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Towards a policy convergence in Europe? General approaches in the Netherlands, Switzerland and France

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SUMMARY

Everywhere policies are being developed to increase the access of the disabled to public transport. Comparative analysis of these policies is useful in two respects: content and process, i.e. what to achieve and how to achieve it. The first type of analysis is not unusual, the second type is. Given the general effort and the intensity of international contacts, it would not be strange to expect a convergence in policies but perhaps more so with regard to content than to process. Administrative traditions may differ widely between countries, There is extensive theorising on policy convergence. The essence of the theory is presented and the different policy levels at which convergence may occur are made operational for accessible transport policies.

The policies of three European countries (France, the Netherlands and Switzerland) are compared at the level of policy instruments. It shows that in all these countries a range of instruments is used. But there are remarkable differences in the relative importance of these instruments. Both France and Switzerland rely strongly on legal instruments (law and regulations), but the Netherlands more on the transfer of information (not enforcing but convincing). Both the Netherlands and Switzerland support their policies with subsidies for adapting the infrastructure. France seems to present it as a national duty which regional actors have to fulfil. The effectiveness of these strategies is not assessed.

KEY-WORDS: Policy; convergence; accessibility; people with disabilities

THE THEORY OF POLICY CONVERGENCE

According to the works of Colin Bennett [Bennett, 1991, Bennett, Howlett, 1992], David Dolowitz and David Marsh, [Dolowitz, Marsh, 1996, Dolowitz, Marsh, 2000], the occurrences of policy transfer have increased for three reasons. First no nation can isolate its economy from global economic pressures. Moreover, the rapid growth in communication of all types makes the exchange of ideas and knowledge much easier. Lastly, international organizations, such as the European Union and the International Monetary Fund, advocate similar policies across diverse countries.

Numerous actors try to learn from abroad:

- elected officials,
- political parties,
- bureaucrats and civil servants,
- pressure groups,
- policy entrepreneurs and experts,
- trans-national corporations,
- think tanks,
- supra-national governmental institutions,
- nongovernmental institutions,
- consultants.

Why? The legitimacy of elected officials is nowadays based on the effectiveness of policies and not only on their democratic election [Muller, 1992]. So they are encouraged to import a successful policy (a local or a national policy). Pressure groups compare national policies. They collect information and they highlight domestic delay in order to open an opportunity window and change their national policy.

The European Union, a supra-national institution, aims at increasing the usability of transport for people with reduced mobility. Its policy fits with the general goals of the EU: creating a single European market and assuring the rights to travel inside its domestic territory for all people, including for people with disabilities. This objective has an economic side, since workers are the main target population.

The European policy is based on the non-discrimination principle since 1997 and the treaty of Amsterdam. The EU uses various tools to harmonize technical standards and policies. It launched three COST actions on transport for people with reduced mobility (COST 322, COST 335 and COST 349). It adopted a directive on bus accessibility and a regulation on air travel. It published calls for proposals within the Sixth Framework Programme for Research and Technological Development which aim at comparing policies. Lastly, the EU subsidizes a few projects on accessible transport within the European fund for regional development and the European social fund.

The European Conference of Ministers of Transport established in 1985 a working group on access and inclusion. Its work is another opportunity to compare national policies and to promote this social objective.

The goal of this contribution is to show whether the rise in international contacts has been translated in similar policies and whether a convergence of transport accessibility policy has occurred in Europe or not. To investigate this matter, we have chosen three countries for a policy comparison. Since the EU seems to be a key actor, we have chosen two member countries of the EU (the Netherlands and France) and a non

member country (Switzerland), which is a CEMT member though. These countries are not similar in geographical size area, nor in population size or system of government as is shown in figure 1. This is not unlikely to cause a certain divergence in policies. All these countries have recently reformed their accessibility policy though, which makes a convergence analysis relevant.

| | The Netherlands | Switzerland | France |
|--|-------------------------|--------------------|------------------------|
| Population size (inhabitants) | 16 millions | 7 millions | 63 millions |
| Area (km²) | 41 526 | 41 285 | 675 517 |
| Density (inhab./km²) | 393 | 178 | 94 |
| System of government | Constitutional Monarchy | Federal Republic | Decentralized Republic |

Our contribution is structured into two parts. In the first section we present the methodological grid and the different items to be examined in a policy comparison. The complexity of the matter is such that we had to focus on one item: the instruments used in the Dutch, Swiss and French policies.

Policy convergence: at what level?

Policy convergence means more than the development of similar policy contents. In fact, according to Patrick Hassenteufel [Hassenteufel, 2004], a policy convergence can be spotted at 7 different levels:

- Policy objectives: the convergence is of a cognitive order. It refers to the modes of problem construction and of definition of priority goals and of the policy legitimacy.
- Policy contents: the convergence focuses on the link between objectives and instruments.
- Policy instruments: the convergence is only on instruments and their use.
- Policy style: the convergence concerns decision making processes and the types of interaction between the policy actors
- Policy recipients
- Policy effects: the convergence focuses on policy outputs
- Dominant actors: the convergence is more transversal. It focuses on actors who are key players in defining the problem, proposing solutions, making decisions and implementing policy.

Applying this methodological grid to the accessibility policy the following range of questions may be asked.

Policy objectives – What are the goals of the accessibility policy?

- To integrate people with disabilities into society?
- Non-discrimination?
- To use the same services as able persons in the same conditions?
- Social Mix?

- Equal opportunities (to jobs, leisure facilities)?
- To improve the mobility of people with disabilities? (to make the same number of travels a day as able people, whatever the means used?)

Policy contents – According to priority goals, a mode of transport may be emphasized:

- Mainstream public transport? Which types (heavy rail, subway, tram, bus)?
- Specialized transport services?
- Personal cars?

The policy can be focused on new vehicles or new constructions only, but it may concern also the adaptation of existing public transport. Deadlines may be specified or not.

According to the policy, accessible places could be geographically limited (like strategic transport networks, core network or main stations) or not.

Policy instruments (to be discussed in detail in the second part of this contribution).

These instruments can take shape of:

- Laws and regulations,
- Fiscal and economic instruments
- Contractual and incentive instruments
- Informative instrument and communications
- Standards and best practices
- Master plans

Policy style (i.e. the process by which policy responses are developed).

Is this process consensual or conflictuous? Incremental or rational? Anticipatory or reactive? Corporatist or pluralist?

Policy recipients – What is the target public of the accessibility policy?

Which categories of people are mentioned as beneficiaries of the accessibility policy (in national legislations or in rules of transport companies for instance)?

Which abilities of persons correspond with accessibility requirements and technical recommendations?

Two categories of people must be investigated: people with disabilities and people with reduced mobility. As regards the category “people with reduced mobility”, can elderly people, parents with a pram and people with luggage benefit from measures of the accessibility policy (financial aid or boarding devices for instance)?

Policy effects – This item requires defining clear policy objectives, which is pretty rare, and assessing the outcomes.

Dominant actors – These actors can be:

- The European Union or other supra-national institution
- The Central State (or Federal state)
- Local government
- Transport authorities
- Transport operators

- Non governmental organizations (associations of / for people with disabilities, associations of elderly people, etc.)
- Experts on accessibility issues
- Universities and research institutes

Various policy instruments

In the second part of our analysis we focus on the policy instruments used by the Netherlands, Switzerland and France. A policy instrument is defined by Pierre Lascoumes and Patrick Le Galès [Lascoumes, Le Galès, 2004] as “a device that is both technical and social, which organizes a specific relationship between the State and those it is addressed, according to the representations and meanings it carries” and as “a technical device with the general purpose of carrying a concrete concept of the polity/society relationship and sustained by a concept of regulation”. You can see in table 2 the various types of instruments, their relation between polity and society and their legitimacy.

All these policy instruments are used by policy makers in the Netherlands, Switzerland and France, but they do not have the same significance in these countries nor are they defined by the same actors.

Table 1 – Different types of policy instruments, the corresponding role of the State, and the character of the legitimacy of each.

| Type of policy instrument | Type of relation between polity and society | Type of legitimacy |
|---|--|--|
| “Command and control” instruments: laws and regulations | A State which is the guardian of the Society. | Imposition of a general interest by elected officials or by high-ranking civil servants. |
| Fiscal and economic instruments | A State which is a wealth producer. A State which redistributes wealth. | In search of collective utility Economic and social effectiveness. |
| Agreement-based and incentive instruments | A State which stirs actors into action. | In search of direct commitment |
| Informative instrument and communications | Audience democracy. | Explanation of decisions. Giving actors a more sense of responsibility. |
| Standards and technical recommendations | Adjustment inside the civil society. | Scientific and technical legitimacy and bargaining (or/and competition). Pressure of economic mechanisms. |
| Meta-instruments : master plans | A State which integrates all the constraints | Planning |

Command and control instruments

Switzerland has adopted a law on equal treatment of the disabled in 2002, the Netherlands in 2003 and France in 2005. These laws require equal treatment in public transport as well, except for the Dutch one: the relevant section will come in to force no sooner than 2010.

Switzerland has published regulations on a mode-by-mode principle. France is elaborating regulations to specify accessibility requirements. The Netherlands has no formal regulations other than European ones.

Monitoring and controlling a policy implementation are traditional instruments used by the central State.

In France the central State does not rely on its local services but on a new local commission to monitor the implementation of the accessibility policy. Representatives of Commune and of associations of people with disabilities are ex officio members of this commission. Moreover at a national level the ministerial delegate on accessibility, which is a department of the French ministry of transport, publishes an annual report on the state and the evolution of accessibility in France. Lastly article 3 of the 2005-law provides that a national conference on the French disability policy is organized on the initiative of the Government every three years. The public and private actors working in favour of people with disabilities are invited to this conference to discuss orientations and means of the national disability policy. Accessibility is one the items debated by the participants.

In the Netherlands there is no general monitor but Dutch Rail and Regional authorities have to report on the development of accessible railway stations and bus stops

Fiscal and economic instruments

Financial incentives are instruments often used by policy makers. There are two recipients of these instruments: they are the actors which have to implement the accessibility policy at a local level and people with reduced mobility.

In France, there are no specific subsidises for accessibility. Since the enactment of the 2005-law, granting of a public subsidy to develop a collective transport system is subordinated to the taking into account of accessibility: only accessible systems will be subsidized by the central State.

In the Netherlands, the Dutch Ministry of Transport has two programs of making railway stations accessible and of increasing the platform height at bus stops. In the past it stimulated the introduction of low floor buses by subsidising the additional cost.

People with reduced mobility can benefit from specific tariff measures in France. This decision is on each transport authority's hands. It is not compensated by the central State.

The tax instrument is used by the French State as well. The adaptation of personal cars entitles people with disabilities to a low VAT rate (only 5.5% against 19.6%). The Dutch social service and the social insurance may provide adapted cars, but since about 10 years it gives priority to providing special collective transport.

Agreement-based and incentive instruments

When a State used a contractual and incentive instrument, it wants to stimulate local actors to take action without paying for that or publishing a binding text.

The central State often encourages local governments and associations of people with disabilities to make local policies. They negotiate goals, solutions, priorities, schedule and program of action at a local level. The central State incites the local governments to consult representatives of people with disabilities so that the local policies fit with their needs.

In France several “Communes” had created “extra-municipal commissions of accessibility”. The mission of these commissions was to discuss the problems which have occurred to people with disabilities in the communes and to elaborate programs of action.

Elaborating a charter is another tool used when there was no legislation and regulation with clear objectives. Several national actors discussed the content of a text which is not binding. Granting a charter is a moral commitment. The signatories promise to respect the charter. But a charter is not a contract so it can not be used to bring a suit against the partner who does not respect the charter.

Two charters were elaborated in France in 2003 – before the enactment of the 2005-law: the “Disability and Municipality Charter” and the “National Charter for Accessibility”.

Informative instrument and communications

These instruments are used to inform the public and actors and to change the view of disability by the society. They may be:

- Awareness programs and training courses,
- National or international competitions or rankings,
- Guides to good practices,

Indeed it is a common place to say that people with disabilities will not be well integrated into society until public opinion has become sensitive to their problems and until people have been trained to take into account the needs of people with disabilities.

In France, this discourse is widespread. To make the implementation of the 2005-law easier and to change the common vision of disability, the ministry of social affairs launches a radio campaign on disability and people with disabilities in 2006. Moreover the 2005-law imposes an accessibility training course for architects and building trades’ initial training courses. Besides numerous transport companies have already imposed to their new drivers a training course often run by representatives of people with disabilities. Lastly at a local level, some transport operators organize training courses for people with reduced mobility. The goals of these courses are to demystify transport networks and to show the functioning of access devices (ramps, lifts, sound announcements of bus stop, etc.).

In the Netherlands, a several activities were undertaken: presentation of accessible transport systems [De Boer, 2003] and short courses for regional representatives of disabled organisations (2005).

Creating a national or international competition or ranking is another possibility. These national or international competitions aim at encouraging the design, development and implementation of inclusive design. The competitions are instruments used to publicly

spotlight best practices and to make other organizations aware of what can be achieved. The award ceremony is an opportunity for public entities to show their commitment for accessibility and to indicate to all other actors that improving accessibility is an absolute necessity.

In 2003 the European Conference of Ministries of transport and the European Disability Forum gave an Access and inclusion Award for Transport Services and Infrastructure.

The French Prime Minister created an “Accessibility and City” Award in 2004.

The Netherlands organized a 1996- and a 1998-competition for systems of “supplementary transport” for people with mobility problems.

The guides to good practices are another instrument in this category: they are different from technical standards since their contents are not negotiated by associations of people with disabilities, by vehicle builders and by local authorities. They are elaborated by experts. These people “go to the market” and they highlight good practices. Guides to good practices are kind of integrated recommendations with an element of convincing: look how well it might be done.

In France the Center for the study of urban planning, transport and public facilities (CERTU) – which is a service of the French Ministry of Transport – has published such as guides to good practices on bus stops and consulting process.

At a European level, the European Conference of Ministries of Transport has published several guides to good practices: *Improving Transport Accessibility For All* in 2006 and *Improving Access to Public Transport* in 2004.

The Netherlands organized experiments during the 1990’s with an evident demonstration function (reported 1998)

Standards and technical recommendations

When a State uses these instruments, it wants to obtain a consensus between several points of view of the civil society without publishing a regulation. These instruments are sometimes called “soft laws”.

A technical standard is negotiated between the central State, people with disabilities and people who will implement it. It is often adopted on a consensual basis. A technical standard is not a binding tool. It is used if the local actors want to.

In France, the French standard Association (AFNOR), which is a state-approved organisation under the administrative supervision of the Ministry for Industry, has worked on sound traffic lights (standard S32-002), on warning tactile pavements (standard P98-351) and on taxis which carry at least one person with reduced mobility (standard XP R18-805). COLITRAH has published technical recommendations since 1992.

Switzerland has also recommendations developed on behalf the Ministry of Transport. The height of railway platform is fixed on 55 cm for normal gauge and 36 cm for narrow gauge. The Netherlands follow the new European standard of 76 cm.

The Dutch Ministry of Transport had detailed “suggestions” issued in 2000. The Netherlands developed in 2005-2006 a series of manuals for different elements and transport systems. The manuals were issued by the CROW institution, traditionally

specialised in developing technical standards by creating expert consensus (the R stands for Regulation giving)

Planning tools

This instrument is used to integrate various policy constraints and objectives, namely the economic constraint. So planning tool can be seen as a meta-instrument.

In 2005 France has adopted a legal framework based on three master plans:

- All transport authorities and managers of main airports or main harbour stations have to prepare a master plan whose goal is to make accessible collective transport services they are responsible for.
- Each mayor must establish a master plan of making street infrastructures and public installations accessible.
- Urban mobility master plans have to integrate a particular appendix relating to accessibility.

Associations of people with disabilities must be included during the preparation of urban mobility master plan or of a “street infrastructures plan” if they want to.

Both Switzerland and the Netherlands have operational plans for adapting rail infrastructures [*BehiG-Umsetzungskonzept*, 2006, *Implementatieplan Toegankelijkheid*, 2006].

CONCLUSION

Even if the Netherlands, Switzerland and France have a common policy objective (having public transport accessible to people with disabilities) and they each use almost all types of policy instruments, these countries have favoured one or two policy tools.

This choice is probably linked to the history of each country: paths of dependence may have been created: the more a policy instrument is used the more efficient it is.

The choice might be based on the administrative organization of the country and by the legal culture of its inhabitants. Is adopting law and regulations enough to orient behaviours? Or is it necessary to add an informative instrument to convince local actors of the legitimacy of the national law? The law can be sufficient in Switzerland, but not in France or in the Netherlands.

Moreover different publics are targeted with the same type of policy instrument. The Netherlands for instance give priority to specialized transport services while France sooner supports personal car ownership.

The Swiss use of policy instruments differs from French and Dutch ones in two respects. Contrary to all expectations (and to the Netherlands and France) Switzerland uses very few informative instruments – which are often seen as modern tools. However, Switzerland prefers contractual and incentive instruments. That is less the case for the Netherlands and France. As for the others instruments types there is no real difference between member countries of the EU and Switzerland. It is difficult to determinate the effect of the membership of the EU versus of the CEMT on the choice of policy instrument.

Consequently, we can not conclude to policy convergence in Europe. Studying the Dutch, the French and the Swiss use of policy instruments, one will note that different sets of instruments are thought to be useful for achieving identical goals.

Convergence in policy instruments is only one of 7 types of policy convergence. We encourage the reader to examine all of 7 levels (objectives, content, instrument, style, recipients, effects, dominant actors). In this way one can draw the “identity card” of a national policy. It will demonstrate that different identities are possible.

Table 2 - Policy instruments and their use by the Netherlands, Switzerland and France

| | The Netherlands | Switzerland | France |
|---|-----------------|-------------|----------|
| Laws and regulations | nl | CH | F |
| Fiscal and economic instruments | NL | CH | F |
| Contractual and incentive instruments | nl | CH | f |
| Informative instrument and communications | NL | ch | F |
| Standards and technical recommendations | NL | CH | F |
| Meta-instruments | nl | CH | F |
| nl, NL, NL = the degree in which the policy instrument is used | | | |

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