

4.1, Summary of conceptual and methodological guidelines and advice for appraisal institutional, regulatory and legal frameworks



GREEN-PATHS: European Knowledge Hub on Just Transition Pathways

<https://www.greenpaths.info/>

Title: Summary of conceptual and methodological guidelines and advice for appraisal institutional, regulatory and legal frameworks

Deliverable number: 4.1



**Funded by
the European Union**

Project full title

GREEN-PATHS: European Knowledge Hub on Just Transition Pathways

Contract No.

101112305

Call

HORIZON-CL2-2022-TRANSFORMATIONS-02

Topic

HORIZON-CL2-2022-TRANSFORMATIONS-02-01

Type of Action

HORIZON Coordination and Support Actions

Project Document Number

HORIZON-CL2-2022-TRANSFORMATIONS-02-101112305-WP4-D1

Project Document Date

2025-12-31

Deliverable Type and Security

R — Document, report PU- Public

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Introduction

Executive Summary

This D4.1 summary report summarises the conceptual and methodological guidelines and advice for the appraisal of the significance of institutional, regulatory and legal frameworks for the GreenPaths case studies. It consists of a summary of the process and key lessons learned in supplying assistance on working with the different institutional, regulatory and legal frameworks that were encountered in the GreenPaths case studies. Such frameworks consist of legal and policy documents, rulings and institutionally and politically salient events and circumstances. Understanding how to weigh the importance of these different resources requires specific conceptual and methodological guidelines on how these documents hang together and interrelate. These conceptual and methodological guidelines were used in the 15 GreenPaths case studies to further enhance the analysis of legal and policy frameworks. The guidelines were incorporated in a questionnaire that is included as an Annex to this document. This allowed for targeted data gathering for the rest of the tasks and deliverables in WP4.

This deliverable is part of the fourth working package of GreenPaths, a Horizon Europe project aimed at tackling the intricate and multi-faceted aspects of the just transition. With a specific focus on the effects of green transition policies, a proper conceptual and methodological appraisal of the significance of institutional, regulatory and legal frameworks is essential to understanding the role these have in social impacts.

This task contributes to two goals of the fourth working package. First it helps to synthesise the lessons learned from the set of GreenPaths case studies, focusing on the influence of institutional, legal and governance arrangements. And second it helps to provide an improved understanding of the coherence of EU and national policy frameworks in respect of their environmental and social impacts and vis-à-vis global agreements and commitments on environmental and climate goals.

Intended audience

This deliverable is of interest to members of the GreenPaths consortium who have been using these guidelines and advice in their case studies and want to build upon them in their work in future deliverables. Secondly, it is potentially of interest to stakeholders outside the GreenPaths consortium interested in the role of institutional, regulatory and legal frameworks in the just green transition. This is particularly true for researchers engaged in similar projects, members of civil society, organisations and policymakers, who want to gain a better understanding of how these frameworks feature can be appraised.

Reading recommendations

This report has 5 sections. The first section describes the role of the guidelines and advice in the GreenPaths case studies. The second section gives a summary of the conceptual guidelines that have been developed in the task. The third section summarises the methodological guidelines that have been developed in the task. The fourth section gives a summary of the advice that has been provided to partners on the appraisal of frameworks. The final section gives a discussion and conclusions of the summary.

Scope

The scope of Deliverable 4.1 (D4.1) is to provide a summary of the conceptual and methodological guidelines and advice on the appraisal of the significance of the institutional, regulatory and legal frameworks that partners may encounter in the case studies as part of WP3. The guidelines and advice thus are applicable to a range of institutional and legal frameworks from international, to European, national, regional and local.

Organization of the work

UvA prepared the template deliverable, coordinated and participated in the project meetings on this work, set up and performed editing of the whole document. CES and UC took part in meetings, worked on setting up the questionnaire and peer review of this document. Peer review of this discussion paper was done by Gea Piccardi and Marcus Erridge from CES and Marcos Fernández-Gutiérrez from UC.

Approach

Because the task was intimately related with WP3 and ran for an extended period of time (from June 2024 to December 2025), we decided on an approach that would work symbiotically with the case studies. We started with a kick off meeting, where we laid out the plans for WP4 and set out a working plan based on 3 steps:

The first step in the WP was the formulation of a set of guiding questions that will help to structure the enquiry and the data gathered in the 15 case studies. These questions aim to gather comparable data from all of the cases along their main dimensions as institutional, regulatory and legal frameworks and structure the future analyses that are part of the WP. The questionnaire has a dual use in also exposing gaps in knowledge or competence that partners working in task 4.1 can address and help with through conceptual and methodological guidelines.

Throughout the runtime of the task, conceptual and methodological guidelines were set out for the specific case studies in collaboration with other partners. The appraisal of specific legal acts and institutional frameworks would require knowledge of legal concepts and methodology. These guidelines were set up both orally and in writing based on three meetings that were held in January 2025 and bilateral contacts with different partners. This step spanned the entire duration of WP3, which meant it was an ongoing task, that evolved throughout the process according to the needs of the GreenPaths participants.

The last important step in the task was to summarise the work done in the task and show how we set out the conceptual and methodological guidelines and gave advice, as well as our work in delivering relevant data for the other tasks in WP4 and later WP5. The result of these tasks is summarized in this document.

Keywords

Conceptual guidelines; methodological guidelines; advice on appraisal; institutional frameworks; regulatory frameworks; legal frameworks.

1. The GreenPaths case studies

In light of the objectives for GreenPaths WP4 and the description of task 4.1, the work under D4.1 needed to provide conceptual and methodological guidance on the appraisal of institutional, regulatory and legal frameworks for the case studies. In addition, it needed to give advice on these frameworks. This deliverable is aimed to support the efforts under WP3 and is tightly interlinked with the 15 GreenPaths case studies.

Because of this interlinkage, the team decided to think how the conceptual and methodological problems in appraising institutional, regulatory and legal frameworks could be mapped out and addressed. The working practice of WP3, which introduce templates to help structure a common research approach, inspired us to set out a template questionnaire for task 4.1.

Next to the questions that will feature as a common reporting template, the task consisted of persistent guidance and advice to the partners undertaking the case studies. In order to give more general guidance and see what needs were present in the group, we set up collective meetings and bilateral advice.

Section 1.1 Questionnaire

The first instrument to give conceptual and methodological guidance was the questionnaire. By including guiding questions, it was able to both provide guidance and gather the necessary data for the other tasks in WP 4. The questionnaires helped focus inquiries on the most important dimensions of appraising the frameworks and allowed for targeted guidance and advice to partners throughout the case studies. The questions also allowed for more uniform data gathering on the institutional, regulatory and legal frameworks and their coherence. This will greatly benefit the synthesis taking place in the policy papers that are delivered as part of Tasks 4.2-4.4, which build on this data. The questionnaire was set up with questions that spanned different relevant dimensions of the institutional, regulatory and legal frameworks that feature in the green transition. There were a total of 10 questions spanning four dimensions: 'General', 'National legal frameworks', 'Conflicts and obstacles', and 'Rule of law'. The questionnaire was originally included in GreenPaths deliverable 3.1 Conceptual and methodological guidelines and reporting template for WP3 Case Studies (July 2024), and a copy can be found in Annex 1.

The general dimension asked for information on the relevant EU policy fields and the most important legal and policy instruments at the EU, national and local level that featured in the case study. It highlights the three 'layers' at which frameworks may feature, and in particular the EU dimension, which is central to the GreenPaths project and the case studies. By so doing, partners were encouraged to begin with these legal and policy measures (indicating also the hierarchy that is often at play in the EU legal and policy sphere). Moreover, by asking respondents to refer to the EU official policy fields, the question of whether EU competence exists was brought to the forefront. This first dimension sought to give a rough sketch of the relevant regulatory and policy framework that was at play.

The questions focused on the national legal framework sought to understand the institutional setting of each case. They sought to understand the competent bodies responsible for the case and policies most used. These questions examined multiple dimensions: the competences and powers, the institutional capacity, and the international/ EU interventions. This institutional perspective is crucial for understanding how legal frameworks feature in practice in the different case studies.

Certain legal instruments may, for example, turn out to be a 'paper reality' if no enforcement takes place. Moreover, we were interested in the policy and legislative changes that have taken place or are proposed since these may indicate important institutional or political shifts.

The questions addressing conflicts and obstacles sought to understand how legal instruments were applied and how this legal framework worked out in practice. It is here where important information on the existence of case law and significant societal context could be mentioned. Understanding these legal and societal dynamics is key to grasping the stakes that lay behind the institutional, regulatory and legal frameworks. Such contextualisation enriches the case study analysis and gives more clarity on the significance of different measures and frameworks. To further help this appraisal, questions on the political and scientific debates and disputes in the context of different frameworks were included. Another dimension of contestation involved identifying remarkable gaps or inconsistencies between different (transition) policies or laws, coming from either European or national level. This question guides partners to locate gaps and inconsistencies, which are often the site of social and environmental impacts. Another such site is where domestic legal or institutional configurations may be an obstacle to implementing or acting on EU (transition) law and policy. Moreover, the existence of different obstacles and conflicts serves as an important indicator of the incoherence of (EU) institutional, regulatory, and legal frameworks, which are studied in Task 4.2. Finally, the rule of law dimension explored in the last question was important to understand how and why the frameworks (did not) work.

Section 1.2 Collective meetings and bilateral advice

The three collective meetings that took place in January 2025 with GreenPaths partners had three main goals:

1. To evaluate whether the questionnaire that was prepared to make an inventory of the institutional, regulatory and legal frameworks was clear and useful or needed refinement;
2. To see what conceptual and methodological challenges existed in the appraisal of the institutional, regulatory and legal frameworks encountered in doing the case studies;
3. To provide guidance and advice on the different problems and questions that may arise while doing research on the specific context of each case study.

The three groups were put together, based on substantive similarities in the case studies and their respective frameworks, in order to allow for cross-case discussions and learning between partners. As Task 4.1 requires involved partners to give conceptual and methodological guidance for appraising the significance of institutional, regulatory and legal frameworks, the collective meetings provided an ideal occasion to identify challenges and deliver advice (directly and through this summary). The following sections outline the main conceptual and methodological challenges that required such guidelines.

2 Conceptual Guidelines for appraising frameworks

Conceptual challenges are those that pertain to the concepts and conceptualisation of the institutional, regulatory and legal frameworks encountered during the case studies. These challenges have been grouped into three broad categories: 1) challenges on the (interaction between) levels of institutional, regulatory and legal frameworks; 2) challenges pertaining to legal instrumentalisation; 3) the distinction between law and politics.

Section 2.1 Levels of institutional, regulatory and legal frameworks

Many of the challenges voiced by partners centred around the complex, often layered, relations between different legal frameworks. They often coincided with challenges surrounding the partners' awareness of the institutional and legal frameworks. Understanding the exact policy structures and their interactions with 'lower' policy regimes (national or local) was considered a challenge in appraising and conceptualising the institutional, regulatory and legal frameworks, particularly at the EU level.

The main response to this issue is that partners do not need a complete understanding of the extensive interactions between the different layers of governance. What is most important is that the questionnaire indicates points where conflicting frameworks or governance levels may hinder or reinforce the green transition. Even for trained experts, such interactions may remain intentionally vague and obtuse. Framings of specific social or economic issues may differ across levels, which is why one may only disentangle these constructs with a closer look at the specific context of the case. Partners are encouraged to reach out to the UvA for bilateral guidance and advice on such issues.

Section 2.2 Legal instrumentalisation and 'politics'

The second, and perhaps most prescient, category of conceptual challenges concerned legal instrumentalisation and politics. Institutional, regulatory and legal frameworks are of course inextricably linked with politics and policy. Discussions during the sessions revealed that several questions and challenges revolved around the conceptualisation of law and policy, particularly surrounding the politically contentious nature of policy, law and its use as a strategic tool.

Understandably, these discussions first sought to establish what exactly is 'legal' versus what is 'simply' political. Challenges were also identified surrounding the normative functioning of law. Laws can be used as a strategic tool, and phenomena like state capture or corruption may severely weaken the impact of institutional, regulatory and legal frameworks. The question of what is and what is not part of the legal framework is, however, not extremely relevant. In many ways political conflicts are legal ones and vice versa. The interpretation of the institutional, regulatory and legal frameworks is largely socially determined and dependent on the socio-political conditions of the specific case study. This is an important insight as often the technical nature of law is also used to bypass political and distributional conflicts, particularly in the Green Deal. Decisions on whether to skip an environmental impact assessment in renewable energy decisions, for example, show law's dual role as both a site of contestation and a mechanism to avoid it.

The most important task for partners was to indicate what conflicts, tensions, and disputes arise from relevant policies. Such claims are often based 'implicitly' on rights and point towards the role of institutional regulatory and legal frameworks. Here it is good to take a broad lens and mention those things that the partners deem important.

3 Methodological guidelines for appraising frameworks

The disciplinary background of most project partners' is not in law. This posed some methodological challenges that were discussed during the meeting. Three particular

challenges occurred throughout the sessions. First, questions focused on the function of the questionnaire. Second, challenges surrounding a ‘lack of awareness’ of the institutional, regulatory and legal frameworks were indicated. Finally, challenges of transparency had to be discussed.

Section 3.1 The function of the questionnaire

First, some questions centered around how to understand the function of the questionnaire. Whereas it was generally considered a positive and useful way of thinking about the role of frameworks in the case studies, some usability questions remained on how it should be filled in and what will be done with the questionnaire. A particular anxiety for participants surrounded the extent to which the questionnaire needed to be comprehensive.

It is important to note that the questionnaire was not intended to provide partners with extraneous work. The questionnaire is best seen as scaffolding that captures the institutional, regulatory and legal frameworks’ ‘broad brushstrokes’, which serves as a means of connecting the different case studies and seeing overarching patterns, whilst also serving as a structure through which we could identify gaps of knowledge and pinpoint advice and guidance. It offered a means to layer the regulatory, legal and institutional frameworks and make tangible the interactions that exist in the case studies. This layering is not intended to be exhaustive, rather, it is meant to be emergent and endogenous, picking up the elements that the researchers of the case studies find important. Finally, it was mentioned that the questionnaire helps to translate the case studies for policymakers. It helps also to understand the case in a language that policymakers are expected to be more familiar with.

Section 3.2 Possible lack of awareness of institutional, regulatory and legal frameworks

An important returning concern that is closely connected with the previous one was a possible lack of awareness of institutional, regulatory and legal frameworks.

This ranged from the awareness of legal regulatory and institutional dimensions in case studies specifically to its role in the green transition more generally. As already indicated at other challenges, it is important to see that most institutional, regulatory and legal frameworks will be encountered throughout the cases, even where they may be hidden at first instance. The questionnaire served, in many ways, as a tool to create awareness of the different frameworks at play, thus enabling UvA’s pool of legal experts to help and build upon the case studies. It is important for that reason, on the one hand, to report whatever information seems core to the case study by project partners, whilst on the other hand, for partners to reach out with specific questions whenever they run into difficulties.

Section 3.3 Transparency

When discussing methodological challenges, specific mention should be made of the dimension of transparency. The questionnaire and the cases require specific data that is – in principle – publicly available. The reality, however, may be different and data may be difficult to attain for a number of reasons. The team for D4.1 therefore attempted, as much as possible, to help in finding access to the relevant data. However, in certain cases we accepted that certain data is inaccessible, which in itself is an important finding related to the institutional, regulatory and legal frameworks.

4. Advice for appraising frameworks

Future projects that want to appraise institutional, regulatory and legal frameworks can use the abovementioned guidelines and advice in their own research set up. To do so there are three steps to using the approach that has been developed here. These steps are as follows:

1. Fill in the questionnaire based on your understanding of the relevant institutional, regulatory and legal frameworks.

There is no 'wrong' or 'right' options, try to focus on what seemed important and relevant based on your research of the subject. Often, your gut tells the truth. These data can be further corroborated and expanded upon by team members with relevant legal knowledge.

2. Report relevant conflicts, discussions and disputes, and provide details, context and links.

Users should highlight what you come across when doing the case study. In particular, the things which concern institutions, laws, policies and certain conflicts or where you suspect there may be legal underpinnings, even if these are not immediately obvious. The form should start from the current research you are doing, and the kinds of problems or issues, conceptual or practical (this may include case law cases) you face. Lower-level policy is certainly a part of this as well!

3. Specific issues?

Once you have identified certain conflicts or certain issues and you would like more feedback or you have specific issues within the appraisal of the institutional, regulatory and legal frameworks, reach out to the legal or policy experts in your team. Write a paragraph about it explaining what you think is going on. Then we can help to think what the relevant legal frameworks and levels of governance may be, so that we can look into it in order to better understand the situation and your case study. In this way, both the legal part and the social scientific part of the case studies support and help each other. In a way, this whole process should help users to add an additional dimension to their own case study.

The knowledge gained from this exercise can be very valuable for lawyers and policy actors to see how law is utilised in the field and can be expanded upon based on their theoretical knowledge of these frameworks. Together, this information can point towards different 'hidden' phenomena such as interesting institutional agendas or conflicts, inconsistencies and incoherencies in policy and law, and important differences between the 'law in the books' and what is happening in practice.

Discussion and Conclusions

Task 4.1 sought to give conceptual and methodological guidelines and advice for the appraisal of the significance of institutional, regulatory and legal frameworks for the GreenPaths case studies. Because of the large timespan of the task and its open-ended nature, we have developed an approach based on identifying needs and producing meaningful data for the rest of the GreenPaths project. While this deliverable does not deal with the substantive findings from the questionnaire, these findings will feature in the forthcoming discussion papers that are the deliverables from task 4.2 on policy coherence and 4.4 on the synthesis of the work package.

It is interesting to note that while working with a large and interdisciplinary team of partners (predominantly, non-lawyers) on identifying and developing conceptual and methodological guidance, we noted that many of these instruments and lessons were received well and adopted by the partners in their case studies. We expected more questions or difficulties to arise from working with these frameworks in the different case studies. We expect this to, in part at least, reflect the success of the approach that we took.

We believe that the instruments and guidance developed here could be of interest to future interdisciplinary consortia that want to work with institutional, regulatory and legal frameworks, even though the approach that was developed here was done with the particular focus of the GreenPaths project in mind. By structuring our guidance through sets of directed questions, collective meetings and bilateral correspondence, we were able to reduce the overall workload, while also making the practice more meaningful in light of the case studies' particular institutional, regulatory and legal contexts.

In conclusion, the summary provided here represents the outcome of a continuous process of guiding partners through the sometimes complex legal and institutional landscapes of Europe and beyond. By organising this as a process of co-creation we were not only able to help the partners to appraise the significance of frameworks, but they were also able to provide the team of WP4 with valuable input for the rest of the working package. We believe these sessions and the resulting guidelines have helped partners to work with the different legal and policy initiatives they have encountered in the process of their case studies.

Annex

Mandatory Questionnaire on Institutional, Regulatory and Legal Frameworks

The template questionnaire is intended to capture consistent data on all case studies for WP4. It may be supported by a digital survey and UvA, as part of D4.1, are able to offer support and legal advice to help partners identify answers.

General

1. Identify all **policy field(s)**, which apply to your case study
2. **List the most important documents** (policy documents, strategies, laws and administrative decisions) linked to your case, including information about their content if not in EN
 - o Of European origin
 - o Of National origin
 - o Other origin (municipal, international etc.)

National legal framework:

1. What are the **competent bodies** (ministries, administrative bodies, independent agencies, regional or municipal bodies) responsible for your case / the policies relevant for your case?
 - What are their competences and powers?
 - What is their institutional capacity ('size of workforce, knowledge/ specialisation and budget)?
 - Do other layers of governance (EU, international) intervene in your case, and if so, how?
2. Are there any (future) **policy or legislative changes considered** in relation to your case study, and if so which ones? Which actors are the most important drivers of these changes?

Conflicts and obstacles:

1. Are there any **legal disputes** before national courts, tribunals, or administrative bodies regarding the projects from your case study?
 - o What is the dispute about?
 - o Who are the parties?
 - o Have any decisions been made, and how were they perceived by the public?
2. Is there an ongoing **political conflict** regarding the project from your case study? You can consider questions such as:
 - o Who are the most vocal proponents and opponents of the project? What are their arguments?
 - o Is there debate in the relevant scientific community regarding the case study project?
 - o Were there any mass gatherings (eg demonstrations) associated with the project, and if so by whom and to what purpose?
3. Are there any remarkable **gaps or inconsistencies** areas between different policies or laws, coming from either European or national level, that may make the transition particularly difficult in your case?
4. Are there **domestic legal or institutional obstacles** to implementing or acting on EU policy in your case, related for instance to political, administrative, legal or other reasons?

Rule of Law

1. What is the case study **country's rule of law situation**, and what is its impact on your case study? (Perhaps a reflection on the content of index <https://worldjusticeproject.org/rule-of-law-index/global/2023> may be helpful).