can provide information about the different implementation options available. The main element of this request is the information on costs and implementation variants. In practice, every year, the internal offer for the year + 1 is prepared.

This means that all the regulations that enter into force in 2010, are analysed and put into an internal offer in 2009. If this internal offer is approved, then all the regulations are covered for the year to come. When in 2010 new, ad-hoc and unforeseen regulations are added to the portfolio of the Ministry of LNV or third parties, extra offers are prepared. The input for the internal offers comes from a calculation of different costs by the members of control unit and by the advisors, which work at the back offices and provide information to the Ministry of LNV

At the Ministry of LNV, they consider the internal offer to be the product of a process of preparation that precedes a new policy. Usually, they start with an internal idea, a plan written for the Minister or a European regulation that needs to be implemented in the Netherlands. Next, they involve on a subjective basis the responsible advisors and account managers at DR.

The internal offer is an important driver for internal work processes within DR. The use of the internal offer structures the actions of DR with regard to the implementation of regulations, onto the level of providing services to the customers. The information that is used for exchange between the employees of DR and the Ministry of LNV is based on the process of regulation creation at the Ministry of LNV. This means that during the process of internal offers, the actual regulation for which the offer is made is likely to change.

A type-3 IC: a minor check

The minor check that works in the relation between the Ministry of LNV and the organisation of DR is considered a check of whether the regulation holds all-important definitions for the implementation. The questions rose in this document state and argue why the implementation of the regulation, which is always in the form of a concept text and not of an idea, is likely to succeed according to the current definitions posed in the regulation and the process attached to this regulation. Based on the concept text of a regulation, consent is provided by DR.

At the Ministry of LNV, they consider this a useful last step, but straightaway argue that they do not receive the information most of the times. This is due to the notion that this check is not requested by the Ministry of LNV, but it is an internal procedure at DR. According to respondents at the Ministry of LNV, the value of such a document is clear, but it has no impact when this document is not used as it was supposed to.

At DR, the minor check is likely to be used when there is a concept text of a new regulation, and this concept text is developed by the judicial affairs department of the Ministry of LNV. This leads to a situation in which the first concept of a text is evaluated on consequences for the implementation and whether the text is in line with agreements that have been made about the form and period of implementation.

6.1.2 APPROPRIATENESS OF THE ICS

Contribution of ICs to overall goals of the organisation: Min LNV

The ICs at the Ministry of LNV have as their main contribution that they facilitate the further implementation of already existing plans and regulations. The main elements of ICs are mainly to indicate costs and develop possible implementation variants. By developing these variants, employees of the Ministry of LNV will be likely to pick one of the variants and reduce costs. This leaves more money for programme funds.

A good relation is required in order to implement forcefully the regulations of the organisations. Because the Ministry of LNV as a whole is dependent on the implementation by DR, in order for its policies to reach successfully the recipients, the instruments are an appropriate way to indicate costs of the regulations and to prepare implementation of these regulations (Interview 9&10).

Contribution of ICs to overall goals of the organisation: DR

Within DR, the formal contribution of ICs to the organisation goals is that the instruments help to guarantee and indicate the work that the organisation is confronted with. Next, it provides the input for the communication with the Ministry of LNV and identifies the overview of tasks that are likely to be there for the coming year. Therefore, the instrument is considered to be one of the most important in the communication with the main principal and to provide a clear overview of tasks and jobs.

6.1.3 APPROPRIATENESS FOR THE MEMBERS OF THE ORGANISATION

Ministry of LNV

According to the respondents at the Ministry of LNV, the ICs help to structure the relation with the implementing agent. Due to the split between a policymaking organisation and an organisation only responsible for implementation, instruments are necessary to achieve a good relation between the two organisations (Interview 10, 11, 12).

The instruments help the respondents in their role, in two ways. First, it provides usually the official end of cooperation with DR regarding the implementation of regulations. This means that all the informal contact that has taken place between the respondents at the Ministry of LNV and employees of DR, is codified in the internal offer.

The second contribution to the role of the respondents is that the instruments help to indicate the room to manoeuvre regarding program costs and implementation costs. The budget for the regulation is easily split from the budget for the implementation of the regulation. This information helps the respondents at the Ministry of LNV to indicate how the policy can be implemented at best. *This provides policymakers the necessary information to continue and develop a better proposal. You get to know costs and other details, which helps you to further develop the proposals (interview 9).*"

Perceived appropriateness for the role of the respondent: DR

All respondents at DR state that the contribution to the goals of the organisation is likely to be found in the defining role of the ICs. The ICs help to indicate what the plans for the coming period are and therefore indicates what the organisation is up to in the periods to come. This helps to plan cycle of control and management and makes the organisations very well prepared for the plans to come. Next, the instruments provide the tools for the organisation to set the budget and indicate costs.

The implementation advisors use the instruments mainly to provide a proper and well-structured advice to the policymakers at the Ministry of LNV and the internally responsible employees of DR. *“The internal offer helps us to structure several parts of our activities, especially for the years to come (Interview 13).”* This means that the instruments indicate how and when the regulation is likely to enter into force and which actions have to be undertaken before the regulation can enter into force. This makes the advisor interested in the outcome of the ICs.

The account manager states that the internal offer help to cluster information about the process of implementation and communicate on a level that overruns the level of individual regulations. This makes the implementation of new policies and the contribution of account manager to this structured better and delivers so-called management information.

The employee of judicial affairs department states that the ICs help them to generate feedback about the process towards the judicial affairs departments of the Ministry of LNV. This makes the IC a useful tool to guard whether the proposed regulations are constructed well in a judicial way. This helps the respondent to guarantee the quality of the regulation and add to the decrease of appeals that come with a regulation.

6.2 REGULATIVE STRUCTURES THAT EMBED ICS

6.2.1 PROTOCOL AND RULES THAT STATE HOW AN IC SHOULD BE USED

The main protocol for the use of ICs is stated in the “Steering Covenant” between the Ministry of LNV and DR. In this protocol, there is a clear definition of how and when the internal offers should be used. There are no definitions concerning the use of minor checks (the other forms of ICs that is in use in the relation between the Ministry of LNV and DR).

The protocol states that, in order to reach a good cooperation between the principal organisation (Ministry of LNV) and the assigned organisation (DR), the communication needs to focus on supplying as much information as possible to the Ministry. Therefore, there is the formal rule that all the internal offers run on the level of directors at the Ministry. With an official request for an internal offer, the Ministry of LNV request DR to provide the necessary information. The rule is that within a ‘normal’ time-span, a response is provided to the Ministry of LNV. The minimum requirements that have to be included in this internal offer are the following:

- An overview of the agreements between the policy departments and DR.
- An overview of the different activities that are planned for the coming year
- An overview of the different costs, accounted to the different policies and regulations that are part of the task description of DR
- An overview of possible burden points and decision elements in the task overview
- An overview of which information is provided when

Next, there is a description of the elements that have to be included in the internal offers for the separate policy departments. This includes, among others, information about the worked hours for the assigned regulation and other requests. If the internal offer is accepted by the Ministry of LNV, then this becomes the description of tasks for DR. Extra regulations require extra internal offers, which are developed separately.

6.2.2 STRUCTURES THAT FORCE ACTORS TO COMPLY AND PERFORM AN IC

Rules and sanctions

An IC becomes part of the work processes of DR and the Ministry of LNV once it is requested by the director of the respective department. This director requests is at the highest level of the Ministry of LNV, namely the director-general that is responsible for the implementation and the so-called owner of DR. This means that once it is requested, there is no other way for DR than to comply. There are no definitions regarding the use of minor checks.

Compliance mechanism

Due to the notion that the internal offer becomes part of the internal work description of DR and that these internal offers are needed at the Ministry of LNV in order to supplement a policy proposal, it is not difficult to comply and perform with this form of ICs. This is not felt with for the minor check. This IC is not officially requested, neither is it communicated to the director that approves the policy as such. Therefore, it becomes difficult to perform this form of IC.

6.3 COGNITIVE STRUCTURES THAT EMBED ICS

6.3.1 ORGANISATIONAL GOALS FOR THE MINISTRY OF LNV AND DR

The mission of the Ministry of LNV is shortly summarized as “Making use of agricultural land, caring for nature” (Intraweb, 2009). The idea behind this mission is the notion that the Netherlands is a rather small country, with a high density of population and open space development. Within this small country, a balance is needed between the so-called “green space” and the land we live on. This leads to internal goals for the Ministry of LNV, to find a balance between the function of agricultural land to provide for food, scenery and the (ecological) nature. The goal is to implement policies that are all designed to optimise the balance between these three elements.

The mission of DR, on the other side, is to be “*a professional, public service provider for European and national regulations*”. There is a strict divide between the formulation of policy and regulation and the actual service that is provided by DR. Among the regulations that are implemented by DR, there is a swift focus on regulations that aim to “*sustainably use and manage the rural areas, animal welfare and food production*” (Mission and Vision of DR, 2009).

The goals of the organisation are to provide for a sustainable implementation of European regulations, to pay out subsidies on time and in line with the requirements in regulations and to certify and being held responsible for the transfer of European funds. They try to do this in the most efficient manner possible. In cooperation with one another, the two different organisations aim cover fully the whole process of implementation of agricultural policies and regulation in the Netherlands. While DR strongly feels responsible for the implementation and the contact with the customers, the Ministry of LNV feels responsible for the overall process and the quality of the regulations.

6.3.2 INTER-ORGANISATIONAL SETTINGS FOR RESPONDENTS

Within the Ministry of LNV, respondents state their main role is to contribute significantly to the area of policymaking they are working on. They consider themselves to be working in a dynamic environment, where a lot of input is generated at the highest level of policy formulation, the EU and also at the level of the Dutch Lower House and the Minister. Within this position, they try to offer surplus value for the 'common good' of all target groups of the Ministry of LNV, but especially in their main area of working. This area is quite limited, due to the high division of tasks between employees and the idea that most of the work is considered to be processes of many years. However, the position they are in helps them strive fully for acceptance of regulations and new laws or policies that in some way benefit the target group.

At DR, the roles of the respondents are different from each other. Two respondents work as advisors for the implementation process in the organisation, one work as account manager, which manages the relation between the implementation and policymakers of new regulations and one respondent works as a member of the judicial affairs section.

The respondents, which work as advisors, state that their main role in the process of policy implementation is to advice organisational members of DR about which route to take when a regulation is implemented. They provide advice about different possibilities with regard to implementation variant and communicate this with the account manager that is responsible for the regulation and with the policymaker at the Ministry of LNV.

The respondent of the judicial department has a main role to steer the cooperation that is necessary for the preparation of the official, legal document that is provided by the Judicial Affairs department of the main Ministry and that is the formal regulation. In order to do this, they check the official documents that surround a regulation and help to indicate which judicial definition fit in order to limit appeals and lodged objections.

The account manager at DR sees its role as to be mainly the spider in the web concerning the proper implementation of regulations and especially deals with the communication between the so-called “back-office” and policymakers. From this role, their main task is to streamline the exchange of information between the policymakers at the Ministry of LNV and the people who get in touch with the customer, the (most of the times) agricultural entrepreneur.

The framework from which these individuals cooperate with other parties in the chain of policy implementation, is therefore not so much based on formal procedures, but mainly on the feeling they have that cooperation with the other party in the chain of policy implementation is required in order to perform better individually. The cooperation with other parties is a normal element, which is so natural for the members of these organisations, that they do it automatically.

6.4 PERCEIVED PERFORMANCE OF THE ICS

6.4.1 OVERALL PERFORMANCE

The overall performance of the set of instruments, the ICs, is considered to be average. According to respondents, the internal offer only provides for a limited amount of information (mainly on costs) on a process that has already been started. This means that the consequences for implementation are not so easy to discuss. In case of different implementation variants, it is always the case that the regulation has to be implemented according to the plan that already exists. This limits the use of internal offers for information exchange. On the other side, the minor check is not adjusted to the form that the instrument should have.

In the process of design and implementation of new regulations, the minor check could serve as a nice and formal check that visualises all the elements that should be included in the regulation and the internal offer, in order to facilitate a smooth implementation and communication with the principal that assigns the regulation. However, the minor check is not used in this way, due to the notion that it only serves as an internal instrument.

6.4.2 WEAK ELEMENTS

The procedure of the internal offer has at its weakest element that nearly all the information it develops is about costs and not so much about implementation and what the consequences are for the organisation that implements the regulation. This limits the policymakers in the information they receive from DR. They feel that they need to suggest informally implementation options to the members of DR and via this suggestion can influence the costs that are eventually linked to the implementation of the regulation. Therefore, the internal offer does not provide enough information on the subject of implementation variants.

The same is felt within DR. The internal offer works, but it also limits the opportunities, because the information in the internal offer is bounded to mainly information on costs and how many hours are being spent in order to implement the regulation successfully and communicate this with the customers of DR, the target group of the regulation.

The minor check is, and that is the major weak element of the minor check, not requested by the respondents at the Ministry of LNV. They are also not aware that the instrument exists. This makes the instrument of minor checks that guarantee that most of the work is covered and that possible mistakes and hick-ups in the implementation process have been avoided, not of much use at the Ministry of LNV.

At DR, there is a sense that the minor check only works as a internal checklist and that the original function of the instrument, communication with the main principal is lost because the content and the timing of the instrument. Next, there is no definition in the IC that states how and when the principal of the Ministry can and should be involved.

6.4.3 STRONG ELEMENTS

The strongest element of the internal offer is that it prepares the ground for work in the year to come. This means that it becomes clear nearly half a year before the actual implementation and projects take place, which regulations are implemented. This makes the preparation of this implementation run smoothly.

At the Ministry of LNV, the internal offer is the basic instrument to indicate costs and work out a proper procedure for the implementation by Writhe strong elements of this form of ICs is according to the respondents at the Ministry of LNV that it forces them to think in advance about implementation costs of the policies and regulations they work on. This makes them 'cheaper' and designed more effectively. The minor check is not very familiar among the respondents, so not real strong elements can be named.

At DR, the strongest element of the internal offer is its power to shape the work processes within the organisation and to indicate what the consequences of a new policy are. The internal offer helps to structure daily activities. The strongest element of the minor check is that it checks internally all the consequences of a regulation and whether the text is line with the expected text and the text that was agreed upon.

6.5 ANALYSIS MINISTRY OF LNV AND DR

Two forms are present within DR and the Ministry of LNV. There is the extensive analysis (type 4), which mainly focuses on generating as much information as possible about the planned activities by the main principal and the minor check (type 3), which has as a goal to indicate whether everything that is necessary for the implementation of new policies by DR, has been taken into account. The first discusses regularly when new policies are designed, while the use of the latter is not so much part of internal habits. The normative system at the Ministry of LNV and DR exists of a clear conviction that implementation check can contribute to organisational goals. The documents state that an IC is expected to generate enough information regarding the exchange of information between the Ministry of LNV and DR.

The degree of harmonisation between the normative system and the support of regulative and cognitive structures is relatively low. The regulative structures that support the normative systems are strong for the internal offer and weak for the minor check. The internal offer becomes a normal work process straight away, after the director has made a formal request. It grants the document an official status, which forces the members of the organisation to fully comply and perform such a check. On the other side, the minor check is not taken up in the agreement and therefore no formal rules and protocol embed this minor check properly.

The organisational setting of the Ministry of LNV and DR consist of goals that have the agricultural sector at its core and want to maintain a durable and sustainable sector in the Netherlands. Therefore, communications with target groups is important, as well as clear internal working procedures. The contribution to the organisational goals lies in the notion that most of the work planned is already discussed in the yearly internal offer. This way, both of the organisations now what is likely to be implemented by DR in the years to come. The IC also helps the respondents in their daily activities.

The cognitive structure is ready to support both forms of ICs, while the regulative structure does not hold enough stimuli to perform the type-3 IC. Next, the cognitive structure also leaves room for the use of type-1 check, but this is not yet part of the normative level. While the regulative structure regarding the use of the type-4 check is based on providing information up to year beforehand and if formalized in a protocol, the type-3 check is not formalized and neither communicated to the assigning principal. This makes for a loss at the cognitive level, because it is not felt as normal or obligatory in the social context in which participant in the Ministry of LNV and DR, participate. In other words, the cognitive framework from which an individual operates, is le

The performance of both instruments differs. The internal offer is considered to be working properly, while the minor check is considered to be not working, as it should be. The basic reason for this is considered that the internal offer develops information based on yearly plans, and that this information is required by the Ministry of LNV in order to indicate the consequences for the programme, while the minor check is not requested by the Ministry of LNV but only an internal process. This limits the goals of the instrument. The weakness of the internal offer is that it does not require involving DR in the process early on: the request is made on basis of the plans that are already quite fixed and it is up to the individual policymaker to request the involvement of DR.

7 CONCLUSIONS & RECOMMENDATIONS

7.1 HYPOTHESIS

The analysis in the preceding three chapters is performed to construct an argument on the hypothesis below:

The performance of ICs depends on the degree of harmonisation between the normative system of ICs and the regulative and cognitive structures that support the ICs.

This hypothesis is built on the assumption that the normative system in which ICs are embedded should be sufficiently supported by cognitive and regulative structures. If the normative system on which the (proposed) use of ICs is based, does not match with the cognitive and regulative structures, then it becomes complicated to pursue the actual goal of the IC.

If the results from the three cases are reviewed separately, the case of Ministry of V&W and RDW shows that the normative system in which the ICs are embedded and the support of cognitive and regulative structures reflect in a good perceived performance of the instruments. The cognitive support exists of the notion that organisational members of the Ministry of V&W and the RDW feel that they operate within a complex environment and that ICs fit within their habits and scripts and allow for a high degree of cooperation.

The regulative support consists of a protocol, which creates discretionary space for the policymaker to request ICs, but also for the RDW to perform unrequested ICs. Once an initiative is likely to bear a great burden on the RDW, they are provided an official response to the Ministry, which allows them to indicate important issues before the regulation or policy is approved. Because they have the cognitive support of being experts in the field of technical details regarding certain issues, their opinion is often valued. This cognitive and regulative support helps the ICs to perform properly. They are perceived to have an overall good performance.

At the Ministry of OCW and CFI, a rather broad range of ICs have been developed and implemented. Three forms of ICs are present, all with their own rationale. The overall contribution of the ICs towards organisational goals is nearly the same: help the employees of the Ministry of OCW to think in advance and to do not forget involvement of the CFI regarding certain issues.

The support of cognitive structures and regulative structures is sufficient to let the ICs at least be performed. The cognitive support consist of organisational goals and habits within organisations that have as core element that cooperation between all actors in the chain of policymaking is necessary. The ICs help in this. The regulative support comes from different sources. First, there is the internal protocol, which states that ICs should be requested. If the IC is not requested, then the policymaker should make clear why this is the case. Second, the notion that the Lower House can request the documents of an IC, already makes it next to impossible to not to perform an IC. Despite the relatively weak performance of ICs once political pressure comes high, the overall performance of the instruments is considered good.

At the Ministry of LNV and DR, there is a clear division between the internal offer and the minor check. These two instruments have been brought on in the normative level and the ICs both have their different rationale and perceived performance. The internal offer is requested by the Ministry of LNV and becomes thereby part of the work programme of DR, while the minor check is not requested by the Ministry of LNV but dealt with internally at DR. There is regulative and cognitive support for the internal offer. Regulative support comes from the protocol (in the form of a 'Steering Covenant') that states how an internal offer should be used, when it should be requested and which information should be in it.

The cognitive support lies in the setting that DR wants to perform a good job when it comes to being as cost-efficient and open to the principal as possible. Next, at the Ministry of LNV it is well understood the internal offer is in line with organisational processes: for a good and well-designed policy, it is necessary to involve all actors and above all indicate implementation costs. T

The minor check however, is not supported by regulative structures. There is a protocol, but this is limited to internal (DR) processes. The cognitive support misses because the organisational settings strongly focus on cooperation between principal and agency, but the minor check is limited to internal use. Therefore, the internal offer is perceived as properly working, while the minor check is perceived as underperforming.

Overall, this makes for a different reflection of cognitive and regulative structures at the Ministry of LNV and DR, compared to the other two cases. The same goes for the perception of performance, especially for the minor check. The difference is in the perception as well as in the support from regulative and cognitive structures. While the minor check is rewarded positively at the Ministry of OCW and CFI and the Ministry of V&W and RDW, the perception towards the functioning of this instrument is quite negative at the Ministry of LNV and DR. The instruments do not work as they think they should work.

This is partly due to the regulative support for the instrument, which is limited and partly because it does not match the cognitive reality of cooperating as much as possible with other parties in the chain of policy implementation. This allows for the conclusion that the hypothesis for this study is not rejected, on basis of the observed difference in cognitive and regulative structures and the perceived performance attached to this.

7.2 MAIN RESEARCH QUESTION

RQ: What are the conditions to optimise the performance of implementation checks within DR's organisational setting?

The study reviews how the normative system is supported by cognitive and regulative structures. An optimal performance is, according to the results of the three cases, possible when the cognitive and regulative structures fully support the rationale of an IC within a certain normative system. Of course, weak elements of the system of ICs will exist, but against this limitation, it is possible to optimise the performance of ICs within organisations.

At DR, the internal offer is considered to be working properly, while the minor check does not. The conditions to optimise the performance of both ICs are to be found in the better/more regulative and cognitive embedding of the ICs. The normative system is very well visible and among respondents in the organisation, the benefit of ICs well understood.

However, the regulative and cognitive structures are not considered to support the minor check. This is partly due to the content and procedure attached to the instruments and partly due to the notion that these processes have not become fully internalized yet. In order for the performance to increase, the cognitive and regulative structures that support the ICs need to be developed in a 'better' way. The recommendations discuss how.

7.3 RECOMMENDATIONS

Objective: to optimise the performance of implementation checks for DR in the process of information exchange between Ministry of LNV and DR.

Based on the perceived performance in the three cases and the theoretical comparison, a couple of recommendations are made:

- Make a covenant or information agreement between the Ministry of LNV and DR, which covers the use of all the ICs, not only the internal offer. This makes the minor check an official internal procedure, which needs to follow at the Ministry of LNV. This limits the risks for DR of being involved too late in the process or not to be able to provide an informed opinion via a minor check.

- Determine what the rationale of an IC is. The rationale of the internal offer is, because it develops information about implementation variants and costs, comprehensible and in line with the organisational setting. The rationale of the minor check is not well understood, mainly because it is not made clear to respondents sufficiently.
- Make the organisation aware (the cognitive structure) that the minor check is in line with the as necessary perceived cooperation between the Ministry of LNV and DR.
- Design a process for the period before the requests for internal offers, in order to be involved even earlier. This could have the form of the process as it is currently in use at the Ministry of OCW and CFI (a type 1 extensive analysis). This could be included in the information agreement between the Ministry of LNV and DR.

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ANNEXES

Annex 1: overview of respondents

OCW:	Policy maker (Department of Innovation and Information) (Interview 1) Policy maker (Department of Quality of Education) (Interview 2)
CFI:	Team Leader (Section of Funding) (Interview 3) Implementation Advisor (Section of Production Preparation) (Interview 4)
V&W:	Jurist (Department of support for policymakers) (Interview 5) Policy Manager (Interview (6)
RDW:	Team Leader (Section for legal support) (Interview 7) Implementation advisor (Section for advice on implementation of new regulations) (Interview 8)
LNV:	Senior Policy maker/substitute policy manager (Department of Food Quality and Animal Health) (Interview 9) Senior Policy maker (Department of Food Quality and Animal Health) (Interview 10) Policy maker (Department of Agriculture, subsidies for entrepreneurs) (Interview 11) Policy maker (Department of Agriculture, social economic policy) (Interview 12)
DR:	Account manager (Section policy advice) (Interview 13) Account manager (Section policy advice) (Interview 14) Implementation advisor (Back-office) (Interview 15) Co-worker control (Back-office) (Interview 16)

	Min OCW	Min LNV	Min V&W	CFI	DR	RDW
Senior Policy maker		2				
Policy maker	2	2	1			
Jurist			1			
Team leader				1		1
Account manager					2	
Implementation advisor				1	1	1
Co-worker control					1	

Annex 2: Interview protocol

In order to measure the operational definitions of the different concepts, a couple of questions are formulated which serve as the leading principle for the interviews. The clustering of answers took place after the interviews. The interviews were recorded and the transcripts are available on request.

Normative system

- 1- What types of ICs are in use within your organisation?
- 2- Why are these ICs brought into your organisations?
- 3- What are the goals of these ICs?
- 4- How can the IC be an appropriate instrument within your organisation?

Regulative structures

- 5- Which protocol states how and when you should use ICs?
- 6- Why do you comply and perform ICs?
- 7- Are there any sanctions regarding not providing the information to the other party?

Cognitive structures

- 8- What is your position within the process of policy implementation?
- 9- How do you usually cooperate with members of other organisations?
- 10- What, do you feel, are the goals of the organisation?

Perceived performance

- 11- What is your overall idea of the performance of the implementation checks?
- 12- Could you name some weak and strong elements of the instruments?