Governance for Responsible Innovation

GREAT – 321480

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1. Executive Summary

GREAT aims at developing an empirically based and theoretically sound model of the role of responsible research and innovation (RRI) governance. A key goal is to develop an appropriate governance framework for RRI. This deliverable draws on the RRI governance models developed in GREAT's WP 2 (D 2.3, Analytical Grid Report) and demonstrates to what extent and in which ways these RRI governance models apply to five EU projects: CommonWell, eSESH, SPOCS, DIEGO and ImmigrationPolicy2.0. These are all completed projects that were funded through the Competitiveness and Innovation Framework Programme – ICT Policy Support Programme (CIP ICT PSP).

The five projects addressed different themes – EC societal challenges – and also followed different participatory approaches. Each consortium considered external stakeholders' needs and concerns to a varying extent, and in different ways. Thus, the five case studies exemplify the variety of possible RRI governance approaches (models) identified and analysed in WP 2 (see DOW, Task 4.2; Workplan table p. 14).

These and further findings reported in this deliverable are based on a thematic analysis of selected deliverables and other publicly available documents such as homepages and websites of the five CIP ICT PSP projects, and project summaries provided by the EC. The detailed case study procedure (seven analytical steps) corresponds to the case study approach adopted in earlier work (GREAT's D 3.2, Exemplifying the Typology with Relevant RRI projects, in WP 3). Thus, findings across WP 3 and WP 4 can be compared more easily.

This report focuses on three out of the four RRI governance models discussed in WP 2. The models imply different degrees of participative governance, that is, different degrees of involving external stakeholders – stakeholders that are not part of the consortium – in the project. The 'Standard Model' implies no participation of external stakeholders, the 'Consultation Model' limited participation, and the 'Co-Construction Model' implies full participation of external stakeholders, and also a potential radical change of the original project.

'Participation' is one of the five pillars of Responsible Research and Innovation (RRI) as identified and analysed in WP 2 (D 2.2, The Theoretical Landscape). The other four pillars are: transparency, responsiveness, anticipation and reflexivity. 'Reflexivity' is another important analytical focus of this deliverable. All five projects have been scrutinised for any instances of reflexive governance, that is, examples of collective learning in the conduct of the project. The related conclusions are: all projects show instances of reflexive governance, albeit not to the same extent.

This deliverable also accounts for the EC policy focus of WP 4. We have compared the governance approaches identified in all five projects to the wording in the related EC work programmes. The aim was to find out to what extent, and in which ways each project's approach is already implicit at the programme level, that is, in the selection and funding

criteria of the EC. The main results from this analysis are the following: the two levels – project and policy programme – match in many ways. Thus, the degree to which individual consortia take a participative governance approach and the ways in which this happens appear to be considerably preconfigured at the programme level. This leads to the conclusion that responsible innovation is a distributed phenomenon. It is a collective achievement of funding institution and consortia.

Another important analytical focus is on ethical challenges in each project. While such challenges cannot be reduced to 'compliance' with existing formalised norms, we needed to develop an analytical approach that is both relevant for the CIP ICT PSP and feasible within the timescale of GREAT. Thus, we chose to concentrate on the ethical norms articulated in the Charter of Fundamental Rights of the European Union. The Charter has been one of the key references of the EC's own ethical approval of CIP ICT PSP projects. The EC would not fund a CIP ICT PSP project unless the latter had passed the 'ethical screening' in the negotiation phase.

However, this deliverable goes beyond the negotiation stage and reports on ethical challenges that show in later stages of each project, that is, in selected deliverables and further basic project information each consortium produced throughout the project. The main related conclusions are the following: all consortia appeared to neglect to some extent one or more fundamental rights (articles) of the Charter, whereas they *also* appeared to enforce certain rights. Thus, each project is ambiguous in terms of ethical behaviour. It cannot (and should not) be judged easily but rather needs to be understood in its complexity.

Further important findings are the following:

- The analysed EC work programmes included a multitude of requirements, which presumably could not easily be met by the consortia (not all requirements equally). Also, tensions were built into work programmes. The various requirements implied numerous 'small' responsibilities a given consortium needed to take.
- Many such 'small' responsibilities were also inscribed in the legal rules consortia needed to follow. These legal responsibilities were in part ethical responsibilities (for instance, concerning the handling of personal data).
- Consortia running various pilots under various national jurisdictions were particularly challenged, as they appeared to face a related high number of different legal-ethical requirements.
- It seems that there were tensions (trade-offs, dilemmas) between different ethical challenges identified in the projects. It appears that a given consortium found it difficult to reconcile two fundamental ethical rights such as, the protection of personal data (in the 'smart' monitoring of energy consumption) and the protection of the environment.
- All five consortia studied in this deliverable were complex in terms of number and type of partners contracted. This deliverable has mostly focused on the relationship 'consortium – external stakeholders'. It is worthwhile to further explore governance and RRI issues *within* a given complex consortium (internal stakeholders).

2. Introduction

GREAT aims at developing an empirically based and theoretically sound model of the role of responsible research and innovation (RRI) governance. A key goal is to develop an appropriate governance framework for RRI. This includes a focus on 'participative governance' (DOW part B, p. 17). Governance "relates to any form of creating or maintaining political order and providing common goods for a given political community", while *participative* governance in research and innovation processes means to involve a "multiplicity of stakeholders" apart from researchers, innovators or technology developers alone (DOW part B, pp.17-18). As explained in D 2.2, Theoretical Landscape, involving additional stakeholders can transform governance into a "mode of coordination" that is more "democratic, participative, and pragmatic". Governance thus understood implies that ideally, more actors participate in the making of the very norms they subsequently have to follow (D 2.2, pp. 78-79).

In this deliverable the concept of participative governance is explored empirically as part of GREAT's WP 4 (Applied Analysis – Development of Case Studies), Task 4.2 (CIP case studies). We analyse the extent to and the ways in which a multiplicity of external stakeholders have participated in the governance (conduct) of five EU projects funded through the Competitiveness and Innovation Framework Programme – ICT Policy Support Programme (CIP ICT PSP). The CIP ICT PSP is part of the European Commission's Seventh Framework Programme. Since 2007 the EC has financed 206 projects under the CIP ICT PSP (cf. GREAT's D 4.1, Database and Survey Report, p. 14). The programme aims at stimulating the use of information and communication technologies across both public and private sectors, supporting SMEs (Small and Medium Enterprises), and increasing the global competitiveness of the European Union while also tackling "societal challenges" such as, providing good health care, especially for older people; protecting the environment by improving on energy efficiency and saving energy; or by making public administrations more efficient and providing more inclusive public services.[1]

WP 4 carries out an empirical investigation into these and other themes addressed by CIP ICT PSP projects. A quantitative approach (survey) is complemented by a qualitative approach followed in this deliverable (document-based case studies).[2] Calibrated by both types of data WP 4 will then apply and further develop an agent-based model for ex-ante evaluation of research and innovation networks. This model will be extended by RRI concepts.

One of these RRI concepts is stakeholder engagement. As explained in D 2.2, Theoretical Landscape, stakeholder engagement falls under the key principle of 'participation', one out of five pillars of responsible innovation. The four others are: anticipation, transparency, responsiveness and reflexivity. Given the conceptual complexity of each term, the empirical

[1] http://ec.europa.eu/digital-agenda/en/ict-policy-support-programme; 09-09-2014

[2] WP 3 also conducts qualitative research into CIP ICT PSP but uses a different method: semi-structured interviews. The entire qualitative methodology has been explained in D 4.1, Database and Survey Report, and D 3.1, Fieldwork Methodology Report.

complexity of CIP ICT PSP and the limited timescales in GREAT for conducting a case study analysis, a narrow but strong analytical focus needs to be chosen. This deliverable focuses mostly on 'participation', and how this principle shows in the actual governance the five selected projects, if at all. Another key principle, 'reflexivity', is considered by analysing instances of *reflexive* governance, that is, examples of collective learning in the conduct (governance) of each project.

The term 'stakeholder' has many meanings. According to Friedman and Miles (2006: i-ii, 4), the concept had originally a rather narrow focus on corporate strategy and morality, referring to "any group or individual who can affect or is affected by the achievement of the organization objectives". Considering the object of research in this deliverable the definition needs to be modified: A stakeholder is any group or individual affected by a given CIP ICT PSP project. We ask to what extent, and in which ways, such individuals or groups are given the opportunity to influence the course of the project.

There are various kinds of actors potentially affected by the research and innovation conducted in CIP ICT PSP projects. For instance, introducing new telecare and telehealth systems in a given region changes the quality of care provided to older people as well as the interplay between existing care providers (individual carers as well as social and health care organisations). Another example is the introduction of standard EU procedures in the administration of cross-border services which challenges the routines of established national authorities. However, even actors more directly involved in CIP ICI PSP projects such as the members of a given consortium are stakeholders in the sense that they are affected by, or may affect the other consortium members' activities.

Thus, two kinds of stakeholders need to be distinguished: the members of a given project consortium to be considered *internal* stakeholders, and all other actors (individuals and organisations) that are potentially affected by the project to be considered *external* stakeholders. This deliverable focuses on the extent to and the ways in which ways the needs and concerns of *external* stakeholders have been taken into account by a given CIP ICT PSP project consortium.

The distinction between internal and external stakeholders accounts for the empirical complexity of CIP ICT PSP projects. If one wants to understand to what extent participative governance can be realised in research practice, or is already being realised in practice, one firstly needs to acknowledge the heterogeneity of stakeholders and their related existing (different) responsibilities at the consortium level. Secondly, the relationship between the consortium and its environment – external stakeholders – needs to be considered. D 4.1 has already drawn attention to both dimensions. In terms of the internal complexity at consortium level various "agents" have been typified for the entire CIP ICT PSP project pool: "research university", "independent basic R & D centre", "independent applied R & D centre", "R & D division of LDC", "public sector institutions"; "NGOs" (D 4.1, p. 16). In terms of external stakeholder engagement a number of questions have been developed that will

be translated into the quantitative survey.[3] WP 3 also takes into account both dimensions. Semi-structured interviews are conducted with different CIP ICT PSP project participants in order to understand better their existing (different) responsibilities, perceptions of responsible behaviour, and RRI and governance issues emerging from their collaboration with other consortium members, but also with regard to their interaction with different external stakeholders.

Analysing participative governance within CIP ICT PSP is part of a much broader and long-term interest in introducing *ethical* reflection to science and technology development (for a more comprehensive discussion of this trend see D 2.2, Theoretical Landscape, p. 5-7; 32-40). Against this backdrop a number of explicit ethical challenges implied in the conduct of the five CIP ICT PSP projects will be investigated, taking the Charter of Fundamental Rights of the European Union as a key document guiding the analysis. The Charter defines a number of basic human rights in 54 Articles, including topics such as, the respect of privacy, protection of personal data and worker rights. The analysis will show how the five cases relate to these and further areas of ethical concern.

In sum, this deliverable concentrates on governance, participation, reflexivity (understood as collective learning) and the relationship that five CIP ICT PSP projects have established with ethics. Thus, we provide an empirical analysis of two out of the five pillars of RRI identified and analysed in earlier work of GREAT ('participation' and 'reflexivity'), and we also contribute to a better understanding of the following first three out of six "keys" of RRI developed by the European Commission: "engagement", "ethics", "governance", "gender equality", "science education", and "open access".[4]

The next section elaborates on the aims and the conceptual frame of the analysis. This includes a discussion of the five pillars of RRI as well as an explanation and justification of the empirical focus on the pillar 'participation', and also, to some extent, on 'reflexivity'. Moreover, the RRI models that have been developed in D 2.3, Analytical Grid Report, are introduced. The RRI models imply three different types of participative governance, and we study whether and how the models apply to the five cases considered. The methodology for the empirical analysis is explained in the fourth section. This includes a justification of the selected cases (the selected CIP ICT PSP projects). Section 5 presents all five case studies. Each subsection includes a summary of the main findings per project. The last section takes a step back and provides more general conclusions.

[3] Two questions that explicitly address external stakeholders are (D 4.1, pages 22-23):
"8. Was there a project steering committee in place and, if so, did the committee include any external stakeholders not directly involved in the projects in a consultative or controlling capacity or otherwise and, if so, who were these external stakeholders?
9. Was there a governing board in place to resolve RRI issues and, if so, did the board include any external stakeholders not directly involved in the projects in a consultative or controlling capacity or otherwise and if so, who were these external stakeholders?"

[4] http://ec.europa.eu/research/science-society/document_library/pdf_06/responsible-research-and-innovation-leaflet_en.pdf; 10-10-2014. The five pillars of RRI identified and analysed in GREAT's WP 2 are not identical with the six "keys" promoted by the European Commission, but there is considerable overlap.

3. Aims and conceptual frame of the analysis

3.1 Five pillars of RRI: anticipation, transparency, responsiveness, reflexivity and participation

As explained in an earlier deliverable of GREAT (D 2.2, Theoretical Landscape, pp. 71-76), many scholars and proponents of RRI define 'responsible innovation' as project activities being geared towards five key principles: anticipation, transparency, responsiveness, reflexivity and participation. These principles may be considered the five main pillars of RRI. Each term has a variety of meanings. The following overview draws on the theoretical discussion in D 2.2:[5]

Anticipation:

- This means the forecasting of desirable and undesirable social outcomes associated with the development of a given technology.
- It is a cautious way of building such scenarios avoiding a too rationalistic interpretation: anticipation rests on the assumption that many outcomes of research and innovation processes remain uncertain.
- When supported by narratives, it is a process helping individuals to reflect on ethical issues, and to reveal their visions of the world associated with the development of a given technology.

Transparency:

- This means making available and distributing existing knowledge about a given technology, its consequences and forecasted uses.
- It also means making available and distributing the results of any related deliberation processes.

Responsiveness:

- This is the coupling of reflection (see *reflexivity*) and deliberation (see *participation*) to action, that is, to a potential concrete change in the direction and trajectory of a given research and innovation process.
- Responsiveness also means to adapt a given research and innovation process due to public values, especially socially or ethically desirable values.
- The term also implies: being ready to make the adaptations mentioned previously over and over again throughout the entire course of a given technology project.

Reflexivity:

- This term refers to a system's capacity to adapt and change its state.
- The term also refers to researchers and innovators thinking about their own ethical, political or social assumptions (framings) implicitly guiding their work.
- Reflexivity also means that researchers and innovators take responsibility for their framings.

[5] The following summary is based on D 2.2, p. 71-76. In the definition of the five pillars of RRI D 2.2 also elaborates on the approaches of various RRI scholars and proponents (for instance, René von Schomberg, Richard Owen, Jack Stilgoe, Phil Macnaghten, and Hilary Sutcliffe). We have also provided a discussion of anticipation, participation, reflexivity and responsiveness, and how these concepts apply to ICT design, in Grimpe et al. (2014).

Participation:

- This means making research and innovation processes interactive and inclusive.
- More precisely, the term means involving various actors (end-users, civil society, other researchers, NGOs, industry, policy makers) who are affected by, or concerned with the development of a given technology.
- Thus, participation means following a bottom-up approach to technology development: to 'co-build' technology, and to ensure a related co-responsibility for the outcomes.

The five terms are not mutually exclusive. For instance, the above list indicates a conceptual overlap between responsiveness (third bullet point) and reflexivity (first bullet point). Another example is the following: anticipation includes elements of reflexivity when it refers to 'thinking through' scenarios of potential desirable or undesirable social outcomes of a given research and innovation process.[6] Moreover, as Lynch (2000) has shown, 'reflexivity' in particular is an umbrella term for an actually broad array of very different meanings.

Given this conceptual complexity on the one hand and the empirical complexity implied by five different CIP ICT PSP projects on the other hand, it is necessary to decide on a narrow and yet strong analytical focus. A basic selection criterion for the five cases to be studied in this deliverable is already given by GREAT's theoretical approach: the cases need to be chosen according to the "RRI models determined in the WP 2" of GREAT (DOW, Work table, p. 14). These RRI models are actually different governance models. As will be explained further in section 3.3, a key feature of these models is that they imply different degrees and ways of stakeholder *participation*. Therefore the analysis of the five cases (CIP ICT PSP projects) is geared towards the fifth pillar 'participation', and participative governance in particular.

This empirical focus is explained further in the next two sections. Furthermore, section 3.4 shows in which way the principle of reflexivity is also considered. The focus is on a particular meaning of reflexivity which is only partly implied in the definition provided previously (in the two first bullet points under 'reflexivity'). This is the concept of governance as a process of ongoing collective learning: 'reflexive governance'.

3.2 Analytical focus: participative governance and ethical issues in five EU projects (CIP ICT PSP)

In this deliverable five CIP ICT PSP projects are analysed in terms of the governance approaches the respective project consortia have taken. For each project we distinguish between the consortium partners (internal stakeholders), and the individuals or organisations in the project's context (external stakeholders). The aim is to understand what role external stakeholders have played in the conduct (governance) of the project. This research goal is geared towards one basic principle of RRI: ensuring the *participation* of external stakeholders. We focus on the following two related questions:

[6] See, for instance, D 2.2, Theoretical Landscape, p. 72

(1) When conducting their research and innovation activities, did the five project consortia follow a participatory approach by taking into account the needs and concerns of external stakeholders?
(2) If yes, to what extent and in which ways?

In addressing these questions this deliverable contributes to one of the goals of WP 4: to analyse how different actors, the members of a given consortium, currently consider (take in account and realise) 'responsible innovation' in research processes.[7]

Most of the subsequent analysis is geared towards this main empirical focus on participative governance. A second goal is to study ethical issues that are implicit in the five different projects. Not all potential ethical issues can be covered given the timescales of GREAT and the empirical complexity of each CIP ICT PSP project. Thus, we will concentrate on ethical issues that are closely related to the findings on participative governance.

The European Commission has comprehensive guidelines and procedures in place for defining and dealing with ethical issues in CIP ICT PSP projects. Any consortium applying for funding through any of the four funding instruments available (Pilot A, Pilot B, Thematic Networks, Best Practice Networks) is subject to the same ethical review process outlined in "Negotiation Guidance Notes".[8] All projects considered for funding are screened for any potential infringement of "fundamental ethical principles".[9]

These fundamental ethical principles are defined according to three main sources:

- The Charter of Fundamental Rights of the European Union;[10]
- the "opinions" of the European Group on Ethics and Science and New Technologies (EGE);[11]
- the European Commission's "data protection legislation".[12]

In case a potential infringement of these ethical requirements shows at the negotiation stage of a given project, the related EC's Project Officer might consult experts with a background in ethics,[13] and then needs to make sure that the consortium applying for funding provides "safeguards". Otherwise the project *cannot be funded*.

[7] The explicit related objective of WP 4 is the following (DOW, Workplan table, p. 14; emphases added): "In WP 4 the objectives are to *carry out an empirical investigation into* how responsible innovation is currently conceptualised, *how it is currently considered in research*, and how the integration could be improved in the future."

[8] http://ec.europa.eu/information_society/activities/ict_psp/participating/grant_agreement/index_en.htm; 25-09-2014

[9] http://ec.europa.eu/information_society/activities/ict_psp/participating/grant_agreement/documents/neg_guide_pilot_a_v1-3_final_v.connect.pdf; p. 30; 25-09-2014

[10] http://www.europarl.europa.eu/charter/pdf/text_en.pdf; 25-09-2014

[11] http://ec.europa.eu/bepa/european-group-ethics/index_en.htm; 25-09-2014

[12] http://ec.europa.eu/justice/data-protection/index_en.htm; 25-09-2014

[13] The EC guidelines do not specify further who these experts in ethics are.

Thus, per definition all CIP ICT PSP projects including the five analysed in the deliverable at hand have undergone a substantial ethical monitoring process. And all funded projects have passed this test by definition.

It can be argued though that research proposals cannot go into all the details of the envisaged project activities, so some potential ethical issues may remain hidden at the outset of the project. Moreover, new issues may still emerge from the actual unfolding of project activities. Thus, we will highlight some of the ethical challenges the five CIP ICT PSP consortia studied appeared to face over the course of their projects. In the identification of such challenges we take the Charter of Fundamental Rights of the European Union (see first bullet point in the previous list) as main reference. Thus, the case study analysis remains in the original (ethical) framework of CIP ICT PSP, but offers some more insights as potential ethical issues are identified after the initial negotiation process, considering project documents (deliverables, other basic project information) that were produced at different stages of each project.

The Charter of Fundamental Rights of the European Union includes 54 articles of which some closely relate to the themes addressed by the five CIP ICT PSP projects. For instance, the "right to good administration" (Article 41) is relevant for SPOCS targeting national public administrations. This and further instances of (potential) ethical issues will be discussed in order to answer the third main research question:

(3) Against the backdrop of the Charter of Fundamental Rights of the European Union, what are some of the ethical challenges the five project consortia faced in the conduct of the project?

Furthermore, WP 4 has a strong focus on the EU policy conditions that may influence to what extent and in which ways responsible innovation is realised. We take this policy perspective into account by also selectively analysing the EC work programmes to which the five selected projects had to respond (when submitting their respective project proposals and arguably also over the course of the project). This research aim informs the fourth main question:

(4) To what extent and in which ways was a given participative governance approach already implicit in the preceding EC call, i.e. work programme?

If there are many similarities between the (participatory) governance approaches of individual projects and the wording in the related preceding EC work programmes, we assume that the respective projects have not opted for their respective governance approaches out of the blue. Instead, it may be argued that they tried to meet the requirements of their funders. This assumption is informed by Rodriguez et al. (2013: 1127) who conducted a comprehensive mixed-method analysis of nearly 2500 science and engineering research solicitations of different EU Framework Programmes from 1998 – 2010. We follow up on their reasoning that all solicitations have "signif[...][ied] to potential

proposers the goals and expectations of their authors and the criteria by which research proposals generated in response to the solicitations will be judged" (Rodriguez et al. 2013: 1130). Thereby the EU Framework, i.e. the "upstream" policy agenda influences the research and development activities at the project level ("midstream"; Fisher 2006). While we share the view of Fisher et al. (2006: 491) that funding programmes do not completely *determine* projects, it may be argued that they significantly *shape* projects, i.e. they shape the room for manoeuvre for a given consortium. This also means that funding programmes shape to what extent and in which ways a given consortium may take a participative governance approach. After all, if there are significant similarities between the programme level and the project level it may be argued that 'responsible innovation' is less of an individual achievement, or the achievement of particular groups (particular project consortia), but rather a joint achievement of all these individuals or groups *and* their funding agency.

Our ultimate aim is not to judge the projects in terms of supposedly 'good' or 'bad' conduct (e.g. 'sufficient' or 'insufficient' participation of external stakeholders). Instead, we contextualise observed governance structures as far as possible. This approach resonates with standpoint theory: There is no infallible "view from above", but only situated "views from somewhere" (Haraway 1991, p. 196). The subsequent analysis is situated and hence itself a view "from somewhere" for the following reasons:

a) the analysis is framed by the concepts developed in WP 2, and also takes another GREAT deliverable (D3.2, Exemplifying the Typology with Relevant RRI Projects) as a guideline for applying the concepts to the empirical reality;
b) the analysis is restricted to a selected number of project documents and thus does not only miss project activities documented elsewhere, but also (informal) undocumented practices (e.g. Schatzki et al. 2001).

While the unit of analysis is a project, it is not possible to provide a full account of each project. CIP ICT PSP projects are much too complex to be characterised completely in the given time frame of GREAT. We rather demonstrate a selection of (participative) governance tools used in the five projects studied, and how these tools relate to the wider context including the EC funding framework.

More precisely, we take a more selective approach than D 3.2 but also consider one more layer of context by taking into account the EU policy framework. In D 3.2 "governance tools" are defined as the means by which a consortium "deals with ethical or complex issues" that the introduction of new technologies in the project's context may entail. D 3.2 also explained that governance tools may be considered instruments for improving the participation of different stakeholders, and for improving on related deliberation processes. Various examples for such instruments are given in D 3.2: ethical committee, workshop, survey, focus group, or interactive technology assessment (D 3.2, p. 5). These examples show that 'governance tool' is an umbrella term for various possible activities or fora initiated by a given consortium. In this deliverable we analyse similar governance tools and compare these to the requirements of the EC work programmes to which each project had to respond.

3.3 Three governance models

The subsequent analysis is framed by the theoretical outcomes of WP 2 and preceding analytical work in WP 3. We draw on the Analytical Grid report (D 2.3) as well as a prior analysis of relevant RRI projects (D 3.2) that include a discussion of three RRI models[14] implying different degrees and kinds of participative governance (Callon 1998; Joly 2001). Our aim is to study to what extent and in which ways the five CIP ICT PSP projects have followed either model, or show elements of one or more of these models. In reality, a project may show different participatory elements: the governance models are abstract ideal types, not direct 1:1 representations of empirical reality.

The 'Standard Model' of governance: no participation of external stakeholders
The governance of a given project is 'standard' if no external stakeholders, i.e. individuals or groups that are not yet part of the consortium, have been involved over the course of the project. Such external stakeholders are, for instance, potential technology end-users; staff of organisations involved at pilot sites; CSOs representing the interests of end-users. According to the 'Standard Model' the consortium members implicitly or explicitly keep with their status of experts who, for the project to be considered successful, need to conduct research and innovation independently. The experts regard themselves as sufficiently knowledgeable to solve any potential irritations or disagreement on the part of the public through education. The model also assumes that the experts prefer a one-way communication and dissemination of project activities (i.e. from the consortium to any outsiders of the project, but not vice versa) as there is an assumption that there is little to learn from the public.

The 'Consultation Model' of governance: limited participation of external stakeholders
The governance of a given project appears to follow the 'Consultation Model' if there is a limited degree of participation by external stakeholders. In contrast to the 'Standard Model' two-way communication does take place (i.e. from the consortium to any outsiders of the project *and* vice versa); and the consortium members do not consider themselves (implicitly or explicitly) as unquestionable experts. Instead, they open up the project to external debates and concerns. However, according to this model the related stakeholder engagement is not radical: the consortium may consult external stakeholders but not up to a point where the further course of the project or its outcomes are significantly changed. Stakeholder engagement appears rather as an exercise to gain acceptability and legitimacy of the (original) project plan.

The 'Co-Construction Model' of governance: full participation of external stakeholders and potential radical change of the original project
This model assumes the full participation of external stakeholders in the sense of direct, active, ongoing involvement. According to this ideal, any technology or related service envisaged at the outset of the project is scrutinised for its normative underpinnings (i.e.

[14] We omit the fourth governance model discussed in D 2.3 – the 'Revised Standard Model' – because it appears to be similar to the 'Standard Model' in terms participation. In our understanding both imply *no* participation of external stakeholders.

values embedded in the original or intended design) and challenged by the variety of alternative (ethical) values that emerge from a full deliberation with the external stakeholders. This deliberation process may actually turn out to be disruptive in the sense that it changes the entire direction, set-up and outcomes of the project.

3.4 The idea of reflexive governance as collective learning

The third governance model discussed in the previous section is closely related to Lenoble's and Maesschalck's (2011) understanding of "reflexive governance" as ongoing *collective learning*. This concept of governance as a learning process is one of the key findings of D 2.1, Theoretical Landscape, as well as D 2.2, Analytical Grid Report; it is another important component of the subsequent analysis.[15] We will search for instances of collective learning in each of the five projects studied. As we understand Lenoble and Maesschalck, governance is perceived as *good* if it includes, among other things, as much collective learning as possible, i.e. continuous mutual listening and joint deliberation. Thereby governance would produce the best possible outcomes for all parties involved, and hence for the public good.

The theoretical argument of Lenoble and Maesschalck (2011: 7, 11-12, 14) may be paraphrased as follows. For norms to be realised in an optimal way they need to be developed jointly – by those who intended their implementation in the first place, i.e. public authorities (in our case: a given EU project consortium), and by those subject to the norm, i.e. the public (in our case: various external stakeholders in the project's context). Thus, norms should actually emerge from "cooperative practice". The two authors associate this cooperative practice with learning, or "learning operations", which in turn would define "reflexive governance". Reflexive governance thus may be understood as the steering of a project (for instance, maintaining or changing its course) tightly coupled to the constant learning from each other, allowing all the actors involved "to produce the best possible solution to the problem of collective action" (Lenoble/Maesschalck 2011: 14).[16]

As the next section explains, one of the steps in analysing each case (CIP ICT PSP project) is to find any evidence for reflexive governance, or collective learning, in the selected projects' official documents.

[15] The focus on collective learning processes is our way of taking into account the three presuppositions – intentionalist, schematising, mentalist – discussed in D 2.3, section 3.1. The three presuppositions are difficult to distinguish and also hard to study empirically, but the closely related argument on reflexive governance/collective learning is more palpable. The three presuppositions on the one hand and reflexive governance/collective learning on the other are like antipodes: reflexive governance/ collective learning is undermined when actors implicitly or explicitly follow the three presuppositions.

[16] 'Mutual learning' is only one of many meanings implied by the term 'reflexivity'. For instance, reflexivity also refers to a person being able to recognize that his or her (scientific) knowledge is not universal but perspective; and the term also refers to potentially change a given conviction after having considered other perspectives (or framings of situations). We have pointed to these and further meanings of reflexivity in section 3.1.

4. Methodology

As explained in D 4.1, Database and Survey Report, the subsequent qualitative analysis follows a case study approach (e.g. Yin 2014). The basic method applied is a thematic analysis (Guest 2012) of selected deliverables and other publicly available documents such as homepages and websites of five CIP ICT PSP projects:

Case 1: CommonWell – Common Platform Services for Ageing Well in Europe
Case 2: eSESH – Saving Energy in Social Housing with ICT[17]
Case 3: SPOCS – Simple Procedures Online For Cross-Border Services
Case 4: DIEGO – Digital Inclusive e-Government
Case 5: ImmigrationPolicy2.0 – Participatory Immigration Policy Making and Harmonization based on Collaborative Web 2.0 Technologies

These five projects have been selected for the following reasons:

- They all fall under important societal challenges as identified by the European Commission:[18]
    - Two projects (CommonWell and eSESH) fall under two themes, or EC societal challenges, that are also studied by means of in-depth interview-based case studies in WP 3: care for older people and care for the environment (see D 4.1, section 3.2.2: Domains Considered; and Appendices). Thus, by choosing projects from the same two themes but using a different methodology (document-based analysis) synergies may be created.
    - The three other projects (SPOCS, DIEGO, ImmigrationPolicy2.0) fall under a third theme, or societal challenge: improving the public services for citizens and businesses (see D 4.1, section 3.2.2: Domains Considered; and Appendices). For practical reasons, i.e. short time scales in GREAT, this theme cannot be addressed in the in-depth interview-based case studies in WP 3. However, by including the theme in the document-based analysis we can

[17] Originally we intended to study the project EnergyTIC instead of eSESH (see D 4.1, section 3.2.3). However, in the mean time EnergyTIC has been discontinued. Since we do not know the reasons and now lack access to most of the project's official documents (the homepage has been closed) we decided to choose a different project.

[18] These societal challenges are discussed in various EC documents such as, two publications from 2013 and 2012:
EC (2013): ICT for Societal Challenges https://ec.europa.eu/digital-agenda/en/news/ict-societal-challenges-new-publication-research-and-innovation-projects; 10-09-2014;
EC (2012): ICT for Societal Challenges http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCEQFjAA&url=http%3A%2F%2Fbookshop.europa.eu%2Fen%2Fict-for-societal-challenges-pbKK3012650%2Fdownloads%2FKK-30-12-650-EN-C%2FKK3012650ENC_002.pdf%3Bpgid%3Dy8dIS7GUWMdSR0EAIMEUUsWb0000j4rV35sH%3Bsid%3DRsgye7wCVdkyfezE-Dms3N4nQRs0qPFhWLo%3D%3FFileName%3DKK3012650ENC_002.pdf%26SKU%3DKK3012650ENC_PDF%26CatalogueNumber%3DKK-30-12-650-EN-C&ei=6RMQVJuHMce2yAS_q4K4Cg&usg=AFQjCNGxvthL8oJuR8JVhVnKo2SsAQEDmg&bvm=bv.74649129,d.aWw; 10-09-2014

understand the CIP ICT PSP which is a comprehensive multifaceted funding programme in greater breadth.

- The five projects have also been chosen because they allow us to discuss all three possible governance models explained in the last section. This is in line with an internal requirement of GREAT as specified in the DOW, description of Task 4.2. One of the "main activities" of Task 4.2 is "the selection of case studies relying on the RRI models determined in the WP 2 to ensure sufficient variety of RRI governance approach".

In order to ensure this variety the starting point of the analysis was to randomly skim through the basic project information provided for around 30 CIP ICT PSP projects falling under the three themes (societal challenges) mentioned previously. This random search was stopped once we found five projects that seemed to exemplify the three RRI governance models in different ways. The types of basic project information considered in the selection process were the following:

- The project summaries provided by the EC on the CIP ICT PSP homepage;[19]
- The information a given project provides on its homepage (so the very first information one reads when visiting the homepage), and on directly associated project websites or directly accessible pdf-files (with titles such as, "About", "Summary" or "Project brochure").

There is no standard way how projects inform about their main activities and objectives so the search needed to be adjusted to the projects' particularities.

The basic project data thus collected informed the five working hypotheses (one for each project), providing a preliminary answer to the following question: which governance model matches best the governance approach taken by each project consortium? Next, these initial hypotheses were checked in the more detailed document analysis consisting of six further analytical steps. The following diagram provides an overview of the entire case study procedure:

Overview of the case study procedure (for each CIP ICT PSP project)	
Introduction	• Provide a brief project description. • **Present the working hypothesis on governance (i.e. type of participative approach)** characterising the project, taking into account the conceptual frame, i.e. the three RRI governance models, and basic project information.
Analysis Characterise the	• **Step 1: Identify at least one governance tool** actually used in the project.
	• **Step 2**: **Characterise the relationship between the**

[19] http://ec.europa.eu/information_society/apps/projects/index.cfm?menu=secondary&prog_id=IPSP; 15-09-2014

(participative) governance approach of each project and compare it to the EC work programme to which the project responded	**governance tool(s) and the wider context.**
	• **Step 3**: **Specify the purpose of the governance tool(s)**. The purpose may be explicit or implicit.
	• **Step 4**: **Identify any instance of reflexive governance/ collective learning** related to the governance tool(s).
	• **Step 5: Identify at least one ethical challenge** associated with the governance tool(s) and the related findings from step 1-4. **Analyse how the consortium dealt with this potential ethical issue**.
	• **Step 6**: **Reconsider the working hypothesis** and characterise the governance of the project more precisely.
	• **Step 7: Contextualise the project's approach by comparing it to the related EC work programme.**

Figure 1: Overview of the case study approach

5. Case studies

5.1 Case 1: CommonWell

5.1.1 Introduction

CommonWell (Common Platform Services for Ageing Well in Europe)[20] is a completed project (2008-2012) that was funded under the theme "ICT for accessibility, ageing and social integration" of the EC's CIP ICT PSP work programme 2007,[21] and was undertaken over a period of three years and four months. Reportedly the project developed a general model of an ICT architecture facilitating the convergence of social and health care, aiming at "supporting older people and those with long-term conditions to live independently and lead fulfilling lives."[22] Basically, the project aimed at developing telecare and telehealth systems.[23] This included four ICT-based services adapted to four different national pilot sites: Milton Keynes (UK), Veldhoven (Netherlands), Bielefeld (Germany) and Andalucia (Spain).[24] The consortium included ten partners such as, public social and health care providers, non-academic research organizations, and industry partners, e.g. a globally operating firm providing telecare solutions.[25]

Working hypothesis: Consultation or Co-Construction model

[20] CommonWell2014a: http://commonwell.eu/norm/commonwell-home/; 21-08-2014
[21] http://ec.europa.eu/information_society/activities/ict_psp/documents/cip_ictpsp_wp.pdf; 21-08-2014
[22] http://commonwell.eu/norm/about-commonwell/the-commonwell-architecture/; 21-08-2014
[23] E.g. http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D4-2_The-CommonWell-Prototype-System.pdf; p. 37-39; 21-08-2014
[24] E.g. http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D4-2_The-CommonWell-Prototype-System.pdf; p. 39; 21-08-2014
[25] http://commonwell.eu/norm/about-commonwell/the-consortium/; 21-08-2014

Basic information presented on one of the project's websites[26] suggests that the governance of project activities followed the Consultation Model, or even has aspects of the Co-Construction Model. It would appear that various external stakeholders (i.e. actors other than the researchers and IT specialists of the consortium itself) got involved in the project. We have established this working hypothesis based on the following two sources:[27] a table explaining the stakeholder perspectives (supposedly) considered by the CommonWell consortium (figure 2); and the attached explanation (emphases added):

		Stakeholder perspectives		
		End user/carer	Service provider staff	Organisational
Evaluation dimension	Client impact	X	X	X
	Staff impact		X	X
	Organisational impact			X
	Technology	X	X	X
	Integration	X	X	X
	Implementation	X	X	X
	Global assessment	X	X	X

Figure 2: Stakeholder involvement in CommonWell

"The necessary equipment [of the CommonWell services] was installed in the homes of the users and at the service centres of the care provider partners. Service delivery processes at the providers were *adapted* [...].[28] The CommonWell evaluation framework utilises a multi-method and *multi-perspective* approach, *involving end users, family carers, service provider staff and key informants at corporate level*."

"Service provider staff" is actually a heterogeneous group including the staff of the various social and health care organisations that were involved at the pilot sites of CommonWell. These include, for instance, staff of an emergency service as well as a call centre for emergency calls at the Spanish pilot site; staff of a social care provider and a hospital at the German pilot site; general practitioners and cardiologists at the Dutch pilot site; and specialists for COPD (Chronic Obstructive Pulmonary Disease) at the UK pilot site, to name but a few examples.[29]

[26] http://commonwell.eu/about-commonwell/evaluation-results/; 21-08-2014

[27] As explained in section 5, Methodology, the data used for establishing the working hypothesis draws on basic information one one gets when visiting the project's homepage. The table is part of a brief overview of the project's activities and results titled 'About CommonWell', 'Evaluation results'.

[28] The source does not specify how the services were adapted, or to what.

[29] http://commonwell.eu/about-commonwell/evaluation-results/; 15-09-2014; pages 14, 19, 71, 131

Next, the working hypothesis is scrutinized by a more detailed analysis of the underlying deliverable, i.e. the evaluation report D 7.2, Pilot Outcomes (WP 7, Evaluation). This deliverable alone has 226 pages, so it needs to be analysed selectively.[30]

5.1.2 Analysis

Step 1: Identify at least one governance tool

CommonWell includes a particular group of governance tools that imply the involvement of external stakeholders, and hence a participatory approach: *established methods of sociological empirical research.* Namely, the consortium considered external stakeholders by the following means, for instance:

- staff *surveys* with both closed and open questions;
- *structured telephone interviews* with end-users, i.e. patients phoning in at a social service provider;
- *focus groups* with staff.

By these means the CommonWell consortium elicited a lot of stakeholder-related information that are discussed in the related deliverable reports for more than 150 pages. The authors also attached the various interview schedules and survey questionnaires that were used in CommonWell's data gathering process. This variety and scope of a (social) science mode of knowledge production is remarkable for a consortium with only two research-oriented partners that are also busy with consultancy.[31]

Given these social science methods the project appears to account for a more general normative horizon beyond a narrow 'technological fix'. First, it appeals to the norms of proper (social) scientific enquiry. Second, various stakeholder experiences with the prototype are elicited, and this includes the elicitation of socio-psychological dimensions such as, how the users of the new services "felt" during the usage, or whether the changes affected the "job satisfaction" of staff.[32] Both aspects bestow general validity and legitimacy upon possible final project outcomes such as, the actual installation and future use of a system for electronic patient data.

Step 2: Characterise the relationship between the governance tool(s) and the wider context

Although the amount and variety of 'social science' data gathering conducted in CommonWell is impressive, this way of involving stakeholders in the conduct of the project (and in this sense 'governance') shows an interesting feature. This feature implies that the wider relevant context of CommonWell has only been considered in a limited, restricted way. More precisely, the wider context appears to be *represented* within the project in a

[30] We provide some general insights and then focus mostly on the reporting about the Spanish pilot site.
[31] The consortium does not include any academic institution, but a "research and consulting firm" and an "independent research and consultancy organisation"; http://commonwell.eu/norm/about-commonwell/the-consortium/; 21-08-2014.
[32] http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D7-2_Pilot-Outcomes.pdf; p. 19, 23; 22-08-2014

particular way, and, it may be argued, too narrowly. This judgement requires further explanation.

The CommonWell deliverable on pilot outcomes (D 7.2) shows that certain stakeholders were asked to assess the new services *on behalf of other stakeholders*. Staff members of both service providers (in this case: at the Spanish pilot site), including upper management levels, were asked to voice their opinion about end-user experiences[33] – and upper management were asked to voice their opinion both on lower staff levels, and end-users. Consider, for instance, this quote from a focus group that included the head of the social care provider and three senior supervisors, among others:

> Some difficulties were noted. One EPES representative expressed the view that the project had introduced a new problem due to receiving calls from hands-free (ASSDA devices), that sometimes it is hard to hear the client. Some ADDSA representatives reported that staff had been somewhat apprehensive at the beginning of the project. This apprehension, however, was regarded as having been natural in the context of any change to work practices and it soon dissipated once staff got used to the new process and came to see the benefits of it.
>
> 'As any change it generates some level of anxiety but getting used to it, they like it.'
>
> [ASSDA focus group]

Figure 3: political representation – the voicing and subtle silencing of stakeholders

This is an instance of everyday 'political' representation as understood in science and technology studies, and actor-network-theory in particular (e.g. Callon 1986). Certain stakeholders are asked to represent other stakeholders. While the former may voice some concerns of the latter ("some ASSDA representatives reported that staff had been somewhat apprehensive at the beginning of the project"), these very 'representatives' might translate the original concerns into project views that may suit their own perceptions better. Thus, the original stakeholders' concerns get silenced to some degree ("but getting used to it, they like it").

Step 3: Specify the purpose of the governance tool(s)

The purpose of using social science methods, i.e. conducting survey, focus groups and semi-structured interviews with different groups is to evaluate the impact of CommonWell technological services introduced at the different pilot sites. In principle the methods used are highly accepted, legitimate means for generating (scientific) knowledge, especially in combination ("triangulation", as termed in the deliverable).[34] Therefore it may be argued that the implicit purpose is to underpin the Consortium's own conclusions about the project.

[33] This is one example from the evaluation report: staff were asked "whether they felt there had been any negative impacts on service [end-]users";
http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D7-2_Pilot-Outcomes.pdf, p. 24

[34] http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D7-2_Pilot-Outcomes.pdf, p. 8

These conclusions are actually quite positive, i.e. the project is described as a success. However, the two service providers at the Spanish pilot site, for instance, are members of the Consortium, so upper-management staff may actually have a vested interest in an optimistic (re)interpretation of the evaluation results. Various potentially negative results from the survey, focus groups and telephone interviews are presented in a rather favourable light.[35] It is argued that the CommonWell project would have "met its aims and objectives overall".[36]

Step 4: Identify any instance of reflexive governance/collective learning

In the conclusions about the impact of CommonWell at the Spanish pilot site there are few indications of significant changes to the course of the project due to issues raised by external stakeholders.[37] As mentioned previously, the mixed feedback from different stakeholder groups is presented rather positively. However, it is also reported, for instance, that the project did make "some adjustments" in a particular procedure; and that some "communication problems" still need to be addressed in future.[38] Similarly, the conclusions for the German and the UK pilot sites are overall positive, but also show a limited awareness of issues the project could not solve.[39] Interestingly, with regard to the Dutch pilot site CommonWell is explicitly considered a "learning experience and start" and a source for first relevant information rather than a final solution.[40] The summary for all pilot sites appears to reflect this tendency of mostly positive, optimistic conclusions and only occasional, but not fundamental, questioning of the course and conduct of the project. So there is no strong evidence for reflexive governance or collective learning. However, there are at least a few instances, and of course there may be more in other deliverables and further project documents not studied here.

[35] For instance, a high percentage of staff of the emergency care provider (62%) found that the CommonWell services had a negative impact on their ability to do their job. However, the authors of the related deliverable explain this criticism, put it into perspective, and thereby mitigate it in the following way: "[T]he difficulties with the hands-free devices highly influenced EPES personnel's experience of the pilot. These difficulties account for the different opinions and responses from EPES personnel on how their work was impacted by the project. [...] [I]t can be suggested that had this aspect not arisen, the project is likely to have a more positive, or at least neutral, impact on the work of EPES staff".
http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D7-2_Pilot-Outcomes.pdf, p. 47

[36] http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D7-2_Pilot-Outcomes.pdf, p. 48

[37] "The communication problems relating to the hands-free device currently in use must be addressed to ensure that emergency response staff can carry out their role in the integrated service successfully. This will require an alternative technical solution for this particular element of the service". http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D7-2_Pilot-Outcomes.pdf, p. 48

[38] http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D7-2_Pilot-Outcomes.pdf, p. 14, 48.

[39] For instance, in terms of the German pilot site it is argued that "further dialogue with [...] [a certain] hospital [is needed] so as to understand, and ultimately resolve, the problems experienced to date." And for the UK pilot site difficulties in interpreting certain quantitative results from a survey a broadly acknowledged; and it is not suggested that these interpretive issues could be easily solved ("unexpected complexity"; "difficult to explain"; "difficult to understand" etc.)
http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D7-2_Pilot-Outcomes.pdf, p. 70, 125-126.

[40] http://commonwell.eu/fileadmin/CommonWell/documents/CommonWell_D7-2_Pilot-Outcomes.pdf, p. 159

Step 5: Identify at least one ethical challenge; analyse how the consortium dealt with this potential ethical issue

As mentioned previously, CommonWell conducted a survey, focus groups and telephone interviews to obtain feedback from external stakeholders, and these 'social science' methods revealed that some stakeholders had negative views. Let us consider some of the survey results from the Spanish pilot sites in greater detail because they imply a potential ethical issue according to Article 31 of the Charter of Fundamental Rights of the European Union: "Fair and just working conditions".[41]

In CommonWell's survey a high number of staff using the new technological services in handling emergency calls reported "negative impact" of the new technological services "on ability to do job and communicate" (62%); an "increased workload" (67%); and a "decreased job satisfaction" (71%). While one may surely argue that there are many worse, really unbearable working conditions around the world than what the analysed documents tell us about CommonWell's Spanish pilot site, these negative survey results nevertheless raise the following question: Has the "right to working conditions which respect [...] dignity" (Article 31) been slightly compromised by the new CommonWell services?

Moreover, Article 27 on "workers' right to information and consultation" appears to be affected given the observed 'political' representation of staff through other upper-management staff (see step 2 of the preceding analysis). However, we need to be very careful again in making this judgement: staff members were surely not completely silenced throughout the CommonWell project, and Article 27 only requires that workers are guaranteed "information and consultation within the undertaking [...] at the appropriate levels". One could argue that it was sufficient, and appropriate, to show the negative survey results in the middle of the report where they are indeed presented with relatively big and clear pie charts (instead of, for instance, omitting them completely which would imply a stronger infringement of the workers' rights).

How did the consortium deal with these potential ethical issues? As mentioned previously, there is a marked tendency to show the project in the most favourable light. *All* the negative survey results were interpreted as symptoms of a rather 'small', clearly delimited technical problem: "the difficulties with the hands-free devices". As the subsequent quote shows, the negative feedback was also toned down by calling it "*different* opinions and responses" [emphasis added]; and a complicated line of reasoning is presented leading to positive overall conclusions ("... this is a positive element for EPES personnel in terms of doing their job"):

"These difficulties account for the different opinions and responses from EPES personnel[42] on how their work was impacted by the project in terms of workload, ability to do their job and job satisfaction. It is not possible

[41] http://www.europarl.europa.eu/charter/pdf/text_en.pdf; pp. 15-16.

[42] "EPES" is one of the two organisations that tested the new CommonWell services at the Spanish pilot site. "ASSDA" is the other one.

to surmise that had difficulties not been encountered with the hands-free devices EPES staff would have experienced the same positive impacts on their work as those reported by ASSDA personnel, given their different roles. However, it can be suggested that had this aspect not arisen, the project is likely to have a more positive, or at least neutral impact on the work of EPES staff. Despite the difficulty with the quality of the communication device, it would appear that because communication with the service user is now faster and remains uninterrupted, this is a positive element for EPES personnel in terms of doing their job."

This reframing of negative survey results may be considered a doubtful way of dealing with a potential ethical issue related to workers' rights.

However, this conclusion cannot be generalised to the entire project (activities at all pilot sites), and it also does not serve as an indicator for other ethical dimensions of the project. For instance, a more comprehensive analysis would be necessary in order to explore the project's relationship with another ethical value explained in the Chapter of Fundamental Rights: Article 35, "Health care". This article demands "a high level of human health protection [...] to be ensured in the definition and implementation of all Union policies and activities". There is empirical data suggesting that the project's activities were indeed geared towards meeting this goal. For instance, as reported previously, at the Spanish pilot site end-users were asked how they felt before and after the introduction of the new services ('pre' event and 'post' event survey), and a significantly higher number of people in the post event survey replied that they felt calm. Moreover, at the other three pilot sites comprehensive efforts were made to measure the physical, emotional and psychological well-being of the end-users, and to follow up these measurements over time. So it seems that the consortium made substantial efforts to protect and fulfil Article 35.

Step 6: Reconsider the working hypothesis

There does not seem to be strong evidence for governance in the form of co-construction. Rather, according to the deliverable studied, CommonWell appears to follow a consultation approach. Various stakeholders get involved, but despite some related mixed feedback the Consortium does not appear to question their own approach fundamentally, e.g. the predominant view that in principle, the suggested ICT services are good solutions at the pilot sites. It is interesting to see that this generally affirmative view on ICT as a solution for better health care services also appears in the original EC work programme to which the project responded, as is explained next.

Step 7: Contextualise the project's approach by comparing it to the related EC work programme[43]

The governance structure identified in CommonWell mirrors the expectations of the funder – the EC – to a significant degree. Most importantly, projects such as CommonWell funded under the related objective ("ICT for ageing well") are expected to provide evidence "*for* ICT

[43] The quotes in this section are based on the following source:
http://ec.europa.eu/information_society/activities/ict_psp/documents/cip_ictpsp_wp.pdf
p. 17, 19-20

investments in the field" of care for older people (emphasis added). It is even taken for granted that "[p]ilots *will* significantly raise the interest in take-up and replication of the solutions [introduced at the pilot sites]". This wording suggests that from the outset, a given project is not meant to challenge the very idea that ICT are the appropriate means for better care. In this sense, it is not too surprising that CommonWell appears to take a participatory approach akin to the Consultation governance model rather than the more radical (potentially more disruptive, more open-ended) Co-construction model.

Moreover, the EC work programme requires "the involvement of relevant stakeholders and industry players such as service providers", and a "strong involvement of users and their representatives throughout the whole duration of the pilot", to "ensure end-user acceptance and uptake". So the inclusive approach of CommonWell appears to be less a free choice of the Consortium than a prefigured policy mandate.

5.1.3 Summary

The summary of this and the subsequent four case studies is geared towards the four main questions of this deliverable (see section 3.1):

(1) When conducting their research and innovation activities, did the CommonWell consortium follow a participative approach by taking into account the needs and concerns of external stakeholders?
(2) If yes, to what extent and in which ways?
(3) Against the backdrop of the Charter of Fundamental Rights of the European Union, is there any ethical challenge that the consortium faced in the conduct of the project? If yes, how did the consortium deal with this potential ethical issue?
(4) To what extent and in which ways is the participative governance approach identified at the project level already implicit in the preceding EC call, i.e. the work programme 2007?

In principle, the governance of CommonWell can be characterised as 'participative' since the consortium used an array of established social science methods (survey, interviews, focus groups) to elicit different external stakeholders' experiences with the envisaged new technologies at all four pilot sites. This approach went beyond a mere technical orientation in the assessment of an innovative product, so it fulfilled one of the basic requirements for responsible innovation (see GREAT's D 2.3, parameter "assessment", p. 87).

However, it seems that the participatory approach was limited. Some stakeholders' views were taken into account by the consortium only indirectly: by eliciting information from *other* stakeholders speaking on their behalf. This is an example of everyday 'political' representation. Moreover, the consortium reinterpreted negative evaluation results (criticism of certain external stakeholders) in a rather favourable light. Overall, in the project documents the view that the suggested ICT services are good solutions for the social and health care provided at the pilot sites prevails. Thus, it may be argued that the CommonWell consortium did not follow a radical co-construction but only a consultation approach. It is

important to note though that we also identified a few instances of reflexive governance/collective learning.

In terms of potential ethical issues we discussed two different types of Articles of the Charter of Fundamental Rights. On the one hand, there is some evidence suggesting that the new technological services slightly infringed the rights of workers (Articles 27 and 31). However, this observation is limited to the Spanish pilot site. On the other hand, it appears that the consortium made considerable efforts to meet the requirements of Article 35, "Health Care". For instance, the consortium strove for measuring the health of the end-users at the three other pilot sites across various dimensions (physical, emotional, psychological), including follow-ups. Understanding better these and other project activities related to Article 35 would require a more comprehensive empirical analysis.

The features of the Consultation model identified at the project level mirror the expectations at the EC's programme level to a significant degree. The EC programme of 2007 did not foresee a radical questioning of ICT as a solution in the provision of care. The pilots were even supposed to promote the replication of the tested services elsewhere. At the same time, the programme placed great emphasis on involving many different stakeholders, including external ones such as, system users. This implies a strong (and interesting) tension between expected ICT adoption on the one hand and demand-oriented engagement of heterogeneous stakeholder on the other hand.[44]

5.2 Case 2: eSESH

5.2.1 Introduction

eSESH (Saving Energy in Social Housing with ICT)[45] is a completed project (2010-2013) that was funded under the theme "ICT for energy efficiency and environment" of the EC's CIP ICT PSP work programme 2009,[46] and was undertaken over a period of three years. The aim was to facilitate the reduction of energy consumption in social housing provided across Europe. This included the development and testing of "ICT-based services for Energy Management (EMS) and Energy Awareness (EAS)". These services were intended to help tenants with monitoring their individual consumption. Another aim was to support social housing providers as well as government (regional and national) striving to "optimise their energy-related policy and investment decisions". The overall goal was to meet European emission targets (reduction of energy consumption).[47] Pilot activities at ten sites in six countries were conducted, i.e. in France, Spain, Austria, Germany, Belgium and Italy. The consortium comprised 33 members. This number is nearly as high as in the case of SPOCS (34) which will

[44] This strong tension shows, for instance, in this EC requirement: "The proposed work should be clearly demand driven [...]. A strong involvement of users and their representatives is expected throughout the whole duration of the pilot in order to ensure end-user acceptance and uptake".
[45] http://esesh.eu/home/; 12-09-2014
[46] http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2009_v2_june_2009.pdf; 31-08-2014. Pages 25-27. eSESH was funded under the objective "ICT for energy efficiency in social housing"
[47] http://esesh.eu/fileadmin/eSESH/download/documents/eSESH_4pages.pdf; p. 1

be analysed in the next section.[48] The consortium was very diverse. For instance, it included representatives of regional governments; social housing providers; research institutes; energy producers, providers, and related intermediaries; and consulting firms.

Working hypothesis: The project followed the Standard model with a few elements of the Consultation model[49]

The envisaged services concerned various different stakeholder groups, including the parties already represented in the consortium but also tenants of social housing. The latter were important external stakeholders. They were crucial to the conduct of the project as the new monitoring systems had to be installed in tenants' homes ("More than 5,000 social housing tenants are to be given access to eSESH Energy Awareness and/or Energy Management Services in the pilots"). Accordingly, tenants had to be "recruited" for the pilot activities, "tenant surveys" were conducted, and "use cases" were defined.

However, the language used in basic project information remains rather technical and suggests that tenants were no key actors driving or significantly influencing the activities just mentioned. For instance, a 'typical' local work group ("pilot site teams") would not include tenants:

"Typically a pilot site team includes a social housing provider, an IT service provider responsible for the development and implementation of the web-based services and in some cases also a utility and energy provider."

Thus, the project appeared to follow the Standard governance model with a few elements of Consultation. It seems as if the needs and concerns of an important group of external stakeholders, the tenants of social housing, were taken into account only by way of one consultation activity (the survey). We test this hypothesis by analysing a "requirements" document (D 1.3, version 2) and the final report of the project since the terms "tenants" and "survey" are mentioned in these documents a few times. In order to find more supporting evidence for the related findings we will also selectively draw on other eSESH deliverables.

5.2.2 Analysis

Step 1: Identify at least one governance tool

A survey was conducted among tenants at all ten pilot sites, but the consortium also used interviews and focus groups (or "meetings") to understand tenants' requirements. These different means are similar to those used in CommonWell and may be considered governance tools because they reportedly shaped the further course of the project: They provided "input to the further design and implementation of eSESH services throughout the

[48] http://esesh.eu/partners/; 12-09-2014

[49] The quotes in this section are based on two documents briefly introducing the project ("project summary" and "project brochure"): http://esesh.eu/fileadmin/eSESH/download/documents/eSESH_4pages.pdf; http://esesh.eu/fileadmin/eSESH/download/documents/eSESH_project_summary.pdf; 12-09-2014. Accessible via http://esesh.eu/outputs/; 12-09-2014.

subsequent stages of the overall project".[50] So eSESH did not rely on a single social science method only (a survey), as supposed initially, but also other methods.

Step 2: Characterise the relationship between the governance tool(s) and the wider context

There are at least two different basic meanings of 'context' that applied to the governance tools (social science methods) used in this project.

Firstly, the term refers to the external stakeholders (tenants) at the ten pilot sites where project activities were conducted. In the design and use of the governance tool (social science methods) the consortium members responded significantly to the related local differences between the external stakeholders (tenants), and showed awareness of the need to correct the own expectations. This is exemplified by the subsequent quotes.[51] The wording implies that the consortium attempted to strike a balance between general features across all pilot sites and more specific requirements:

"In almost all pilot sites the generation of regular reports [...] on the energy consumption is seen as a strong requirement whereby most are satisfied with these reports being provided for download in the portal, other demand a paper-based version [...]. No one has an interest in sms-based reporting [...] Multilanguage support where the user is able to choose his/her preferred language is articulated in pilot sites with large numbers of tenants with migration background (Frankfurt, Angers, North Italy and Catalonia). [...] The expectation that tenants may be interested in the use of an online self assessment tool [...] did not reveal a positive response".

Secondly, the 'context' of the governance tool of social science methods also consisted of *other* theoretical and empirical knowledge related to energy consumption, different user groups and human-computer interaction. The consortium:

a) relied on survey data among social housing tenants in a preceding EU project (SAVE@Work4Homes);
b) conducted a review of academic and research-oriented literature on energy consumption behaviour and on different user groups such as, older people and people with impaired vision;
c) embedded an ISO standard on dialogue principles for human-computer interaction in the requirements for the new services.[52]

Together, these three sources made up the 'wider context' of the governance tool (social science methods directly targeting eSESH stakeholders). The latter became just one element

[50] For this general statement see:
http://esesh.eu/fileadmin/eSESH/download/documents/outputs/eSESH_D1.3.pdf; p. 9;
http://esesh.eu/fileadmin/eSESH/download/documents/eSESH_Final_Report.pdf; p. 21; 16-09-2014. Another deliverable includes detailed reports about prototype tests. For instance, at one of the three German pilot sites the test phase included questionnaires filled in by tenants, and it is reported that "this will be used for discussions within regular (monthly) Frankfurt project meetings". With regard to another German pilot site it is reported that the "assessment of the tenant feedback" allowed "optimisation" in terms of avoiding "jargon or unfamiliar terms" and using "non-technical language".
http://esesh.eu/fileadmin/eSESH/download/documents/eSESH_D4.2.pdf; p. 96, 201; 27-09-2014

[51] http://esesh.eu/fileadmin/eSESH/download/documents/outputs/eSESH_D1.3.pdf; p. 20

[52] http://esesh.eu/fileadmin/eSESH/download/documents/outputs/eSESH_D1.3.pdf; p. 9- 16

in a patchwork of different sources that in combination helped to tailor the envisaged technological services to the needs of the external stakeholders.

Step 3: Specify the purpose of the governance tool(s)

The purpose of the governance tool (social science methods addressing eSESH tenants directly) plus the other three sources was surely to tailor the envisaged new services to the needs of tenants. However, overall one finds also a tendency to present these and other project activities, and the project outcomes, in a favourable light, and perhaps too favourable. The following quote exemplifies this [emphasis added]:[53]

"The eSESH solution can be applied in *all* circumstances. Although internet penetration can be low in social housing and tenants are often elderly with little IT-literacy [which] is difficult, the housing providers managed to achieve savings by communicating well and co-ordinating efforts with other stakeholders including social services".

The last part of the quote – "co-ordinating efforts with other stakeholders including social services" – actually points to interesting ambiguities in what the consortium reports as "lessons learnt", which are discussed next.

Step 4: Identify any instance of reflexive governance/collective learning[54]

Similar to ImmigrationPolicy2.0, our fifth case study, the consortium of eSESH included a comprehensive section (18 pages) of "lessons learnt" and related "recommendations" in their final report. These were differentiated by (external) stakeholder group. For instance, the consortium suggested that in a future project "representatives of tenants" could "ask for meetings already at preparatory stage" in order to influence the design process of the envisaged new services. The representatives could also ask for the "involvement of an independent data privacy/security expert" since in eSESH "some tenants [had] expressed concerns regarding data privacy".

However, there was also tendency to not question the activities and outcomes of eSESH radically based on tenants' criticism. For instance, it was argued that "serious involvement in the project from an early stage onwards made it easier to *obtain buy-in also from sceptical tenants*" [emphasis added]. Moreover, those tenants who reportedly expressed concerns about data privacy and hence did not participate in the pilot studies were supposedly "not benefit[ing] from the savings enabled by the system". This is another instance of presenting the project in a rather favourable light, that is, in an optimistic way, as already argued in step 3 of this analysis.

Step 5: Identify at least one ethical challenge; analyse how the consortium dealt with this potential ethical issue

[53] http://esesh.eu/fileadmin/eSESH/download/documents/eSESH_Final_Report.pdf; 17-09-2014
[54] All quotes from this section are based on:
http://esesh.eu/fileadmin/eSESH/download/documents/eSESH_Final_Report.pdf; pp. 27-28

The concerns of some tenants regarding data privacy imply a potential infringement of the following Article of the Charter of Fundamental Rights of the European Union: Article 8, "Protection of personal data".[55] As discussed in the last section the eSESH consortium did not ignore this issue, which also shows in this quote from "first lessons learnt" at one of the French pilot sites:[56]

"We also had difficulties to have the approval of the tenants who thought that their private life would be analysed. Some tenants refused to sign the approval even though Moulin Habitat's team explained them the purpose of the project. That has proved that confidentiality is a very important part in the global project. No technical solution can solve this problem."

As mentioned previously, the consortium responded to this issue by providing "lessons learnt" for future projects, suggesting that future representatives of tenants might request that an independent data privacy or security expert joins the project. However, according to other empirical data already discussed in the previous section the consortium also showed a tendency to downplay, or reframe these potential ethical issues, and to present the project in a rather favourable light: the concerned tenants would "not benefit from the savings enabled by the system".

Interestingly, this reframing of tenants' concerns as missed opportunities (arguing that the use of the system would have been in their own interest) also points to another ethical value. This ethical value is actually a key driver of the eSESH project: to significantly reduce the consumption of energy in social housing across Europe. Ideally this would not only lead to reducing individual tenants' energy costs. It would also be a contribution to reaching the Union's emission targets. This matches Article 37, "Environmental protection", of the Charter of Fundamental Rights:

"A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development".

Thus, in the case at hand there appears to be an interesting tension between two ethical values – protection of privacy and protection of the environment.

Step 6: Reconsider the working hypothesis

Considering the project deliverables studied in greater detail eSESH was much more oriented towards external stakeholders' concerns and needs (tenants) than the basic project information the working hypothesis relied on suggested. Thus, it may be argued that in terms of its governance approach the consortium was not geared towards the Standard but a more participative governance approach. However, given the ambiguities discussed under step 4 (reflexive governance/collective learning) it may be argued that external stakeholders'

[55] http://www.europarl.europa.eu/charter/pdf/text_en.pdf; p. 10; 27-09-2014
[56] http://esesh.eu/fileadmin/eSESH/download/documents/outputs/eSESH_D5.2.pdf; p. 37; 27-09-2014

(tenants') needs and concerns were taken into account through consultation only, and not through a more open and radical co-construction.

It is worthwhile keeping in mind though that the project is very complex given its internal composition (more than 30 consortium members) and the high number of pilot sites (10). Thus, one may wonder whether a participative governance approach beyond consultation would be feasible given the perhaps increased need for internal coordination at the consortium level, as compared to smaller projects. This aspect will be reconsidered in the analysis of SPOCS which is also a very complex project with a large consortium.

Step 7: Contextualise the project's approach by comparing it to the related EC work programme[57]

The fact that the eSESH consortium presented its own activities and outcomes in a rather favourable light by focusing, for instance, rather on the "buy-in" of the envisaged new services by external stakeholders (tenants), and by shielding against the input of "sceptic" tenants, appears to be a response to certain phrases in the related EC work programme (2009). Pilot actions were supposed to "demonstrate" that advanced ICT can support the reduction of energy consumption ("peak-consumption and annual energy use") "by more than 15% under real conditions in European social housing". Delivering on the promise of such a significant reduction *and* operating under real conditions, in *different* countries, is surely a challenge for any project. How could a consortium "demonstrate" the success of the technologies that it envisaged at the outset of the project if these very technologies were profoundly questioned and rejected by their users over the course of the project? In a similar way, while the work programme included the expectation of a "strong involvement of users and/or their representatives [...] throughout the whole duration of the project", there was no related suggestion that such an involvement could or should lead to massive changes in the design and development of the envisaged technologies. On the contrary, the "strong involvement" was actually intended to "ensure a successful end-user acceptance". Finally, the comprehensive "lessons learnt" and "recommendations" provided by the consortium in the final report (see step 4 of the analysis) might have been a response to the EC's requirement to "produce reference material including guidelines [...] to enable relevant authorities and bodies to implement (or replicate) interoperable solutions."

In sum, the EC work programme to which the eSESH consortium responded did not suggest radical co-construction as governance approach at the project level, but it also did not expect a purely standard approach (given the expectation of user/stakeholder engagement).

5.2.3 Summary

Similar to CommonWell the consortium of eSESH followed a participative governance approach akin to the Consultation model. The related governance tool, a set of social

[57] The source for all the quotes in this section is: http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2009_v2_june_2009.pdf; pages 27-28; 07-09-2014

science methods (survey, interviews, focus groups) was used to take into account the concerns and needs of important external stakeholders, in this case tenants of social housing at ten pilot sites.

It is interesting that initially, basic project information available on both cases (CommonWell and eSESH) led to two different working hypotheses. The eSESH consortium did not report on its consultation activities with external stakeholders in their project summaries and overviews, whereas the CommonWell consortium demonstrated its stakeholder-oriented activities with ostentation. This difference has implications for an external observer, or reviewer, who tries to evaluate the responsible behaviour of both consortia. Different types of documents need to be read in rather great detail in order to develop a nuanced understanding of the 'actual' governance approach.

The eSESH consortium complemented the use of social science methods by a number of other sources: a former survey conducted by a previous EU project; a domain-oriented literature review; and information from an ISO standard for human-computer interaction. Similar to the social science methods directly targeting the external stakeholders of eSESH, the use of these three additional sources is a legitimate and established way of gathering context-specific knowledge in academia and application-oriented research. It may be considered a form of responsible behaviour.

The analysis of potential ethical issues in eSESH revealed an interesting tension. The project is clearly geared towards "Environmental protection" (Article 37 in the Charter of Fundamental Rights of the European Union"). Thus, it strongly responds to an important ethical value. However, this appears to be to the detriment of another important ethical value: the protection of personal data (Article 8). For instance, Cavoukian et al. (2010) discuss this dilemma and maintain that a pro-active approach based on 'privacy by design' principles is required: the expansion of "Smart Grid" technology would require equal attention to "SmartPrivacy".

We also provided examples showing that the Consultation governance model identified at the project level is to some degree preconfigured by the expectations formulated at the programme level (EC work programme 2009). This is another aspect that eSESH and CommonWell have in common.

5.3 Case 3: SPOCS

5.3.1 Introduction

SPOCS (Simple Procedures Online For Cross-Border Services)[58] is a completed project (2009-2012) that was funded under the theme "Preparing the implementation of the Services Directive" of the EC's CIP ICT PSP work programme 2008[59] and was undertaken over a period of three years. It aimed at the further implementation of the EU's Services Directive

[58] SPOCS 2014a: http://www.eu-spocs.eu/; 24-08-2014
[59] http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2008.pdf; 24-08-2014

targeting the removal of "legal and administrative barriers to trade in the services sector".[60] So-called "Points of Single Contacts" should be established, i.e. Internet portals providing service providers "at distance and by electronic means" with all the necessary forms and information needed to start a business in a foreign EU member state.[61] For instance, if an Italian tourist agency wanted to establish a branch in Germany, it would ideally find, and fill in, all the necessary forms online, provided through the German Point of Single Contact.

SPOCS has developed various technical procedures and formats supporting this transformation of national administrations from face-to-face and paper-based work to online operations across the EU. Compared to the other projects studied in this deliverable, this project is the most complex one in terms of consortium, budget and project activities. The consortium included 34 heterogeneous partners (e.g. ministries, universities, chambers of commerce, companies) from 16 EU countries, had a total cost of € 24 million (after enlargement), conducted pilot activities in eight countries and produced at least 67 deliverables plus further documents.[62] For instance, considering 40 deliverables alone that we could access through one website these have more than 2700 pages. Our analysis has drawn upon a small fraction of this massive project output.

A general consideration from this methodological problem is: the more complex a project, the more difficult it is to assess, and judge in terms of overall responsible behaviour. This is due to the high number of existing and usually legitimate formal job responsibilities of all consortium members. These are not likely to match, as every member represents a different organisation with its own requirements. And often such organisational requirements are manifold. When all these manifold individual responsibilities interact and need to be coordinated in order to reach overarching project goals the resulting complication and dynamics make it hard for any external observer to judge the project's conduct.

Working hypothesis: Standard model with a few elements of the Consultation model

At first glance, the Standard governance model appears to depict the empirical reality of SPOCS most suitably.[63] The project is presented in a very confident way ("SPOCS will provide seamless electronic services"); and the activities appear purely technical (e.g. provide "building blocks"; "develop an interoperability layer"), despite the fact that the envisaged technical measures actually imply the transformation or even erosion of existing national procedures, thus challenging the sovereignty of European states. Perhaps this is also why we also find some rhetoric that more appropriately matches the Consultation model. For example, "the technical specifications [...] have been subject to an open consultation among other stakeholders". Yet, a discourse akin to the Standard model prevails, suggesting that there is only one optimal way forward. More precisely, there are rhetorical elements of a

[60] http://ec.europa.eu/internal_market/services/services-dir/index_en.htm; 24-08-2014

[61] http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2008.pdf; p. 7; 24-08-2014

[62] http://www.eu-spocs-starterkit.eu/documents; 25-08-2014; http://www.eu-spocs.eu/index.php?option=com_processes&task=showProcess&id=18&Itemid=61; 25-08-2014

[63] http://www.eu-spocs.eu/; 24-08-2014

narrative of progress and modernization (everything gets better, bureaucracy is dismantled) and a slight educational tone:

"Why is SPOCS important for you?

- Administrative simplification and modernization
- Less red-tape
- Increased transparency
- Better online services
- Greater business opportunities in the public sector".[64]

In the next section we scrutinise this working hypothesis by analysing two deliverables from a work package that explicitly addresses the involvement of stakeholders: WP 6, Awareness Raising, Dissemination, Stakeholder Groups Engagement and Growing Communities of practice. We analyse D 6.1, "Establish a project website", and D 6.2, "Liaison schedule set out for all reference groups that are to be established".[65] In order to find more supporting evidence for the related findings we will also selectively draw on other SPOCS deliverables.

5.3.2 Analysis

Step 1: Identify at least one governance tool

SPOCS has established five so-called "reference groups" that are to be considered as governance tools since the consortium argues that the groups could "influence developments", i.e. the course of the project, and help in "boosting [the project's] performance".[66] Each reference group appears to include participants that "are not already part of the project" i.e. representatives of external stakeholders:[67]

[64] http://www.eu-spocs.eu/index.php?option=com_content&view=article&id=1:about-the-project&catid=1&Itemid=3; 15-09-2014

[65] http://www.eu-spocs-starterkit.eu/documents; 25-08-2014. The final report of SPOCS' WP 6 was not available at the time of conducting our analysis.

[66] http://www.eu-spocs-starterkit.eu/images/files/SPOCS_D6.2_Liaison_Schedule_set_out_for_all_Reference_Groups.pdf; p. 8; 25-08-2014. For instance, in terms of the project component "eDocuments" the SPOCS consortium reported in one of their deliverables (D 2.5) that a "close collaboration" with another Large Scale Project of the EC (PEPPOL) had been established, and that a number of standards and specifications of international standard-setting bodies such as ISO (International Organisation for Standardisation) had been taken into account. These two examples of "relations to external SPOCS environment" (quote from D 2.5) might have to do with the reference groups (2) and (3) in the above list. However, these two groups are not mentioned explicitly in D 2.5, so this is not yet form evidence for the reference groups' direct impact on project activities in SPOCS. http://www.eu-spocs-starterkit.eu/images/files/D2.5_eDocuments_%20Final%20Report_WP2_%201_0.pdf; pp. 16-17; 28-09-2014.

[67] http://www.eu-spocs-starterkit.eu/images/files/SPOCS_D6.2_Liaison_Schedule_set_out_for_all_Reference_Groups.pdf; p. 14. However, the list of five reference groups is presented here is based on the SPOCS' homepage (http://www.eu-spocs.eu/index.php?option=com_content&view=article&id=1&Itemid=42; 25-08-2014) which is likely to be more up to date than D 6.2. There is some incongruity between the reference groups mentioned in the two sources. The most relevant difference is related to the fifth group: in D 6.2 the envisaged group includes representatives from Technology and Process Experiments/Demonstrators, not Local Government.

(1) EU member states;
(2) other Large Scale Pilot Projects financed by the EC;
(3) IT Industry and Standards Bodies;
(4) Business Representatives and End Users;
(5) Local Government.

Step 2: Characterise the relationship between the governance tool(s) and the wider context

The consortium has a complex relationship with the wider context. So it cannot be classified easily in a taxonomic way. For instance, on the one hand, there are phrases that indicate that the project activities have been shielded against too much influence from the context; on the other hand, it seems that the consortium did open up their work to external criticism and hence a potential change of the course of the project. The following table lists examples (quotes) for both tendencies.[68]

Shield against wider context	**Open up to context**
External stakeholders are "encouraged" to "register to the [Web] portal [of SPOCS] so as to gain more privileges"	"Hold exploratory meetings with other LSP/infrastructure projects"
"Directly request knowledgeable stakeholders to participate in specific forums"	"Provide an ongoing responsive communications channel to/ from SPOCS to the PSC [Point of Single Contacts] contacts [of EU member states"
External stakeholders are "invited"	"Explore options" with Industry/Standard Setters related to technical procedures

Figure 4: ambiguous relationship of governance tool to context in SPOCS

The left hand side suggests that SPOCS has perhaps, in a subtle way, excluded certain potential stakeholders: by encouraging some, but not others; by considering some stakeholders more knowledgeable, and hence relevant, than others; by inviting some but not others (who thus may remain unaware of the project and hence cannot choose to participate). However, interestingly, the quotes on the right hand side *also* suggest a rather strong co-constructionist approach. In principle, "exploration" means that a meeting's outcomes are not preconfigured; and the aim of providing an "ongoing responsive communications channel" could suggest responsiveness, and hence a high respect for other stakeholders' concerns as explained by Pellizzoni (2004).[69]

[68] For the quotes see http://www.eu-spocs-starterkit.eu/images/files/SPOCS_D6.2_Liaison_Schedule_set_out_for_all_Reference_Groups.pdf; pages 9, 10, 35, 37, 40, 49; 25-08-2014

[69] There is at least one example indicating that the SPOCS consortium indeed collaborated with external stakeholders in a co-constructive way. According to the project deliverable D 3.4, ETSI (The European Telecommunications Standards Institute) "standardised" one SPOCS' technical components: "In course of the SPOCS project, the eDelivery Interconnect protocol was standardised by ETSI ESI as part of TS 102 640, sub-part 'REM-MD SOAP Binding Profile'. One of the backgrounds of this liaison was the fact, that ETSI already

Given this strong ambiguity it could be argued that SPOCS was contextualised in a limited, restricted sense. However, it is important to remember that SPOCS is a very complex project including a big consortium with many heterogeneous partners (i.e. different actors from different member countries), as explained in the introduction. Thus, it might have already been a challenge for the consortium to coordinate its own *internal* stakeholder requirements. The more complex a consortium is in terms of its composition, the harder it may be to engage further external stakeholders.

Step 3: Specify the purpose of the governance tool(s)

In terms of the purpose of the governance tool studied here, i.e. the five "reference groups" with external stakeholders, the observations and conclusions are similar to those in the last section. On the one hand, there are a few phrases suggesting that the groups are intended to govern the project on an equal footing with the consortium (see, for instance, the quotes in the left column of figure 5). On the other hand, many other quotes (see examples in the right column) suggest that the basic course envisaged by the consortium is not to be changed (because the "benefits" are clear); that the chosen participatory approach is rather a matter of building a good reputation; and that there is nothing else for the stakeholders to do but to come to terms with the project's suggested "solutions".[70]

Co-governance by external stakeholders	**Governance by Consortium (avoidance of obstacles)**
Groups have different "legitimate" interests	"[E]voke a positive image and a favourable reputation" of SPOCS
All parties involved in SPOCS "learn from each other", and hence new Communities of Practice are built	Groups help to "promote mutual understanding of the benefits that SPOCS will bring"
"Success will be measured in terms of the levels and depths of engagement achieved"	"The ultimate goal is for these stakeholders to take up SPOCS enabled solutions"

Figure 5: ambiguous purpose of governance tool in SPOCS

Quotes of the second kind as included in the right column prevail in SPOCS' documentation. Against this backdrop, the purpose of the governance tool seems mostly to overcome any obstacles to the course and outcomes of the project as envisaged by the consortium.

Step 4: Identify any instance of reflexive governance/collective learning

planned to improve the existing REM specification so far only covering SMPT/S-MIME based eDelivery, aiming to establish interoperability with the LSP http/SOAP-based e-Delivery concepts, initially PEPPOLs BusDox in view." http://www.eu-spocs-starterkit.eu/images/files/D3-4_eDelivery_eSafe_Final_report_WP3_v1-0.pdf; p. 25; 28-09-2014.

[70] For the quotes see http://www.eu-spocs-starterkit.eu/images/files/SPOCS_D6.2_Liaison_Schedule_set_out_for_all_Reference_Groups.pdf; pages 14, 22, 49; 25-08-2014

The last section included a quote suggesting that the consortium perceived the project as a joint learning process with external stakeholders (All parties involved in SPOCS "learn from each other"). This may also be seen in the following quote: the "guiding principle" of the consortium was to "avoid any tendency towards 'on size fits all' solutions".[71] Moreover, the discussion of the working hypothesis for the governance model followed in SPOCS included a phrase indicating that technical components may have been improved by consulting with member states and companies.[72] These are all explicit or implicit instances of learning and reflection on part of the SPOCS consortium.

However, there are also phrases that could indicate a lack of reflexive governance, or organisational learning in SPOCS. Consider in this regard the following abstract from the section "risk management" in the project's D 6.2:

Threat	Consequences	Measures	Chance	Impact	Risk
Industry Group fights the project	• Negative impact on uptake of project results • Break in circle of trust	• Increase participation of industry • Formulate common SPOCS framework backed by all partners • Pay due consideration to input received from Industry stakeholders	M	H	H

Figure 6: Risk management in SPOCS (adapted from original table)

According to this table, if a particular reference group, in this case the "Industry Group", "fights" the project, they may refuse to adopt the solutions suggested by the consortium. Trust in any further project activities may be diminished.

The envisaged related responses ("Measures") are interesting for our analysis. Would a mere quantitative approach, i.e. an "increase" in the participation of these or further industry stakeholders actually help? How exactly would this increase be realised? And would it not be also worthwhile, for instance, to reflect on the *ways* in which stakeholders have been involved so far, and to possibly experiment with new approaches? Could it be relevant

[71] http://www.eu-spocs-starterkit.eu/images/files/SPOCS_D6.2_Liaison_Schedule_set_out_for_all_Reference_Groups.pdf, p. 13; 25-08-2014

[72] "The technical specifications on eDocuments, Content Syndication, eDelivery, eSafe, eService Directories have been subject to an open consultation among other stakeholders- both the Member States and companies providing IT solutions." http://www.eu-spocs.eu/index.php?option=com_content&view=article&id=1&Itemid=42; 25-08-2014.

to investigate the *substance* of the divergences? The industry representatives may have had a number of concrete reasons for questioning the plans of the consortium. Furthermore, the envisaged measure of formulating a "common" approach "backed by all partners" leaves open *how* this common ground and backing may actually be achieved.

Based on these quotes we do not argue that there was a lack of reflexive governance or organisational learning in SPOCS; we have already found such instances in other project documents, as reported at the beginning of this section. We take the quotes in the project's risk management table rather as food for thought for further research: When researchers, innovators, developers etc. use the term "participation", to what extent do they open up this conceptual black box, and consider as well as scrutinise the many possible ways of participation (cf. Felt/Fochler 2010)? As Lenoble and Maesschalck (2011: 10) have argued, society and power are not "transformed by the sole fact" of authorities such as, a project's consortium, and external stakeholders "having been brought together". Instead, the details of the actual format, process and the content discussed during such meetings matter. Technological innovations may need to be adapted over the course of a project, provided there are sufficient financial resources and time.[73] Moreover, to what extent do researchers, innovators and developers reflect on the ways in which consent (a "common" ground, a backing "by all partners") has been achieved? Supposed consent may as well turn out to be just a facade of actually ongoing, important disagreement between different parties.

Step 5: Identify at least one ethical challenge; analyse how the consortium dealt with this potential ethical issue

SPOCS was aiming at the further implementation of the Services Directive. However, it seems that this Directive has been a "controversial piece of legislation"[74]. The controversies appear to be complex (e.g. Stelkens et al. 2012) and cannot be analysed completely; this section gives a glimpse of some relevant ethical dimensions.

On the one hand, it may be argued that SPOCS directly responded to the "right of good administration" in a positive way given one of its key objectives, that is, to remove legal and administrative barriers to trade in the European services sector. Ideally, the new Points of Single Contact, if established across the EU in a uniform fashion, would "allow[...]
Member States to share information *quickly* on services and recognition of qualifications" [emphasis added].[75] Service providers, or their individual representatives, could benefit from this increase in speed, which would imply improvements in line with Article 41: "Every person has the right to have his or her affairs handled [...] *within a reasonable time* by the

[73] This is a major practical obstacle for realising RRI: Many projects are likely to lack sufficient resources for a comprehensive, self-critical and flexible participatory approach.

[74] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/227069/2901084_SingleMarket_acc.pdf; p. 25; 28-09-2014.

[75] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/227069/2901084_SingleMarket_acc.pdf; p. 15; 28-09-2014.

institutions and bodies of the Union" [emphasis added]. Similarly, Article 15 appeared to be enforced: "Every citizen of the Union has the freedom to [...] exercise the right of establishment and to provide services in any Member State."

However, the Services Directive also implies that existing national administrative procedures were to be changed in numerous ways. One of the related problems is that such changes may affect certain member states more than others: [76]

"Administrative systems have to be established that may be more familiar to some Member States than others; the level of administrative and compliance burden has to be defined and some Member States may be more comfortable with it than others; and decisions may in practice impose economic costs more on some Member States than others. These trade-offs underlie much of the political debate around EU legislation and explain why measures designed to improve the collective European good can sometimes become bogged down in arguments about the detail between Member States."

It seems that such a potential 'discrimination' among member states is not explicitly discussed under any article of the Charter of Fundamental Rights. The Charter appears to focus mostly on the rights of *individuals,* which is also emphasized in the preamble: the Union "places the individual at the heart of its activities". However, the Charter also includes an Article on environmental protection which is not centred on individual needs (this Article 37 is key to eSESH, as explained in the last section). Moreover, Article 51, "Scope", appears to include some relevant related elements. The article emphasises that the principle of subsidiarity needs to be respected and that member states need to implement Union law "in accordance with their respective powers". Finally, the preamble includes a rather long sentence about the necessity to respect the "national identities of the Member States" and, more importantly for SPOCS, their authorities and internal administrations [emphases added]:

"The Union contributes to the preservation and to the development of [...] common values while respecting [...] the national identities of the Member States *and the organisation of their public authorities at national, regional and local levels*".[77]

How did the SPOCS consortium deal with this situation? Based on the preceding analytical steps we argue that SPOCS did try to account for the needs and concerns of members states to some extent. For a more nuanced picture a more comprehensive analysis of this project, and the (historical) discourses and administrative practices related to the Services Directive would be required, which is not feasible within the timescale of GREAT. Thus, we draw the following *provisional* conclusion: the SPOCS consortium had to strike a balance between two important ethical requirements that appear to be hard to reconcile. One the one hand, it needed to facilitate good (fast) administrative procedures for as many different European service providers as possible, helping them to be treated equally wherever they establish

76 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/227069/2901084_SingleMarket_acc.pdf; S. 21

77 http://www.europarl.europa.eu/charter/pdf/text_en.pdf; p. 8; 27-09-2014

their services. On the other hand, the Member States' own ways of ruling their territory also needed to be respected as much as possible.

Step 6: Reconsider the working hypothesis

We found many ambiguities that mitigate against a straightforward classification of this project. However, it seems that SPOCS has mostly followed the Standard governance model according to the analysis of related rhetorical elements in the project's D 6.1 and D 6.2. Yet, it is important to keep in mind that as a consortium, SPOCS includes a large number of heterogeneous stakeholders. Thus, to some degree the diversity of the context, and potentially conflicting views that may be hard to reconcile appear to be *internalised* already at the outset of the project, as they are reflected in the formal set-up of the consortium.

Step 7: Contextualise the project's approach by comparing it to the related EC work programme[78]

SPOCS' establishment of "reference groups" with external stakeholders clearly resonates with the expectations formulated in the original EC's work programme. The EC expected "dissemination actions" targeting EU member states "outside of the project". At the level of the SPOCS project, this directly matches the first of the five reference groups established by the consortium (see step 1 of our analysis). The EC also explicitly "encouraged" the building of two other groups of external stakeholders that we identified at the project level. While SPOCS opted for calling these groups "reference groups", the EC called such groups "steering and/or monitoring groups":

"Participation of industry as solution providers is encouraged as well as the involvement of EU/international standardisation bodies. [...] Mechanisms such as steering and/or monitoring groups could be put in place involving MS [EU member states], solution providers and relevant stakeholders outside the consortium".

Moreover, the urge for consensus among all actors involved, as well as the ambiguity that we identified at the project level is antedated in the work programme at the programme level: the tendency to open up the project to the wider context of external stakeholders, but also to shield against it. Actually the work programme includes high expectations that appear to be difficult to be reconciled by a given consortium. This complexity shows in the following details: First, EU member states *cannot but accept* the establishment of online "Points of Single Contact".[79] Second, the project to be funded must comply with the related EU policy (i.e. the Services Directive suggesting such online portals), and it is also urged to meet all the national requirements of the different states participating in the project.[80] Third,

[78] The quotes in this section are based on the following source: http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2008.pdf; pages 7-9; 27-08-2014

[79] "The Services Directive requires the establishment of 'Points of Single Contact' [...] in each MS [EU member state]".

[80] The implementation of the Services Directive is expected to "be based on: [...] compliance with the EU legal framework, in accordance with the national implementation of the framework".

the project to be funded is supposed to not only reach consensus within the consortium, but even outside with external stakeholders.[81]

Taking all these aspects together a consortium applying for funding appears to be under a considerable strain, it faces the task of squaring the circle. It seems as if the sovereignty of all *different* EU member states must be preserved while the EU policy undermining these sovereignties *also* needs to be fully respected.

Thus, this looks like a very complicated, tense macropolitical situation built into an EC work programme that any project may find very hard to deal with. Thus, it is not surprising that SPOCS may have 'only' realised a governance approach according to the Consultation or even the Standard Model, and not the more radical Co-construction model.

5.3.3 Summary

Compared to CommonWell and eSESH the governance approach that the consortium of SPOCS took is more akin to the Standard governance model. The consortium had established five formal groups with external stakeholders that were intended to open up the project activities to the wider context, and to allow for a more decentralised governance structure (co-governance by external stakeholders). Yet these instances of participative governance contrast with the tendency to shield the project against too many external influences, and to push for acceptance of the envisaged technological innovations.

This very ambiguous situation at the project level is clearly mirrored in the wording of the original work programme (2008) at the EC policy level. The EC did not only expect the engagement of many different external stakeholders but also consensus among certain macro actors that would find it principally hard to accept the envisaged technological changes: national authorities. A very complicated, tense macropolitical situation was built into the work programme by asking a consortium applying for funding to ensure the realisation of *supra*national standard procedures (of the EU) *and* the fulfilment of *national* requirements. The latter must have varied significantly given that there are 28 EU member states. Any project consortium must have found it hard to deal with such contradictory requirements.

In terms of ethical challenges SPOCS appeared to face a tension between two ethical requirements. On the one hand, the consortium needed to respect the freedom to "provide services in any Member State" and the "Right to good administration" (Article 15 and 41 in the Charter of Fundamental Rights), which in the case at hand meant to ensure that as many different service providers as possible profit from the same good (fast) administrative procedures, wherever they wish to establish their business in Europe. On the other hand, there was a need to account for persisting differences in Member States' existing administrative procedures as implied by the Charter's preamble (respect for national public authorities), and perhaps also Article 51, "Scope". This is a provisional conclusion though. In

[81] Member states and other stakeholders are to be engaged "with a view to gaining the widest possible consensus on common specifications".

order to understand to what extent this tension actually mattered in SPOCS, and how the consortium dealt with this tension would require a more comprehensive analysis of the discourse and practices related to the Services Directive; and perhaps also of other EU legislation.

SPOCS is an example of a very complex project which also shows in its internal composition. The high number and heterogeneity of contracted partners appears to be a response to the macropolitical tensions built into the EC work programme. It is likely that complex consortia such as SPOCS spend a lot of time on coordinating the different requirements and related existing responsibilities of their internal stakeholders (consortium members), and that they find it harder to integrate further external stakeholder requirements.

5.4 Case 4: DIEGO

5.4.1 Introduction

Diego (Digital Inclusive e-Government)[82] is a completed project (2010-2012) that was funded under the theme "ICT for government and governance of the EC's CIP ICT PSP work programme 2009,[83] and was undertaken over a period of two and a half years. The aim was to extend e-Government services to citizens, especially "elderly, people with disabilities or people with lack of user skills", facilitating their communication with public authorities related to health services, libraries and other administrative services.[84] Some of DIEGO's subgoals were to create "citizen-oriented" ICT interfaces that would increase citizens' participation in e-Government services; and to develop "a more citizen-driven offer" of public services, i.e. more "personal and proactive services".[85] Thus, DIEGO intended to both empower citizens and public administration providing more citizen-oriented services.[86] The project conducted seven pilot studies in five countries: two in Spain; two in Italy; one in Cyprus; one in the UK; and one in Ireland.[87] The consortium comprised 11-13 members from 6 EU member states: Italy, United Kingdom, Spain, Greece, Cyprus and Ireland.[88]

Working hypothesis: Elements of Standard model, but also of more participatory approaches (Consultation, even Co-construction)

[82] http://www.diego-project.eu/; 31-08-2014
[83] http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2009.pdf; 31-08-2014
[84] http://www.diego-project.eu/index.php?option=com_content&view=article&id=142&Itemid=178&lang=en; 31-08-2014
[85] http://www.diego-project.eu/index.php?option=com_content&view=article&id=67&Itemid=125&lang=en; 31-08-2014
[86] http://www.diego-project.eu/index.php?option=com_content&view=article&id=67&Itemid=125&lang=en; 31-08-2014
[87] http://www.diego-project.eu/index.php?option=com_content&view=article&id=131&Itemid=128&lang=en; 31-08-2014
[88] The number of consortium members slightly varied depending on the source considered. According to the EC's CIP ICT PSP project website, it was 11; according to the project's first newsletter, it was 12; and according to a particular deliverable, and additional information to be found on the project's website, it was 13. http://ec.europa.eu/information_society/apps/projects/factsheet/index.cfm?project_ref=250451; http://www.diego-project.eu/files/newsletterDiego1_EN.pdf; 31-08-2014.

Basic project information includes a mixed discourse related to the governance approach followed in this project. There are elements of the Standard Model, but also of more participatory approaches (Consultation, Co-construction). On the one hand, for instance, the consortium appeared to be completely convinced of the improvements in administrative services brought about by DIEGO; and that a change process from paper-based and face-to-face interaction to online communication actually implied an improvement in the "quality of life" of "ALL citizens" (emphasis in the original).[89] This matches one of the characteristics of the Standard model. It appears that the consortium members regarded themselves as sufficiently knowledgeable in terms of the needs of all kinds of different external stakeholders, and empirical situations (which may in reality vary significantly from pilot site to pilot site; DIEGO had seven of these.) On the other hand, the project presents itself in rather non-technical, everyday language (and in this way it differs, for instance, from SPOCS), and it invites the homepage's visitor to ask questions, provide feedback and join the "Network of Interest" in bold text and simple language.[90]

In the next section this working hypothesis of a mixed governance approach is scrutinised by analysing the only deliverable that appears to discuss ethical issues explicitly: D 6.1, "Ethical Guidelines and Legal issues".[91] In fact, among the five cases studied DIEGO is the only project that has a publicly available deliverable including the term "ethical" in the title. None of the other four consortia – eSEHS, ImmigrationPolicy2.0, CommonWell and SPOCS – has produced a deliverable explicitly concerned with 'ethical' (or 'moral') issues. Apart from D 6.1 the analysis also draws on examples from another deliverable (D 4.5, "Post-Implementation review")[92] which provides more insights into relevant ethical issues, and how the consortium dealt with these (step 5 of the subsequent analysis).

5.4.2 Analysis

Step 1: Identify at least one governance tool

The deliverable selected for the analysis suggests that the document served as a reference for steering the project in an ethical way ("ethical guidelines"). Within the document an "Ethics Advisory Group" is discussed, which is the governance tool considered more closely in the next sections.

[89] http://www.diego-project.eu/; 31-08-2014: "DIEGO platform improves the citizens' quality of life by making administration electronic services easier for ALL citizens, with special attention to the elderly people with disabilities or people with poor IT skills."

[90] http://www.diego-project.eu/index.php?option=com_content&view=article&id=133&Itemid=125&lang=en; 31-08-2014: "Are you interested in being part of the DIEGO platform? You can ask questions and provide your feedback through the Network of Interest. Join DIEGO Network!". See also: http://www.diego-project.eu/index.php?option=com_content&view=article&id=132&Itemid=125&lang=en; 31-08-2014. Given the methodology of this deliverable (document-based case study) it cannot be elicited though to what extent and in which ways this more participatory attitude was actually realised in practice (e.g. whether and how exactly external queries were actually processed by the consortium).

[91] http://www.diego-project.eu/public/DIEGO_D6.1.pdf; 31-08-2014

[92] http://www.diego-project.eu/files/DIEGO_D4_5_PIR.pdf; 29-09-2014

Step 2: Characterise the relationship between the governance tool(s) and the wider context

The Ethics Advisory Group did not include any members other than consortium partners, so it appears to be decoupled from the wider context. However, the group also appeared to rely on a team of additional advisors ("Information Governance Team") that had been employed by one of the consortium partners (Cambridgeshire County Council) for dealing with their own citizens' requests related to data protection.[93] Indirectly the Ethics Advisory Group might thus have profited from a broader discussion of ethical issues that a given public administration faces on a daily basis. Second, the group was part of a formal procedure for "solving ethical challenges found during the project".[94] In this process the Ethics Advisory Group was supposed to issue a binding statement (a solution) in response to ethical issues faced by consortium members, for instance, at pilot sites. However, the Ethics Advisory Group's power appears to be rather limited, according to the formal procedure explained in DIEGO's deliverable 6.1. Apparently it was up to others in the project to decide whether the Group would get involved in any ethical discussion in the first place: The "affected Work Package leader, WP 6 leader and the Coordinator" would "determine whether the Ethical Advisory Group should issue a statement". This mechanism might have deprived the ethical committee of its power.

In sum it may be argued that the Ethics Advisory Group was not completely decoupled from the wider context, as suggested initially, but contextualised to a limited extent only. Further data suggests that the Group faced a very complex task in dealing with a particular type of context: the *legal* context. This is explained next.

Step 3: Specify the purpose of the governance tool(s)

The purpose of the Ethics Advisory Group of DIEGO is explained in the project's deliverable "Ethical Guidelines and Legal issues". Despite its title the document mostly explains EU and national laws and rules relevant for the project. The Ethics Advisory Group was supposed to monitor whether the project participants actually adhered to all these legal requirements.[95]

The empirical data suggests that DIEGO's legal context was very complex, and that the latter implied many embedded responsibilities, including ethical ones. The project aimed at complying with various EU directives (e.g. for the protection of privacy in electronic communications);[96] with the ways in which these are actually implemented in EU member states (this might apply to the six countries where DIEGO conducts pilots); and with numerous national rules. For instance, in terms of the UK pilot site alone 22 legal rules

[93] http://www.connectingcambridgeshire.co.uk/privacy-policy/; http://www.jobsgopublic.com/jobs/information-governance-officer-co268/from/l6ut00szdt410/45/of/85/title/asc; http://www.diego-project.eu/public/DIEGO_D6.1.pdf, p. 4; 01-09-2014

[94] http://www.diego-project.eu/public/DIEGO_D6.1.pdf, p. 16; 01-09-2014

[95] See, for instance, pages 11, 12 and 16 in the deliverable. http://www.diego-project.eu/public/DIEGO_D6.1.pdf, 01-09-2014

[96] http://www.diego-project.eu/public/DIEGO_D6.1.pdf; p. 5

("acts", "regulations") are listed. Countless responsibilities are implied in these and the other countries' legal frameworks which are partly quoted in the deliverable. Consider, for instance, the following quote from the Italian framework about handling personal data, which at the same time may be considered an ethical issue. The deliverable includes many more such legal-ethical descriptions for this and the other pilot countries:

> **Information to Data Subjects (art. 13):**
> The data subject as well as any entity from whom or which personal data are collected shall be preliminarily informed, either orally or in writing, as to: a) the purposes and modalities of the processing for which the data are intended; b) the obligatory or voluntary nature of providing the requested data; c) the consequences if (s)he fails to reply; d) the entities or categories of entity to whom or which the data may be communicated, or who/which may get to know the data in their capacity as data processors or persons in charge of the processing, and the scope of dissemination of said data; e) the rights as per Section 7; f) the identification data concerning the data controller and, where designated, the data controller's representative in the State's territory and the data processor. If several data processors have been designated by the data controller, at least one among them shall be referred to and either the site on the communications network or the mechanisms for easily accessing the updated list of data processors shall be specified. If a data processor has been designated to provide responses to data subjects in case the rights as per Section 7 are exercised, such data processor shall be referred to.

Figure 7: Examples of detailed legal responsibilities in DIEGO (fragment from deliverable)

The first sentence alone includes more than six detailed responsibilities for dealing with personal data, from a) to f).[97]

A document-based case study such as the one presented in this deliverable cannot tell whether the legal-ethical responsibilities just described were *effectively* taken during the implementation of the project. However, the point is that expecting a project to cope with such codified responsibilities *alone* is already a challenge, given both the volume and the intricacies of legal jargon. Understanding and dealing with legal complexity is a comprehensive task for any international project concerned with ICT-based research and innovation processes across different pilot sites. It is important to acknowledge this practical challenge. Many consortia may lack sufficient time and resources for considering any *further* normative or ethical issues beyond those that are already incorporated in legal rules.

Step 4: Identify any instance of reflexive governance/collective learning

It seems that the project was mostly geared towards legal requirements as explained previously. The empirical data includes only one hint to reflexive governance: the readiness to change the processing of data once new EU directives are put in place.[98] As explained in

[97] Actually the sentence lists more than six responsibilities, as some of the points, such as d), include more than one action required of the project partners ("...*and* the scope of dissemination of said data").
[98] "DIEGO Consortium will be also watchful about new incoming directives promoting data protection in order to be ready to adopt/adapt any necessary lawful processing of data." http://www.diego-project.eu/public/DIEGO_D6.1.pdf, p. 14

step 2, DIEGO also had a formal procedure for "solving ethical challenges found during the project". Apart from these two instances there is no further indication for reflexive governance or collective learning.

Step 5: Identify at least one ethical challenge; analyse how the consortium dealt with this potential ethical issue

At least three Articles of the Charter of Fundamental Rights of the European Union, and the ethical requirements they imply, are relevant in the case of DIEGO. The preceding analysis showed that the responsible handling of personal data is an important issue. In the Charter these rights are summarised under Article 8, "Protection of personal data".[99] Moreover, DIEGO's target groups for the new envisaged IT services were older people, people with disabilities and people with lack of IT user skills. Thus, in principle the consortium aims at complying with Article 25, "The rights of the elderly", and Article 26, "Integration of persons with disabilities".[100]

According to the project deliverable analysed so far as well as the final deliverable of the project (D 4.5 Post Implementation Review)[101] all three types of ethical requirements have been respected by the consortium. A very positive tone in the assessment of the IT services according to all three dimensions prevails as the following quotes exemplify:[102]

"[Users have not shown any worries about privacy or security issues during the utilization of the platform" (Italian pilot site)

"[O]nly the 7% from all Pilots felt that their data maybe insecure inside DIEGO platform. We consider this percentage is very low and the fact that the 93% would feel comfortable of sending personal information though DIEGO platform is an important success for a relatively new solution to the market." (Conclusion for all pilot sites)

"DIEGO has addressed in Quart de Poblet different audiences/groups, among them elders, women, third sector associations, unemployed people, people with disabilities, etc."(Spanish pilot site)

[99] This article comprises the following rights:
"1. Everyone has the right to the protection of personal data concerning him or her.
2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
3. Compliance with these rules shall be subject to control by an independent authority."
http://www.europarl.europa.eu/charter/pdf/text_en.pdf; p. 10; 29-09-2014

[100] The two Articles comprise the following rights:
Article 25: "The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life".
Article 26: "The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community." http://www.europarl.europa.eu/charter/pdf/text_en.pdf; p. 14; 29-09-2014

[101] http://www.diego-project.eu/files/DIEGO_D4_5_PIR.pdf; 29-09-2014

[102] http://www.diego-project.eu/files/DIEGO_D4_5_PIR.pdf; pp. 20, 37, 71; 29-09-2014

Reportedly only a few problems occurred during the project, and the consortium argues that these have been addressed successfully (see first of the two subsequent quotes). Alternatively the reported issue is not followed up any further in the subsequent sentences (see second quote):[103]

"As promised [the consortium partners] Interfusion and Pafos implemented two-way transactional personal services despite the experience of some problems [...] like privacy issues etc. Pafos over passed these problems and implemented these services, placed them in their website and afterwards we enhanced them in the pilot as personal services (URL type)."

"About the user friendliness, people think that the information is easy to find and to understand, although elderly users have some difficulties in using the platform because of their inability to use computer and other modern devices. DIEGO platform runs quickly and without problems, so people can safe time." (Italian pilot site)

Altogether this is a rather optimistic account of potential ethical issues; perhaps more (self-)criticism would have been more appropriate. Consider, for instance, the overall conclusion that "only" 7% of all users of the new services at the pilot sites doubted that their personal data are treated in a sufficiently safe, secure way. It could have been worthwhile to follow up on this feedback, and to identify or at least discuss any potential security holes more proactively. Furthermore, it could have been worthwhile to consider the three main target groups – older people, people with disabilities and people lacking IT user skills – in a more differentiated way: For instance, what was the actual age group of older people like? Perhaps a 61-year-old person has different abilities and needs than an 85-year-old one? And wouldn't it matter what kind of disability somebody has? Even if the given project time and resources of DIEGO did not allow for conducting such more fine-grained assessments the consortium could have made the actual heterogeneity of the targeted user groups more explicit.

Step 6: Reconsider the working hypothesis

We cannot find any explicit discussion about whether, in which ways and to what extent stakeholder groups got involved in the steering of DIEGO. Moreover, according to D 6.1 the project's Ethical Advisory Group (governance tool) included only consortium members. This suggests that the project followed the Standard governance model.[104] However, as explained in the previous sections 'Standard' in this case means that the project also had to cope with a very complex legal-ethical environment.

[103] http://www.diego-project.eu/files/DIEGO_D4_5_PIR.pdf; pp. 37, 54, 29-09-2014

[104] However, other deliverables that we could not study in the given time frame of our analysis may show elements of a more participatory approach, and also informal practices of the consortium could have included engaging external stakeholders without reporting this with ostentation.

Step 7: Contextualise the project's approach by comparing it to the related EC work programme[105]

Similar to the other projects that we have analysed so far, the CIP ICT PSP work programme formulated various expectations, and hence responsibilities for a project to be funded under the objective "Inclusive eGovernance". DIEGO tried to address a number of these requirements. For instance, DIEGO's establishment of a "Network of Interest" (see introduction) responds to the following "condition" formulated in the work programme: "The pilot will have a networking activity open to any interested stakeholder". Moreover, the project's elaboration on the legal-ethical context (see step 3 of our analysis) appears to respond to the following "condition" [emphasis added]: "The pilots will have to address *legal*, administrative and protocol issues related to the real working and operational conditions within that specific delivery and social environment context".

5.4.3 Summary

DIEGO had an Ethics Advisory Group that was contextualised only to a limited extent because it included no external stakeholders and depended significantly on other consortium members' decision making power (project coordinator, WP 6 leader and other WP leaders). In this regard the DIEGO consortium followed mostly the 'Standard' governance model. This implies little participative governance.

However, this case study also shows that there is very much responsible behaviour required by law. DIEGO may have been mostly driven by laws, and not so much by further ethical considerations that would go beyond those already inscribed in national jurisdictions (cf. GREAT Analytical Grid report, section 6.2). However, in practice legal rules include numerous prescriptions for conducting pilot activities. Legal rules also incorporate ethical considerations such as, many codified expectations of how to handle personal data. It may be argued that international ICT-based projects such as DIEGO and other CIP ICT PSP projects that were operating at different national pilot sites were burdened with making sure that the project activities comply with all the different local legal-ethical rules. It may be difficult for a given consortium that has only limited time and resources to even go beyond such comprehensive legal-ethical considerations and to take a 'more' participative governance approach.

In terms of ethical challenges the analysis revealed that at least three Articles of the Charter of Fundamental Rights are relevant in the case of DIEGO: Article 8, "Protection of personal data"; Article 25, "The rights of the elderly"; and Article 26, "Integration of persons with disabilities". The consortium provided a very positive overall picture: supposedly no major privacy issues emerged during the project, and older people as well as people with disabilities supposedly profited from the new services. This portrayal of the project's impact

[105] The quotes in this section are based on the following source: http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2009.pdf; pages 22-23; 31-08-2014

is perhaps too optimistic, especially since the two heterogeneous groups were not differentiated any further (different age groups, different types of disabilities).[106]

The EC work programme of 2009 to which the DIEGO consortium responded anticipated this legal complexity to some degree although the word 'ethical' was not included in the programme's text (or alternative expressions such as, 'moral'). As is true for the other work programmes studied in this deliverable the programme included many expectations to be met by a funded project. Some examples of how DIEGO coped with these requirements were provided in the previous section.

5.5 Case 5: ImmigrationPolicy2.0

5.5.1 Introduction

Immigration Policy2.0 (Participatory Immigration Policy Making and Harmonization based on Collaborative Web 2.0 Technologies)[107] is a completed project (2010-2013) that was funded under the theme "ICT for government and governance" of the EC's CIP ICT PSP work programme 2009,[108] and was undertaken over a period of three years. The aim was to develop ICT-based services for the "collaborative development of immigration policies".[109] For instance, the objective was to build an Internet platform that would enable migrants to receive information on immigration policies, "evaluate various migration related proposals", "provide feedback" and "record [...] their opinions, problems and anticipations".[110] The project tested the new systems and services at six pilot studies in six countries (Serbia, Spain, Italy, Greece, Germany and Estonia). The consortium consisted of seven members, including such diverse partners as a university (applied and basic research), a local government (municipality) and a large European company (*Societas Europaea*) providing technological services and consulting.

Working hypothesis: The project followed the Co-construction model
ImmigrationPolicy 2.0 aimed at transforming current policy-making on immigration in the EU into a more collaborative enterprise of many different stakeholders. Basic project information suggests that this goal also applied to its own governance approach. The consortium argued that the new ICT tools would be developed by accounting for existing ways of policy making, "while at the same time focusing on *reshaping* these processes in

[106] This conclusion is based on two DIEGO deliverables that we analysed in greater detail. A more time-consuming analysis of further deliverables, and a different methodology (e.g. semi-structured interviews with project participants revealing undocumented practices) could provide counter-evidence.
[107] http://www.immigrationpolicy2.eu/; 02-09-2014
[108] More specifically, ImmigrationPolicy2.0 was funded under "Objective 3.5: e-Participation – empower and involve citizens in transparent decision-making in the EU".
http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2009.pdf; 31-08-2014. Pages 24-25.
[109] http://www.immigrationpolicy2.eu/aboutus; 02-09-2014
[110] http://www.immigrationpolicy2.eu/Solution_and_Services; 02-09-2014

order to ensure active participation from *all* stakeholders" [emphasis added].[111] The consortium also produced a number of deliverables with titles indicating strong end-user and stakeholder orientation: D 1.1, End User Requirements;[112] D 7.3a, Interim Evaluations from Legal Residents' and Stakeholders' Point of View;[113] and D 7.2b, Final Report on Pilots and the Evaluation from Legal Residents' and Stakeholders' Point of View.[114] These three deliverables contain together more than 300 pages, and they have actually been produced at different points in time throughout the project: D 1.1 in March 2011; D 7.3a in December 2012; and D 7.2b in November 2013.

These features suggest a governance approach clearly reflecting the Co-construction model. However, the consortium also conducted "training seminars" related to the new envisaged information platform (D 5.3, Training Seminars, Materials and Documentation).[115] The subsequent analysis will focus on these seminars, for the following reason: To "train" somebody implies that the trainer knows more than the trainee. If a given trainer actually perceives him or herself as an authority, or superior expert, by providing the new knowledge in the form of a one-way communication, the project activity would follow the Standard governance model. However, a training can also be conducted in a much more collaborative way, and be open-ended. This would correspond to the Co-construction governance model.

5.5.2 Analysis

Step 1: Identify at least one governance tool

The training activities conducted on ImmigrationPolicy2.0 appear to be a participatory governance tool for the following reason: They are not only described as a means for "initiating and facilitating" the usage of the new envisaged platform, but also for "gathering feedback" on the new technology.[116] Such feedback has been integrated in a later report (D 7.3a, Interim Evaluation) which concludes that "a lot of effort [still] needs to be put [...] in

[111] http://www.immigrationpolicy2.eu/aboutus; 02-09-2014

[112] http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d1.1_end_user_requirements_v1.1.pdf; 06-09-2014

[113] http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d7.2a_interim_evaluation_from_legal_residents_and_stakeholders_point_of_view_v1.3.pdf; 06-09-2014

[114] http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d7.2b_final_report_on_pilots_and_the_evaluation_from_legal_residents_and_stakeholders_point_of_view.pdf; 06-09-2014

[115] http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d5.3_training_seminars_materials_and_documentation_v1.1.pdf; 06-09-2014

[116] http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d5.3_training_seminars_materials_and_documentation_v1.1.pdf; p. 6

[the] development of the platform to suit better to the needs of the users".[117] This indicates that the training activities in the middle of the project served not only to 'impose' a given technology, and how to use it, but also to reconsider the subsequent project activities and to redesign the platform.

Step 2: Characterise the relationship between the governance tool(s) and the wider context

It seems that the training activities responded significantly to the wider context outside the consortium in a number of ways. For instance, the sessions were conducted at all six national pilot sites of the project (Estonia, Germany, Greece, Italy, Serbia, and Spain) which implies a rather high coordination effort at the level of the consortium.[118] The training material was not only provided in the related national languages, but also in English, Russian and Chinese, in order to meet better the heterogeneous needs of the potential users. Reportedly these were a range of different stakeholders, for instance, staff of local or national public authorities, representatives from civil society organisations such as, charity-oriented migrant organisations,[119] and "legal residents" with a "migration background".[120] The training material also included evaluation reports for the trainees to judge the systems and services.

Step 3: Specify the purpose of the governance tool(s)

The empirical data suggests that the training sessions were indeed designed to engage external stakeholders in the project in a rather proactive way (instead of for instance regarding trainees as passive recipients of fully predefined information). The training sessions were part of the pilot operations "dedicated to the active involvement" of potential users of the new systems and services. The idea was to facilitate their usage, but also, as mentioned previously, to gather feedback for potential adaptations ("providing a [...] user-friendly second version" of the platform). The consortium intended to approach different types of users and to cover further topics in the training such as, economic issues, "if users reveal reasonable interest". Reportedly this relatively responsive and proactive approach

117 http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d7.2a_interim_evaluation_from_legal_residents_and_stakeholders_point_of_view_v1.3.pdf; p. 49

118 For example, a schedule for training the respective national (local) trainers was arranged. We interpret this as way of dealing with the complexity of six distinct pilot sites: the consortium members cannot train local people directly, as this would imply a massive workload. Instead, they train trainers to obtain leverage for their work at the smaller consortium level.

119 For instance, in terms of the Spanish site the "migrant organisations" included various "fundaciónes" (trusts, charities); see Final Report on Pilots (D 7.2b). http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d7.2b_final_report_on_pilots_and_the_evaluation_from_legal_residents_and_stakeholders_point_of_view.pdf; p. 95

120 http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d5.3_training_seminars_materials_and_documentation_v1.1.pdf; pages 6-7

was "[i]n line with the [project's] aim of initiating bottom-up policy development processes".[121]

Step 4: Identify any instance of reflexive governance/collective learning

The training activities were intended to "initiate a cooperation dynamic" among all external stakeholders participating as trainees, but the data suggests that this collaborative approach did not include the consortium members.[122] Thus, in this regard collective learning was limited: the consortium shielded against too much external influence.

However, in terms of project activities more generally the Final Report on Pilots (D 7.2b) shows various instances of the consortium reflecting on mistakes in the planning and subsequent conduct of the project. These critical reflections are reported in sections called "barriers and solutions", and "lessons learnt and recommendations" [emphases added]:[123]

"Our pilot operations showed that the platform does not totally meet the current needs of the immigrants. This leads us to the following conclusions:

- User's involvement into *all design stages* ("living lab" approach): It is important to involve potential users *in the whole process* [...]
- It would have been very positive to develop user-oriented material [...] *as early as possible* for user acquisition [...]
- It might have also helped if the key stakeholders from different countries *would have once met face to face to discuss and decide* how the service should look like. An intermediate international workshop would have been a good chance for this meeting."

These and other statements show that the consortium became aware of the need for early and repeated engagement of different external stakeholders (system users such as, migrants and national public authorities) and of a missed opportunity for deliberation among stakeholders ("meet face to face to discuss and decide"). The deliverable includes further instances of self-criticism, honesty and realism (e.g. "Given the very high complexity and tough challenges the pilot had to face, there is still room for improvements").[124]

Step 5: Identify at least one ethical challenge; analyse how the consortium dealt with this potential ethical issue[125]

121 http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d5.3_training_seminars_materials_and_documentation_v1.1.pdf; p. 6, 23

122 http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d5.3_training_seminars_materials_and_documentation_v1.1.pdf; p. 23

123 http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d7.2b_final_report_on_pilots_and_the_evaluation_from_legal_residents_and_stakeholders_point_of_view.pdf; pages 124-130; 16-09-2014

124 http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d7.2b_final_report_on_pilots_and_the_evaluation_from_legal_residents_and_stakeholders_point_of_view.pdf; p. 130

125 This section includes various quotes from the Charter of Fundamental Rights of the European Union which are to be found on pages 9 and 12 in: http://www.europarl.europa.eu/charter/pdf/text_en.pdf; 30-09-2014

Compared to all other projects ImmigrationPolicy2.0 appeared to be governed in the most co-constructive way. Yet there is one basic feature that may be considered an ethical issue: per definition, only *legal* immigrants were invited to participate in the training sessions and in the project overall. This could imply that certain other kinds of migrants, including those awaiting right of residence, or in the process of seeking asylum (refugees), would not get involved in the project and hence not in a Web 2.0-based deliberation on existing national and EU immigration policies. If this happened in ImmigrationPolicy2.0 it could be interpreted as a disregard for the following basic human rights as described in the Charter of Fundamental Rights of the European Union: Article 1, "Human dignity"; Article 2, "Right to life"; "Article 3, "Right to the integrity of the person"; Article 6, "Right to liberty and security"; and perhaps even Article 4, "Prohibition of torture and inhuman or degrading treatment or punishment", if migrants risk suffering abuse upon return to their countries of origin. It also appears that by excluding refugees this stakeholder group cannot discuss (and eventually contest) Article 18, "Right to asylum", and how it is currently applied in practice in different EU countries.

This a priori exclusion of 'non-legal' immigrants contrasts with the consortium's statement that the project "ensure[s] the participation and collaboration of *all* stakeholders" (emphasis added).[126] In the given time we had for our (selective) analysis of project documents we did not find any discussion of this potential ethical issue at the consortium level. However, other project documents not considered might show that the consortium was aware of this potential limitation, and discussed it. Furthermore, the voices by non-legal migrants may have been represented in the project, at least to some degree, by the "NGOs, migrant organisations, welfare organisations, grass-root organisations" that were invited to participate.[127]

Another important point is that despite the exclusion of 'non-legal' immigrants from the project, the consortium appeared to allow for the participation of various heterogeneous actors. It seems that the training seminars and the project overall allowed for these various actors expressing their views (provide feedback, report problems) on the use of the envisaged new systems. This is in line with Article 11, Freedom of expression and information, of the Charter of Fundamental Rights of the European Union.

Step 6: Reconsider the working hypothesis

Although the consortium may not have been able to realise a radical and full co-constructionist approach from the outset of the project, and throughout, their related *efforts* (and self-criticism) are remarkable. In this sense we may confirm the original working

[126] http://www.immigrationpolicy2.eu/aboutus; 30-09-2014

[127] http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d5.3_training_seminars_materials_and_documentation_v1.1.pdf, p. 6; See also, for instance, http://www.immigrationpolicy2.eu/sites/default/files/pictures/downloads/files/d1.1_end_user_requirements_v1.1.pdf; p. 17

hypothesis by arguing that the consortium strove for a co-constructionist governance of the project as far as possible.

Step 7: Contextualise the project's approach by comparing it to the related EC work programme[128]

The drive for a co-constructionist governance approach at the project level is also clearly visible at the EC's programme level.

The governance tool 'training seminars' discussed previously is an explicit requirement included in the ICT PSP work programme 2009 (Version 2) to which the project had to respond. The fact that ImmigrationPolicy2.0 provided training material in no less than nine languages is also not a completely autonomous decision of the consortium: it seems that it followed the EC's criteria to prepare a pilot solution for a "multi-lingual environment".

The EC did not prescribe a thematic focus on immigration policies, but many further requirements resonate with the co-constructionist approach at the project level identified in the previous sections. For instance, according to the work programme the overall objective of the funding instrument that ImmigrationPolicy2.0 had applied for was to "empower and involve citizens" in policy making in the EU; and one of the expected outcomes was to create "collaborative input to policy-making" such as, through "Web2.0 technologies". Furthermore, the inclusion of many different stakeholders as early as possible in the project and the strive for a user-friendly tool, including its adaptation during the project, are instances of a participatory approach that was not 'invented' at the project level, but preconfigured, or at least strongly encouraged at the programme level.[129]

5.5.3 Summary

Among the five cases studied in this deliverable the consortium of ImmigrationPolicy2.0 was the only one that most clearly followed a Co-construction governance approach. We focused on a particular governance tool, 'training seminars', which were very much geared towards a participative governance approach as they were used to reconsider the subsequent project activities, and to potentially redesign the envisaged information platform. The consortium translated part of their services in no less than eight languages in order to better meet the different external stakeholders' needs at the pilot sites. Thus, the consortium strove for reflexively applying the research *topic* – "participatory immigration policy making" by help of ICT – to its own governance structure. The fact that this ambition

[128] The source for all the quotes in this section is: http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2009_v2_june_2009.pdf; pages 24-25; 07-09-2014

[129] "The needs of decision-makers and citizens should be taken into account from a very early stage of the pilot. [...] [A]dapting the tool to be used by people who may have only limited knowledge of the subject area and low level IT skills [is expected]. [...] The pilots must include and mobilise all relevant actors involved, including decision-makers, citizens, civil society groups and the private sector." http://ec.europa.eu/information_society/activities/ict_psp/documents/ict_psp_wp2009_v2_june_2009.pdf; pages 24-25

was not fully realised in practice did not remain unnoticed by the consortium. In comprehensive "lessons learnt" the consortium partners listed many shortcomings in their governance approach such as, a lack of user engagement early in the design phase and of opportunities for deliberation among different national stakeholders. These and many other self-critical observations are instances of pronounced reflexive governance/collective learning. The latter might not have 'paid off' anymore for ImmigrationPolicy2.0, but could still be useful for future EU projects in this area.

In terms of potential ethical issues the analysis showed that a particular feature of the project may be considered a problem: the decision to let only so-called *legal* immigrants participate in the project. Thus, it appears that the needs and concerns of non-legal immigrants remained unconsidered – which could imply that people who do perceive themselves as refugees, and/or migrants in the process of seeking asylum or right of residence could not voice their needs and concerns. This could be interpreted as a disregard of various Articles of the Charter of Fundamental Rights of the European Union (1, "Human dignity"; 2, "Right to life"; 3, "Right to the integrity of the person"; 6, "Right to liberty and security"). This could also mean that Article 18, "Right to asylum" and its actual application across different EU countries was not scrutinised by stakeholders who are directly affected by this right. We could not find any empirical data on the consortium problematising this a priori exclusion of an important stakeholder group. However, any such problematisation, or further discussion of this issue might still be 'hidden' in one of the 21 comprehensive project deliverables that are publicly available. Moreover, the consortium appeared to be very open to the input from non-governmental and other private or welfare-oriented organisations that might have represented the (sceptical) voices of non-legal immigrants to some degree. It is also important to note that in terms of all other ('legal') external stakeholders invited to the project, the consortium attempted to gather as much feedback as possible, thus enforcing Article 11 of the Charter – freedom of expression and information – as much as possible.

Many of the EC requirements in the original work programme to which ImmigrationPolicy2.0 responded resonate with the project's governance approach according to the Co-construction model. Thus, this case study provides another example of a consortium having 'chosen' a governance approach that was to a significant extent preconfigured at the programme level.

6. Conclusions

In this deliverable five CIP ICT PSP projects have been analysed in order to find out whether the related consortia took a participative governance approach, and if so, to what extent and in which ways. The thematic analysis was conducted by studying official project documents: project deliverables and further basic information (the projects' homepages, summaries, overviews, brochures; and summaries provided by the EC). In terms of the detailed procedure (analytical steps) this deliverable followed the structure of GREAT's preceding D 3.2 (Exemplifying the Typology with Relevant RRI projects).

The theoretical framework of the analysis consisted of three RRI models – three models of participative governance – developed in GREAT's WP 2:

- the 'Standard' governance model implying no participation of external stakeholders (these are stakeholders that are not part of the consortium);
- the 'Consultation' model implying the participation of external stakeholders to a limited extent;
- the 'Co-Construction' model implying that external stakeholders fully participate up to a point where the set-up, course and outcomes of a project radically change.

A further goal was to compare the approaches identified in the five projects to the EC work programmes to which the consortia needed to respond in order to be funded. This is in line with the policy focus of WP 4. The aim was to find out to what extent and in which ways the governance approaches identified at the project level were already implicit in the requirements (funding criteria) at the programme level. The motivation for this was to find empirical data that would support the following basic reasoning: the more similar the two levels, the more 'responsible innovation' would need to be considered as a joint endeavour. In this deliverable 'responsible innovation' means participative governance as defined previously (engaging external stakeholders and/or taking into account their needs and concerns), but also other forms of responsible behaviour, and responsibilities, discovered during the analysis.

This focus on responsible behaviour includes an enquiry into ethics: What are ethical challenges each consortium faced in the course of the project, and how did the consortium deal with such potential ethical issues? For the identification of ethical dimensions in CIP ICT PSP projects we relied on the Charter of Fundamental Rights of the European Union. This is one of the key reference documents for the EC's ethical screening of project proposals at the negotiation stage. We have extended this screening beyond the negotiation stage by analysing selected deliverables and further basic project information a given consortium produced over the (later) course of the project.

In the Annexes the main findings are summarised in tabular form. Annex 1 provides an overview of basic characteristics of all five projects analysed:

- their status (all have been completed already);
- their duration (all between 2 years, 6 months, and 3 years, 4 months);
- the work programmes to which the projects had to respond (three times work programme 2009; once 2007; once 2008)
- the number of consortium partners – this number actually varies considerably between the projects (between 7 and 34);
- the number of pilot sites at which project activities were conducted – this number also varies considerably (between 4 and 10);
- the number of countries (national jurisdictions) in which the pilots were conducted. The number of national jurisdictions also varies considerably (between 4 and 8).

Annex 2 gives an example of how a given CIP ICT PSP project, in this case CommonWell, may be characterised in terms of the types of agents involved at consortium level. CommonWell's ten consortium partners are classified according to the classification scheme of twelve archetypes developed in D 4.1. This is a provisional classification and work in progress.

Annex 3 provides an overview of the governance features identified in the five projects. The main related findings are the following:

Overall, five types of tools for realising participative governance have been identified:

- social science methods of quantitative and qualitative research, i.e. survey, interviews, focus groups for eliciting and taking into account different external stakeholders' needs and concerns (CommonWell and eSESH);
- formal stakeholder groups (with external stakeholders) launched by the consortium (SPOCS);
- an "Ethics Advisory Group" which may be considered an ethical committee (DIEGO);
- training seminars for external stakeholders, i.e. potential users of the envisaged new ICT services (Immigration Policy 2.0).

In using these tools four out of the five project consortia (CommonWell, eSESH, SPOCS and DIEGO) showed moderate levels of a participative governance approach. The document analysis suggests that they did not allow for a radical questioning of their original project plans, and for related radical changes in the course and the outcomes of the project. Instead their governance approaches show features of the Standard or Consultation model, or a mix of these. In comparison ImmigrationPolicy2.0 showed features of the Co-construction governance model.

However, it is important to note that none of the projects followed a pure 'Standard' governance approach. Quite the contrary: every consortium made remarkable efforts towards accounting for external stakeholders in one way or the other. A significant related finding is that these efforts did not come out of the blue, as other empirical data suggests. We compared each project's governance approach to the wording in the related EC work programmes, and this showed that the two levels – project and policy programme – match in many ways. Thus, the degree to which individual consortia take a participative governance approach, and even the ways in which this happens appear to be considerably preconfigured at the programme level. Hence we draw the following two conclusions:

- responsible innovation *has* been realised in the CIP ICT PSP pool (between 2007 and 2013 – that is the time span of all five projects considered);
- responsible innovation is a *distributed* phenomenon. It is a *collective* achievement of funding institution and consortia.

These key findings need to be put in perspective though. They are based on the analysis of official documents only, both in terms of the project level and in terms of the programme level. Thus, this deliverable has focused on 'responsible innovation' as it shows in official

formal *discourse*. In official formal discourse a given consortium is likely to *represent* the project activities in a particular light (while everyday practices may significantly differ), and the funding institution is also likely to *represent* its expectations in a particular way (for instance, the actual selection process of projects may be driven by further factors not visible in the work programmes). In the worst case a formal discourse may be a "ceremonial" false front (cf. Meyer/Rowan 1977: 341). However, there is no evidence that this is true for the discourse of the projects and programmes studied in this deliverable. It is important to keep in mind though that actual work *practices* may differ from the responsible innovation identified in this deliverable. This is why in WP 3 semi-structured interviews with different CIP ICT PSP partners are conducted. This different method and the anonymisation of the informants help us to generate more practice-oriented insights into responsible innovation.

All projects analysed in this deliverable also responded to various other requirements formulated in the EC work programmes. The devil is in the detail: the EC's requirements were manifold across the board (across all programme sections and projects considered), and the related efforts of the consortia showing how they met the respective requirements are remarkable. The details of work programmes imply numerous 'small' responsibilities (tasks, objectives to meet) to be taken by consortium partners funded through the EC. Our analysis also showed that various tensions were built into EC work programmes considered. Such tensions consist of conflicting expectations that are hard to fulfil at the same time. The tensions were most striking in the case of SPOCS but also applied to the other projects to some degree.

The analysis of DIEGO suggests that many 'small' responsibilities are also inscribed in the legal rules consortia need to follow when conducting pilot activities. Firstly, the empirical data shows that legal responsibilities are in part ethical responsibilities (these are, for instance, related to the handling of personal data). Secondly, it may be argued that these mixed legal-ethical requirements multiply enormously when projects run pilots at various national sites. The projects studied in this deliverable ran pilots under up to eight different national jurisdictions.

The analysis of all projects against the backdrop of the Charter of Fundamental Rights of the European Union provided further insights into the ethics of each project. Annex 4 summarises the main findings. The reader will notice that the content of the table is carefully worded: a given consortium *appeared* to neglect, or *appeared* to enforce certain rights. There are three reasons for this level of caution in our analysis:

(1) Given the limited timescale for these five case studies in GREAT the analysis was necessarily selective, focusing on certain project deliverables only. Thus, the five consortia may well have reported (further) ethical behaviour in other official project documentation. Also, as mentioned previously, *informal* practices (that may also show ethical aspects) have not been taken into account in this deliverable.

(2) All five consortia had received ethical approval by the EC before the start of the project. The related EC reporting and any further (formal and informal) communication that took place between the EC and the consortia over the course of the project were not available to us. Thus, our analysis misses any potential ethical

reflections that are part of the bilateral information and communication channel 'EC – consortium'. Accordingly, we could not consider any potential related adjustments the consortium may have made to the project.

(3) The Charter of Fundamental Rights of the European Union that we used as a guidance may be interpreted in various ways. Also, identifying 'matches' between the content of the Charter and the empirical data on the five CIP ICT PSP projects is of course a matter of interpretation. It would be interesting and relevant to know any additional or alternative (legal-ethical) interpretations of both the Charter itself, and how to apply it to a given project.

Generally, all five consortia strove for enforcing proactively at least one fundamental ethical right. These rights are closely related to the thematic foci or objectives of the five projects:

- CommonWell appeared to enforce the right to good health care;
- eSESH: the right to environmental protection;
- SPOCS: two rights related to the provision of services and good administration;
- DIEGO: three rights related to the protection of personal data, the elderly, and to the integration of persons with disabilities;
- ImmigrationPolicy2.0: the right to freedom of expression.

However, each project also appeared to neglect at least one fundamental right – to a limited extent only, there is no empirical evidence for any serious violation.

- CommonWell appeared to not fully respect two articles related to the rights of workers;
- eSESH: the right of protection of personal data;
- SPOCS: elements of the Charter's preamble, and perhaps requirements as described in Article 51, Scope.

Interestingly, in the case of DIEGO the same three rights that the consortium appeared to enforce proactively also appeared to be the consortium's weak points. This is due to the way project activities have been reported by the consortium in project deliverables. The consortium described with ostentation the project's success, including positive impacts on elder users and people with disabilities. Also, reportedly problems that had occurred during the project in terms of data protection got solved rather easily. However, altogether the tone of the reporting appears to be too optimistic; and the two target groups – older people and people with disabilities – were not differentiated any further (e.g. by distinguishing between different age groups and kinds of disabilities) although this could have implied important differences in terms of needs and concerns to be addressed by the project.

ImmigrationPolicy2.0 is also an interesting case. On the one hand, compared to all other projects the consortium most clearly strove for a governance approach akin to the Co-construction model. On the other hand, one wonders whether 'non-legal' immigrants means that certain people – refugees and other migrants seeking asylum and/or residency – were excluded from the project. This would that an important group of stakeholders to whom the topic of the project – immigration policies – perhaps mattered most could not

join the deliberation process. However, a more in-depth analysis of the project would be required to understand which individuals were selected to participate. Also, there may be legitimate reasons for focusing on 'legal' immigrants only, which are not known to us. Moreover, the other external stakeholders involved (NGOs, welfare organisations) may have voiced the concerns of the 'non-legal' immigrants to some degree.

Another important finding is that there appear to be tensions, or even trade-offs, between different fundamental rights. In the case of eSESH it appeared to be difficult to *both* ensure the protection of the environment (through 'smart' monitoring systems) and a high level of protection of personal data. And in the case of SPOCS it appeared difficult to respect different national authorities' existing administrative procedures, but *also* ensure a relatively standard supranational approach that could be beneficial to all EU citizens' provision of cross-border services. Perhaps we need to acknowledge that such ethical tensions (trade-offs, dilemmas) are an important problem for researchers, innovators and system designers or developers trying to realise 'responsible innovation' in practice.

A general observation is that the consortia of all five projects were complex in terms of the number and the type of partners contracted. All consortia consisted of heterogeneous partners, and of at least seven partners in total. The projects eSESH and SPOCS were particularly striking: their consortia consisted of more than 30 partners. Thus, apart from considering the participation of *external* stakeholders, which was the thematic focus of this deliverable, it appears to be worthwhile to also study the extent to which, and the ways in which a given consortium tries to be as responsive as possible to the expectations of its various *internal* stakeholders.

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Annex 1: basic characteristics of the five projects

	CommonWell	eSESH	SPOCS	DIEGO	ImmigrationPolicy2.0
Status	Completed	Completed	Completed	Completed	Completed
Time period	2008-2012	2010-2013	2009-2012	2010-2012	2010-2013
Duration	3 years 4 months	3 years	3 years	2 years 6 months	3 years
EC work programme	2007	2009	2008	2009	2009
Number of consortium partners	10	33	34	11-13	7
Number of pilot sites	4	10	8	7	6
Pilot sites: number of countries (national jurisdictions)	4	6	8	5	6

Annex 2: agents in the CIP ICT PSP – example CommonWell

Consortium partner	Archetype[130]	Potential type(s)	Description
Empirica *coordinator*	10 - Consulting Organisation (Private Sector)		
EPES		Perhaps 7 – Contract R & D Centre (Public Sector)	"The Public Company for Health Emergencies of Andalusia, was created in 1994 by the Council of Health of the Meeting of Andalusia to lend attendance to the health emergencies in all the Independent Community Andalusian."[131]
Johanneswerk		Perhaps 7 – Contract R & D Centre (Public Sector)	"Evangelisches Johanneswerk e.V., one of the largest providers of Protestant welfare services (Diakonie) in Europe, has its headquarters in Bielefeld, Germany. It employs approximately 6,000 people in over 70 facilities and institutions. The services are oriented towards older people, people with illnesses or disabilities, children and adolescents, and include community social work."[132]
FASS		Perhaps 7 – Contract R & D Centre (Public Sector)	"La Agencia de Servicios Sociales y Dependencia de Andalucía, creada en virtud del artículo 18.1 de la Ley 1/2011, de 17 de febrero, de reordenación del sector público de Andalucía, se configura como agencia pública empresarial de las previstas en el artículo 68.1.b) de la Ley 9/2007, de 22 de octubre, de la Administración de la Junta de Andalucía.La Agencia goza de personalidad jurídica pública diferenciada, con plena capacidad jurídica y de obrar para el cumplimiento de sus fines, autonomía de gestión, así como patrimonio y tesorerías propios."[133]
InterSystems	11 – R & D Division of LDC		
Milton Keynes Council – Community Alarm Service		Perhaps 7 – Contract R & D Centre (Public Sector)	"Milton Keynes Council is a Unitary Authority in North Buckinghamshire with a population of 227,000. The Community Alarm Service provides community alarm and telecare services to 7,500 people. This consists of a home safety and personal security service that enables people to live independently at home. The Community Alarm Service has linked up with the Council's

[130] The classification presented here (archetypes, potential type(s)) is based on the classification scheme of 12 archetypes in D 4.1, Database and Survey Report
[131] http://www.epes.es/cocoon/index.html?language=en; 08-10-2014
[132] http://commonwell.eu/about-commonwell/the-consortium/; 08-10-2014
[133] http://www.juntadeandalucia.es/agenciadeserviciossocialesydependencia/es/informacion/quienessomos/atdocument_view_pub; 08-10-2014

			IT and e-Government service (including ConnectMK and DigitalMK) to make progress in its use of technology in supporting independent living. The Council also works closely in partnership with the local Primary Care Trust."[134]
PoZoB		Perhaps 7 – Contract R & D Centre (Public Sector); or perhaps 8 – Contract R & D Centre (Private Sector)	"PoZoB is an organization that supports general practitioners (GPs) with the aid of nurse practitioners (NPs) in the region 'South East-Brabant'. The goal of PoZoB is to improve quality of care for chronic diseases. PoZoB is responsible for development, coordination, implementation and quality of continuity of care for patients with a chronic disease. The starting point is to provide high quality care, from a patients point of view. PoZoB is a pioneer in the Netherlands on the level of cooperation between GPs and NPs, research and development."[135]
Smart Homes		Perhaps 5 – Independent R & D Centre (Public Sector); or perhaps 6 – Independent R & D Centre (Private Sector)	"The National Knowledge Centre for Home Automation and Smart Living. In 1993 Smart Homes started their efforts to promote the development and use of home automation. The aim of Smart Homes is to improve the quality of life for everyone, young or old, with or without limitations. Smart Homes works towards the development of smart, understandable and accessible (mostly technological) solutions and services in the private home and everyday environment." [136]
Tunstall	11 – R & D Division of LDC		
wrc		Perhaps 9 – Consulting Organisation (Public Sector); or perhaps 10 – Consulting Organisation (Private Sector); or perhaps 12 – R & D Division of SME	"Work Research Centre (WRC) is a well-established, dynamic company specialising in research and consultancy on key social issues, organisational change and technological developments. [...] Since setting up in 1988, our team of experienced specialists have established a strong national and international track record in state-of-the-art assignments for a wide range of clients. The WRC has worked for a wide range of Irish and International clients since its inception in 1988. Clients come from all sectors - Government agencies, private industry and trade unions."[137]

[134] http://commonwell.eu/about-commonwell/the-consortium/; 08-10-2014
[135] http://commonwell.eu/about-commonwell/the-consortium/; 08-10-2014. See also the organisation's more comprehensive self-description which is only available in Dutch though. http://www.pozob.nl/over-pozob; 08-10-2014
[136] http://commonwell.eu/about-commonwell/the-consortium/; 08-10-2014. See also the organisation's self-description. http://www.smart-homes.nl/Smart-Homes/Diensten.aspx; 08-10-2014
[137] http://www.wrc-research.ie/about-us.htm; http://www.wrc-research.ie/about-us/client-list.htm; 08-10-2014

Annex 3: governance features of the five projects

	CommonWell	eSESH	SPOCS	DIEGO	ImmigrationPolicy2.0
Working hypothesis on governance model	Consultation or Co-Construction	Standard with few elements of Consultation	Standard with few elements of Consultation	Mixed rhetoric, so unclear	Co-construction
Governance tool(s) identified	Various social science methods of empirical research (survey, interviews, focus groups)	Various social science methods of empirical research (survey, interviews, focus groups)	Five formally organised stakeholder groups	An "Ethics Advisory Group"	Training seminars
Relationship between governance tool(s) and context	Context is taken into account to a limited extent	Context is taken into account to a limited extent (note: various meanings of context)	Very ambiguous: shielding against context *and* opening up	Context is taken into account to a limited extent (note: very complex *legal* context)	Context is significantly taken into account
Purpose of governance tool(s)	To put project in favourable light	To put project in favourable light	Overcome obstacles to project implementation as envisaged by consortium	Cope with very complex legal context	Engage external stakeholders proactively
Instances of reflexive governance/ collective learning	A few	Quite a few	A few	Very few	Quite a few
Reconsider working hypothesis: which 'actual' governance approach?	Consultation	Consultation	Very ambiguous; perhaps mostly Standard model	Standard	Strive for co-construction
Comparison of governance approach to related EC work programme	Project largely responds to manifold EC requirements	Project largely responds to manifold EC requirements	Project largely responds to manifold and ambiguous EC requirements (many tensions built into programme)	Project largely responds to manifold EC requirements	Project largely responds to manifold EC requirements (incl. demand for co-construction)

Annex 4: ethical challenges in the five projects

	CommonWell	eSESH	SPOCS	DIEGO	ImmigrationPolicy2.0
Rights[138] the consortium appeared to neglect (to a limited extent)	• Article 31, Fair and just working conditions • Article 27, Worker's right to information and consultation within the undertaking	Article 8, Protection of personal data	• Elements in Charter's preamble • Perhaps Article 51, Scope	The consortium was geared towards at least three rights while empirical data also suggests potential neglect: • Article 8, Protection of personal data • Article 25, The rights of the elderly • Article 26, Integration of persons with disabilities	The project excluded 'non-legal' immigrants which could imply an infringement of various articles of the Charter (1-3, 6, 18)
How the consortium appeared to deal with these ethical issues	The issues were not ignored, but reinterpreted in favourable light.	Acknowledgement of issue; inclusion in 'lessons learnt' for future projects; but also reinterpretation in favourable light.	It appears that the consortium tried to balance the different ethical requirements as far as possible.		It appears that the consortium did not acknowledge this potential issue.
Rights the consortium appeared to enforce proactively	Article 35, Health care	Article 37, Environmental protection	• Article 15, Freedom to choose an occupation and right to engage in work • Article 41, Right to good administration	The consortium's account of the project's impact is perhaps too optimistic.	Article 11, Freedom of expression and information
Further remarks and findings	The observed impending infringement of Article 27 and 31 only applies to one out of four pilot sites.	There appears to be a tension between Article 8 and Article 37.	There appears to be a tension between Article 15/ 41 and elements in preamble/Article 51. The project is complex and would merit a more comprehensive analysis.		Certain participating organisations may have voiced 'non-legal' immigrants' concerns in the project.

[138] The rights and articles mentioned in this table refer to the Charter of Fundamental Rights of the European Union.