

TERRITORIAL IMPACT ASSESSMENT AND PUBLIC POLICIES: THE CASE OF PORTUGAL AND THE EU

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Abstract:

This article tries to summarize the developments that occurred in the implementation of Territorial Impact Assessment procedures, both in the European Union, and in Portugal. Briefly, our critical analysis is focused on the growing importance of the use of a more holistic and ‘territorial’ perspective in evaluating the impacts of public policies. Yet, despite all the positive steps given in the implementation of Territorial Impact Assessment procedures, namely by some European Institutions, there is still a long way to go in order to establish a solid ground in its full exploitation. At the same time, the Policy Impact Assessment procedures in Portugal merely follow the EU orientations and legislation, with the exception of the Environmental Impacts Assessment procedures. In a similar way, the Territorial Impact Assessment procedures are not yet implemented in the existing legislation, and are mostly disregarded by the existing National and Regional National Spatial Policy Programmes, with some honourable exceptions.

Keywords: Territorial Impact Assessment, Public Policies, Territorial Development, ESDP, ESPON

JEL Classification(s): R50, R53, R58,

1. Introduction

It goes without saying that public financed policies should be subject to sound and continuous public scrutiny, namely on the value added of the associated investments. Such claim becomes even more evident when such investments are expected to produce not only immediate results, but mainly medium and long-term impacts, in one or more dimensions of territorial development. Indeed, in our view, the general and mainstream vision that policies should contribute to economic development, should be replaced by a more holistic approach, which takes into account several other dimensions of development, such as: (i) social cohesion; (ii) environmental sustainability; (iii) territorial governance, and (iv) spatial planning. Under this view, the use of Territorial Impact Assessment (TIA) procedures presents a major advantage to assess projects/programmes/policies, which are expected to create potential impacts in several of the previously mentioned dimensions.

At the same time, the inclusion of the goal to achieve ‘territorial cohesion’, in the Lisbon Treaty, in 2010 (see EC, 2010), alongside the long-standing goals of ‘economic cohesion’ and ‘social cohesion’, opened a new window of opportunity to place the territorialisation of policies in the political agenda, both in the EU institutions and in some Member-States (see Figueiredo, 2010). Moreover, the increasing levels of globalization and economic interconnections between territories present new challenges to the EU, national, regional, and local institutions, which have been augmenting the sophistication levels of territorial planning and development strategies (see Neto, 2006). Consequently, the assessment of Policies should make use of more complete, holistic and relevant evaluation techniques and tools, like the TIA procedures.

Concomitantly, and to better understand how TIA procedures have gained ground against the existing impact assessment (IA) tools, both within the European Union (EU) and Portugal, our article is organized in four different topics and a conclusion. Synthetically, the first topic presents a brief historical narrative on the affirmation of IA procedures in the process of evaluation of the EU structural and cohesion policies. The second topic addresses the genesis of the TIA procedures within the EU institutions, and mainly through the support given by the ESPON Programme. Subsequently, a third topic is then dedicated to explore the rise of such TIA procedures and the existing barriers in implementing them in the EU space. Finally, a last topic covers the Portuguese case, namely in the adoption of TIA procedures by the national legislation, and by the Spatial Planning Strategic Instruments, at both national and regional administrative levels.

2. Public Policies and Impact Assessment: from a socioeconomic to territorial perspective?

There is an increasing awareness that public investments need to be better scrutinized, in order to evaluate their relevance, effectiveness and efficiency. Within the EU, the Directorate General for Regional Policy has made the process of policy evaluation an integral part of each stage of the operationalization of the EU structural funds, since 1988. This recognition of the importance of evaluation process by the European Commission (EC) triggered the development of evaluation methodologies, which were published in the MEANS Programme six volumes, in 1999 (see EC, 1999).

Throughout the text of these published MEANS volumes the policy evaluation notions of ‘results’ and ‘impacts’ are clearly distinguished, while there is a recognition that both are necessary to provide sound feedbacks arising from actions underway, in order to: (i) verify the degree of satisfaction of public needs; (ii) improve interventions; and (iii) provide support to accountability, liability and responsibility processes. Yet, while ‘results’ can be related to the direct consequences of policy interventions (for example the amount of road kilometres built), the notion of ‘impacts’ is associated

with the observed change, over a certain period of time, that is imputable to a given policy intervention, which can also be called net effect, or additional effect. (EC, 1999: 110).

The MEANS volume 3 is then dedicated to presenting a selection of 23 evaluation techniques and tools, applicable to the evaluation of socioeconomic programmes. As expected, most of them can be used to estimate the impacts of policy interventions, directly or indirectly, through the collection of qualitative data or the treatment of quantitative information. Nevertheless, few are specifically made to measure its impacts. An exception is the HERMIN model, which was specially constructed to estimate the macro-economic impacts of Structural Funds (EC, 1999b: 29).

Additionally, two additional tools are mentioned, which are able to detect policy impacts. Firstly, the 'concept mapping of impacts' technique is explained as a tool which is "used to define the effects that are to be evaluated and, in cases where there are multiple objectives and where these have not yet been firmly established overtime". Secondly, the 'impact matrix' is presented as a tool which provides a simplified overview of a complex programme. It basically consists "of grouping together the different components of the programme into between ten and twenty sub-sets (the lines of the matrix) and of clarifying the main expected impacts (the columns of the matrix)" (see EC, 1999b: 39).

The second milestone in the production of similar mainstream studies, on policies and programmes evaluation by the EC, came with the release of the EVALSED set of documents, in 2008, as a major resource for the evaluation of EU funding policies for socioeconomic development (see EC, 2008). Yet, once again, from the myriad (33) of proposed evaluation tools and techniques, only a handful was centred in assessing the 'impacts' of policies. These include the: (i) environmental impact assessment; (ii) the gender impact assessment; and (iii) the introduction to impact assessment 1 and 2.

Going back to the EVALSED main guide report, the notion of 'impact' is, once again, clearly separated from the notions of 'outputs' and 'results', as did the MEANS study (Fig. 1). In short, 'impacts' represent the consequences of the policy or programme beyond its direct and immediate interaction with the beneficiaries, and the produced changes in some dimensions of development. In other words, impacts can be seen as the effects of a policy/programme/project intervention in a medium-long term period of time, which can go from three to more years, depending on the type of policy intervention.

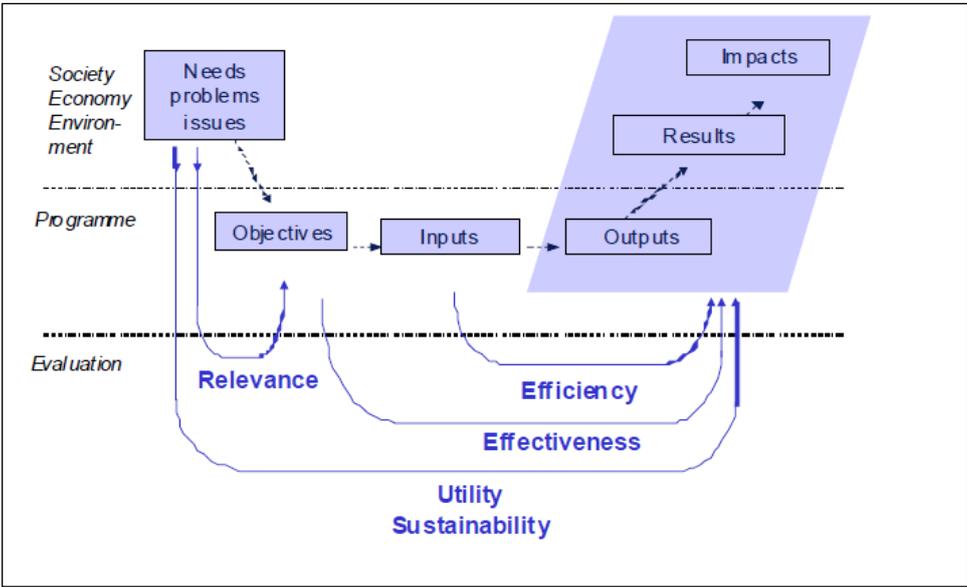


Figure 1 – The Policy evaluation scheme (source: EC, 2008: 42)

More recently, in 2013, this (EVALSED) study was updated, and proposed a renovated approach to the notion of 'impact'. More precisely, it suggests that 'impact' should no longer be regarded "as the long-term evolution of a statistic which may or may not have been influenced by policy, but the contribution of the policy to change" (EC, 2013: 12). As such, the notion of 'impact' is now defined by the EC as 'the change that can be credibly attributed to an intervention' (EC, 2013: 103). Needless to say that this clarification in the understanding of the term 'impact' is a minor issue in its conceptual discussion, as the change attributed to a policy intervention requires time (some years at least). Hence, both views (results in the longer term and the change due to an intervention) are both related and appropriate, in our view.

In the meantime, and amongst many other documents produced by the EC on impact assessment (see EC, 2012; Mouqué, 2012; EC, 2009b; EC, 2006), a set of IA guidelines were presented in a first version document, in 2005 (EC, 2005), which was updated in 2009 (EC, 2009). These guidelines intend to ensure consistency in making use of the IA procedures across the EU institutions and Member-States. In simple terms, they propose following a set of normative steps, from consultation of interested parties, to problem definition, objectives and policy options identification, and the analysis of the policy impacts. However, as observed in the MEANS and EVALSED studies, the impact analysis is always associated with the need to assess the likely economic, social and environmental impacts, and the term 'territorial impact assessment' is never mentioned along the text.

3. Territorial Impact Assessment (TIA) - the new kid on the block in Policy evaluation?

As seen in the previous topic, the territorial dimension was mostly absent from the mainstream EC documents on policy evaluation. Indeed, while the MEANS and the EVALSED put emphasis in the socioeconomic aspects of development, the EC guidelines on impact assessment added the environmental dimension to the mix. Fundamentally, the presented rationale follows the EC 'politically correct triangle' of the European Spatial Development Perspective (ESDP) towards a more balanced and sustainable spatial development (Fig. 2). Nevertheless, and unlike what this latter document (ESDP) proposes, namely in establishing territorial impact assessment (TIA) procedures as an instrument for spatial assessment of large infrastructure projects (see EC, 1999c: 28), the EC guidelines on impact assessment are vague in the need to make use of TIA tools to assess EU financed policies.

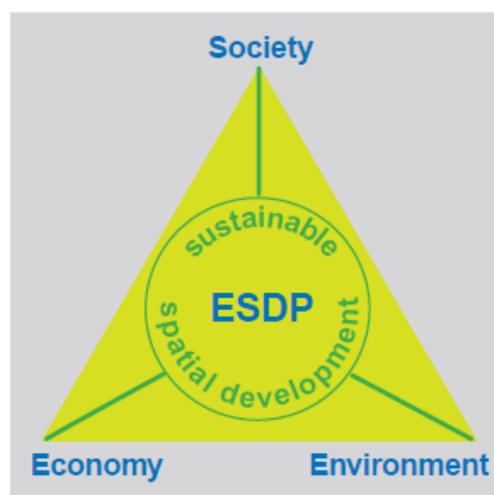


Figure 2 - Triangle of Objectives - Source - EC 1999c: 10

Pragmatically, the ESDP can be regarded as the first milestone to establish a solid foundation in the need to make use of TIA procedures, not only when evaluating the implementation of large infrastructural projects, but also when evaluating transport, cross-border, and water-management projects. Also, this document suggests that “Member-States should intensify the exchange of experience on territorial impact assessments and further develop national regulations and instruments” (EC, 1999c: 45).

Notwithstanding, the ESPON Programme, established in 2002, can be seen as the major pillar in putting the TIA procedures on the process of the EU Policies evaluation map. Indeed, right from the first ESPON Programme, several TIA tools were produced, like the TEQUILA and the STEMA, while the following Programme (2007-2014) saw the production of the TEQUILA2, the EATIA and the ARTS methodologies. Along this path, many other ESPON studies were published with the goal of evaluating the effects and/or the impacts of several EU financed policies (see Medeiros, 2013, 2014, 2014b). Yet, most of them did not make any substantial methodological breakthroughs.

Following from all the gathered experience in elaborating and experimenting with TIA tools and procedures, in 2012, the ESPON Programme released a practical guidance for policymakers and practitioners based on the contributions from ESPON projects and the EC experiences on policy evaluation (see ESPON, 2012). However, as can be seen in the title of this report, the main attention of the analysis was put on the ex-ante evaluation of EU directives. Even so, the release of such a document is, in our perspective, a fundamental step to solidify the position of the TIA procedures within the accepted policy evaluation procedures by the EC. In the following year, this entity released an operational guidance on how to assess regional and local impacts within the Commission Impact Assessment System. In this document, TIA is projected as a technique which uses a more spatial approach to analyse impacts, namely by taking into account different: (i) administrative or political levels (macro-regional, national, regional or local level); (ii) types of regions (border regions, rural areas, coastal areas) and (iii) functional areas (river basins, labour market areas, service areas) (EC, 2013b:2).

However, in our view, this document has a poor rationale and basically follows the conclusion from two recent ESPON reports: the ESPON ARTS (2012) and the ESPON EATIA (2013). Fundamentally, our major concern in both reports is the lack of vision on what is in fact the territorial dimension of policies. More specifically, the EATIA proposes the focus on four major analytic dimensions (economy, society, environment, and administration), while the ARTS is mostly centred on three: natural environment, regional economy, and society and people.

Conversely, to our mind, although a TIA should adapt to the specificities and idiosyncrasies of the evaluated policy/programme/project, the general approach should take into account five main dimensions of territorial development: (i) economic competitiveness, (ii) social cohesion, (iii) environmental sustainability, (iv) territorial governance, and (v) spatial articulation (see Medeiros, 2014). Yet, when considering the evaluation of the EU Cohesion Policy, the analytic dimensions should be related with the concept of territorial cohesion (see Medeiros, 2014b), whilst, the assessment of territorial impact of cross-border cooperation programmes should be based on the five main dimensions of the barrier effect concept (see Medeiros, 2015).

To conclude, the consolidation of the TIA procedures within the EU has come a long way since the ESDP, and is still on a process of cementation since, in our view, the existing official EU documents on this subject show several weaknesses. Here, the lack of knowledge on the meaning of the notion of ‘territory’ has provoked a myriad of different views and approaches in the use of TIA tools and procedures. For one, the proliferation of the use of the Anglo-Saxon term ‘spatial’ instead of ‘territory’ brings some turbulence to this discussion. Furthermore, the lack of available statistics associated with some crucial dimensions of the territorial development concept, namely in the

environmental sustainability and the territorial governance ones, deters their selection as major analytic components on the existing TIA tools.

4. The rise of TIA: from a dirty to a relevant policy evaluation procedure within the EU?

The two previous topics opened a window to the rise of the TIA procedures in the process of policies/programmes evaluation, mainly within the EU context. In concrete terms, it was possible to conclude that such procedures are recent and are still running in experimental waters. However, they are also rapidly emerging amongst the overall EC IA procedures. Regarding the latter, the EC clarifies that they should be applied when Commission Initiatives (legislative proposals, non-legislative initiatives that define future of policies, and implementing and delegated acts) are expected to have significant economic, social and environmental impacts¹.

Once again, this perennial triangle (economy, society and environment) guides the rationale of the EC evaluation interventions, which also oriented the 'Common Approach' set of basic principles for impact assessment throughout the legislative process, agreed in November 2005, by three EU institutions (European Parliament, the Council and the Commission)². Additionally, the Committee of the Regions (CoR) initially took responsibility to help the EC in improving the subsidiarity and proportionality in IA procedures, and also to reinforce the analysis of its regional and local aspects. More recently, the CoR (see COR, 2013) reinforced the cooperation with the European Commission on making use of TIA, by dedicating three administrators of the Unit E2 (Subsidiarity Network, Europe 2020 Platform, Covenant of Mayors, European Grouping of Territorial Cooperation - EGTC) to assess the impacts of EU directives, mainly at the ex-ante phase of evaluation.

It is due to this CoR initiative in assessing territorial impacts that we were called to present the TARGET_TIA tool (see Medeiros, 2014), which was built to be both simple to use and relevant, unlike the initial TIA technique adopted by the CoR (the Quick Check TIA). As the present ESPON director (Peter Mehlbye) said in a CoR workshop³, this Quick Check TIA tool is basically a 'dirty' TIA, which has the main advantage of being quick and simple to use in ex-ante impact analysis. But as one Deputy Head of the Analysis Unit in the Directorate-General for Regional Policy of the EC (Lewis Dijkstra) put it, in the same workshop, the ex-post TIA requires a more relevant and robust tool.

Besides the EC and the CoR, the European Economic and Social Committee (EESC) is also in the process of establishing a Policy Evaluation Unit, where the TIA procedures are supposed to have a central role. Conversely, the European Parliament (EP) has risen the interest in promoting ex-ante and ex-post evaluation procedures of EU investments. Indeed, the EP has several officials working in such processes. Briefly, "in June 2011, the EP adopted an own-initiative report (Niebler report) on 'guaranteeing independent impact assessment', which welcomed the on-going development of the impact assessment process within the EU institutions, as an important aid to better law-making during the whole policy cycle. The following year, with a view to strengthen the capacity of the parliamentary committees to engage in ex-ante work of various kinds, the Parliament's Bureau established a dedicated Directorate for Impact Assessment and European Added Value" (EP, 2015:3).

In synthesis, there is a wide and increasing interest by the IA procedure within the EU institutions. Yet, the EC still leads the way in this process. Indeed, it is estimated that between 25 and 135 ex-ante

¹ http://ec.europa.eu/smart-regulation/impact/index_en.htm

² http://ec.europa.eu/smart-regulation/impact/ia_in_other/docs/ii_common_approach_to_ia_en.pdf

³ Taking stock of the Territorial Impact Assessment in the Committee of the Regions - 18 June 2015

impact assessments have been examined by the EC each year since 2007, with a bit more than 700 in all produced since then. For instance, in 2013, the EC examined 97 IAs, while in 2014 only 25 were examined. These IAs should follow a standard format in analysing the likely economic, social and environmental impacts of what is being evaluated, following the existing IA guidelines, which have been in the process of revision since 2014 (EP, 2015).

In parallel, the EP has been arguing for a continuous improvement process of IA, as can be seen in the annual resolution on Better Law-Making, adopted in February 2014. Amongst others, the EP calls for a wider inclusion of the territorial dimension of proposals, a wider and comprehensive range of potential impacts, and the improvement of the consistency between impact assessment published by the EC and the contents of the legislative proposal as adopted by the College of Commissioners (EP, 2015). In view of all these trends, we would find it illogical that the revision of the EC IA guidelines would erase the presently rationale and perspective of the IA implementation, namely by replacing the long invoked dimensional triad (economy, society, environment) with the more holistic perspective associated with the TIA procedures, which not only invoke those three mainstream dimensions of development, but also include two other fundamental dimensions: territorial governance and spatial articulation.

5. Territorial Impact Assessment: a hidden procedure of public policies in Portugal?

When it comes to the IA of policies and programmes procedures, Portugal, as a EU Member-State, closely follows the EU legislation and directives, namely when it comes the operationalization of the EU structural and cohesion funds. As such, the extinct national EU Cohesion Policy observatory (Observatório do QREN) provided a Portuguese translation to all the EVALSED documents in its Web Page. Apart from these mandatory processes, and the legislation related to the application of the Environmental Impact Assessment (EIA) (Law nº151-B/2013) - which is based on the EEC Directive nº85/337 (Council of 27 June of 1985), and which aims to evaluate the effects of certain public and private projects in the environment dimension - no additional legislation enforces the use of IA procedures in Portugal.

Accordingly, there is not a single piece of national legislation focused in forcing the use of TIA procedures when evaluating policies, programmes and projects. In effect, there is not a tradition in policy impact evaluation in Portugal, which only recently devoted the independent practice of evaluation in the budget policy, in its short-term and medium-term macroeconomic dimension. As one report concludes, the Portuguese economic panorama does not favour the implementation of such evaluation processes (CFP, 2015).

Moreover, the National Spatial Policy Programme (NSPP – or Programa Nacional da Política de Ordenamento do Território – PNPOP in Portuguese), which was designed to analyse the national territory and to be a spatial planning, and territorial development tool (see OECD, 2008), makes use of the term ‘territorial impacts’ just once, along its 234 pages, and does not even mention the notion of ‘impact evaluation’. On the other hand, the continental Regional Spatial Policy Programmes - PROTs (North - Norte, Centre - Centro, Lisbon Metropolitan Area - Área Metropolitana de Lisboa, Alentejo, and Algarve - NUTE2) make use of these terms in a varied way.

In synthesis, all Portuguese PROTs make predominantly use of the term ‘environmental impacts’ and most neglect the use of ‘territorial impact assessment’ procedures in their text. The exception here are the PROT Centro and the PROT Alentejo, which make several references to the need to promote TIA processes, and in particular studies which cover the impacts of the regional spatial planning, and the territorial dynamics (Table 1). On the opposite side, the remaining PROTs have no clear mention

to the concept of TIA, which might suggest that such evaluation procedures are still unknown to many key regional development administrative structures in Portugal.

Table 1 - Main References of Impact assessment on Continental Portuguese Regional Spatial Policy Programmes

| NUTE2 | Impact Assessment (IA) | Territorial Impact Assessment (TIA) |
|-----------|--|---|
| North | <ul style="list-style-type: none"> - Mentions several times the need for Environmental (pollution, coastal areas, landscape, climate change) IA namely related with diffuse urbanization and urban traffic - Mentions a few times the need for assessing economic, social, and globalization impacts | <ul style="list-style-type: none"> - No specific references to TIA |
| Centre | <ul style="list-style-type: none"> - Mentions several times the need for environmental IA procedures, namely when there are construction of transport and energy infra-structures, in the Agriculture activity, and on climate change - Mentions a few times the notion of economic and social impacts in local communities | <ul style="list-style-type: none"> - Makes reference (more than once) to the need for territorial impact procedures - Mentions several times the need to study policy impacts on spatial planning and territorial dynamics |
| Lisbon MA | <ul style="list-style-type: none"> - Mentions several times the notion of Environmental IA (energy use, quality of life, transports, pollution, and industry) - Mentions a few times the need to assess economic and urban impacts of Policies | <ul style="list-style-type: none"> - No specific references to TIA - Mentions the need to promote spatial planning to reduce the negative impacts of urban sprawl |
| Alentejo | <ul style="list-style-type: none"> - Mentions several times the need to promote environmental IA (protecting nature, ecosystems, water, soil, climate change, pollution, landscape, traffic, heritage, health and desertification) procedures - Mentions a few times the need to study impacts on energy supply, the functioning of the Alqueva dam, the economic and social impacts of large scale infrastructural and touristic projects | <ul style="list-style-type: none"> - Uses the term 'territorial impacts' several times with the need to promote integrated sectoral policies - Mentions the need to improve administrative decisions which have direct impact in the regional spatial planning process and its dynamics - Mentions the need to study the impacts of policies in generating a more balanced territory and the emergence of cities and main urban centres - Mentions the need to study the impacts on spatial planning and landscape of the implementation of wine and olive production - Mentions the need to assess the potential impacts associated with the construction of the new Lisbon airport |
| Algarve | <ul style="list-style-type: none"> - Mentions several times the need to promote environmental IA (landscape, ecosystems, wind farms, noise from quarries, industrial areas, historical heritage)procedures - Mentions a few times the need to promote social and economic IA studies on the EU enlargement and globalization processes | <ul style="list-style-type: none"> - No specific references to TIA - Mentions the need to assess impacts related with spatial planning related processes (execution of municipal regional, and integrated plans) |

Source: (Data: CCDRALG, 2007; CCDRALE, 2010; CCDRNOR, 2009; CCDRcen, 2011; CCDRAML, 2002) - Author compilation

6. Conclusion

As observed in the article, TIA procedures are relatively recent evaluation tools within the vast spectrum of evaluation tools and techniques, used to evaluate the relevance, effectiveness, efficiency, and ultimately the impacts of Public Policies on the territorial development. They are recent because the economic dimension of policy evaluation was always omnipresent, not only because of data availability, but also because of the strong position of the economists in this particular scientific field of policy evaluation.

Notwithstanding, the recognition of the territorial dimension as a key element of policy intervention, within some EU mainstream strategic documents, as the ESPDP, opened the way to the elaboration of more complete and holistic IA tools, at least at the theoretical arena. Indeed, it was only after the establishment of the first ESPON Programme, in 2002, that the first robust and tested TIA procedures were presented to the general public. Yet, in our perspective, all of them present substantial shortcomings, which have been 'polished' overtime by some recent TIA tools, elaborated in the second ESPON Programme.

The main problem, in our view, is that, after this maturity process, the ESPON related TIA procedures do not yet include crucial analytic dimensions of territorial development, such as territorial governance and territorial articulation. Yes, it is true that a shortage of statistical data related to such dimensions greatly constrains this approach. However, our own personal experience in using a more complete and relevant TIA tool (TARGET_TIA), in assessing the territorial impacts of the EU Cohesion Policy in Iberian Peninsula, showed that it is possible to give this decisive step in transforming 'press-of-a-button yet irrelevant' ESPON TIA tools into more complete, useful and relevant ones.

In accepting all this, though, it is worth raising two points in response to existing barriers in elevating the TIA procedures to their own right position as the 'Queens of Impact Assessment' procedures: for one, EU, national and regional Politicians and Officials need to bear in mind that there is not such a thing as 'pain-free' or simple to use TIAs, and that relevant results require the use and treatment of a vast and complete set of qualitative and quantitative information. Secondly, the academic community, which is strongly related with territorial analysis, has to make additional efforts to educate those politicians and officials on the notion of territory, which is not this simplified triangle of 'economy + society + environment', as many EU mainstream documents try to sell us.

Finally, the review of the Portuguese case leads us to conclude that, with some honourable exceptions, TIA procedures are still very much an unknown concept by the national and regional authorities responsible by the elaboration and the monitoring of Spatial Planning Strategic Programmes. Here, a more challenging approach would probably require the existence of a legislative vein in the mandatory use of TIA procedures, at the national and regional levels, when implementing public policies with potential territorial impacts. Yes, it is true that, by being a EU Member-State, Portugal needs to implement the Strategic Environmental Assessment (SEA 2001/42/EC), the Environmental Impact Assessment (EIA - 85/337/EEC) directives, and also to follow Impact Assessment procedures. However, in our view, the simple implementation of a relevant TIA procedure could replace all these instruments as the TIA encompasses the main dimensions of territorial development.

In conclusion, it is with enormous expectations that we will follow the next phase through which the TIA procedures will inevitably have to pass through: the crystallization phase. Here, we look forward to see a production of more robust and relevant TIA tools (the role of the scientific community), and to verifying a better awareness from all interested stakeholders (the role of policymakers) that TIA tools are not only necessary, but need time and resources to produce relevant results, which could

have tangible effects in improving the elaboration and the implementation of sound public policies. As anticipated, this scenario still requires a long period of time to be consolidated, and a consistent and patient educational path, which is not an easy task, in a context where policymakers are pressured to summon for quick results.

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