



Implementation and European integration: A review essay

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Working Paper

No. 25, October 2005

This working paper can be downloaded from the ARENA homepage:

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Abstract:

This article presents some key research questions and discusses some advancements and controversies in the field of implementation studies in the European Union. In addition to calling for the further development of reliable quantitative indicators, the article suggests three issues worth considering. First, research could benefit from paying increased attention to the processes shaping the goals and aspirations in European implementation. Second, we should increase attention to the interplay between different explanatory mechanisms and in particular to the crucial roles of ambiguities and domestic capabilities. Finally, we should increase our interest into the study of outcomes and goal achievements, and thereby also offer critical and refreshing views on the dynamics of the actual European integration, as well as link this branch of research to the general research on legitimacy and democracy in Europe.

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I. Introduction ^{*ψ}

Implementation is a key issue when studying Europeanization. The term implementation means to give practical effect to, and to ensure of actual fulfilment by concrete measures. Here, implementation refers to the processes through which European norms are transposed, adhered to and enforced at the domestic level.

This article presents some key research questions and discusses some advancements and controversies in the field of implementation studies. In addition to calling for the further development of reliable quantitative indicators, the article suggests three issues worth considering. First, research could benefit from paying increased attention to the processes shaping the goals and aspirations in European implementation. Second, we should increase attention to the interplay between different explanatory mechanisms and in particular to the crucial roles of ambiguities and domestic capabilities. Finally, we should increase our interest into the study of outcomes and goal achievements, and thereby also offer critical and refreshing views on the dynamics of the actual European integration, as well as link this branch of research to the general research on legitimacy and democracy in Europe.

* I would like to thank Michelle Cini, Antoaneta Dimitrova, Morten Egeberg, Thomas König, Andrea Lenschow, Wolfgang Müller, Johan P. Olsen, Maarten Vink, Paulo Graziano, Gerald Schneider, as well as the members of CONNEX Research group 1, the ECPR workshop and ARENA for helpful comments and remarks on earlier drafts.

^ψ To appear in the handbook *Europeanization: New Research Agendas*, edited by Paulo Graziano and Maarten Vink, Palgrave MacMillan, forthcoming 2006.

Students of implementation in the European Union have been engaged with three distinct, but interrelated, sets of questions. The first set of questions concerns the implementation *performance* across space and time. Is there an implementation deficit in the European Union (EU)? Who are the leaders and laggards? How can we explain variation in performance across space, policy sectors and time? A second set of questions relates to the *processes* and dynamics of implementation. Is implementation a result of imposition and inducement by the EU institutions, is it dependent upon processes of learning and development of domestic capabilities, or some kind of combination of different mechanisms? Finally, the third set of research questions relates to the study of actual *outcomes*. What is the degree of goal achievements in European integration?

Implementation studies in the European Union are fortunate to build upon the general literature on implementation. Numerous studies have led to refined theories and perspectives on implementation (Pressman and Wildawsky 1973, Palumbo and Calista 1990). However, this literature has also run into difficulties, some of which stem from the complexities of implementation. For instance, Mazmanian and Sabatier (1981) listed seventeen key variables critical for implementation, while O'Toole (1986) found that researchers were using more than three hundred variables when studying implementation. After a declining interest in implementation studies during the 1980s, there has recently been a call for the 'rediscovery' of implementation studies in the general political science (Lester and Goggin 1998). The increased interest studies has been motivated by the ubiquity of multi-level governance, the greater significance of intergovernmental relations, the transformations of domestic capabilities, as well as advancements in theories of actions and institutions. Since the classical implementation

literature has often dealt with implementation in entities with a clear centre of authority, the multi-centred system in the EU makes it particularly test-bed. It follows from such general developments that studies of implementation in the EU should not only play an important role in our understanding of Europeanization, but we should consider the EU as a laboratory for testing and advancing theories and models of implementation in general.

The article focuses primarily on implementation of legal rules related to the internal market and in particular the implementation of European directives, which are not directly applicable at the national level (as regulations are). It centres primarily on implementation by the national central governments, which play a key role in ensuring implementation. The article focuses on the period from 1995 until 2005, a critical period for the EU with the launching of the Single Market and the accession of new member states. Finally, the article is not covering individual low-level decision-making regarding implementation. We should of course keep in mind that 'street level bureaucrats' is critical for implementation, since they make discretionary decisions and modify policy goals (Lipsky 1980).

2. Core Questions

The study of implementation is important for students of Europeanization. It is therefore not surprising that there has been numerous qualitative and quantitative studies of implementation in the European Union (See for instance: Peters 1997, Siedentopf and Ziller 1988, Hanf and Soetendorp 1998; Goetz and Hix 2001; Green Cowles, Caporaso et al. 2001, Tallberg 1999, Azzi 2000, 2001, Dimitrova and Steunenber 2000, Dimatrakopoulos 2001, Mbaye 2001, Bursens, 2002, Börzel 2001, 2002, Falkner et.al 2004, Sverdrup

2004). We can identify four different sets of core questions. Let me discuss each of them.

Why study implementation?

First, implementation studies are critical for determining how and to what extent European integration *affects and transforms member states*. The development of shared rules, interpretations and applications constitutes the core of European integration. Compared with other forms of regional integration, formal institutions and the rule of law play a particularly important role in the EU. In most instances, the member states are responsible for implementing and enforcing EU legislation. Adapting and implementing the legal rules are one of the most important mechanisms through which European integration influences the member states. At a higher level, implementing European legal initiatives, involves not only the implementation of the specific policy proposal, but it is also an act of recognizing and establishing a new European political and legal order.

Another noteworthy reason for the study of implementation is its role when assessing the *functioning* of the EU. The future of EU decisions is largely dependent upon the willingness and ability of the governments of the member state to implement the EU decisions. It is therefore not surprising that significant conflicts in the EU have been related to implementation, or lack thereof. If European rules are not implemented according to their intentions, the potential benefits of developing shared rules will remain unrealized. In the longer run, it is likely that low level of implementation or considerable variations in performance between member states can undermine the support for European integration. Prevailing variation in the degree of

implementation between member states is also likely to have distributional consequences and potentially increase the level of conflict in the EU. For instance, since compliance is often conditional, that is, implementation by one actor is dependent on compliance by others, the failure to implement by some is likely to increase non-implementation by others.

Finally, the *politics* of implementation is an important indicator for measuring the shifting balance of power between different levels of governance in Europe. A commonly held assumption is that implementation is more easily ensured within a system of clear rules, considerable capabilities at the central level for imposition and inducement, as well as efficient monitoring and sanctioning system. However, at least so far such a hierarchical single-authority-centre model runs into conflict with core principles and practices of the more multi-authority-centred Europe. Member states have been cautious of delegating strong enforcement capacities to the European level in order to protect national sovereignty. Although the EU rests on the ideal of liberal democracy and respect for law - including the duty to obey laws that the member states have freely given themselves - implementation also involves a balancing act between on the one hand, securing homogeneous implementation and, on the other hand, allowing for some domestic discretion. Shifts in this balance, for instance with the introduction of new implementation tools and instruments, is therefore important for understanding shifts in European governance.

Implementation performance in the EU

To what extent are domestic institutions implementing European rules and legislation? The basic principle in the EU is that Community law should be

‘applied with the same effectiveness and rigor as the application of national law’ (European Commission 1993). This follows from Art 10 EC, which states that ‘Member States shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the Community. They shall facilitate the achievement of the Community’s tasks.’

Transposition means that EU legislation is put into national legislation. Figure 1 shows the pattern of average EU transposition in the period between 1997 and 2005. As we see, the share of non-transposed acts has dropped. In average about 2,5 per cent of the EU directives are not transposed. There is variation between the different member states. Over time, France has had among the highest deficits, while Denmark has had the lowest. With the exception of the last two years, the country variation has decreased and all states have moved in the same direction. Data on the 10 new member states from East and Central Europe is limited (not included here). Some observations indicate a huge variation, ranging from a deficit of 40,4 per cent in Malta to 3,9 per cent in Poland and 0,8 per cent in Lithuania (European Commission 2004).

Figure 1 here

The data on transposition shows that different states transpose different directives, creating an over-all fragmentation. However, this fragmentation has gradually decreased. Member states fail more frequently to transpose recent, rather than old legislation. A study of the timeliness of transposition, found that 60 percent of the directives were transposed after the deadline specified by the directive (Mastenbroek 2003). Data also show sector

variations, transpositions of transport policies have been slower than consumer policy, social policy and telecommunications. We should also note that the total number of directives created by the EU varies across time, putting differentiated pressure on transposition in various periods. In general, we have seen a trend of decreasing number of legal initiatives from the European Commission in the period.

Data on transposition give little information on the actual application of these rules, but data on the infringement proceedings can shed further light on the puzzle. In order to secure uniform actual implementation, the Treaty delegates competences to the European Commission and the European Court of Justice to monitor and sanction non-compliance. The European institutions initiate investigation related to non-implementation based on complaint cases and own-initiatives. There are five types of breaches that can occur: (1) violations of treaty provisions, regulations and decisions, (2) non-transposition of directives, (3) incorrect legal implementation of directives, (4) improper application of directives, (5) non-compliance with Court of Justice rulings.

When the European Commission detects mismanagement or failures in implementation, or receives complaints, they can initiate a set of informal and formal procedures. Whereas the opening of cases for inspection is mandatory, the Commission enjoy discretion in terms of when and whether to close the proceedings. Many cases are settled through informal exchanges between the Commission and the member states before formal infringement proceedings are opened.

The infringement procedures cover three formal steps: Letter of formal notice (LFN), Reasoned opinion (ROP) and Refer to court (RTC). At any of these

steps, the disputes can be settled and proceedings terminated. When an infringement case is opened, an LFN is sent to the member state. The state gets the opportunity to present its view within a specified period. If the Commission still considers the state to be in breach of the obligation it sends an ROP. If the state fails to comply with the ROP within a specified time, the Commission may refer the matter to the Court of Justice. Since the Maastricht Treaty, the Court has the power to impose fines on a member state failing to take the necessary measures to comply with its rulings (Article 228). So far, there have been few instances where member states actually have to pay fines.

The number of infringement proceedings opened against each member state per year has been relatively stable. The average number of LFN per member states varied between 60 and 85 in the period between 1995 and 2002. There is small variation between the member states in the numbers of LFN they receive.

Figure 2 shows the steady increase at both stages of conflict resolution. The total annual number of ROPs has more than doubled in the period, from 192 in 1995 to 533 in 2003. The average ROPs per state increased to about 35 in 2003, up from 13 in 1995. There is an even stronger and steadier growth in the number of cases referred to the Court. The total number of Court referrals has tripled, from 72 in 1995 to 215 in 2003. The Commission referred the average EU member state 13 times to the Court in 2003, compared with 5 times in 1995. These data shows that disputes regarding implementation are settled at an increasingly later stage.

Figure 2 here

Infringement data reveals considerable variation among the member states. In general, the larger states receive more ROPs and they are more frequently referred to the Court, than the smaller states. In addition, states from the North-Western corner of Europe in general, and the Nordic states in particular, seem to settle disputes more frequently before they reach the final stage of the infringement proceedings. For instance, the two countries France and Italy together have one third of the total referrals to the Court in the period (372 of 1325), while Denmark had just nine. Spain is the only exception to this pattern.

Infringement cases are costly. They take considerable time and resources for the EU administration and for the member states, however, the costs and benefits are not necessarily equally distributed. The majority of the infringement proceedings take more than two years, and more than ten per cent of the cases take more than five years.

The Commission has had as one of its objectives to reduce the number of infringement proceedings (European Commission 2003). In the absence of specific EU bodies, the Commission often has to rely upon the capacities of domestic institutions. There have therefore been attempts at strengthening the co-operation between administrative units at different levels of governance, by for instance training bureaucrats and promoting exchange programmes as well as using seconded personnel. Another way of strengthening administrative co-operation has been the development of regulatory networks, where different national agencies co-operate and interact. These initiatives have gradually changed the domestic administrative

entities into double-hatted units, serving partly domestic preferences as well as acting as an instrument for the European level in a larger European administrative space (Egeberg 2006). In addition to these structural initiatives, alternative ways of settling disputes have been introduced, such as the more extensive use of 'package meetings' (where member states and the Commission meet to discuss and find solutions to numerous issues) and the introduction of non-legal dispute settlement mechanisms, such as for instance, SOLVIT (a system for administrative co-operation between Member States). However, the number of infringement cases has continued to increase, and the number of instances being settled through alternative mechanisms are still limited (167 in 2003-2004) (European Commission 2004).

The dynamics of implementation

Another set of key questions relates to the dynamics, actors and factors that facilitate and hinder implementation. Is failure to implement primarily a result of voluntary calculation or is it a result of involuntary actions? When answering such questions students of Europeanization have employed a variety of theories and perspectives. Regardless of theoretical approaches, at least, two key factors are important for explaining implementation: the European enforcement capacity and the domestic management capacity.

The enforcement perspective takes as a starting point that implementation is dependent upon the capacity of the European level institutions (the Commission and the Court of Justice) to impose changes at the domestic level (Weiler 1994, Tallberg 2002). It is assumed that implementation is more likely to take place when the capacity of the EU to monitor and sanction non-implementation is greatest. Such capacities could be negative or positive. The

negative instruments are the rights and administrative capacities of the EU to monitor implementation and to sanction non-implementation. Such sanctions can be the right to impose fines, or the 'softer' instruments of 'shaming and blaming', through various kinds of scoreboards. These instruments are created for providing information and developing trust in a system where conditional compliance is important.

Positive instruments are the capacities of the EU to create incentives stimulating implementation. Such incentives can be financial, or they can involve the ability to link issues, or set conditions on implementation in one policy field, for participation in other policy fields. For instance, the instrument of conditionality has been used in relation to membership in the Economic and Monetary Union, as well as in relation to the accession of new member states (Dimitritova 2002, Schimmelfennig, and Sedelmeier 2004).

Historically, the enforcement capacities of the EU have been limited. However, there has been an increased focus on securing better implementation and there has been a gradual development of capacities at the European level to impose and sanction non-implementation (Mendrinou 1996, Sverdrup 2004). Recent treaty revisions and legal developments have allowed for more use of financial sanctions, and there has been a proliferation of the use of scoreboards as a way of collecting information and increasing the pressure on states. However, allocating increased capabilities to the EU, for instance, the principle of state liability, has also caused protests among the member states (Tallberg 2000).

The second factor is primarily concerned with the role of domestic preferences and institutions. Since the sanctioning capacity is often limited,

the proper question is: Why are states implementing, even in the absence of external monitoring and sanctioning mechanisms? There are two responses to this question.

One position, rooted in a rationalistic approach, assumes that implementation is likely to take place because the member states benefit from the new rules and regulations. EU rules often solve co-ordination problems or they reduce transaction costs. Member states are likely to implement if there is expected utility of implementing. However, different member states have different utility functions. Hence, they are likely to pursue different strategies dependent upon the configuration of domestic preferences. From such a position, it is expected that member states are pursuing different strategies, for instance the strategies of 'foot-dragging' or 'fence-sitting' (Börzel 2002). In addition, there have been studies showing the important role played by structures of interest representation and domestic veto-players in implementation (Haverland 2000). Member states not only adapt to their environment, but also seek to model their environment. Such strategies could for instance be setting the EU agenda, as well as delaying and altering decision-making processes in the EU. Some of these attempts are not necessarily slowing implementation. Member states can sometimes seek European legislation in order to secure distinct domestic developments they otherwise would have been unable to achieve via domestic channels.

Another set of ideas, an institutional account, often starts with a competing assumption. Here the idea is that states, when entering the EU, tend to alter their behaviour, their relationships and their expectations of one another over time (Chayes and Chayes 1993). The basic assumption is that most states comply with the norm of *pacta sunt servanda*, that is, treaties and obligations

should be obeyed. Although states have an intention to comply, they often lack the ability or capability. Such capabilities can be different financial, administrative, organizational or individual skills and resources. Since legal co-operation is at the core of the EU, the competences and capabilities of domestic legal systems are particularly important for implementation. Since there are different legal cultures and traditions in Europe (Gibson and Caldeira 1996), it is likely that this also affects implementation.

From this perspective, it is assumed that actors act under the limitation of bounded rationality. They have limited time and attention, they follow rules and standard operating procedures, they conduct limited search for solutions, and often solve new problems with existing solutions. Resources and capacities are often linked to rules and practices, making them more robust and resistant towards changes (Cyert and March 1963, March and Olsen 1989). It follows that in situations with misfit between European legislation and established practices and institutional norms it is more likely that there will be difficulties of implementation than in instances of good fit (Olsen 1992, Knill 2001). Related to this set of ideas is that domestic capabilities can be built and changed through processes of learning and socialization. For instance, participation in decision-making can under some conditions increase knowledge, breed 'ownership', and increase the trust in others complying and implementing (Checkel 2001, Knill and Lenschow 2000).

These various dynamics of enforcement, calculation and domestic capabilities are related. Often different mechanisms are involved. One important challenge is to determine the domain, scope and the sequence of the interaction between the mechanisms. It is for instance reasonable to assume that voluntary non-implementation is primarily a result of limited

enforcement capacities or domestic preferences, while involuntary non-implementation is often due to limited domestic capabilities. In addition, different mechanisms are likely to have different relevance dependent upon the degree of conflict and the costs of implementing (Van Meter and Van Horn 1975). If the level of conflict is high and the costs of implementation is high, the issue at stake is probably more likely to be subjected to calculations, than instances where the level of conflict is low and the costs of implementation low.

The neglected outcome studies

The third set of research questions relates to the outcome. Has the initial goals of the EU decisions been realized? This is a critical question, but students of implementation have so far paid limited attention to the issue. Increased focus on outcome studies can serve as an effective link between the implementation literature and the literature on public attitudes and legitimacy of European governance.

Analyzing the outcome is important for evaluating the effects of European integration and the effectiveness of European governance, but it is difficult. Some studies have been conducted on behalf of the Commission, for instance in assessing the effects of the single market after ten years (European Commission 2004b), but they lack critical distance. Some of the difficulties results from the fact that the goals and standards of desirability are often ambiguous and contested in the EU. In addition, the causal effect relations are often incomplete or difficult to describe. In such situations, with ambiguous goals and unclear causal relations, the efficiency tests, that is, analyzing the degree of goal realization with a minimum of resources, or the instrumental

tests, that is, analyzing the degree of goal realization not taking into account the use of resources, are difficult and even inappropriate. In such situations, Thompson (1967) suggests that we conduct so-called social tests, where policies are validated by consensus or authority and by how many or who endorses the outcomes.

3. Key problems

In this section, I will point to some challenges ahead for the literature on implementation as well as some notes regarding methods.

Attention to evaluating implementation performance.

When studying implementation it is easy to slip into normative arguments, claiming that the performance is 'poor' or 'some are better than others'. In order to make normative statements we need standards of evaluation. Moreover, evaluating can prevent us from seeing benefits of non-implementation. For instance, the implementation 'deficit' in the EU can be seen as a flexibility clause increasing support, as well as function as an internal conflict reducing device. In fact, the EU can function fairly well even if not all rules are implemented in a strict manner. If the benefits of the collective good created by the rules outweigh the cost to them of providing the good, some states are likely to carry on covering the costs even if other states refrain from implementing.

The critical question is then: what is the acceptable performance level? Implementation is a partly a legal process, but it also involve political processes and actors. In the absence of objective standards for evaluating

implementation, we need to understand how the appropriate level is shaped and created by actors in political processes. In the EU, there have been several attempts in the EU to alter the level of acceptability. For instance, the Commission has fought for a cumulative process in which the member states should commit themselves to setting and respecting more ambitious transposition targets (European Commission 2003). Another illustration is the so-called 'grace periods', where it is accepted that some states in certain periods of time have a poorer implementation performance.

In general, goals and aspirations serve cognitive and emotional functions, since they provide motivations, directions and constraints on decision-making and actions. Goals are used for symbolizing to the environment, in order to gain legitimacy and resources. Sometimes goals are also used for justifying actions. Rather than treating goals and appropriate levels as externally given, insights could be gained by examining how and to what extent the level of acceptability is determined and adjusted across time through processes of political and institutional learning, cooperation and conflicts. One hypothesis is that the performance level is likely to be increased in periods where the participants fear the risk of crisis, for instance if the member states fear that the shared legal framework is close to collapsing (Chayes and Chayes 1993). Another hypothesis is that level of acceptability is likely to change as a result of pressure from actors having an implementation record that is higher than the average. A third hypothesis is that it is sometimes easier to change the levels of acceptability than the actual performance; hence the aspiration level is adjusted so that it fits with the actual performance (March 1988).

Attention to the interlinking of dynamics and the role of ambiguity

It is important to develop a better understanding of the domain and scope of the different factors and processes, as well as understanding how they interact. Here are two suggestions related to various policy fields and time periods:

First, studies have found that the general support for European integration has no significant impact on the overall degree of implementation (Mbaye 2001), but it has been observed that the specific support for a policy initiative affects implementation. In most situations, implementation is dependent upon a balance between the member state's overall commitment to the issue at stake, and the member state's overall institutional capacity to fulfil its obligations. Based upon these two simple dimensions it is possible to classify most implementation situations into four broad categories: (1) Low commitment and low capacity, (2) Low commitment and high capacity, (3) High commitment and low capacity, and finally, (4) High commitment and high capacity.

Such a matrix could be helpful in guiding case-selection as well increasing our understanding of the interplay between different mechanisms. For instance, we can assume that implementation is more likely to occur in situations with high score on both dimensions, while it is more unlikely to occur in situations with low score on both. A further challenge is to examine why some states are developing strong or weak commitments, and why some are developing and maintaining high or low capacities. Although will and ability can be treated separately, they are also interrelated, since the development of capabilities is a product of will, and institutional capabilities influence will-formation.

Second, the interplay between different mechanisms of implementation can vary across time. Enlargement did increase the focus on administrative quality and capacity. The dominant mechanism of change in the new member states was initially the external pressure and conditions posted by the EU. For instance, recognizing the achievement and the strong motivation by the applicants Schimmelfennig and Sedelmeier (2004), still question whether this short-term effectiveness in transposition was achieved at the expense of long-term inefficiency in actual compliance. Since the key driving mechanism was the EU conditionality, the authors ask what will happen when the 'engine' of the prospect of future membership is gone. This problem links to the discussion on the effectiveness of conditionality we can find in the development literature. For instance, some claim that conditionality is an ineffective tool, since there is often lack of 'ownership' by governments (Killick 1997), while others see it as effective (Hopkins, R. et al. (1997).

Another feature of implementation in Europe is the ubiquity of ambiguities. Studies find that if the European rules are clear and easily interpretable, it is more likely that they are implemented correctly (Weiler 2000, Falkner et al 2004). Ambiguity allows different groups to support the same policies for different reasons and with different expectations about consequences, and in particular the administrative consequences of the policies (Baier, March and Saetren 1986). In the EU, the linguistic, as well as considerable social cultural and geographical differences, combined with a relatively long time horizon from policy making to actual implementation often increase ambiguities. Operationalizing ambiguity is difficult, and it is important to be aware of the fact that sometimes ambiguities relates to the goals, other times, ambiguities stem from uncertainties regarding the preferred instruments and means, the

causal relations can be poorly understood, the technologies uncertain, or the environments so complex that it is difficult to develop precise instruments. In addition, some of the ambiguities can be deliberate, while others are the result of unintended effects or events.

One hypothesis is that implementation will vary according to the degree of ambiguity and the level of conflict related to the decision that is supposed to be implemented. Building on Matland (1995) we can separate between four situations: (1) In situations with low ambiguity and low conflict, implementation is likely to depend upon administrative resources and capabilities. (2) In situations with low ambiguity and high conflict, implementation is likely to depend upon the coercive and enforcing power of the EU. (3) In situations with high ambiguity and low conflict, implementation is likely to depend upon which of the actors that is attentive, active and most involved, and therefore largely dependent upon contextual conditions. (4) Finally, in situations with high ambiguity and high conflict, implementation is likely to be symbolic, rather than actual, and depend to a large degree upon the strength of specific domestic coalitions.

Improving research design

Implementation studies vary in design and methods. Many have used careful case studies, but we have recently seen a trend towards more quantitative studies. In order to conduct good studies it is important to develop good and unbiased data sets for measuring implementation, or lack thereof. So far, we have often relied upon data generated by European institutions. These data are not collected and presented primarily for the purpose and criteria of relevance for researchers, and they have some important limitations. For

instance, infringement data measure the cases that are actually detected and acted upon, while instances of undetected or ignored non-implementations are unaccounted. It is a danger if we develop more and more advanced methods and models but at the same time lack good data. (For a discussion on the quality of data see Börzel 2001). In order to conduct rigorous quantitative research it is therefore important that students of implementation develop reliable and unbiased indicators, such indicators should then not only cover Directives, but also relate to regulations and standards and other kinds of instruments that are increasingly frequently used in European governance

However, there is an increasing awareness of the importance of improving quantitative, qualitative and comparative research design. For instance, two large projects on implementation, led by Tanja Börzel and Bernhard Steunenberg, have tried to develop and refine quantitative measures of transposition and implementation. A large qualitative case study, by Gerda Falkner (et al) (2005), has examined implementation in 15 member states of six labour laws. In addition, Zürn and Joerges (2005) have compared implementation of EU rules, with implementation of domestic norms, as well as with other international norms and treaties. They find that EU regulations are complied with at a rate, better or at least as good as the national and the WTO regulations. Implementation studies are likely to improve further if one could compare implementation in EU member states with activities in comparable non-member states (Haverland 2004).

4. Conclusions

Implementation studies are important for our understanding of how and to what extent European integration affects and transforms the member states, how the EU functions, as well as for our understanding of shifts in the multi-level character of European governance. There has been considerable progress in this research field. We know more now than before regarding the performance levels and the dynamics of implementation in the EU. In general, member states have increased their level of transposition of EU legislation, but at the same time, the number of conflicts regarding non-implementation has increased. Some of the well-known dynamics of implementation from the general literature are also found in the EU. We have developed knowledge on how European legal initiatives impacts on the national legal institutions and governmental bodies, however, we have less systematic knowledge of the actual outcomes of European integration and the degree of goal realization. Increased focus on the ability of the EU and the member states to ‘deliver’ the results that is desired could give important insights into implementation processes, as well as offer critical views on the dynamics and legitimacy of European integration.

In this article, some themes and topics for further research have been suggested. First, research can benefit from increased attention to the goal-setting processes related to implementation performance. If we improve our understanding of how aspiration levels and norms of ‘acceptable levels’ are created, maintained and changed, we are likely to improve our understanding of the dynamics of implementation. Second, research should move beyond the either/or relationship regarding the mechanisms of implementation (March and Olsen 1998, Zürn and Checkel 2005). Most situations are combinations

of imposition, individual calculation, as well as an element of domestic factors that contribute to smoothen or prevent implementation. The interesting research questions are to understand the domain and scope of the different mechanisms, their sequence and their interaction. Finally, the further development of good qualitative, comparative and quantitative research designs is important, including the development of valid and unbiased quantitative indicators.

The positive developments discussed here takes place concurrently with the increasing interest in the general political science to 'rediscover' implementation studies. The increasingly trans-national character of political regulations, the increasing number and significance of international agreements and organizations have re-opened the agenda for reconsidering theories of implementation. There are therefore reasons to be slightly optimistic in believing that implementation studies in the more multi-centred governance system in the EU can, not only contribute to our understanding of the EU, but also provide insights feeding back to the general literature.

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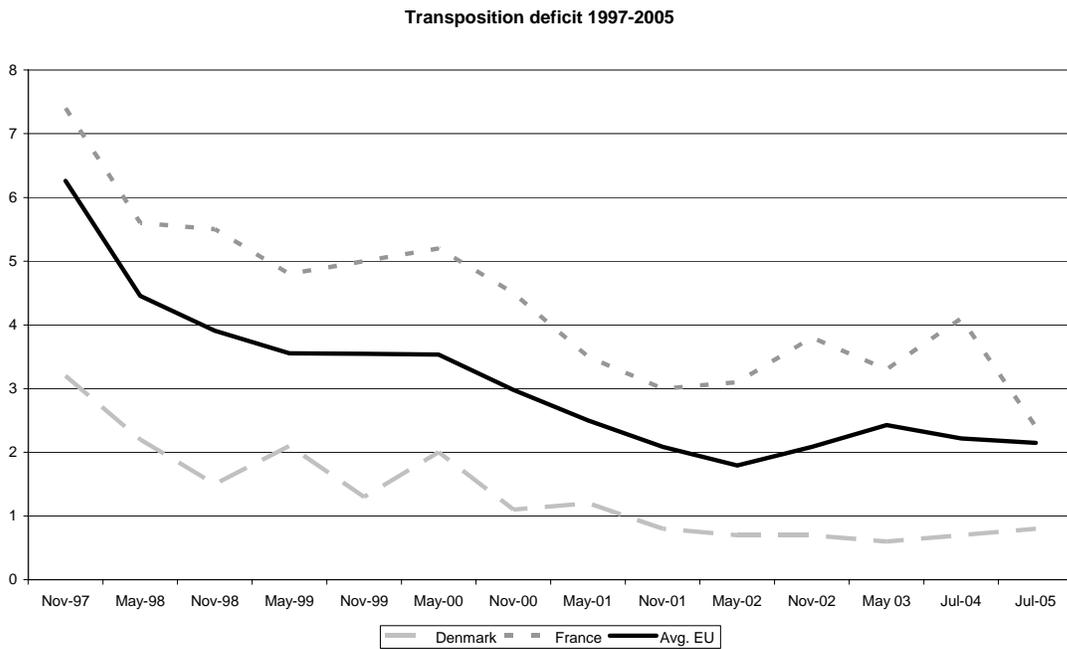
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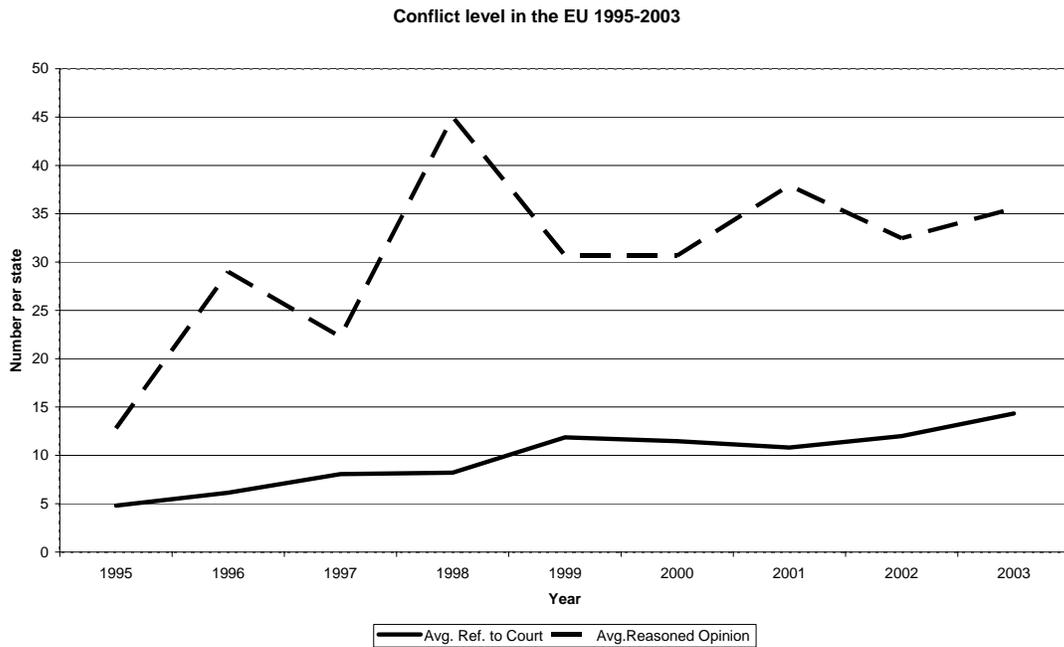
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Figure 1



(Source: European Commission Internal Market Scoreboards 1997-2005)

Figure 2:



(Source: Annual Reports on Monitoring the Application of Community Law 1994-2004)