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

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CHAPTER 2
NEGOTIATING EU MEMBERSHIP: A HISTORICAL OVERVIEW

The previous chapter introduced the main research puzzle: how to explain the patterns of compliance in CEE at the time of accession? The process of rule transfer from the EU to the post-communist countries is, however, intrinsically connected to the broader context of enlargement and the negotiations for membership. This chapter provides the historical context needed for understanding transposition of EU directives in the framework of the accession process and describes the institutional features of the negotiation process.

2.1 Early contacts and association agreements

The earliest institutionalized relationships between the European Communities and any of the communist countries from CEE date back to 1988-1989 when Hungary and Poland signed trade and co-operation agreements with the EC. More symbolic than anything else, these agreements granted Hungary and Poland the status of most-favored nations in their trade with the Community (Henderson, 1999).

The real start of intensive and structured relationships between the CEE states and the EU came with the so-called Europe Agreements, signed in 1992 with the Czech Republic, Hungary, Poland, and Slovakia[4]. The Europe Agreements are comprehensive association pacts covering a large set of economic and trade-related issues, but also recognizing accession of the CEE countries as their final objective. Importantly, the Europe Agreements for the first time mentioned the need for the CEE states to 'to approximate the majority of their economic laws to EC law'. Although the commitment was rather weak, we should recognize that as early as the beginning of the 1990s the post-communist countries agreed to align their legislation with (parts of) the body of EC

[4] With Bulgaria and Romania association agreements were signed in 1993, with Slovenia in 1996 and with the Baltic states in 1998.

norms. With the prospects of enlargement still uncertain at that period, however, little was achieved in terms of legal harmonization.

2.2 Clearing the way for enlargement

The European Council in Copenhagen in 1993 marked a watershed in the enlargement process. The heads of states and governments of the EU member states decided that the associated countries from CEE would become members of the European Union when they satisfied the conditions required[5]. The need to transpose the acquis was not mentioned explicitly as a criterion at this point[6], but the 'classical method of enlargement' presupposes the fulfillment of this condition anyways (Gower, 1999, p. 7). The French delegation had actually proposed a specific criterion for the existence of sufficient administrative capacity to implement the acquis, but it did not succeed to put it on the final list (Nicolaides et al., 1999). Nevertheless, the subsequent European council meetings clearly emphasized the necessity of aligning the national legislation to European laws and preparation for the implementation and enforcement of the measures.

As a follow up to the Council of Copenhagen, a special task force on the approximation of legislation adopted a Communication in September 1994 with the associated countries from CEE. The document underlined that while in the short term approximation is beneficial for foreign investments, in the long term it is 'indispensable preparation for the future accession' (European Commission, 1994b, p.3). The document also reminded the CEE governments of their commitments for approximation in the areas mentioned in the Europe Agreements, and especially in the fields of Competition, Intellectual Property, and Transport (European Commission, 1994b, p.4-5). In another (entirely neglected by the literature) communication from 1994, the Commission already expressed a clear idea about the place and significant of the process of legal approximation for enlargement and identified several measures to assist the governments in CEE in this formidable task:

[5] Consequently, the CEE countries submitted formal applications for full membership in 1994 (Hungary and Poland), 1995 (Romania, Slovakia, Latvia, Estonia, Lithuania, Bulgaria) and 1996 (the Czech Republic and Slovenia).
[6] See the Presidency Conclusions, Copenhagen European Council - 21-22 June 1993.

> 'On accession, each associated country will have to adopt the 'acquis communautaire' which exists at that time. ...Several of the associated countries have already instituted systems for ensuring the new laws conform to the Union's legal framework. This huge task of approximation of legislations can only be done by the associated countries themselves...' (European Commission, 1994a, p.5)'

The documents also noted that there is a need for close co-ordination and for technical assistance and recommended that each country should draw up a programme of priorities and a time-table for ensuring approximation of legislation, technical harmonization and development of common European standards and certification procedures. Furthermore, it considered that the coordination and monitoring should be carried out by the specialized committees of the Association council, and envisaged that the process would be supported by the PHARE program.

The meeting in Corfu in 1994 highlighted the importance of implementation of the Europe Agreements (which as we noticed included a commitment to legal approximation). At the Council meeting in Essen in January 1995, the phased adoption of the Union's internal market acquis was presented as an essential part of the strategy of preparation of the associated countries for accession (Nicolaides et al., 1999). The next meeting of the European Council in Cannes (June 1995) approved a white paper on integrating the associated countries in the internal market (Communities, 1995). The document, prepared by the Commission, was of lasting importance for the unfolding of the enlargement process, and for legal approximation in particular:

> It [the white paper] identified in considerable derail the key measures in each sector of the internal market that the associate countries needed to adopt, including an enormous volume of what is rather euphemistically termed 'legal approximation'... It also suggested a logical sequence for the legislative programme while leaving it up to each of the associated states to draw up its own timetable. (Gower, 1999, pp.9-10).

The white paper was welcomed by the CEE governments as a focal point for their national integration strategies. The adoption and adaptation of EU rules was a straightforward condition for joining the EU that the applicant countries were not too reluctant to fulfill. The Commission, however, was quick to warn of the dangers of simply 'ticking off' the required laws that have been transposed into national law (Gower, 1999,

p. 10) and reminded about the need to create adequate structures for regulation, implementation and enforcement. The European Council meeting in December 1995 in Madrid further focused attention on the necessary adjustment of administrative structures.

The next set of key documents related to enlargement, and legal approximation, appeared with the publication of Agenda 2000 in July 1997 (Soveroski, 1997). Agenda 2000 comprised a detailed assessment of a number of issues for the future of the EU, including enlargement to the East, as well as the Commission *avis* (opinion) on the applications for memberships from the CEE countries. The opinions were based on communication with the applicants in 1996 and numerous studies prepared by various national authorities and international institutions. In short, the Commission concluded that none of the CEE candidates fully satisfied the Copenhagen criteria but considered that Hungary, the Czech Republic, Poland, Estonia, and Slovenia would be able to fulfill the conditions in the medium term if they kept up their efforts. During the Luxembourg European Council (1997) the EU decided to open the negotiations for membership with these countries (plus Cyprus). Formally, negotiations started in April 1998. Negotiations with Bulgaria, Slovakia, Latvia, Lithuania, Romania and Malta were opened in 2000 after a decision reached at the Helsinki European Council meeting (December 1999) (for details see Christoffersen, 2007). Before we turn to a discussion of the negotiations for accession, however, I will elaborate on the structure and content of the *avis* contained in Agenda 2000, since the document proved of lasting importance for the process of legislative alignment, in addition to its significance for enlargement in general.

In its efforts to assess the administrative capacity of the applicant states, the Commission did evaluate their achievements with regard to their obligations stemming from the Europe Agreements, as well as actions following the recommendations of the White Paper (see above) and progress in other areas of the acquis (Soveroski, 1997). The language used was deliberately vague. For example, the difference between making 'significant efforts' and implementing 'significant elements' (of the Agreement) is not immediately clear. Nevertheless, the *avis* contained the first assessment of the progress of transposition in the applicant countries. Latvia and Lithuania were said to have made 'some progress'. The Czech Republic, Slovenia, Poland and Slovakia were deemed to have 'satisfactory rates'. Estonia had adopted 'significant elements of the acquis' and Hungary had the internal market legislation almost 'completely in place'. Tentative as it

may be, the assessment provides some idea about the relative standing of the CEE countries in terms of legal approximation at that period of time.

While collecting the background information for the AGENDA 2000 and in order to demonstrate their commitment and willingness to adopt the body of EU rules, the candidate countries prepared very detailed (and voluminous) plans for approximating of the national legislation to the *acquis*. The programmes were adopted in 1995 (Slovakia and Hungary) and 1996 (Czech Republic, Estonia, Latvia, Lithuania, and Slovenia). These national programmes presented detailed plans specifying the necessary changes to national legislation and the (tentative) timing for adoption of the changes. The programmes were revised numerous times after the first editions. For example, in May 2000 the Lithuanian government adjusted for the third time its programme with over 40 state departments and institutions taking part and identifying 1500 EU legal acts to be incorporated in Lithuania's legal system by 2004[7].

It is not completely clear how seriously the deadlines mentioned in these programs were taken by the national authorities. Sticking to these self-imposed commitments did prove troublesome in most cases, and the specific plans were frequently amended, redrawn and postponed. Nevertheless, the national programmes were crucial for illuminating the scale of the challenge of incorporating EU law, and in making the task manageable by identifying what needs to be done and distributing the work across the different national ministries and agencies.

2.3 Negotiations for membership

The purpose of the accession negotiations is to define the terms and conditions under which each of the candidate countries will accede to the EU (Christoffersen, 2007, p.43). In principle, the applicant countries have to incorporate and apply the *acquis* in full. As a consequence, there is fairly little to negotiation about: a limited number of special derogations and limited transitional periods for the enforcement of certain rules is the maximum the candidate states can request. The new member states will have to apply the *acquis* at the time of accession and they will have to align with it before that.

[7] 'Lithuania updates national EU accession programme', BBC World wide monitoring, 24 May 2000.

The screening is performed before the actual negotiations in order to identify the priority areas that have to be adapted and strengthened. These are split up into chapters to be negotiated. The exercise also aims to familiarize the candidate countries with the *acquis*. During the accession negotiations, the screening corresponds to a phase of updating of the EC legislation. At bilateral meetings, the candidates present their own relevant legislation and identify what changes are necessary (Christoffersen, 2007, p.43).

According to Klaus van der Pas[8], head of the Enlargement Task Force, the bilateral meetings were centered around two fundamental questions: "Do you accept the existing acquis communautaire in the chapter in question?" and if so "Do you have the necessary legislation and institutions to implement this acquis communautaire?".

The negotiators considered that the screening is non-problematic if an applicant country told them that it accepts the *acquis communautaire* without requesting transitional arrangements. For convenience, the EU *acquis* is divided into the so-called chapters. For a list of the negotiation chapters during the Eastern enlargement see Table 2.1. The basic structure of the list has been established with the accession of Austria, Finland and Sweden, but has been updated and extended in the late 1990s (Nicolaides et al., 1999). For the purposes of subsequent accession negotiations, the list has further been amended and currently features 36 chapters.

On the basis of the screening, the Commission submits a report to the Council on each chapter and country listing the possible problems, requests by the applicants, etc. After completing the screening of a chapter, the applicant formulates a negotiation position, explaining how and when it will comply with the relevant norms and legislation (in reference to legal approximation, the establishment of necessary administrative structures, and practical implementation).

The actual dynamics of negotiations can be seen in Figure 2.1. The figure traces the number of provisionally closed negotiation chapters over time. It is clear that the second, 'Helsinki' group of applicants quickly caught up in the process of negotiations.

[8] 'Klaus van der Pas makes satisfactory assessment of screening', 5 June 1998, Agence Europe.

Table 2.1 Negotiation chapters and derogations/transitional periods agreed

Chapter 1: Free movement of goods	PL –2; LI, SL –1
Chapter 2: Free movement of persons	–
Chapter 3: Freedom to provide services	EE, HU, LI, LA, PL, SL, SK –1
Chapter 4: Free movement of capital	CZ, HU, PL –2; EE, LA, LI, SL, SK –1
Chapter 5: Company law	–
Chapter 6: Competition policy	PL –5; HU –4; SK –2; CZ –1
Chapter 7: Agriculture	–
Chapter 8: Fisheries	–
Chapter 9: Transport policy	HU, LI –4; LA, PL –3; SK, EE, CZ –1
Chapter 10: Taxation	PL –9; HU, SK –7; CZ –6; EE, LA –5; SL-4; LI –3
Chapter 11: Economic and monetary union	–
Chapter 12: Statistics	–
Chapter 13: Social policy and employment	SL –4; LA –3; PL –1
Chapter 14: Energy	CZ, EE –2; LA, LI, SL, SK, PL –1
Chapter 15: Industrial Policy	–
Chapter 16: Small and Medium-sized Enterprises	–
Chapter 17: Science and research	–
Chapter 18: Education and training	–
Chapter 19: Telecommunications and IT	PL –1
Chapter 20: Culture and audio-visual policy	–
Chapter 21: Regional policy and co-ordination	–
Chapter 22: Environment	PL –10; LA –8; SK –7; EE –6; HU, LI –4; SL, CZ –3
Chapter 23: Consumer and health protection	–
Chapter 24: Justice and Home Affairs	–
Chapter 25: Customs Union	HU –1
Chapter 26: External relations	–
Chapter 27: Common foreign and security policy	–
Chapter 28: Financial control	–
Chapter 29: Financial and budgetary provisions	–
Chapter 30: Institutions	–
Chapter 31: Other	–

The number of derogations and transitional periods gained varies slightly across countries and can be compared in Table 2.1. The amount of exemptions is rather modest and most of the transposition periods do not extend beyond five years. By the end of 2001 all negotiation chapters were closed. For example, the Czech Republic gained in the field of environment transitional agreements for the recovery and recycling of packaging waste until 2005, for the treatment of urban waste water until 2010, and for air pollution from large combustion plants until 2007. As another example, Lithuania got as part of the negotiations of the transport chapter transitional periods for retrofitting of certain vehicles used in domestic transport with tachographs (2005), the financial standing criterion for transport operators carrying out domestic transport services (until 2006), for access of non-resident hauliers to the national road transport market, and for phasing out the operation of noisy aircraft from third countries (until the end of 2004).

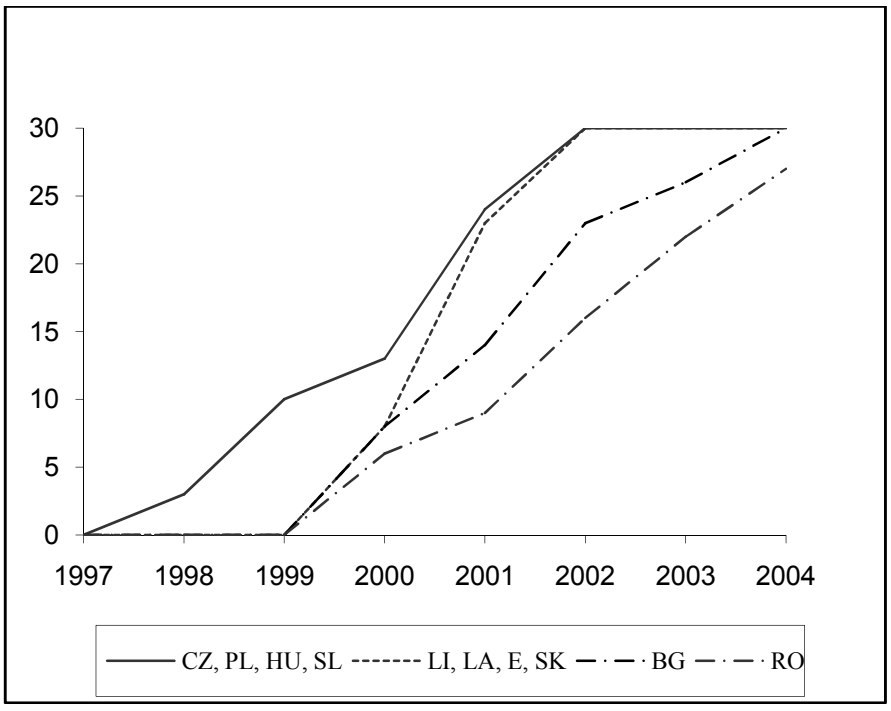

Figure 2.1 Negotiation chapters dynamics

The derogations and transitional periods are the main vehicle for the applicant countries to ease their adaptation to the *acquis*. As we see, the number of negotiation derogations is quite small. This fact is directly relevant for understanding the process of transposition due to a number of reasons. First of all, the limited number of derogations indicates that the new members had to implement, by and large, the entire body of EU law on accession. Second, the distribution of agreed concessions is telling about the priorities of the applicant countries. Apparently, the CEE countries attempted to shield themselves from the immediate effect of the EU environmental legislation: the Environment chapter accounts for, by far, the greatest number of transitional periods. We should keep that in mind in our assessment of the completeness and success of the legal adaptation to the EU. However limited, the possibilities for transitional periods have removed the heaviest burdens from the applicant countries, at least for a limited amount of time after enlargement. The final observation on the basis of the overview of concessions concerns the considerable cross-national variety in the requested temporary derogations. This reflects diverging national priorities, but also the country-specific leverage some (business) interests have in influencing their governments.

The main instrument of the European Commission to monitor the fulfillment of candidate countries commitments and reforms were the annual reports on the progress towards accession. The reports featured comments on general political and economic developments but also detailed observations on legislative and policy development for each of the 31 chapters (in fact in regard to the first 29). The Commission published the reports each year from 1998 until 2001. The structure of the report was based on the *avis* but it changed slightly over time (especially the last reports were different in setup). The progress reports were the major instrument of the EU to apply the pressure of conditionality and the reports attracted considerable media attention, both in the EU and even more so in the applicants. For compiling the assessments, the Commission rested on information submitted by the candidates, signals and reports of national and international non-government actors, the representation of the Commission in the countries, embassies, etc. The enlargement DG co-ordinated the efforts but the actual detailed comments were prepared with the co-operation of the sectoral DGs. As a result, the EU was able to locate problematic areas for each country and apply concentrated pressure for

reforms. After the completion of the negotiations, the accession treaties were signed with the Czech Republic, Estonia, Hungary, Poland, Slovakia, Slovenia, Lithuania, Latvia, Malta, and Cyprus on 16 April 2003 in Athens. The treaties entered into force on the 1st of May 2004.

In addition to the power of conditionality, the EU provided the candidates with a lot of support for the transposition and implementation of the acquis. The European Union, and in particular the European Commission played crucial roles in supporting the candidate countries in screening the *acquis* and preparing the programmes for transposition of the *acquis*. In 1996 the Commission set up TAIEX (Technical Assistance and Information Exchange Programme) as an institution-building instrument for short-term assistance in the adoption, application and enforcement of the Community acquis. Practically, TAIEX provided a data exchange facility (a database to keep track on the legal approximation progress), organized numerous meetings, training events, study or assessment visits, seminars, and workshops for public officials from the EU and the candidate countries. It also helped with the translation of the *acquis*. The PHARE program also provided support for building institutional capacity for the adoption and implementation of EU law and numerous sector-level projects were conducted. The twinning programmes between CEE and EU public administrations further assisted the incorporation of European rules in specific areas. For example, the Polish Financial Supervision Authority benefited from a project on the Implementation of the methodology of Supervisory Review Process for investment firms in accordance with the Capital Requirements Directive. Another project concerned the development of administrative capacity for monitoring and evaluation of the agri-environment measures in Estonia. The combination of support and pressure gave the EU a powerful mechanism to influence the governments in the candidate countries.

2.4 EU coordination structures

The processes of European integration and negotiations negotiation for membership present formidable challenges for co-ordinating the work of the government apparatus[9] (Kassim et al., 2000). Unlike relations with other international organizations, relations

[9] This section of the chapter is based on Dimitrova and Toshkov (2007).

with the EU concern each and every department and level of the public administration once the integration process goes under way. The administration has to prepare and support negotiation positions, to transpose and implement legislation, to observe political and policy developments in the EU, and, after accession, to participate in the complex policy-making networks centered in Brussels. The way the governments decide to co-ordinate EU-related affairs has potentially profound consequences for the quality of negotiations, and implementation of EU law. The co-ordination systems developed in CEE in response to the challenges of enlargement are quite different and follow specific paths of developments. In the following pages I will briefly describe the set-up and evolution of the co-ordination structures in the eight post-communist countries that joined the EU in 2004. The discussion will lead to a simple categorization of the institutions adopted, and the relationships between co-ordination and compliance, suggested by the theoretical model, will be explored in the subsequent chapters.

At first, in the beginning of the 1990s relations with the EU were exclusively in the domain of the foreign affairs ministries (Rupp, 1999). The Europe Agreements had quite some implications for other parts of the administration, like Industry and Economics, as well. Nevertheless, for a while the foreign affairs ministries remained by far the most important domestic actors for managing EU affairs. With the advance of the integration process, and realistic accession prospects on the horizon, the CEE countries were confronted with the need to involve all corners of the administration into a more institutionalized structure of relationships. The more complex the system grew, the more need for monitoring and co-ordination of the collaboration followed. As these systems developed and matured over the course of accession, any snapshot of their structure is doomed to provide only limited insight into how the systems worked. Still, starting with the situation in 1997, in the midst of the preparation of Agenda 2000, let us see how these co-ordination systems looked.

In the Czech Republic, the supreme decision-making body on enlargement was the inter-ministerial Committee for European Integration, chaired by the prime minister with the ministers of agriculture, industry, finance, and foreign affairs being permanent members. The day-to-day work was conducted by working groups (composed mainly from sectoral ministries' civil servants but also including academics and representative of the civil society occasionally).

Table 2.2 Coordination councils for European integration (EI) in CEE

	European Integration (EI) coordination council		
	Political level		Administrative level
	Inclusive	Exclusive	
Czech Republic	Council for EI 2001-2003	Gov. Committee for EI 1994-2001	Committee for the EU 2003 -
Estonia	x	x	Coordination Council
Hungary	Cabinet Committee for EI - until 1998	Cabinet for European Affairs 1996 -	Inter-ministerial Committee for EI 1996 -
Latvia	EI Council 1995 –	x	Council of senior officials 1997 –
Lithuania	Governmental EU Commission 1996 -	Governmental EI Committee 1995-1996	X
Poland	Political committee	Committee for EI 1996 –	European Committee of the Council of Ministers 2004 – x
Slovenia	x	x	Working group on administrative affairs
Slovak Republic	Ministerial Council of the Government for EI	x	EU Affairs Commission

Source: *Table 1 in Dimitrova and Toshkov (2007)*

A Working Committee of Officials, chaired by a deputy minister of foreign affairs completed the picture. The ministerial council was reformed (see Table 2.2) in 2001 to include more ministers as permanent members. An administrative level Committee for European Integration was established in 2003. The main unit responsible for EU affairs was, and to a large extent still is, a directorate in the foreign affairs ministry. Only from 2003 onwards there have been efforts to strengthen the capacity of the cabinet administration with regard to EU affairs with the establishment of a unit monitoring and

supervising transposition and a appointing a minister with specific prerogative in EU integration.

In Estonia, in 1997 an inter-ministerial Commission on European Integration chaired by the prime minister formulated and submitted EU-related proposals to the government. A Council of Senior Civil Servants provided the more day-to-day co-ordination of EU affairs. The main administrative unit charged with the EU was the Office of European Integration, reporting directly to the prime minister (see Table 2.2). The Estonian system is remarkable for its stability, and this general set up survives until now (the Office for European Integration has been recast as EU Secretariat of State Chancellery).

The Hungarian system of co-ordination changed much more often. At first, the main actors were an inter-ministerial Committee for European Integration chaired by the minister of foreign affairs. In addition, however, there was a more exclusive European Integration Cabinet chaired by the prime minister, supported by a strategic task force. The European Integration department at the foreign affairs ministry and EU directorates in all ministries (as far back as 1997) complete the list. Hungary also introduced in 2004 a minister for European integration without portfolio. The state secretariat for integration may be considered the most important administrative unit for EU affairs. The co-ordination locus was moved to the government with the establishment of Office for European Affairs in 2005. The system for the time of enlargement is probably best described as mixed with the foreign affairs and the government sharing power for EU co-ordination.

In Latvia, a Minister of EU affairs was appointed in the beginning of the process of accession (the position was scrapped later). The post was assisted by an European integration Bureau. The European integration Council composed of the main ministers dealt with strategic issues. The European Integration Bureau survived (with a change of the name) until 2004 when the co-ordination hub was moved to the foreign affairs ministry.

In Lithuania, the highest political co-ordination body was an Inter-ministerial Commission on European Integration chaired by the prime minister. The department of European Integration at the ministry of Foreign Affairs co-ordinated integration activities.

Table 2.3 Location of the main EU coordination unit in the government structure in CEE

	Location of the main EU coordination unit			
	Separate institution	Attached to the PM	Government office	Ministry of Foreign affairs
Czech Republic				EU department
Estonia		EU Secretariat of State Chancellery, form. Office for EI		
Hungary			Office for European Affairs (from 2005)	State secretariat for integration (until end 2004)
Latvia		European Affairs (formerly EI) Bureau- till 2004		EU department from 2004
Lithuania	Ministry for EI (1996-1998)	European Committee (1998-2004)	Two departments (2004 -)	
Poland	Office of the Committee for EI (1996 -)		Bureau for EI (1991-1996)	
Slovenia			Government office for EI (1997 - ; reform 2003)	Department for EU (until 1997)
Slovak Republic			Co-ordination group of the executive (1998 -)	EU department

Source: *Based on Table 3 of Dimitrova and Toshkov (2007)*

The country also established a separate ministry of European Affairs that survived from 1996 until 1998. Then the main administrative body charged with EU affairs was the European Committee attached to the prime minister (until 2004). After that two departments at the government office hold the main responsibilities.

In Poland the political bodies charged with EU co-ordination are a Committee for European Integration established in 1996 and a government plenipotentiary that used to exist until 2004. The main administrative unit is the Office of the Committee for European Integration, a separate institution that replaced in 1996 the Bureau for European Integration located at the government office.

In Slovakia the European Integration Council was the main strategic co-ordination body and was chaired by the prime minister, assisted by the minister for foreign affairs, and a deputy prime minister for approximation of legislation (sic). The administrative unit charged with EU affairs is a directorate in the foreign affairs ministry but since 1998 at the government office there is also a co-ordination group of the executive.

In Slovenia, the department for European Integration at the foreign affairs ministry used to be the main actor until 1997 when the Government office for EU affairs was established (attached to the government). For political co-ordination a minister without portfolio was used until 2004.

Tables 2.2 and 2.3 present the set-up and development of these institutions in more detail. To summarize the presentation, however, we can, admittedly by ignoring important peculiarities, classify the co-ordination system at the time of, and shortly before, enlargement as primarily foreign affairs based (the Czech Republic, Hungary, Slovakia) and government of prime minister-based (Estonia, Latvia, Lithuania, Poland, Slovenia).

2.5 Conclusion

This chapter presented a historical overview of the Eastern enlargement with a focus on the place of transposition, or legal approximation in the accession process. One of the major conclusions of the overview is that a commitment to legal alignment was accepted by the CEE countries already in the beginning of the 1990s with the Europe Agreements. Not much approximation was completed, however, before the EU gave clear signs that an enlargement to the East is possible and realistic. Second, the process of legal approximation was intrinsically linked to the conditionality of the accession process. As in previous enlargement rounds, the adoption and capacity for implementation of the acquis was considered a condition for sufficient preparation to join the EU. Third, complex co-ordination structures were established in response to the challenges of accession in all the

member states. In the next chapters, I will explore what is the influence, if any, of the type of co-ordination structures on the transposition of EU law in CEE. Before that, however, I will review the existing literature on EU enlargement and transposition.