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Between politics and administration : compliance with EU Law in Central and Eastern Europe

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CHAPTER 1

INTRODUCTION

1.1 Research puzzle

The European Union (EU) is a community of law, not of power. The European directives, regulations, and decisions together with the web of related national laws are the very fabric of the Union. The EU owes its existence to the myriad of daily routine enactments of its rules throughout the 27 member states at least as much as to the political rhetoric in Brussels.

Yet, the application of the common European rules at the national level can not be taken for granted because of the lack of central enforcement backed by the power of coercion. For all its triviality, the implementation of EU directives in the member states is not a mundane matter, as member states often face incentives to protract or even abandon the application of EU norms. Furthermore, seemingly petty breaches of EU law can quickly undermine the entire European project if they are perceived as willful and systematic non-implementation. In the EU, as in any co-operative effort, nobody wants to be the lone sucker who plays by the rules while the others free-ride.

Given the central importance of EU rule enforcement, it is hardly surprising that many observers considered the transfer of the body of EU legislation to the post-communist countries from Central and Eastern Europe (CEE) the greatest challenge of the Eastern enlargement: “[The] EU may also have a ‘policy implementation deficit’. Admission of new members with weak institutions will worsen that deficit.” (Nicolaidis et al., 2003, 4). In the words of Fritz Scharpf, one of the most acute observers of European integration, the question of enforcing EU law in the applicant countries should “cause sleepless nights for some people in Brussels.” (Scharpf, 2001, 2-3). Others even considered it “a rather obvious observation” (Curtin and van Ooik, 2000) that the enforcement problems after accession will be great.

The Commission of the European Union (hereafter ‘the Commission’) recognized the challenge. A 1997 study of the possible impact of enlargement concluded that

“Market distortions and prejudice to EU consumers could result from possible inadequate implementation of the Internal Market acquis.” (Agenda 2000; see for details Chapter 2). In the infelicitous prose of Brussels bureaucrats this means that serious troubles were expected. And the concerns were quite well-founded given the poor administrative capacity of the CEE countries, their lack of experience with market regulation, and the mismatch between EU rules and the needs of the post-communist economies in transition.

Against this background it is truly astonishing to find, a few years after enlargement, the post-communist countries from CEE outperforming the old EU-15 in terms of the transposition of EU law (see Sedelmeier, 2006b). It is a genuine puzzle how the new member states managed to adopt the vast body of EU legislation during the time of accession negotiations and show a lower transposition deficit than the founding members of the EU in 2007.

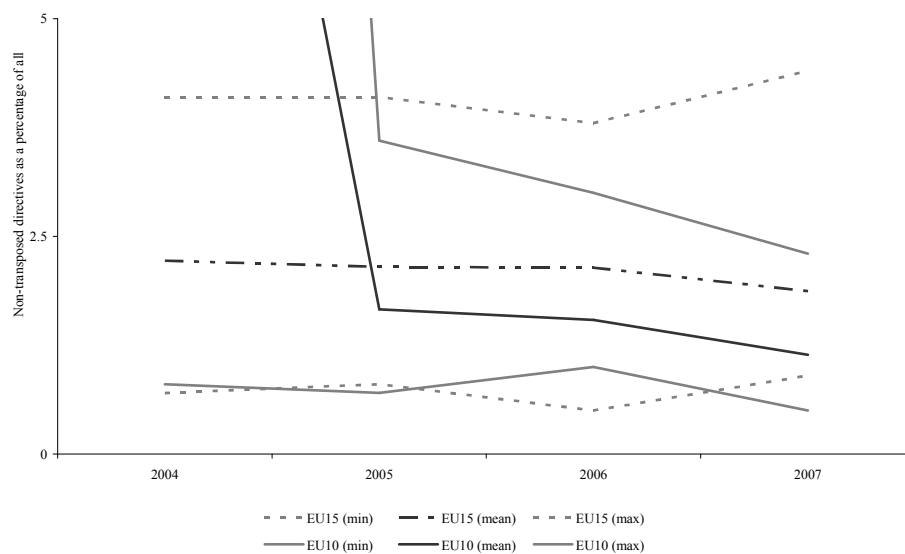


Figure 1.1 Transposition deficit in the EU (2004-2007)

Notes: Mean (14.34) and maximum (40.4) values for EU-10 in 2004 are truncated.
Source: Figure 1 in Toshkov (2008).

Figure 1.1 compares the mean and range values for non-transposed directives for the period 2004-2007 for the new member states and for the 'old' EU-15. It is evident that on average the newcomers outperform the rest of the EU member states. The leaders of the table are also new member states (Lithuania and, later, Slovakia). Even the worst performer amongst the CEE member states does better than the worst performers in the rest of the EU.

Moreover, the performance of the CEE countries is not uniform. While some states, like Lithuania, have been anchored near the top of the rank since the date of accession, others, like the Czech Republic, have had a less successful, although gradually improving, record. Naturally, the discrepancy between prior expectations and beliefs in the academic and policy-making communities and these empirical facts demands an explanation. In the pages that follow I will be tackling the empirical puzzle of successful transposition in CEE and make the analysis of the national paths of compliance the main theme of this book.

1.2 Research question

The main research question underlying my empirical and theoretical investigations is 'how to account for the patterns of compliance with EU law in the post-communist member states?' The question requires, as a first step, an explorative effort in mapping the patterns of legal and practical implementation in CEE during and shortly after the time of enlargement in 2004. The explanatory component of the research question demands a causal analysis of the national, sectoral, and temporal regularities observed.

The main research inquiry dissolves into a number of sub-questions which in turn produce yet another host of related inquiries. First of all, how is the overall success of the formal adoption of EU rules to be explained? How have countries in the midst of their social, economic, and political transformations been able to transpose more EU laws in the course of a few years than most of the original member states? Does the success come at the expense of the practical implementation of the rules? Is it made possible only by the insulation of the transposition process? How have the CEE bureaucracies been able to outperform, in terms of transposition rates, the 'model' public administrations in France and the United Kingdom? Why does the Czech Republic drop out of this picture of relative success with a worse than average record? Why do the three Baltic states differ

in their performances? Why do some countries seem to have problems in only one or two sectors? Why do countries with an overall mediocre performance still lead the ranking in some sectors, and why do top performers lag behind in others?

1.3 Compliance, implementation, transposition

This book attempts to explain compliance patterns. Since the connotations of the concepts ‘compliance’, ‘implementation’, and ‘transposition’ are often different across the boundaries between public administration, political science, and law, I will clarify my usage of the terms in the following paragraphs.

‘Compliance’, as used in this book, is the most general term from the semantic group also covering transposition, implementation, and enforcement. Compliance is here defined as either a state of being in accordance with established guidelines, specifications, or legislation, or the process of becoming so. In a legal context compliance means doing what you are required to do by law. Compliance with EU law, then, means acting in accordance with the norms of EU legislation. The actors from which compliance is expected might be the governments, the public authorities, private business actors, or the public at large. Compliance with EU law is a composite, complex process often requiring a preliminary, formal phase of adoption of the necessary national laws and regulations, the development of secondary rules interpreting and specifying the legislative framework, and conducting activities to ensure that the laws are applied in practice.

The formal, legal part of the process is called ‘transposition’. Transposition is a necessary step in order to achieve compliance with directives, but not needed for compliance with regulations¹ (a more detailed discussion of the legal characteristics of directives is available in Appendix I). Transposition is always conducted by the public authorities of a state, involving ministries, the government, or Parliament depending on the circumstances. The practical implementation is ‘translating policy into action’. At this point it becomes difficult to distinguish compliance and implementation. The convention

¹ In the context of the EU accession, regulations sometimes required transposition as well: “In the ten-year period of accession acceding countries have taken into account regulations in the harmonization process during their preparation for the accession. This means that many regulations and provisions of regulations have been transposed similarly to provisions of directives.. The transposition of regulations was accepted and even encouraged by the European Union in the pre-accession period.”(Fazekas, 2004)

used in this book is that implementation still mainly concerns the actions of public authorities to ensure that the legislation is transformed into practices, while compliance also encompasses the practices themselves and their conformity with the rules². In this book transposition, implementation, and enforcement are closely related aspects of the overarching concept of compliance.

This book does *not* deal with policy effectiveness or efficiency. My aim is to analyze the legislative and administrative work conducted for transposition and implementation of EU directives. It is beyond the objectives of the book to analyze whether EU laws have a positive or a negative effect in CEE, whether EU rules fulfill their objectives, or whether some European regulatory framework effectively solves the problems it has been designed to address. I have also chosen to avoid the normative claim that faster transposition necessarily leads to greater policy effectiveness. While timely transposition and implementation are necessary conditions for policy effectiveness, they are not sufficient to guarantee that the EU rules achieve their goals. Consequently, I do not attach any normative connotations to the discussion of the speed of transposition performance, although I often speak of 'leaders' and 'laggards'.

1.4 Practical and societal relevance

The analysis of compliance in CEE has important practical implications worth highlighting. First, transposition indicates how the new member states will adapt to the complex system of policy-making and implementation in the EU. Participating in a multi-level system of governance is a serious challenge for any administration. It demands an extraordinary amount of co-ordination and preparation for a country to perform effectively at the EU stage (Kassim, 2003; Kassim et al., 2001; Kassim et al., 2000). These demands are not confined to some bureaucratic elite or the political leadership. The administrative challenges inherent in being part of the EU reach deep and wide within the

² In this book, 'enforcement' denotes the efforts by various actors (the Commission, national authorities, public inspectorates, and the courts) to monitor, control and ensure the application of the law. 'Applying' the laws is synonymous with 'implementing' the laws. Enforcement emphasizes the correcting, coercive, 'bringing back into compliance' shade of meaning. For slightly different interpretations see Treib (2005) and Falkner et al. (1999, 5) who consider transposition, enforcement and application three different stages of implementation which in turn is synonymous with compliance. Yet another view is presented by Nicolaides (2003): "The implementation process, as opposed to the formulation process, of Community acts, and in particular Directives, consists of four stages: transposition, application, compliance and enforcement".

machinery of the member states (Kassim, 2003; Knill, 2001; Olsen, 2003; Siedentopf and Ziller, 1998). Transposition is a crucial link in the EU policy cycle connecting decision-making with implementation, so that protracted and incorrect transposition halts the entire process. Legal approximation during accession is a test for a bureaucracy showing whether it is fit to 'survive' in the EU context. Actually, transposing EU legislation is the first activity giving the candidate countries an experience of what it is like to function in the complex political and administrative environment of the EU. Practitioners and scholars have many reasons to suspect that transposition would be a serious hurdle for the CEE states. After all, little progress has been made in improving the performance of the EU-15 (European Commission, 2005b) despite of the problem being on the EU agenda for more than ten years now. Some countries have proven to be systematically incapable of keeping up with the pace of EU legislation (Borghetto et al., 2006; Börzel, 2001; Falkner et al., 2005; Kaeding, 2006; Mastenbroek, 2003; Versluis, 2007). The increasing load of EU legislation has for years plagued the transposition rate of states generally regarded as models for administrative efficiency.

Proper transposition is fundamental for the functioning of the Internal Market, a statement emphasized by the European Commission (European Commission, 2004b, 2005a, 2007b, 2008). Unfortunately, no estimates of the financial impact of late and non-transposition exist. The Commission, however, states that transposition is a necessary condition for the businesses and citizens of the Union to 'enjoy their full rights' (European Commission, 2005b). It is the institutional backbone of the common market and a prerequisite for the realization of the EU's potential for economic growth and increased competitiveness. Market convergence is dependent on timely legal implementation as it creates the common rules of the game within the Union. The participation of the new member states in the internal market is closely connected to the question how the EU rules are absorbed and enforced. While it is not a sufficient condition for successful performance in the Internal Market and market convergence, transposition has an important part to play.

The implications of transposition sluggishness are even more immediate for individual companies and groups of citizens, as it may put whole sectors or countries at a particularly (dis)advantageous position. With the 'big bang' approach to enlargement, the relative (dis)advantages could affect whole clusters of countries. Non-transposition by the

entrants potentially leaves their companies with reduced costs (e.g., for environmental or social protection) in comparison with their counterparts from the old member states. On the other hand, systematic troubles with transposition in the East could trigger protective measures by the EU-15 and undermine the entire integration process. The economic implications affect much more than the timing of incorporating European rules. If the EU directives are transposed without any consideration of the national context they can do more damage to the economic agents than bring benefits to them or the society (Scharpf, 2001). Over-compliance, or gold-plating (Bellis, 2003; Kaeding, 2008; Thomas, 2008), can also put companies in a weaker position on the EU markets. The transposition deficits in the EU might look small as a percentage but the non-application of even a single directive can lead to quite tangible costs which certainly justify the close scrutiny exercised by the EU.

More difficult to quantify but no less important are the consequences of non-compliance for the legal integration, as the EU is above all a 'community of law'. One of the main benefits of the rule of law is the stability and transparency of the institutional environment it induces. In contrast, untimely and improper transposition creates legal uncertainty with all its attendant negative consequences for business and citizens alike.

Given the communist legacies of the candidate countries from CEE, doubts exist about the ability of states and society to build political systems based exclusively on the rule of law (Elster et al., 1998; Schimmelfennig and Sedelmeier, 2005). One of the pathologies of totalitarian regimes was to keep on paying lip service to laws and resolutions while the *de facto* administration and power were exercised through unwritten rules and institutions. Compliance with the official formalized rules as a behavioral reflex could have been eroded during the communist rule, many academics thought. To a large extent it remains an open question whether the former communist countries can integrate in a political and administrative system that for its regulation relies exclusively on formalized rules in the form of written laws and directives - not to mention the question whether all countries from the group can integrate equally well. For this reason why any information, especially if based on hard data, about the new member states' initial experiences with transposition and implementation is truly important, as it can shed light on whether the community of law can smoothly encompass the CEE region.

A protracted adoption of European rules can undermine the legitimacy of the EU in the face of the public. For its societal support the EU still predominantly relies on what is termed 'output legitimacy' (Scharpf, 1999). As the 'input legitimacy' of elections and direct democracy is weak, the outputs of EU policy making have to compensate. The practical positive results of EU policies can legitimize common European action where the sanction of parliaments cannot. Non-implementation, then, directly undermines the legitimacy of the Union; even more so in the case of CEE. If after all the years of difficult choices made in the name of European integration the societies in CEE do not see the practical results of EU policies, the legitimacy of the Union is under threat.

Finally, the new members' experiences with transposition provides lessons for the administrations in the old member states. Even if the first spectacular results prove to be elusive, the fact remains that the countries from CEE had to start from scratch adopting the EU legislation, and this different perspective has suggested innovative solutions and arrangements. Naturally, during the years of accession the lessons were drawn in the other direction: from the West to the East. Now there is something in the experiences of the CEE administrations that can be valuable for some bureaucracies in the old member states struggling to meet the standards of efficient transposition.

1.5 Scientific relevance

The questions addressed in this project are ultimately about the impact of the political system on policy-making and change. The policy-making process is inevitably embedded in the broader political setting. The capabilities, the effectiveness, and the outcomes of policy making crucially depend on the ways the political system detects, channels, and accommodates pressures and demands coming from social and economic actors. The adoption of EU rules in the national legal systems is no exception. Even if we may conclude, after empirical research, that politics and consultation with interest groups have been largely isolated from the process of adopting the body of EU laws, the decision to detach politics and policy change in the context of the last enlargement is a decision that stems from the national political systems, and has to be explained as such.

Hence, this book is a study of rule making and rule transfer. It explores a case of a recent massive institutional change accomplished in the framework of the accession of the

CEE countries to the EU. The aspiration of the project is to understand how such a transformation becomes possible.

Operating at the borderline between public administration, political science, and law the thesis is relevant, and contributes to several social-scientific fields. Before all, the research adds an important piece to the puzzle of compliance in the European Union. By systematically studying the performance of the CEE states, I complement the extant literature on transposition and implementation with new data, and with interpretations of the records of the new member states. The thesis provides a solid empirical base for comparisons of compliance patterns during periods of accession negotiations, and in countries with significantly different political and administrative traditions from those in the Western and Southern European member states of the EU. The focus on the enlargement period makes it possible to discover the important role of the mode of relationships between the EU and the member states regarding the success of legal adaptation. Since the mode of relationship is constant in studies of the existing member states, its effect has been neglected so far.

Besides its direct relevance to the limited literature on transposition and implementation in the EU, the thesis addresses important themes in the study of International Relations and the study of compliance with international regimes in particular. In as far as the EU system of governance is not as firmly institutionalized as typical national orders, the transposition and implementation of European directives resembles the process of enforcing multilateral agreements and conventions between nations. The specific contribution of this study is the analysis of enforcement mechanisms, and the effect of repeated and intense interactions between the contractors on the implementation of the agreements. The focus on CEE is very helpful because in the last years the former communist countries have had two distinct types of relations with the EU: as applicants and as full members. Therefore, the enforcement mechanism, the intensity of the interactions, and the length of 'contact' vary and allow for comparisons.

In as far as the EU system of governance is not as weakly institutionalized as typical international regimes, the transposition and implementation of European directives resembles the process of implementation and enforcement within nation-states. The interest in the effectiveness and efficiency of implementation is an important topic for public policy implementation research. One focal point in implementation theory is the

relation between the success of new policies at street-level, and the prior involvement and consent of implementation agents in the design of these policies (Barrett, 2004). The application of EU rules provides a fresh look into the issue as the participation of implementing authorities in the decision-making process varies across countries and policy areas. In more general terms, transposition in the EU may serve to study the impact of administrative capacity on implementation. Especially since the application of EU directives rarely attracts genuine political conflict, the administrative capabilities of the member states can be isolated as the crucial explanatory variables and their impact can be analyzed (Scharpf, 2000).

Studying policy transfer in eight European states in three policy sectors has an obvious relevance for the subject of Comparative Politics. The appeal of the European Union as a social-scientific research laboratory (Haverland, 2007; Jachtenfuchs, 2001) extends to the (former) applicant countries from CEE as well. The legal characteristics of the directive as a legal instrument literally provoke characteristic national political and administrative features to revealing themselves. In addition, the outlines of the process of transposition closely resemble the outlines of a quasi-experimental research design (Landman, 2003; Mahoney and Rueschemeyer, 2003; Ragin, 1989) in comparative political studies: the same input is fed into distinct yet comparable systems, and the outcome is transparent and available for exploration³; moreover, the procedure is repeated time and again so that statistical methods for analysis can come into play. It is exactly the scope for discretion inherent in the design of the directive as a type of legal act that makes the (non)intervention of various factors, ranging from national cultures to sectoral organizational peculiarities, potentially visible in the final outcome. The member states of the EU may seem widely different from each other from a 'local' point of view, but from a more detached position they are sufficiently similar as to enable truly comparative research strategies. These countries are similar to such an extent that we expect the differences to manifest themselves in the analysis of particular political and

³ In a set of highly similar states a common input (a directive) is digested by their respective institutions and a number of outputs are produced (the national implementing measures). The national implementing measures are designed to reflect and take into account national differences in legal and administrative contexts. When transposition is stated in these terms it is easy to see that from a comparative politics point of view uniformity of output can be as interesting, as wide variability. It is also easy to recognize that the timing of transposition, the main concern of the practitioners, is one aspect amongst many, and maybe not the most interesting facet of the process of transposition. The national outcomes may vary in the range and nature of legal instruments used, in the number and constellation of actors involved, in the national?/domestic political salience accorded to the process, the level of political conflict it generates, etc.

policy events and institutions (Scharpf, 2000). The same conclusion holds true even more in the case of the CEE group of countries.

So far, this discussion has not touched upon the insights the study of compliance in CEE brings for the understanding of politics and administration in the former communist countries. Possibly the most important contribution of studying the adoption of EU rules is that it enhances our knowledge of how policy change is made and sustained in Central and Eastern Europe. The study of government and politics in the former Soviet satellites still features blind spots, such as the evolving relationships between the executive and the legislative, the involvement of interest groups in policy-making and implementation, the impact of the law on policy development, etc. Approximating national legislation to the EU directives is a process that simultaneously has been shaped by these issues, and itself has shaped the transformation of governance in CEE over the past decade. This double conjecture needs to be recognized and explored if we want to know how politics and administration in CEE actually work. Studying the implementation of European rules can shed light on how policies are actually made in the former communist countries from CEE. As adapting to the *acquis communautaire* in fact amounts to nothing less than institutionalizing a certain regulatory regime across policy fields, by investigating transposition in CEE we can understand how politics, bureaucracy, and society interact to produce institutional and legal change.

Finally, one of the lasting concerns of the study of democratic transitions is whether the formal adoption of external rules and institutions can produce a genuine change in practices, ways of doing things, attitudes, and normative structures. The problems of the dynamics between formal and informal institutional change (Farrell and Heritier, 2003) and the tension between written rules and societal norms (Falkner and Treib, 2008) are major issues for the social sciences that transcend disciplinary borders. The questions how massive institutional change is possible and how it should be steered are indeed issues that go to the heart of contemporary debates in political science. Despite being primarily focused on the formal rule transfer, the current thesis also sheds light on the ‘internalization’ of externally-driven institutional change.

1.6 Research design

This part of the introduction discusses the research strategy adopted for the empirical investigations addressing the puzzle of compliance. Here I will only describe the outline of the overarching research approach; the details about each individual component of the empirical investigation will be discussed in the chapters dealing with the historical, large-N, and comparative case study analyses. For example, while at the most general level compliance is the outcome to be explained in this book, it is operationalized differently in the quantitative and the qualitative part of the study. In this section only an overview of the design is presented, while each chapter dealing with the empirical findings contains a more comprehensive discussion of research design issues specific for the corresponding component of the empirical research. For example, the case-selection strategy for the qualitative study is presented in detail in chapter 7 while here only the general focus of the study is discussed.

This book focuses on the eight countries from CEE that joined the EU in 2004: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia. I have excluded Malta and Cyprus (which acceded to the EU in the same enlargement wave) from the analysis, because of the vastly different political, social, and economic conditions in these two small Mediterranean states. To keep cases comparable, I focus only on the eight post-communist states which share a similar administrative, political, and economic background. Most of the time Bulgaria and Romania are also excluded from the [scope of the] book; although these two post-communist countries started negotiations together with Slovakia, Latvia, and Lithuania, Sofia and Bucharest did not join [the EU] in the same wave as the rest of the CEE countries. As a result, they were subjected for a longer period to the power of conditionality, a major explanatory factor on which I focus. Furthermore, the data available for the 2004 accession countries and for Bulgaria and Romania, which eventually joined in 2007, are quite different. The European databases CELEX and EURLEX did not have information on Bulgaria and Romania at the time the research for this book was conducted. Also, data on infringement procedures are not available until the actual accession. For these reasons, the book does not systematically analyze the experiences with law approximation in Bulgaria and Romania.

The empirical part of the study is built on a mixed-method approach (Lieberman, 2005). Combining quantitative and qualitative methods has the advantages of increasing

the reliability of the findings and providing a glimpse into the causal mechanisms behind correlations of variables. Compliance is a complex phenomenon, and the quantitative and qualitative parts of the study address different portions of the empirical puzzle operating at different levels of abstraction. Mixed-method approaches are especially suitable [in cases] when little is known little about the topic of investigation, as in the case of compliance with EU law in CEE, because the different methods allow us to gain several complementary perspectives on the state of transposition and implementation in the post-communist countries that joined the EU. The combination of large- and small-N studies enhances the explanatory leverage of the analysis, but it also helps to better *explore* the various aspects of the research question.

Table 1.1 Overview of the research design

	1. Country-level statistical tests	2. Large-N analysis	3. Comparative case study
Compliance aspect	transposition	transposition	transposition and implementation
Level of aggregation	country	directive	sector/ country
Indicator of compliance	yearly transposition deficit	transposition within the deadline	number of infr. procedures in a sector/country
Case selection	-	random selection	intentional selection on the dependent variable
Number of cases	8	120	16
Method of analysis	bivariate regressions	logistic regression	necessary and sufficient conditions

The empirical chapters of the book open with a historical overview of the enlargement negotiations and the place of the adoption of EU law in the context of accession to the Union. The historical study brings to light the essential facts we need to know in order to understand transposition and implementation in their proper context. It also describes the temporal dynamics of the negotiations between the EU and the candidate countries. Next, I examine the relationships between some of the variables highlighted by the theory and aggregate measures of transposition performance for the eight CEE countries that joined the EU in 2004. The limited number of cases, however, considerably restricts the power and potential of the statistical analysis. In response, I present a more comprehensive empirical test of the theory using a random sample of 120 directives, representative for the entire range of EU legislation.

Since even this high-powered statistical analysis leaves many questions open, I proceeded with a qualitative comparative case study. Selecting 16 cases from three policy areas because of the requirement to maximize the variation on the dependent variable (compliance) (King et al., 1994), I collected in-depth information through interviews with national civil servants and EU public officials. The comparative analysis served to check and complement the results of the statistical test, to investigate the causal mechanisms behind the correlations uncovered by the large-N study (King et al., 1994; Mahoney and Rueschemeyer, 2003), and to generate new insights about the causes of implementation successes and failures. The comparative case studies also allow us a look beyond the formal incorporation of the European rules into the practical implementation of the directives.

1.7 Plan of the book

The book is divided into 12 chapters. The introduction (Chapter 1) outlines the research puzzle, specifies the research question, provides definitions of the main concepts, sketches the research approach, and discusses the scientific and practical relevance of the study.

Chapter 2 presents a historical analysis of the unfolding of the last EU enlargement with a special focus on the place of legal approximation in the context of associated agreements and accession negotiations. The chapter underlines the importance of the

adoption of EU law for the preparation and success of enlargement, and traces back the initial requirements of legal alignment back to the middle of the 1990s.

Following the first two parts, Chapter 3 presents an extensive review of the existing literature on alignment with EU law in the new member states. I also discuss research on the transformations of the post-communist countries in the context of enlargement and chart the field of EU compliance studies, providing an overview and critical discussion of the achievements, findings and shortcomings of current research.

Building on the insights from the literature review, Chapter 4 presents an original theoretical framework for the analysis of transposition and implementation in a multi-level system of governance. The theoretical model provides a number of hypotheses about the impact of preferences, administrative capacity, and policy-making constraints on the content and timing of legal implementation.

Chapter 5 focuses on the analysis of the general patterns of compliance in CEE. First, using a series of bivariate plots I investigate the impact of several (institutional) factors, suggested by the theory, on the aggregate country-level transposition performance in the eight CEE countries that joined the EU in 2004. The analysis suggests interesting relationships which are pursued in Chapter 6 which presents the results of a multivariate statistical analysis of an original dataset containing detailed information on the transposition of 120 directives.

Complementing and extending the quantitative analyses, Chapters 7 to 11 present the design and the results of a comparative case study of compliance with EU law in three policy areas: electronic communications, nature protection, and working conditions. Chapter 7 explains the case selection procedures and the place of the case studies in the overall research design. Chapter 8 presents the findings from the case studies in the field of electronic communications. Chapter 9 deals with working conditions, and Chapter 10 contains the findings from the case studies in the area of nature protection. A comparative analysis of the case studies in the three policy areas is presented in Chapter 11. The chapter synthesizes the empirical findings and discusses the insights provided by the historical, quantitative, and qualitative analyses in detail, in order to explain the variations in compliance between and within policy sectors and countries. The analysis reveals a complex picture of the process of transposition in the various cases and also provides a look into the phase of practical implementation.

Finally, Chapter 12 draws the main implications of the study and summarizes the empirical, theoretical, and normative contributions of the book. Additional information is contained in several appendixes. Appendix I provides a detailed presentation of the legal characteristics of the directive as a type of legal act in the EU legal system. Appendix II contains the proofs and the derivations of the analysis of the theoretical model introduced in Chapter 4. Appendix III reports the results of an alternative specification of the statistical model presented in Chapter 6. Appendix IV lists the dictionaries used for the content analysis of information society legislation in chapter 8. Appendix V contains the list of interviews conducted during the empirical investigation.