

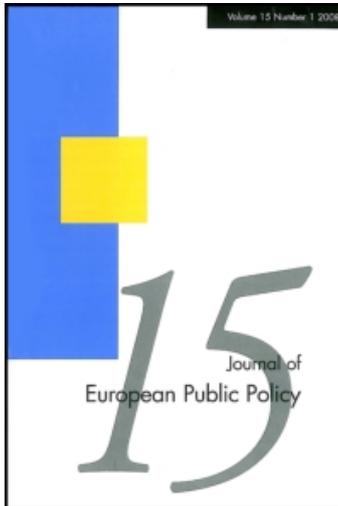
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# Same effects in different worlds: the transposition of EU directives

Robert Thomson

**ABSTRACT** This study examines variation in the timing of national transposition of European Union (EU) directives. It specifically addresses the central proposition of the worlds of compliance typology. The proposition is that the direction of the effects of key explanatory variables of compliance, such as the fit between new EU directives and existing national arrangements, differs by cultural context or ‘world of compliance’. Contrary to this proposition, the findings indicate that the direction of the effects is the same in different cultural contexts. The present study uses arguably the best information available on compliance, from Falkner *et al.*’s (2005) *Complying with Europe* study. This is also the information from which the worlds of compliance typology was at least partly derived. As such, this study offers a ‘most likely’ test of the typology. In addition to refuting the worlds of compliance typology, the findings support several expectations about variation in timely transposition from the existing literature.

**KEY WORDS** Compliance; European Union; transposition.

The adjustment of national laws in response to new European Union (EU) directives has become a testing ground for explanations of variation in compliance. These explanations differ from each other partly in terms of the level of analysis at which the key explanatory variables are said to be located. Preference-based explanations emphasize the explanatory power of member states’ preferences in relation to the European laws to be implemented, and the specific characteristics of those laws. A prominent explanation of this type refers to opposition expressed by member states prior to the adoption of directives (Falkner *et al.* 2004; Thomson *et al.* 2007). Similarly, Steunenberg’s (2007) model of national transposition of EU directives highlights the importance of the preferences of various national actors within member states. Several researchers have also examined the degree of misfit between the demands of new European laws and existing national arrangements (Héritier 1996; Börzel and Risse 2003).

By contrast, state-based explanations of variation in compliance refer to characteristics of member states as explanatory factors. These characteristics include administrative efficiency (Ciavarini Azzi 2000; Pridham 1994), the representation of relevant socio-economic interests in national policy-making processes (Lampinen and Uusikylä 1998), and nationally distinct policy implementation styles (Falkner *et al.* 2005: ch. 15).

The present study specifically addresses Falkner *et al.*'s (2005) expectations relating to nationally distinct implementation styles. Falkner *et al.* suggest that there are essential differences among states regarding their 'specific national culture of digesting adaptation requirements' in response to EU directives (Falkner *et al.* 2005: 319). Falkner *et al.* construct a typology of the EU-15 member states, labelled 'worlds of compliance'. The typology purports to capture the essence of typical national responses to demands for adaptation from the EU. The typology includes a range of factors such as the political importance of compliance with EU law, and the predominant logic followed by relevant actors within each state (Falkner *et al.* 2005: 322). There are three categories in this typology. The 'world of law observance' consists of Denmark, Finland and Sweden. The 'world of domestic politics' consists of Austria, Belgium, Germany, Ireland, Italy, the Netherlands, Spain and the United Kingdom. The 'world of neglect' consists of France, Greece, Luxembourg and Portugal. In the world of law observance, compliance is the dominant norm followed by both political and administrative élites. In the world of domestic politics, while administrative élites adhere to this norm, political actors typically do not. In the world of neglect, neither political nor administrative élites adhere to the norm of compliance with EU law (Falkner *et al.* 2005: 325). In the world of law observance 'transposition is typically . . . on time and correct', in the world of domestic politics it is typically 'on time and correct only if there is no conflict with domestic concerns', while in the world of neglect it is typically 'late and/or "pro forma"' (Falkner *et al.* 2005: 322). Falkner and Trieb (2008) recently refined and extended this typology to the enlarged EU.<sup>1</sup>

Falkner *et al.*'s worlds of compliance typology offers the prospect of integrating at least some preference-based and state-based explanations. In particular, it is proposed that the effects of some key explanatory variables differ by cultural context. In the world of transposition neglect, 'high degrees of misfit may even facilitate transposition as negligent or ineffective administrations tend to treat more visible cases with higher priority' (Falkner 2007: 1012). It is only in the world of domestic politics that 'the amount of misfit with existing traditions may spur opposition during the implementation process' (Falkner 2007: 1012). Moreover, the 'typology of different worlds of compliance . . . makes us expect different effects of social partner influence in the three country clusters (e.g. in the "world of law observance" their chances to delay or tamper transposition are worse than in the "world of domestic politics")' (Falkner 2007: 1014). Such conditional expectations regarding the relevance of certain causal effects are intuitively plausible and deserve serious attention. Whether the expectations associated with this particular typology strengthen our explanations of variation in compliance is the question that I address in the present study.

Falkner *et al.*'s (2005) worlds of compliance have been the subject of debate in this journal and elsewhere (e.g. Toshkov 2007; Thomson *et al.* 2007; Thomson 2007; Falkner *et al.* 2007a; Falkner 2007). None of these studies focus specifically on the central proposition of the worlds of compliance typology outlined

above: namely, that the effects of misfit and social partner influence differ by cultural context. The only existing study to examine the proposition that the effects of some key explanatory variables differ by cultural content is that of Toshkov (2007), who examined the effects of governing party ideology and the numbers of veto players. Neither of these variables was found to exert an influence in any of the worlds. Toshkov's (2007) main focus was on the extent to which differences in public attitudes toward law observance correspond with countries' placement in different categories of the typology. He also examined differences among the average transposition records of countries in different worlds, and found only marginal differences. Similarly, Thomson *et al.* (2007) and Thomson (2007) found little difference among the compliance records of countries in different worlds.

My previous article (Thomson 2007) using the data gathered by Falkner *et al.* did not set out to test the central proposition of the worlds of compliance typology. Therefore, it is understandable that Gerda Falkner's (2007) rejoinder was occasionally exasperated in tone, as well as engagingly colourful. She writes that 'communicating the major insights from a problem-oriented qualitative perspective is an exercise similar to nailing a pudding to a wall so long as all attention qualitative studies receive from modellers is that the latter re-use the sheer figures without the relevant reasoning' (Falkner 2007: 1021). The present study offers a constructive response by addressing the central proposition of the worlds of compliance typology.

The following section specifies a statistical model of the timeliness of transposition with the six EU labour market directives studied by Falkner *et al.* (2005). Next, I test the robustness of this statistical model by applying it to each of the three worlds of compliance, or country groups, separately. The directions of the effects of the key variables are found to be the same in each group of countries. The final section concludes by summarizing the main findings and their implications for future research.

## **A STATISTICAL MODEL OF COMPLIANCE WITH SIX EU LABOUR MARKET DIRECTIVES**

The dependent variable in the following analysis is the delay in essentially correct transposition in each member state with each of the six labour market directives studied by Falkner *et al.* (2005). For each member state in relation to each directive, delay is measured by the number of months after the transposition deadline in which the state was essentially compliant with the directive in terms of its national transposition. Falkner *et al.*'s assessments of delay are based on their own primary research. This direct measure has distinct advantages over other approaches to measuring compliance, such as relying on official figures provided by member states, which might be biased.<sup>2</sup> The six labour market directives selected were adopted in the early to mid-1990s, and Falkner *et al.* examined the record of compliance up to April 2003. In total there are 91 observations of the timeliness of transposition: one for each of the member states on

each of the six directives, plus an extra observation for the United Kingdom, which was granted a separate transposition deadline for part of one of the directives.

The data display substantial variation in the timeliness of transposition (see Figure 1). Only 20 of the 91 observations displayed no delay in essentially correct transposition, whereby the member state in question had transposed the directive essentially correctly in the first month after the transposition deadline. For 17 of the 91 observations, the member state in question had not transposed the directive by the end of Falkner *et al.*'s study in April 2003. Given these censored cases, both Toshkov (2007) and Thomson (2007) note that the appropriate analytic procedure should be a form of event-history modelling, such as Cox regression.

It must be emphasized that the present analyses are based on exactly the same data on transposition that Falkner *et al.* (2005, 2007b) examined. The main implication of using the same data is that differences in findings are attributable to the analytic procedure adopted, not the transposition data themselves. As discussed elsewhere (Toshkov 2007; Thomson 2007), limitations of Falkner *et al.*'s analyses are that these were restricted to bivariate tests and did not consider censored cases appropriately (cases that had not been transposed by the end of their study). Another important implication of using exactly the same data as Falkner *et al.* is that the present study offers a 'most likely' test

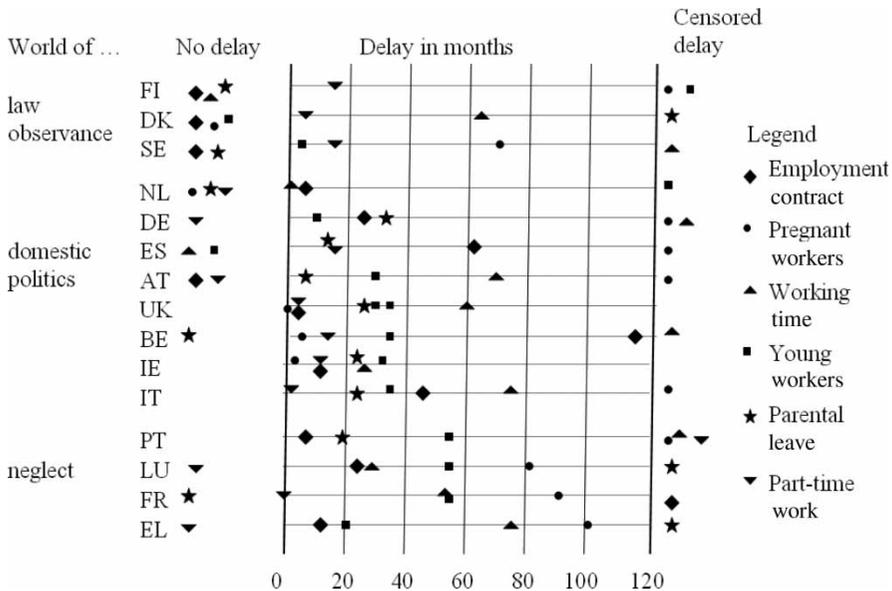


Figure 1 Delay in essentially correct transposition  
Sources: Falkner *et al.* (2005, 2007b).

of the typology. The typology was constructed at least partly on the basis of the information examined here.

Each of the following sub-sections specifies an expectation concerning a key explanatory variable of compliance. Each section also describes the measurement of the explanatory variable, and the empirical evidence from the multivariate analysis. The statistical model specified involves a partial replication of my previous analysis of the same dataset (Thomson 2007).<sup>3</sup> In doing so, I address the concerns and criticisms of Falkner (2007) in response to that previous study. I begin by examining explanatory variables that are characteristics of member states in relation to directives: misfit and member states' incentives to deviate. I then turn to characteristics of directives: discretion and length. Finally, I examine the explanatory power of characteristics of member states: decentralization of political power, corporatism, administrative capacity, and national cultures.

The statistical model referred to is the Cox regression presented in the first column of Table 1, model 1.<sup>4</sup> Note that this model is applied to 79 cases, rather than 91. The reason for this is that it includes a variable relating to member states' disagreement with each directive during the decision-making stage, discussed below. Four of the directives were adopted prior to the accession of Austria, Sweden and Finland in 1995, and are therefore missing when the 'disagreement' variable is included in the analysis. The results of the regression excluding this 'disagreement' variable and applied to all 91 observations are substantively the same.

## Misfit

The first characteristic of member states in relation to directives concerns the fit between new European legislation and existing national provisions. The amount of policy misfit is a prominent explanation of variation in compliance (Börzel and Risse 2003; Héritier 1996, 2001; Duina 1997, 1999; Risse *et al.* 2001). Public policies usually change only incrementally, if at all. Therefore, other things being equal, European directives that require far-reaching adjustments to national practices are less likely to be complied with than directives that are more congruent with existing national arrangements.

For the present analysis, I adapt Falkner *et al.*'s (2005) measures of the degree of misfit between each of the six directives and each member state's existing national arrangements. Falkner *et al.* measured total misfit on an ordinal scale with three categories: low, medium and high misfit. This scale was constructed after estimating the degree of misfit in three respects. Their assessments were based on detailed qualitative case studies in each of the member states involving interviews with key informants and examinations of existing national laws. Total misfit is a qualitative aggregation of different types of misfit.

In the quantitative analyses presented in Table 1, I employ a two-category indicator of misfit that distinguishes between observations with a low level of misfit and a medium or high level of misfit. The exponent of each coefficient

Table 1 Analysis of the delay in transposing directives

	Model 1 Exp b (s.e.)	Robustness tests		
		World of law observance Exp b (s.e.)	World of domestic politics Exp b (s.e.)	World of neglect Exp b (s.e.)
<i>Member state characteristics in relation to directives</i>				
Misfit (Low misfit = reference category) Medium and high misfit	0.54 (0.20)*	0.54 (0.19)*	0.96 (0.33)	0.23 (0.14)**
State's disagreement with directive	1.00 (<0.01)	–	1.00 (<0.01)	0.96 (0.03)
<i>Directive characteristics</i>				
Discretion	1.02 (0.01)***	1.03 (0.01)**	1.02 (0.01)*	1.02 (0.02)
Length	0.97 (0.01)**	0.96 (0.02)**	0.96 (0.01)***	0.95 (0.02)**
<i>Member state characteristics</i>				
Decentralization	0.69 (0.15)*	–	0.72 (0.18)	0.03 (0.26)
Corporatism	1.31 (0.35)	1.14 (0.45)	1.37 (0.47)	1.33 (4.54)
Government efficiency	1.01 (0.01)	1.51 (0.75)	1.05 (0.02)**	0.96 (0.36)
National culture (World of law observance=reference category) World of domestic politics	0.94 (0.48)	–	–	–
World of neglect	0.40 (0.15)**	–	–	–
Likelihood ratio	21.03	3.32	11.32	9.65
p	0.01	0.65	0.13	0.21
n	79	18	45	24

Notes: Cox regressions. Two-tailed tests of significance. \*:  $p \leq 0.10$ ; \*\*:  $p \leq 0.05$ ; \*\*\*:  $p \leq 0.01$ . Dependent variable: Delay in essentially correct compliance as assessed by Falkner *et al.* (2005). NB: Since the coefficients are exponentiated, the size of the standard errors relative to the coefficients is not indicative of statistical significance. Coefficients are estimated with standard errors clustered at the level of the six directives. The likelihood ratio is from the same model without clustered standard errors.

in the Cox regression is the proportional change in the hazard rate owing to a one-unit increase in the independent variable. The exponentiated coefficient associated with the misfit variable is significant and has a value of 0.54. This indicates that observations with a medium or high level of misfit have a 46 per cent lower hazard (or 'likelihood' to use a statistically less accurate term) of being transposed than observations with a low level of misfit. This is clearly in line with the misfit hypothesis.

I employ a two-category indicator of misfit that combines the medium and high levels of misfit, because there are only ten observations with a 'high' level of misfit. As mentioned above, the main focus of the present study is to examine whether there are differences in effects among groups of countries belonging to different 'worlds of compliance'. A category with only ten observations is too small to examine the effect of misfit in sub-sets of the 91 observations relating to each world of compliance.

The model presented in Thomson (2007: 1000–1) contained Falkner *et al.*'s original three-category typology. The results of that three-category typology are substantively the same, and all support the misfit hypothesis. Controlling for other variables, directives that have a high level of misfit with existing national arrangements are transposed later than directives that have a low level of misfit with existing national arrangements. In addition, directives with a medium level of misfit are also transposed later than directives with a low level of misfit. This second finding was not statistically significant, but it is in the direction predicted by the misfit hypothesis. Furthermore, we should certainly exercise caution when interpreting the results of the significance levels. The sample size is modest, and the selection procedure is non-random. Therefore, the significance tests should be treated as an indication of the consistency of the relationship across the observations in the dataset.

Falkner (2007: 1013) incorrectly reports the results of this three-category analysis of misfit presented in Thomson (2007). She asks 'why should medium degrees of misfit proffer better transposition records than small degrees of misfit?' (Falkner 2007: 1013). They do not. All of the results are consistent with the misfit hypothesis.

### **Member states' incentives to deviate**

A state's incentive to deviate refers to the extent to which the representatives of that state disagreed with the contents of a directive. An implementer's incentive to deviate is a key concept in the literature on policy implementation in other political systems (Fearon 1998; McCubbins *et al.* 1989; Shepsle 1992; Torenvlied 2000). In the context of the EU, this concept highlights the possible linkage between the decision-making stage prior to the adoption of the directive, and the implementation stage thereafter. An incentive to deviate indicates that a member state expressed some opposition to the directive when it was a legislative proposal, and that this opposition was unsuccessful in the sense that this state's demands were not incorporated into the directive's provisions. The expectation

is that member states with stronger incentives to deviate from a directive take longer to transpose it.

The measure used for states' incentives to deviate is based on my own detailed content analysis of all preparatory documentation from the Council of Ministers relating to each of these six directives. The documents contain detailed summaries of the working group, Committee of Permanent Representatives (COREPER) and ministerial meetings held on each directive. Many of the documents contain drafts of the legislative proposals with footnotes containing member states' positions on each major provision. A note was taken of every time a member state explicitly opposed or supported a provision contained in the final legislative act. There are 675 times when a member state opposed a specific provision that was eventually included in one of the six directives. There are 902 times when a member state supported a specific provision that was eventually included in one of the six directives. The quantitative measure of disagreement used in the present analysis is the count of explicit opposition minus the count of explicit support by each member state for each directive. Higher values on this measure indicate that the member state in question had stronger incentives to deviate.

The results presented in Table 1 suggest that member states' incentives to deviate do not affect the timeliness of correct transposition. This finding is contrary to the theoretical expectation. The estimated effect of states' disagreement is exactly zero (the exponent of the coefficient is 1.00).

There is, however, a strong and significant relationship between states' incentives to deviate, as measured by their disagreement with directives, and misfit. States whose existing national arrangements have a high level of misfit with proposed directives tend to disagree with those directives during the decision-making stage. This does not contradict the above finding that disagreement does not affect compliance. However, it does suggest that misfit tends to cause disagreement with the contents of directives.<sup>5</sup>

## Discretion

Discretion is the first of two characteristics of directives considered here. Directives differ from each other in the amount of discretion they grant to member states. Some directives offer member states a number of alternatives that they could apply when transposing. Other directives offer few alternatives. For directives that grant member states more discretion, broader ranges of policies at the national level are consistent with their provisions. Therefore, a positive relationship between discretion and timely transposition is to be expected.

Discretion is measured by a content analysis of each of the directives. The measure used is based on Franchino's (2004) adaptation of Epstein and O'Halloran's (1999) measure of discretion. The discretion ratio is used (this ratio is multiplied by 100 to facilitate interpretation). This discretion ratio is the number of major provisions of a directive that grant member states discretionary powers divided by the total number of major provisions in the directive.

A provision grants discretionary powers if it allows states to decide among two or more actions when transposing the directive. Therefore, the measure gives the percentage of major provisions that grant discretion. Some previous research provides evidence of the importance of discretion during the compliance stage. Thomson *et al.* (2007) find that low levels of discretion in combination with high incentives to deviate are associated with infringement proceedings.

Model 1 in Table 1 supports the expectation that discretion expedites transposition. The exponent of the coefficient is 1.02, indicating that for every 1 per cent increase in the number of major provisions that grant discretion to member states, the hazard of transposition increases by 2 per cent. The coefficient is statistically significant ( $p = 0.003$ ). Consequently, there is strong support for the expected positive relationship between discretion and timely transposition.

### Length

Some directives are short, while others contain pages of detailed provisions. A directive that contains a large number of provisions is likely to require more detailed changes to national laws. A large number of changes do not necessarily mean that big changes are required: in other words, fit may be high. Nonetheless, the sheer number of provisions that need to be complied with may cause delay. Other things being equal, I expect brevity to cause timely transposition.

The length of each directive is measured simply by the number of major provisions in the main body of the legislation. Franchino (2004: 284) has argued that the length of legislation is a measure of complexity, although he also acknowledges that using length to measure complexity is subject to criticism. Instead, I consider length to be a measure of detail, which need not imply complexity. Similarly, Kaeding (2006: 236) uses the number of recitals to measure the amount of detail in laws.

The findings support the expectation. The exponent of the coefficient is statistically significant and less than one. Every additional major provision decreases the hazard of transposition by 3 per cent on average.

### Decentralization

I now turn to characteristics of member states. Governments in states where power is concentrated at the national level need less support from regional and local governments to comply with EU directives. By contrast, where formal political authority is shared between levels of government, national adjustment to EU directives may be more fraught with difficulty. Considering other international regimes, Levy *et al.* (1995) suggest that it is easier for centralized states to comply with international law than decentralized states. Mbaye (2001) also found that infringements are more common in systems with high levels of regional autonomy, controlling for other factors.

Lijphart's (1999) measure of federalism is applied to measure the extent to which authority is vested at the national level in each of the member states. Higher values indicate more decentralization of political power at the national level.

The exponentiated coefficient in the model is less than one and significant. Member states with more decentralized political systems have a lower risk of transposing directives. This is a strong and statistically significant relationship.

The relevance of considering the impact of centralization of government power has been questioned since 'the transposition of the Directives we studied in *Complying with Europe* fell almost exclusively within the central government's realm in all 15 member states' (Falkner 2007: 1013). Centralization is an important explanatory variable referred to in the general literature on compliance. One way in which the national decentralisation of power may have a negative effect on timeliness is through the allocation of formal authority to transpose directives to subnational units. Another way in which national decentralization may have a negative effect on timeliness is by the subnational units exerting opposition informally. Therefore, an examination of the centralization hypothesis is warranted, despite the fact that the formal authority to transpose these six directives was located primarily at the national level. Since the transposition of these labour market directives fell under the authority of the national governments concerned, any influence of subnational governments must have been exerted informally or through their formal representation at the national level.

### Corporatism

The extent to which the social partners are embedded in national policy-making processes is another potentially salient factor, particularly regarding the six labour market directives examined here. In highly corporatist systems, these organizations typically enjoy close and institutionalized relationships with government policy-makers, for example, through formal representation on bodies with authority to take decisions or make important recommendations. The six labour market directives demanded adjustments to the behaviour of employers and employees represented by the social partners. There are different views in the existing literature on the question of whether corporatist arrangements lead to more or less compliance (Falkner *et al.* 2005: 303). The power of social partners in corporatist arrangements means that they may block policy change. However, it is also acknowledged that corporatist systems provide relatively stable arenas in which these actors can interact and co-ordinate policy adjustments (Héritier 2001: 44). Consequently, it is proposed that corporatist arrangements are conducive to compliance (Börzel 2003: 36; Lampinen and Uusikylä 1998).

The present analysis applies Siaroff's (1999) quantitative index of states' degrees of corporatism. Higher values on this index indicate that employers and employees' organizations were more institutionally integrated into the

policy-making processes of the states concerned. An advantage of Siaroff's index is that it integrates insights from previous research and other competing rankings of corporatism. In this respect, Siaroff's index meets Falkner *et al.*'s (2005: 233) concern that there are several different classifications of states regarding their forms of interest group participation in policy-making. Another advantage of Siaroff's index is that it is completely independent of information regarding states' responses to the six labour market directives examined here. This independence is essential if states' degrees of corporatism are used to explain variation in compliance. By contrast, Falkner *et al.* (2005: 303–9) construct their own classification of the extent to which the social partners were involved in the actual implementation of each of the six directives in each of the member states.

In line with the expectation, member states with stronger corporatist patterns of public–private relationships transpose sooner. However, the relationship between corporatism and timely transposition is not statistically significant ( $p = 0.31$ ).

My substantive research findings are the same as those of Falkner *et al.* (2005), thereby validating their finding with a different approach. Stronger social partner involvement is positively associated with good compliance, but the effect is relatively weak and not statistically significant. The application of Siaroff's measure simply replicates Falkner *et al.*'s (2005) results. According to Falkner (2007: 1014–5), it would have been more appropriate to apply the measure of social partner involvement developed in *Complying with Europe*. I did acknowledge that Falkner *et al.*'s measure of social partner involvement provides useful information, particularly for descriptive purposes. I did not use their measure in the quantitative analyses because of the concern that the dependent variable in the analyses, compliance, may impact upon the involvement of social partners in the cases examined.<sup>6</sup>

### Administrative capacity

States also vary from each other with respect to their administrative capacities. Compliance with EU directives requires substantial bureaucratic and administrative resources at the national level. Mbaye (2001) includes government inefficiency and corruption among the variables that explain the prevalence of infringement proceedings. Studies of the implementation of EU environmental law cited administrative problems as debilitating factors in southern member states and in Ireland (Pridham 1994; Coyle 1994). States with greater administrative capacity are expected to comply sooner with directives.

The present analysis uses the measure of relative 'government effectiveness' in 1996 developed by World Bank researchers Kaufmann *et al.* (2006). This measure refers to 'the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies' (Kaufmann *et al.* 2006: 4). This measure is based

on a set of variables measuring the perceptions of governance by citizens, and public and private sector experts collected by several different research organizations. Greece, Italy and Portugal have lower scores than the other 12 member states. The Nordic countries, the UK and the Netherlands have relatively high scores. Perhaps surprisingly, Luxembourg ranks high in terms of government effectiveness, despite the small size of its government.

Government effectiveness is not significantly associated with variation in the hazard of timely transposition. The exponentiated coefficient associated with variable government effectiveness does not differ markedly from one. This indicates that more effectively governed states do not have a higher risk of transposing sooner.

### Administrative culture

Although the core of the worlds of compliance typology is about variation in the effects of key explanatory variables (Falkner 2007: 1012), when describing the typology, Falkner *et al.* (2005) expect differences in outcomes. In the world of law observance 'transposition is typically ... on time and correct', in the world of domestic politics it is typically 'on time and correct only if there is no conflict with domestic concerns', while in the world of neglect it is typically 'late and/or "pro forma"' (Falkner *et al.* 2005: 322).

The coefficients associated with worlds of compliance are not consistently significant. The world of domestic politics does not appear to have a significantly poorer record of timely transposition than the world of law observance. The world of neglect does have a significantly poorer record of timely transposition than the world of law observance. However, as emphasized previously, differences in outcomes are not the kernel of the worlds of compliance typology.

### DO THE RELATIONSHIPS DIFFER BY WORLD?

On the basis of the worlds of compliance typology, Falkner (2007: 1012) suggests that the effects of key explanatory variables differ by cultural context. Factors that have a strong effect in one world have no effect or the opposite effect in another world.

With regard to misfit, in the world of transposition neglect, 'high degrees of misfit may even facilitate transposition as negligent or ineffective administrations tend to treat more visible cases with higher priority' (2007: 1012). It is only in the world of domestic politics that 'the amount of misfit with existing traditions may spur opposition during the implementation process' (2007: 1012).

With regard to corporatism, the 'typology of different worlds of compliance ... makes us expect different effects of social partner influence in the three country clusters (e.g. in the "world of law observance" their chances to delay or tamper transposition are worse than in the "world of domestic politics")'

(2007: 1014). Consequently, we expect to find a negative effect of corporatism in the world of domestic politics.

Examining the relationships within each world of compliance separately focuses the analysis on even smaller groups of observations. This inevitably reduces our certainty about the generalizability of the findings. Nonetheless, by testing the robustness of the general statistical model, we can examine whether the direction of the effects differs, as the typology leads us to expect. Given the small numbers of cases within each sub-group, the main point of interest for the robustness tests is whether or not the direction of the effects is the same across worlds. I also report on the significance tests, which provide some additional information about the consistency of the relationships within these sub-groups of cases.

The tests of robustness are contained in the last three columns of Table 1. There are no noteworthy differences in the direction of the effects of most of the key explanatory variables across the different groups of cases. Misfit has a consistently negative effect on the risk of timely transposition, even in the world of neglect. The coefficient associated with misfit in the analysis of each of the three worlds is below one. This indicates that, in each world, more misfit is associated with a lower risk of transposition. Contrary to the worlds of compliance typology, the negative effect of misfit on timely transposition is strongest in the world of neglect cases and weakest in the world of domestic politics cases. In the world of domestic politics, although misfit has a negative effect on timely transposition as in the other two worlds, it is not statistically significant. Corporatism has a consistently positive effect on timely transposition in all three worlds. Although the level of corporatism is consistently associated with more timely compliance, none of these effects are statistically significant. Given the small number of observations, the overall fit of the model applied to the subsets of cases is poor.

Similarly, there is consistency in the effects associated with the other variables across worlds of compliance. States' disagreement with directives has no effect in either of the two worlds in which we can examine it. Discretion is consistently positively associated with timely transposition. The length of directives is consistently negatively associated with timely transposition. Decentralized systems, both in the world of domestic politics and the world of neglect, are less likely to transpose in a timely fashion.<sup>7</sup> The only variable with effects that vary by world is government efficiency. Efficiency appears to have a positive impact on timely transposition only in the world of domestic politics. On the whole, even on the basis of the quantitative information from *Complying with Europe*, there is no evidence that the effects of the key variables examined here differ by cultural context.

## CONCLUSIONS

The findings presented here contrast with Falkner *et al.*'s conclusions on the impact of particular explanatory variables, notably misfit. The findings also

qualify their propositions about the analytical leverage to be gained by the worlds of compliance typology. Falkner *et al.* (2005: 317) conclude that 'no causal condition pre-supposed by existing theories is able to explain our empirical observations. This suggests, once again, that the search for law-like generalizations and for simple isolated causes that could explain complex empirical phenomena is futile (see, for example Scharpf 2002).' The present analysis supports the view that there is indeed no simple isolated cause: several explanatory variables need to be considered. However, the present analysis does reveal significant empirical regularities in compliance that accord with theoretical expectations. It is noteworthy that these starkly different conclusions are based on exactly the same quantitative data as those studied by Falkner *et al.* (2005).

The evidence presented here in support of the misfit hypothesis contrasts to Falkner *et al.*'s (2005: 291) conclusion that their 'results clearly disprove the misfit hypothesis'. I show that medium and high levels of misfit are associated with a significantly lower risk of transposition at any given time point. This is an important conclusion because, as Falkner *et al.* (2005: 289) note, this hypothesis has prevailed in much of the recent literature on compliance.

The present study specifically addresses the central claim of the worlds of compliance typology: that the effects of some key explanatory variables differ by cultural context. With respect to misfit, I examined the expectations that misfit may be associated with delay most strongly in the world of domestic politics, and with timely transposition in the world of neglect (Falkner 2007: 1012). Contrary to these expectations, I found that misfit is associated with delay in all three worlds. Moreover, the effect of misfit is weakest in the world of domestic politics, where it is not statistically significant.

With regard to social partner involvement, the worlds of compliance typology suggests that such involvement could obstruct timely compliance particularly in the world of law observance (Falkner 2007: 1014). This led to the expectation that more corporatist states, particularly within the world of law observance, would exhibit delay in transposing directives. Contrary to this expectation, the results presented above show that higher levels of corporatism are associated with somewhat more timely compliance in all three worlds.

The findings presented here are similar to those of Toshkov (2007) regarding the consistency of effects across the different worlds of compliance. Toshkov (2007: 950) examined variation in the effects of governing party ideology and the numbers of veto players on the timeliness of compliance. He found that these variables did not affect the timeliness of compliance, and that the absence of effects was consistent in different worlds.

The typology of three worlds of compliance does not appear to strengthen explanations of variation in compliance. However, the results do suggest other, more promising paths that future research might explore. One of these paths links the decision-making stage with the compliance stage. It appears unlikely that decision-makers in the EU give much thought to implementation when they are discussing legislative proposals. They generally appear more concerned with reaching politically acceptable compromises. However, the reasons

why they oppose a proposal, such as misfit, may be linked to factors that do explain variation in compliance. Examining these subtle linkages requires a different research design to the ones employed in current studies. The most appropriate level of analysis may be the individual major provisions of directives, rather than directives as a whole (Thomson 2007: 1005; Falkner 2007: 1016). This highlights a limitation of the present data on compliance. Despite the noteworthy contribution made by Falkner *et al.* (2005) in providing systematic comparable evidence at the level of six laws, the tests would have been more powerful if they had recorded similar evidence at the level of the major provisions of directives. Some of the key variables in explaining variation in compliance vary at the detailed level of member states in relation to the specific provisions of directives. In particular, member states disagree with certain provisions while agreeing with others. Similarly, directives grant discretion in some provisions and are tightly defined in others. The argument also applies to the aggregate-level indicators of policy fit. These aggregate-level indicators tell us that certain directives were on the whole more or less in line with existing national arrangements. However, some major provisions will certainly fit better than others.

What ends do the findings presented here serve? Falkner voices particular scepticism about the usefulness of the findings that longer directives and directives that grant less discretion are transposed later, because these findings are not useful for ‘fighting the implementation gap’ (2007: 1017). For practitioners who attempt to close the implementation gap, knowledge about the effects of variables they would not choose to manipulate is relevant. Such knowledge enables them to focus their efforts on cases that are likely to raise compliance problems. In my view, however, explaining variation in compliance does not require that researchers make a normative judgement about non-compliance. Valid causal inferences of the type offered here have a more general utility. They are useful to anyone who is curious enough to ask why.

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## NOTES

- 1 In the refinement of the worlds of compliance typology by Falkner and Trieb (2008), Ireland and Italy have moved from the 'world of neglect' to the 'world of dead letters'. However, Falkner *et al.* (2007b: 414) advise that Ireland and Italy 'can be treated as if they belonged to the worlds of domestic politics if the focus of analysis is on transposition only'. Since the present analysis focuses on the timeliness of transposition, I consider Ireland and Italy to belong to the world of domestic politics. The findings reported here are substantively the same, regardless of whether Ireland and Italy are placed in the world of neglect or in the world of domestic politics.
- 2 Falkner *et al.* (2005) identified the date of both 'essentially' and 'completely' correct transposition, and compared this to the deadlines for national transposition specified in the directives. The present analysis focuses exclusively on essentially correct transposition. Many of the differences between essentially and completely correct transpositions concern policy changes that are rather marginal. The present analysis aims to identify broad patterns in transposition, if these exist, rather than to explain the details of particular cases.
- 3 The results differ somewhat to those presented in Thomson (2007) because here I follow Falkner *et al.*'s advice to place Italy and Ireland in the world of domestic politics rather than the world of neglect (2007b: 414). In addition, in this analysis I calculate the model using clustered standard errors to account for the dependencies among the observations.
- 4 Table 1 reports Cox regressions using the Breslow approximation for dealing with ties (Cleves *et al.* 2004: 142). Two other ways of dealing with tied observations, exact partial and the marginal calculation, produced almost identical results. One of the most important assumptions of Cox regression is the proportional hazards assumption. This assumption is not violated by these data. The assumption is that the effect of a change in each independent variable is proportional and constant over time (Box-Steffensmeier and Jones 2004: 131–2). The assumption was tested in three standard ways. First, a link test was performed (Cleves *et al.* 2004: 175). Second, the Grambsch and Therneau global test was applied. This test indicates whether there is evidence of non-proportional hazards in the model as a whole (Box-Steffensmeier and Jones 2004: 135). Third, Harrell's rho tests were performed on each independent variable separately. Not one of these tests gave a significant p-value, indicating that there is no reason to reject the proportional hazards assumption.
- 5 The Mann-Whitney test indicates that observations with a high level of misfit are associated with significantly higher levels of disagreement than observations with low levels of misfit ( $z = -1.69$ ;  $p = 0.09$ ) and observations with medium levels of misfit ( $z = -1.98$ ;  $p = 0.05$ ) (Thomson 2007: 1001). Falkner (2007: 1015) questions the added value of these new data on member states' incentives to deviate. The added value is that these data were collected through a systematic and replicable procedure that generated comparable information on each observation. With respect to the effect of member states' preferences, the results confirm those of Falkner *et al.*'s (2005) analysis. Moreover, using these data, the linkage between disagreement and misfit was demonstrated.
- 6 Falkner *et al.* (2005) give grounds for the concern that governments' perceptions of compliance problems affected those governments' decisions on the level of involvement of the social partners. The Belgian government chose to involve the social partners prior to Council meetings because the Belgian ministry 'wanted to prevent frequently occurring conflicts between the government and the social partners during the transposition phase' (Falkner *et al.* 2005: 285).
- 7 Decentralization is dropped from the analyses in the world of law observance because it is highly correlated with other independent variables. Even in the world of law observance, decentralization is negatively associated with timely transposition (in a

model with only decentralization as an independent variable applied to the world of law observance observations, the exponent of the coefficient is 0.58,  $p = 0.54$ , which is of course in the same direction as the effect in the other two worlds). Note also that there are 45 cases in the world of domestic politics robustness test, rather than 49, because Austria was not involved in the decision-making process on four of the directives. These observations are therefore excluded when the variable 'disagreement' is included in the analysis.

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