

Is EU a platform for policy learning? Implementation of Third Legislative Package: The case of national energy regulators

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Abstract

An increasing interest has been shown in the practical use of policy-making, namely how governments learn from one another or through the explicit co-ordination objectives of the EU or through requirements imposed by international donors. A recent theme is the influence of international organisations in imposing policies on countries. Countries are compelled by global financial institutions to introduce policy change in order to secure grants and loans. This leads to a domestic resistance to international instruments and a lack of enthusiasm in engaging in policy learning. The purpose of the paper is three fold. The first section provides a general overview of the literature and the connections to the conceptual literature on diffusion, convergence, policy transfer and lesson-drawing. Learning in public policy is defined as a process in which individuals apply new information and ideas to policy decisions. Furthermore, the actors (facilitators of learning) involved in the process will be highlighted. It reviews the literature on barriers to learning and points out to path dependency and taking comfort in routine, risk aversion and exceptionalism as key factors that lead to reluctance to learning from abroad. Further research should be undertaken in conceptualizing policy learning and differentiating it from cognate terms. By distinguishing three layers of learning, the second section analyses the link between changes in governance and the learning process. The main argument is that policy learning and change depend (partially) on the level of capacities that organizations enjoy. The literature has not fully developed an empirical research agenda focused on the institutional arrangements that promote (or inhibit) learning, or on the relationship between these learning processes and policy change over time. This analytical framework is illustrated through anecdotal evidence on the implementation of the Third Legislative Package in the third section. The paper argues that the national energy regulators meet the prerequisites for good regulation imposed by EU and are consistent with the best practices in legal and economic thinking, thus making them a venue for policy learning. This article provides anecdotal evidence for the likelihood of policy learning at the level of national energy regulators and presents what the author believes to be among the challenging issues facing regulators that will engage in the policy learning process, as well as the factors that will trigger the learning process. Furthermore, the paper will also point to the challenges in learning and will emphasize why the implementation of the 3rd Legislative Package has failed. This will be depicted using an analysis of Pressman & Wildavsky that define policy implementation as triggered by learning.

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Policy learning and its companions: Conceptual Clarity and Theoretical Framework

Cashore *et al* (2013) define policy learning as the phenomenon in which policy makers and relevant stakeholders devote attention to understanding, assessing, and hypothesizing about, the cause and effect of policy interventions across multiple levels. Put it simply, policy learning implies investigation of processes taking place somewhere and using the knowledge and findings to draft policy elsewhere. Policy learning is highly advocated but not adequately conceptualised. The literature provides several definitions but no consistent view on policy learning. Nutley *et al* (2007:168) argue that a key limitation of learning literature is that it is emergent, largely speculative and highly contested. Rose (1991) puts forward the argument that the process implies a rational decision by governments to emulate other governments in order to achieve improved policy outcomes. This is different from Hecló's (1974:306) view who suggests that learning is a less conscious activity often occurring as a governmental response to some kind of societal or environmental stimulus. The assumption of rationality can be dismissed considering that learning could happen even through an unconscious process. Scholars (Hall 1993, Hecló 1974 and Rose 1991) have investigated how conscious need learning to be for it to be considered 'genuine'. The more there is pressure to do something, the less time there is for a comprehensive process of learning. Hall (1993:293) argues that learning is a deliberate attempt to adjust the goals or techniques of policy in the light of the consequences of past policy and new information so as to better attain the ultimate objects of governance. The literature on policy learning is voluminous, eclectic and multidisciplinary concludes Freeman (2006: 368). There are several definitions of the concept but a significant lack of empirical evidence in regard to the evidence of policy learning taking place. Furthermore, the concept is often used interchangeably with policy diffusion, lesson drawing, and policy transfer. The terms are related because they are used to describe how 'inspiration' from experiences elsewhere shapes policy at home.

There are several conditions to be met in order for policy learning to take place. First, where a country looks for lessons is determined by the shared ideological values, the cultural and historical bonds. For example, UK is more likely to look to the United States or Australia than to Europe. Hantrais (2009:137) argues that the exporting and importing countries must be ideologically compatible; they need to have governments that subscribe to similar political orientation and values. Second, policy learning arises from countries which are similar in terms of wealth, having similar levels of economic development. For example, there were several cases of learning processes taking place in between OECD countries, or in between Scandinavian countries. Third, policy learning has to be desirable. Schade and Schlag (2003:45) highlight that a precondition is public acceptability; the learning process with the aim to change has to be desirable. Forth, Hantrais (2009:139) argues it must be affordable and accountable in terms of available resources and perceived economic and social benefits. One of the most significant preconditions is to have the resources (time, money, people, and administrative capacity) to engage in the leaning process.

The literature on policy learning and its companions is burgeoning. Learning in public policy has been delineated in a wide variety of forms: social learning, political learning, policy transfer, lesson-drawing, policy diffusion and policy convergence. But certain distinctions are worth being highlighted. The intricacy of differentiating the concept from the other notions is its main criticism considering the considerable overlap and the risk of confusion. While

Dolowitz and Marsh (1996) suggest that all these concepts can be organized under a general framework under the umbrella heading of policy transfer, the paper highlights that the terminological and conceptual diversity stems from different processes as there are some contrast between the notions.

Lesson drawing is the focus of Rose (1991) who argues that it is a voluntary act of transfer by rational actors acting in specific political contexts. Governments use lessons drawn from their experience or from the experience of other nations in order to make policies more efficient and effective. Lesson-drawing is perceived as a forward looking process which is built on experiences in other countries with the purpose to improve the domestic policy. It is usually evidence-based, focused on policies that are already in place and that have proven efficient for other governments. The rational and voluntary drawing process described by Rose has helped researchers (Dolowitz and March 1996) to make a distinction between voluntary and coercive forms of the process, putting forward the concept of policy transfer. The main peculiarity between lesson drawing and policy learning is that the lessons arise from weighing new or existing policies while learning takes place through spread of evaluation studies' findings. Lessons are triggered by measuring policies while learning follows the conclusions of an assessment process.

Policy transfer is widely understood as a process by which knowledge and ideas in one system are used in the development of similar features in another (Dolowitz, 2000:3). The concept has been widely employed to explain processes occurring within and between different political contexts, idea emphasized by Dolowitz and Marsh (1996: 344) arguing that policy transfer refers to the process by which actors borrow policies developed in one setting to shape policies within another. The three different processes of transfer are summarized by Evans (2009:245) who distinguishes between voluntary, negotiated and direct coercive transfer. The first is rational, and is used by organizations that want to solve a problem. Negotiated transfer refers to countries that are required by other influential states or global financial donors to introduce policy change. For example, between 1980s and 1990s, developing countries were implementing policies in return for investments from WB, OECD was active in pushing policy agendas through economic and administrative reforms and IMF is currently promoting reforms in CEE countries. A different kind of learning is by imposing a country to do things; which is labelled as coercive transfer because the recipient country is denied the right to choose between alternatives. Nevertheless, donors can be considered as the best policy translators, due to the fact that they have initiated programs in other countries and local actors most often fail to absorb and properly interpret other countries' policies. It is difficult to draw clear lines separating the three processes and it is even more complicated to empirically test it. The main difference between policy transfer and policy learning is that transfer explores the process of policy importation, while learning does not necessarily require policy implementation. Engaging in policy transfer without learning is likely to lead to problems in implementation and thus to unsuccessful policies.

Policy diffusion describes the internal transfer of policies, for example it was employed to explain the process of spreading policies among US states. Cairney (2012:247) thinks that the difference in policy conditions across different states, combined with varying degrees of willingness to follow the leader creates uneven diffusion. He uses the metaphor of dropping a small amount of ink into a glass of water which is the best description of the diffusion

process. The literature review is geographically limited to diffusion among US states and fails to explain dissemination across countries with differences in culture and political system. The main difference between policy learning and policy diffusion and is that the latter is perceived as an emblematic imitation. Some states choose to adopt ideas just because they are trustworthy or to comply with international standards; for example Eastern-European countries are imitating western or Scandinavian countries just because they are considered more successful.

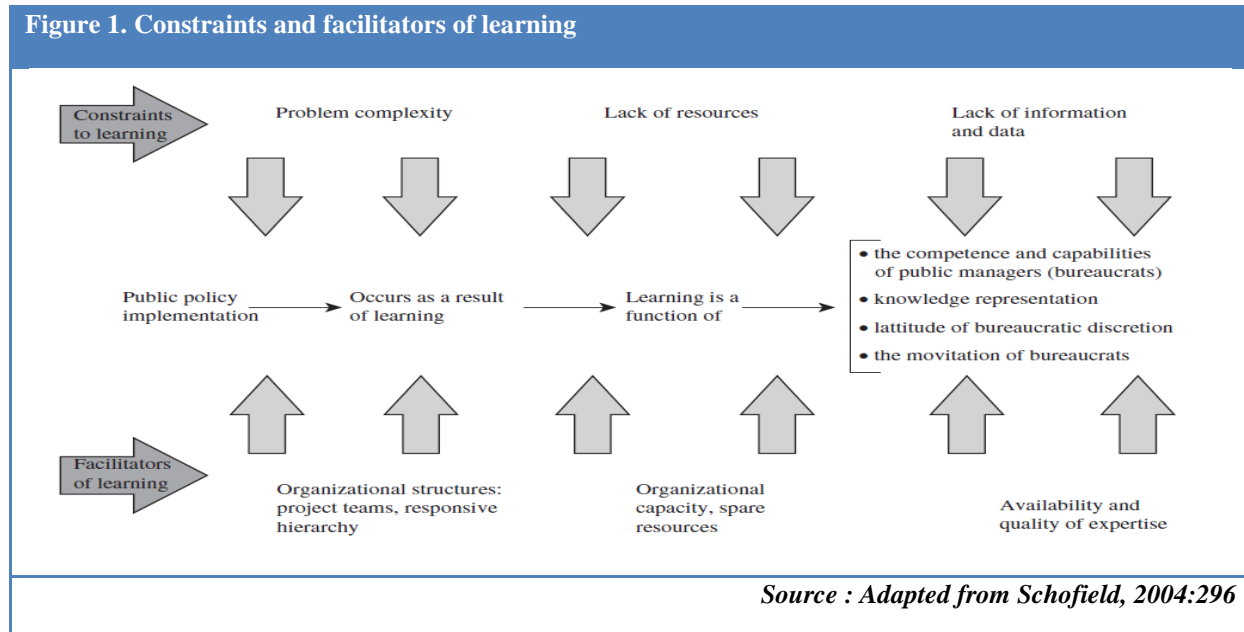
Policy convergence refers to the trend among countries to become more alike. Bennet (1991:217) argues that the literature on policy convergence should go beyond the argument that comparable conditions produce comparable problems and thus comparable policies. Holzinger and Knill (2007:779) put forward independent problem solving as a driver of policy convergence. Identical problems such as environmental concerns, ageing population for Nordic countries, or migration in Eastern European countries are likely to lead to similar responses even though there is no communication between the countries. The researchers have used the metaphor of individuals opening their umbrellas simultaneously during a rainstorm to portray policy convergence; that is, sharing common ideas to solve similar problems. The main difference between policy convergence and policy learning is that the convergence may occur unilaterally, for example harmonizing macroeconomic policies.

Policy learning involves comparison and it is ubiquitous in comparative research and has become frequent for several reasons. First, globalization makes the world look smaller; you can easily apply concepts worldwide. Freeman (2006:368) argues that global trends appear to create unprecedented opportunities for learning. Second, parallel development makes governments confront with similar issues (ageing population, economic recession, migration, climate change). Third, EU enlargement underlines that countries should coordinate policies and follow similar standards.

Restrictions and facilitators of policy learning

Dolowitz and Marsh (1996:345) have identified six types of actors that are involved in the learning process: elected officials; political parties; civil servants; pressure groups; policy entrepreneurs/experts and supra-national institutions. However, this paper highlights the following three categories of political units. At the fore are the elected officials as they shape policies and initiate the search for ideas. For example, political parties are relevant because they are constantly engaged in the processes with the aim to boost their electoral appeal. Second, the bureaucrats, administrators and professionals are important to the learning process, and more significant, in the implementation phase. Third, policy entrepreneurs are relevant for their value added of advocacy lessons and international contacts. Nilsson (2005:209) concludes that policy learning studies are built on the premise that policy is formed in networking processes with multiple actors, both public and private (including government organisations, interest groups, political parties, and scientists), which have different ideas and interests.

The literature is silent in highlighting potential obstacles to successful learning or developing a model to guide effective learning processes. Schofield (2004:296) has built a force field analysing and emphasizing the facilitators and constraints to learning how to implement new policy (see Figure 1) while Rose (2005:118) has provided a list of conditions that are likely to increase success in applying a lesson, but no empirical evidence to support the recommendations.



Policy complexity is the first possible constraint upon agent's ability to learn. The more complex a policy is, the harder is for lessons to be drawn and the fewer the number of countries willing or able to adopt (Dolowitz, 1998:28). The complexity of the issue is likely to arise from several factors: First, a large number of stakeholders with their own interests are part of the process. For example, May (1992:349) highlights the intense conflict and polarization of beliefs among competing advocacy coalitions. Second, the role of language similarities should not be overlooked. The possibility for policy makers to communicate in the same language is likely to increase the attractiveness of policies, UK will learn from US or Australia but it is not likely to learn from France. Third, if the core values of a society differ a lot, the likelihood of learning is limited. Rose (2005:113) highlights the importance of cultural beliefs advancing the example of how AIDS is perceived. While Western advisors claim that the causes are promiscuousness and unprotected sex, some African societies consider it normal practices. Scarce resources represent an important factor obstructing learning. Rose (2005:108) argues that before applying a lesson, policy makers should check if there are sufficient resources to carry the process. First, money is an obstacle for poor countries learning from a rich country. Countries are likely to conclude that a social inclusion or a health policy cannot be implemented due to financial restrictions. Second, qualified personnel and in particular higher educated or highly skilled civil servants are needed to implement a lesson. Third, if a government is to learn to shape new policies, than it must create the system for implementation and sometimes put aside old mechanisms or organizational structures; it has to make available the technological, institutional and structural resources. Dolowitz

(1998:31) puts forward the example of the development of the health-care institutions and policies and technologies used in the American health system that is unavailable in most countries. Forth, time is also important as learning increases over time and through experience.

This paper emphasizes three main reasons that explain political actors' lack of enthusiasm in engaging in policy learning: path dependency and taking comfort in routine, risk aversion and exceptionalism. First, as long as a policy meets expectations, it can run by routine. Rose (2005:2) argues that policy makers do not seek new ideas to promote political satisfaction. It is highly acknowledged that the wheel should not be reinvented, a policy does not have to be world-beater; it is good enough if its performance is consistent with expectations. Political actors are likely to engage into learning process only if they encounter significant policy failures or have to deal with unexpected events such as economic crisis or natural disasters. The greater the importance allocated to influences from the past, the difficult the barriers to apply lessons from aboard. Rose (2005:104) argues that strategic directions of an organization are path dependent and characterized by inheritance rather than choice in the sense that past commitments limit current choices. The scholar does not provide any suggestions on how to overcome the embedded policy making process. Second, political actors are reluctant to engage in policy learning because new policies carry with them a certain degree of risk. Policy makers seriously ponder upon models that they can trust. For example, most preferred are Scandinavian countries that have proved successful in policy making. Sometimes the decision to learn from another country is based only on trust and not on prior research, feasibility studies or rigorous examination. Political actors are not keen on engaging into policy learning as policy change is likely to encounter opposition from other political groups or even citizens and they do not want to risk losing their electoral appeal. Third, American scholars have advanced theories of American exceptionalism implying that its programmes, for example health system are not useful for policy learning as it cannot be applied in other systems. The literature is scarce in what concerns the extent to which US policies can be applied in Western European countries or Canada.

In conclusion, there are some critics to the concept of policy learning. First, further research should be undertaken in conceptualizing policy learning and differentiating it from other cognate terms. Dunlop and Radaelli (2011) argue that there are simply too many concepts, definitions, and ideas running through this literature to be able to develop cumulative knowledge. Second, the scarcity of studies about policy learning is reflected in a similar scarcity of studies investigating, for example, the actual factors determining the learning process at a cross national level or the factors hindering the process. The term of policy learning is preferred for this article because it is broader and refers to the process by which agents get hold of and use information/knowledge in the decision-making process.

Various levels of learning and policy change

This section will investigate the link between levels of policy learning and policy change. In principle, policy change can take place without policy learning; in reality, however, policy change is mostly associated with a certain intensity of policy learning. The main argument of this article is that policy learning and change depend in part on

the level of capacities that organizations enjoy. When we speak of capacities, we mean all formal rules and regulations on the one hand (the ‘hardware’) and norms, scripts, causal stories and structures of consensus-building on the other hand (the ‘software’) that allow learning (Braun *et al.*, 2003: 7). Learning is acknowledged to be an important source of policy change; nevertheless, the relationship between policy learning and policy change is still somehow blurred analytically. The literature has been concerned with the extent to which policy makers are aware or knowledgeable about the potential of policy lessons and the extent to which these experiences have been utilized in policy reforms or whether it could lead to policy change. In order to understand policy learning, it is important to identify institutional factors facilitating the learning as well as policy transfer and policy change in order to develop comparative empirical evidence.

The starting point for examining the link between policy learning and organizational capacities used will be the three-level policy learning typology proposed by Bennett and Howlett (1992), a useful guide to examine cross-national differences in the learning processes (see Table 1). The first level of learning is ‘government learning’ which relates to the ‘administrative capacity’ of the government, or the set of organizational practices and structures. The second level of learning is ‘policy network learning’, which corresponds to stakeholders’ and governmental actors’ learning processes which requires ‘analytical capacity’, or, a set of competences that deals with techniques of policy analysis. The third form of learning is social learning and includes communities of socio-economic actors that learn about the state–economy–society relations. The three levels of organizational capacities are strongly interdependent. Borrás (2011:729) puts forward the argument that a system with strong analytical capacity in policy networks able to analyze policy and instrument failures without administrative capacities to put those into practice would probably have problems implementing policy change effectively.

Table 1. Levels of policy learning, organizational capacity and impact on policy change					
Levels of policy learning	Who learns	Learning what	about	Organizational capacity	Policy change
Government learning	Government (state officials) and public related organizations	Organisational		Administrative capacity	Policy Management/ Organizational change
Policy network learning	Networks of stakeholders	Policy instruments		Analytical capacity	Policy programme change
Social learning	Socio-economic actors in the political system shift	State–economy–civil society relations		Major reflexive and institutional capacity	Policy paradigm change
<i>Adapted from Bennett and Howlett (1992)</i>					

Bennett and Howlett (1992) showed that different approaches employ different conceptualizations of learning which cannot be easily reduced to one umbrella definition. They formulated three descriptive questions: what are the

subjects of learning in an approach (the actors involved, who learns), what are the objects of learning, and what is learning supposed to contribute to (mainly referring to the relation between learning and policy change)?

The three levels need to develop simultaneously, and in the EU context of multilevel administration, learning along these dimensions has to take place in parallel with national levels. The use of new instruments at EU level has to be corresponding to developments in administrative capacities in the EU institutions which are also requiring parallel versions in the national administrations.

The definition of organisational learning follows Common's (2004:36) theory, which is, making practical use of knowledge to achieve particular government objectives, usually accompanied by organisational change. Organisational learning takes place when organisations develop structures, procedures, mechanisms all summed up in capacities with the aim to improve problem solving.

Borrowing Mintzberg's (1979) framework, different types of coordination mechanisms can be distinguished. These capacities influence the coordination and cooperation within an organisation.

- Hierarchical coordination, which is the supervision by the political head, or the political commitment to implement policy changes and engage in policy learning;
- Bureaucratic capacities (rules, procedures, guidelines and resources) makes exchange of information cheaper and reliable;
- Standardisation of objectives involves setting clear and measurable objectives;
- Professionalisation means training the human resource and thus influencing working methods and culture;
- Horizontal coordination mechanisms refers to the hierarchical structures and allow flexible communications.

Organisational learning was preferred because it offers an approach to study the development of organisational capacities and to compare these between levels of administration. Governance at EU level has to be discussed with much attention for capacities at the organisational level. Schout (2009) emphasizes that in the EU's multilevel context and depending on the instrument, organisational learning at the national level has to match the EU's capacity building, as well as the national capacity. This paper acknowledges that the policy learning process is shaped by institutional context and puts emphasizes on the organizational learning as being the most important. The literature has not fully developed an empirical research agenda focused on the institutional arrangements that push for (or inhibit) learning, or on the relationship between these learning processes and policy change over time.

Understanding policy learning in the EU context: Are energy regulators a policy learning venue?

In recent years, the European markets for energy have been undergoing large changes due to the European Union's decision to create an internal market for through the gradual opening of the national electricity markets. The argument of this paper is that policy learning across countries is related to different organizational capacities. Hence, when analysing at policy changes in the area of energy policy, it is important to examine the three levels of policy

change in the advanced analytical framework, but it will focus only on the first level of learning, the 'government learning', which is the specific form of learning about administrative practices and processes. The paper will focus on the role of energy regulators for policy learning. The specific public administrative traditions of each country, the size of the country, the importance of the target proposed, and the variation in terms of the pace of policy change are acknowledged. Larsen *et al.* (2006:2859) thinks that such differences can partly be explained by their very dissimilar national background, which can also help to understand the variety regarding the outcome so far of liberalization. Nevertheless, it is worth mentioning that there is a clear degree of overall policy learning in spite of these differences as policy learning is related to the different degrees of administrative capacity of governments to shape and implement change in their own bureaucratic organizations. The paper will emphasize the role as well as the barriers to consider the national energy regulators the instruments for policy learning, for spreading the good-governance concepts and promoting best practices.

The Third Energy Liberalisation Package is to be implemented through 2 main directives representative for the electricity and the gas sector. The package has followed other two sets of initiatives that were aimed to boost competitiveness, improve infrastructure and set the foundation for an internal energy market. Throughout the years, new insights were gained and lessons were learned, but still the original ideals haven't been reached. There have been complaints that the second energy package hasn't been wholly implemented yet and another one already follows. For example, there are some particular flaws and inefficiencies attached. First, what is meant to be an internal integrated European energy market it's actually a club of national (regional) markets and some markets are isolated and sometimes there is no cross border connection. Second, the goal to boost competition hasn't been reached as market concentration is still high in some parts of Europe where there are no sufficient market conditions. Third, there are too many vested interests. As the paper has emphasized, the energy sector is under the influence of the political environment. Further research should be undertaken to point why is there so much political interference in the way the national energy regulators function as there is no political willingness to go as far as to grant increased power to the regulators. One of the most significant objectives advanced through the regulation is the obligation for member states to create an effective regulator with a significant degree of independence. The package grants more powers to national regulators and increases cooperation between regulators which were reunited into one single European agency. The agency (Agency for Cooperation of Energy Regulators) has responsibilities in drafting framework guidelines; checking that these rules are consistent and monitoring the functioning of the internal market. The paper will not however, focus on the propensity for policy learning in the energy sector through the agency, but will rather put emphasizes on the national regulators. The Third Legislative Package highlights the fact that highly uncertain and rapidly changing contexts such as the energy sector will function properly in a structure where government, stakeholders and civil society have an independent view on the issues likely to affect the implementation of the legislative framework. EU has been slow in implementing the two directives and most of the member states are under investigation and infringement procedures have been initiated. Attempts to create the internal energy market have progressed slowly and the two directives had a limited impact as they haven't been properly transposed. Dehousse (1997:246) argues that legislative harmonization is not enough to dismantle internal

barriers and that some convergence of administrative practices is necessary to level the playing field. This is why the impact of organizational learning through the energy regulators will be highlighted.

There are several advantages highlighted by the literature for the functioning of the national energy regulators. First, the agencies can limit political interference in business decisions and regulatory risks, but the actual independence of the regulator is of key importance. The institutional structure of regulators should be independent from legislative periods as they are set up with the aim to enhance stability and credibility of regulation. The regulators activity upon implementing the Third Legislative Package is likely to lead to a shift in the mode of governance, away from hierarchy and political influence and towards consultation and negotiation with all stakeholders involved. Gilardi (2005) advances the idea that independent regulatory agencies are one of the main institutional features of the 'rising regulatory state' in Western Europe. The state has moved away from sectors such as utilities, which used to be where highly interventionist and the governments tend to abandon their regulatory competencies and to delegate them to specialized institutions that are not at least partially under their control. Four dimensions of regulatory independence are relevant for assessing regulators' independence: independence from government (with regards to the procedures of appointment); independence from stakeholders (and in particular from business); independence in decision-making (the agencies should have sufficient competences) and organisational autonomy (it should be in charge of its own budget and personnel policy). Second, as Larsen *et al.* (2006:2861) highlight, it enhances expertise and flexibility due to the combination of rule making and rule application in a particular field. Furthermore, the independent regulator is expected to increase the credibility of the regulation, which is crucial for a successful liberalisation process. The most important function of the energy regulators is to enhance credible commitment towards strategic policy making in the energy sector. Nevertheless, as Thatcher (2002) argues, the context is important, but factors such as state traditions, policy learning and political leadership are of significant importance as well. Third, common regulatory rules for the energy sector (implemented through the Third Liberalization Package) provide guidelines and examples of best practices. Three important critiques of regulatory authorities have also been raised. They concern regulatory control, accountability and legitimacy. First, regulators are assumed to incorporate expertise and have highly skilled staff. Nevertheless, scholars (Larsen *et al.*, 2006:2864) have pointed out that this is not necessarily true and that there is a high risk of information asymmetry which can be limited by organising balanced consultations or hearings. Second, regulatory authorities have been criticized for being unaccountable and that the concept of a completely autonomous regulator is far from the practical reality. For example, the UK regulator is claimed to have become too powerful and autonomous. Third, Larsen *et al.* (2006:2865) stress that regulators lack the solid kind of democratic legitimacy that comes from being elected by and accountable to an electorate and are perceived as constitutional anomalies.

The European Union is increasingly portrayed as a 'massive transfer platform' (Radaelli, 2000:26) or a 'supranational idea hopper' for the exchange of policy between member states. EU itself is considered a policy-making state. Bomberg (2007:257) thinks that analysis of policy learning needs to be placed in the broader context of policy-making and the politics of EU enlargement. In the EU context, policy learning is perceived by policy-makers as an attractive means by which learning about the use of particular methods or tools is encouraged. In investigating the

process of policy learning, the paper will adopt an institutionalist perspective and will highlight the likelihood of policy learning taking place at the level of the independent energy regulators in European countries based on anecdotal evidence. The fundamental premise is that institutions are of importance, shaping actor preferences and shaping the processes of policy making. The learning processes and outcomes will thus be shaped by the institutional settings in which they take place.

The transposition of the Third Legislative Package has enforced national energy regulators with more autonomy while the markets are liberalized based on EU-mandated requirements. Nevertheless, at the level of member states, the national agencies enact decisions that use different approaches to shape the regulation of the national markets. Thus, it is essential for the EU to harmonize the different regulatory regimes considering its attempt to set up an internal energy market. The argument of this paper that policy learning is dependent on organizational capacity pushes for the need to build the necessary organizational capacities in the energy sector. Pollitt (2009) underlined for example, that South East Europe is receiving large amounts of technical assistance from the EU and thus will be a test of the transferability of the EU reform model within the EU.

There are few main drivers of learning at the national level stemming from the advances at the EU level in terms of institutional changes. First, given the increasing cross-border relevance of the EU internal energy market, enforcement will greatly benefit from cross border coordination and sharing of national experience and good practices. The variety of national regulation should not be considered an obstacle to the functioning of the internal market considering that the motivations for changing are generally driven by a desire to make the sector more efficient through the introduction of competition by safeguarding the good governance concepts promoted by EU. Second, the 3rd legislative package is to be transposed through two main directives with clear objectives and a straightforward calendar for implementation. Therefore, the institutional isomorphism at the level of the national energy regulators will be much more noticeable when the directives will be fully transposed. Furthermore, considering that EU legislation in the energy sector is abundant, there is lesser freedom to regulate the sector; thus increasing the diffusion of policy among regulators. Third, according to the two directives transposing the 3rd legislative package, the national energy regulators should be a venue for consultation with all stakeholders involved in the sector. This increases the likelihood of knowledge and information sharing and the potential for policy learning.

There are few issues in assessing whether learning in the EU context occurs and especially through the organizational setting, namely the energy regulators. First, European level lacks the formal power and the institutional capacities needed to set the rules of the game, as well as to monitor and to enforce the implementation of these rules in the member states. It is difficult to investigate whether the institutional changes needed to be place do imply a through-going electricity reform. There must be a willingness to learn and eagerness to transpose and change. Furthermore, the energy sector reform should be part of a wider institutional reform and it needs sufficient institutional reform in the rest of economy to support developments in the energy sector. The European market liberalisation process that is undergoing is still at its infancy and it is too early to expect a definite model of the

European independent regulator or of the national energy regulators. Second, there is no empirical evidence that learning indeed took place as it is difficult and complex to evaluate. Furthermore, the evidence of change is scarce. One of the ways to measure learning is to investigate the changes in the policy over time and assess whether it can be attributed or not to the learning mechanisms, in particular to the role of the energy regulators. Third, considering the significant number of infringement procedures launched against member states (European Commission 2013) for not transposing the two relevant directives, it could be argued that there is a weak enforcement of EU directives at country level. Therefore, EU's long-term goal of creating a harmonious, fully integrated pan-European energy market has not yet become visible.

The idea of engaging in policy learning with the aim to improve implementation is reflected in the work of Sabatier who emphasized (1986:21) that most of the early American researchers came to very pessimistic conclusions about governments' capacity to implement programs. Pressman & Wildavsky (1973:xv) stress that implementation is the process of interaction between the setting of goals and actions geared to achieve them. Rose (2005:96) has also questioned the process of translating policies into actions and concluded that whether a lesson is adopted or not is the result of the interaction between pressures at home, pressures from abroad and the response of the government. Pressman & Wildavsky are the most reputed scholars in conceptualizing implementation and have investigated contexts under which lessons are likely to gain adoption. Using a case study they describe the effort of the American Economic Development Administration to create jobs for the hard-core unemployed in Oakland by granting loans for public works and business development in the late '60s. After five years, the outcome showed that the project has not achieved its goal.

Several aspects were highlighted by the scholars as being unfavorable to the project implementation, but two are foremost relevant for our analysis. First, they emphasize that over time, people, organizations (governments) and contexts changed more rapidly than the implementation mechanism. As in the case of the implementation of the legislative packages in the energy sector, the process has been amended several times (going through the experience of other two packages that were not properly implemented) leading to significant delays in achieving its initial goals while the solidity of the fundamental aim was shaken. The scholars recommend minimizing the number of decision points and paying as much attention to the creation of organizational machinery (1973:144). This argument supports the idea that creating national energy regulators, that the organizational aspect is key to effective learning and implementation processes. Second, they highlight that the technological and financial obstacles are less important than the people issue. This is contradictory to Schofield's argument that money and organizational capabilities are key to the learning process. National energy regulators' activity should be legally separated and have a functional independence, a budgetary autonomy, as well as appropriate human and financial resources and independent management. Pressman & Wildavsky stress the relevance of interest groups and the need to consider all stakeholders in a project that may feel threatened by the project. To diminish potential conflict, the authors recommend implementers to consider interest groups when building the project. A stakeholder mapping should be performed prior to engaging in the learning process, their divergent interest should be assessed and solutions to overcome

conflicting views and vested interest should be formulated. The actors involved in the learning process and their role should be investigated before the learning takes place.

They had a crucial impact on the development of implementation research as it has pushed for further research on the topic. Their key findings were: implementation should not be divorced from policy (1973:143), it should be part of the making policy process and the need to set up simple, direct channels for program execution that will diminish delays and cost overruns was depicted.

Hogwood & Gunn (1997, 217:225) have highlighted in their paper several other factors that are relevant to the policy implementation process. First, circumstances outside the control of administrators (drought for an agricultural programme or political-interest groups opposing a project) should be taken into consideration. Second, resources available (including adequate time) should be pondered upon. Third, the sequences of cause and effect relationships should be as minimal as possible. Pressman & Wildavsky (1973:xvi) stress that the longer the chain of causality, the more complex implementation becomes. Forth, the tasks should be fully specified through effective communication and coordination.

Conclusion and forward looking

There are some issues in conceptualizing policy learning and differentiating it from cognate terms such as policy transfer, policy diffusion, policy convergence or lesson-drawing. Scholars of policy learning have defined the territory so broadly, and practitioners have applied it so loosely, and there is a significant lack of empirical evidence on assessing whether learning did occur. It is relevant to investigate, as the analytical framework advanced by Bennett and Howlett (1992) have showed who's learning, what, and to what effect. Nevertheless, a clear link between policy learning and change should be highlighted as a clearer picture comes into view when we add another question, to what effect does learning take place? The conclusion that can be drawn at this stage is that one of the things that were learned is that there is still much to be learned about policy learning.

Furthermore, more evidence is needed about the link between organizational capacities and the increasing use of 'learning tools' in the energy sector. There are many unresolved questions. First, it is imprecise whether some policy learning tools are more suitable than others or whether the current proposal is deceptive. For example, there are other platforms at EU level such as the Council of European Energy Regulators, CEER, an association through which national regulators cooperate and exchange best practice, the European network of independent regulators, ERGEG, the advisory group made by national energy regulators or the Florence forum, a platform for informal regulatory networks to meet and discuss the integration of energy markets that could prove suitable for policy learning. Second, it is unclear whether the tools are useless if not accompanied by a substantive degree of organizational capacities. Third, only a small number of scholars have conducted cross-country analysis of the impact of regulatory reforms (and in particular the administrative reforms) in the energy sector. Furthermore, the analysis was conducted in a small number of countries and using very limited data.

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