

How robust are compliance findings? A research Synthesis
(A Research Synthesis on EU Member States' Compliance with EU Directives)

Database Codebook

Version August 2012

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1. Study Description

1.1 Study ID

Corresponding variable in dataset “compliance2012”: “studyid”, “studyid.label”

The ID number of the studies indicates a simple count of the studies followed by the author’s names and year of publication.

Example: 02 Knill and Lenshov (1998)

1.2 Research question

Insert the main research question(s) as stated by the author with reference to the page number.

1.3 Policy Fields

Indicate the policy field(s) analyzed in the study. Use the name of the policy field as stated by the author.

| Codes | Code Instructions |
|----------------------|---|
| Policy field name(s) | Name of the policy fields as stated by the author. Example: commercial, environmental, social, energy |
| All | Write “all” if there is no explicit differentiation between the (selection of) fields. Such is the case with most of the studies with infringement as a dependent variable. |
| Not specified | Write “not specified” if the policy fields are not clearly stated. |

1.4 Sample Period

Insert the years of investigation – the years within which the analyzed cases of transposition, application or infringements occurred.

For transposition and application studies take as a time indicator the year of law introduction on the EU level for the earliest and latest case. For the case of infringements take as a time indicator the year of the earliest and the last infringement case.

If no such specific information is available, refer to the period of investigation indicated by the author.

1.5 Total Number of Cases

Corresponding variable in dataset “compliance2012”: “ncases”

Write the number of cases in the study (e.g. total number of considered legislative acts/directives, infringements etc.) on which the results are based. Do not include missing or thrown away cases. Take the total number of cases from the regression analysis if available. If the author provides information about the number of directives/legislative acts and the number of countries, the total number of cases is given by the product of the latter.

1.6 Concrete Cases

Write the CELEX number if a concrete legislative act/directive is indicated in the study. If not, search for it in the European database EurLex given the name of the mentioned case.

| Codes | Code Instructions |
|----------------|---|
| Celex number | Write the CELEX number (e.g. 31990L0173) indicated by the author or found after additional research. |
| Not applicable | Write „not applicable“ in case of large N studies, where it is hardly possible to have specific information about the concrete cases. |
| Not specified | Write „not specified“ if the cases are not clearly stated. |

1.7 Sample Countries

Corresponding variable in dataset “compliance2012”: see country dummies

Indicate the countries under investigation.

| Codes | Corresponding Values |
|-------|--------------------------|
| 4 | Austria |
| 5 | Belgium |
| 6 | Bulgaria |
| 7 | Cyprus |
| 8 | Czech Republic |
| 9 | Denmark |
| 10 | Estonia |
| 11 | Finland |
| 12 | France |
| 13 | Germany |
| 14 | Greece |
| 15 | Hungary |
| 16 | Ireland |
| 17 | Italy |
| 18 | Latvia |
| 19 | Lithuania |
| 20 | Luxembourg |
| 21 | Malta |
| 22 | Netherlands |
| 23 | Poland |
| 24 | Portugal |
| 25 | Romania |
| 26 | Slovakia |
| 27 | Slovenia |
| 28 | Spain |
| 29 | Sweden |
| 30 | United Kingdom |
| 36 | Turkey |
| 37 | Croatia |
| 38 | Former Yugoslav Republic |

| | |
|----|---|
| 31 | EU12: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom |
| 1 | EU15: EU12, Austria, Finland, Sweden |
| 2 | EU25: EU15, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia |
| 3 | EU27: EU25, Bulgaria and Romania |
| 34 | FAC10: Former accession countries: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia |
| 33 | FAC12: Former accession countries: FAC10, Bulgaria and Romania |
| 32 | EFTA: Iceland, Norway, Switzerland, and Lichtenstein |
| 35 | Accession countries: Croatia, the Former Yugoslav Republic of Macedonia, and Turkey |

1.8 Research Design

Corresponding variable in dataset “compliance2012”: “type”, “type.label”

| Code | Value | Code Instructions |
|------|---------------------------------------|--|
| 1 | Inferential Statistics | Choose if the study applies inferential statistics (regression analysis). |
| 2 | Descriptive Statistics | Choose if the study evaluates quantitative data with descriptive statistics. |
| 3 | Case Study | Choose if the study provides case study analysis. |
| 4 | Inferential Statistics and Case Study | Choose if both methods are used, e.g. for nested or mixed methods analysis. |

1.9 Method

Indicate the statistical or qualitative method as specified by the author in the study.

| Code | Values | Code Instructions |
|------|----------------------------------|--|
| 10 | Regression Analysis | Choose this category when regression analysis is used but the method does not fit in the specified categories. |
| 11 | →Linear Regression | |
| 12 | →Logistic Regression | |
| 13 | →Cross-section Time Series | |
| 14 | →Negative Binomial Regression | |
| 15 | →Multinomial Logistic Regression | |
| 16 | →Ordered Probit Regression | |
| 20 | Case Study | Choose this category when case studies have been conducted and the exact qualitative method cannot be found in the text. |
| 21 | →Within Case Analysis | |
| 22 | →Comparative Case Study | |
| 23 | →Process Tracing | |
| 24 | →Congruence Method | |

| | | |
|----|-------------------------------|--|
| 30 | Survival Analysis | Choose this category when survival analysis is used but the concrete type does not fit into the specified categories |
| 31 | →Parametric | |
| 32 | →Cox | |
| 40 | Analysis of Variance | |
| 41 | →ANCOVA | |
| 50 | Descriptive Statistics | |

2. Dependent Variable Information

2.1 Definition

Insert the definition of the dependent variable as stated by the author. Indicate the pages from the article.

2.2 Dependent Variable Categorization

Corresponding variable in dataset “compliance2012”: “dv”, “dv.label”

| Codes | Values | Definition and Code Instructions |
|----------------------|---|--|
| Transposition | | Translation (transposition?) of EU law into national law. |
| 100 | Transposition | |
| Duration | | The time needed for the transposition of EU law into national law |
| 101 | → Until correct transposition | Length of time from the date of adoption to correct transposition at the national level |
| 102 | →Until first instrument | Length of time from the date of adoption to the first notified national transposition instrument |
| 104 | →Until last instrument | Length of time from the date of adoption to the last notified national transposition instrument |
| 103 | →Duration delay | The time needed for the transposition of a given law after the deadline |
| Legal Implementation | | Translation (transposition?) of EU law into national law |
| 110 | Timely | Translation (transposition?) of EU law into national law within the time specified by the EU |
| 120 | Correct | Correct translation (transposition?) of EU law into national law |
| 130 | Correct and timely | Correct translation (transposition?) of EU law into national law within the time specified by the EU |
| 140 | Pre Accession | Legal Implementation of the Acquis Communautaire |
| Actual Application | | The actual application – not legal but practical – of EU law on the national level |
| 200 | Actual application | |
| 240 | Legal implementation and actual application | Translation (transposition?) of EU law into national law and the actual application of the transposed EU law |
| Infringements | | |
| 300 | Infringement | Infringement proceedings opened by the Commission |
| 301 | →Formal Letter | Infringement proceedings which reached the stage of formal letters |
| 302 | →Reasoned Opinions | Infringement proceedings which reached the stage of reasoned opinions |

| | | |
|-----|---|--|
| 303 | →Referrals | Infringement proceedings which reached the stage of referrals to the ECJ |
| 310 | Non-notification | |
| 311 | →Formal Letter | Formal letters referring only to non-notification cases |
| 312 | →Reasoned Opinions | Reasoned Opinions referring only to non-notification cases |
| 313 | →Referrals | Referrals for only to non-notification cases |
| 320 | Non conformity | |
| 321 | →Formal Letter | Formal letters referring only to non-conformity cases |
| 322 | →Reasoned Opinions | Reasoned Opinions referring only to non-conformity cases |
| 323 | →Referrals | Referrals for only to non-notification cases |
| 330 | Bad application | |
| 331 | →Formal Letter | Formal letters referring only to bad-application cases |
| 332 | →Reasoned Opinions | Reasoned Opinions referring only to bad-application cases |
| 333 | →Referrals | Referrals for only to bad-application cases |
| 340 | Non compliance with ECJ Judgments | |
| 341 | →Formal Letter | Formal letters referring only to non-compliance with ECJ Judgments |
| 342 | →Reasoned Opinions | Reasoned Opinions referring only to non-compliance with ECJ Judgments |
| 343 | →Referrals | Referrals for only to non-compliance with ECJ Judgments |
| 400 | Court Cases | Cases brought before the European Court of Justice |
| 401 | →Non-notification | Non-notification cases brought before the European Court of Justice |
| 402 | →Non-conformity | Non-conformity cases brought before the European Court of Justice |
| 403 | → Bad application | Bad application cases brought before the European Court of Justice |
| 404 | →Non-compliance with a court judgment | Cases of non-compliance with a court judgment brought before the European Court of Justice |
| 410 | Court Judgments | Judgments of the European Court of Justice |
| 411 | →Negative for Member states | Negative judgments of the European Court of Justice |
| 412 | →Positive for Member states | Positive judgments of the European Court of Justice |
| 500 | Combinations | Combinations of different measures for (non-)compliance |
| 501 | →Transposition, application and enforcement | Measurements/Indexes for (non-)compliance which combine transposition, application and enforcement measures. |
| 502 | →Transposition and application | Measurements/Indexes for (non-)compliance which combine transposition and application. |
| 600 | Decentralized Enforcement | National level enforcement, lawsuits filed by citizens, groups, and firms against the ineffective enforcement of EU directives |

2.3 Operationalization

Insert the operationalization of the dependent variable as stated by the author. Indicate the pages from the article.

2.4 Data Source for the Operationalization of the Dependent Variable

| Codes | Corresponding Values | Code Instructions |
|-------|--|---|
| 10 | Commission Data | Commission Data |
| 11 | EUI Dataset | EUI Dataset |
| 12 | Annual Commission Reports | Annual Report of Monitoring of EU law |
| 13 | Commission Reports of Progress towards Accession | Include Commission reports for the Progress towards Accession. |
| 14 | Single Market Scoreboards by COM and EFTA Surveillance Authority | Single Market Scoreboards by COM and EFTA Surveillance Authority |
| 20 | CELEX7 | CELEX7 data |
| 30 | Reports of Cases before the court | Reports of Cases before the court |
| 40 | National Databases | National Data |
| 41 | National Ministerial Sources/Reports | National Ministerial Sources/Reports |
| 42 | National Legal Databases | Legal databases published online or in print. |
| 50 | Secondary Data | The operationalization of the dependent variable is based on reports that do not fit in either of the other categories (Commission, national ministerial reports or Court reports). |
| 51 | Interviews | Interviews |
| 52 | Secondary Literature | Books, articles and reports which do not cover either of the other data sources |
| 99 | Not specified | Insert “not specified” if the data source for the dependent variable is not indicated. |

3. Explanatory Factors Information

3.1 Numbering

Number the independent variables in one study starting with one.

Corresponding variable in dataset “compliance2012”: “ivnr”

3.2 Name

Write the name of the independent variables as stated by the author.

Corresponding variable in dataset “compliance2012”: “indvar.author”

3.3 Definition

Write the definition of the independent variable as stated by the author.

3.4 Operationalization

Write how the independent variable was measured.

3.5 Source

Indicate the data source for the measurement of the independent variable.

| Options | Instructions |
|----------------------|---|
| Secondary literature | References to published works, including published or online available reports and datasets (e.g. World Bank Governance Indicators (2006, Tsebelis (2001), OECD (2002), and Eurostat (2001) |
| Own data collection | e.g. Interviews |
| Commission Data | e.g. CELEC, Eurlex, Commission Annual Reports etc. |
| Not specified | Write “not specified” if the data source of the independent variable was not indicated. |

3.6 Measurement Level

| Code | Corresponding Values | Code Instructions |
|------|----------------------------|--|
| 1 | Individual Directive Level | Variables measured on the directive level and therefore different across directives. Usually those variables are directive characteristics. <i>Examples:</i> length of directive, Commission directive, Council directive, Co-decision directive, new/amending directive, discretion, quality and clarity of EU directives, type of transposition measure used to transpose a directive, directives deadline, government/party/country preferences towards specific directives. |
| 2 | Policy Sector | Variables using a specific measure for policy sectors. This could be sector specific trade indicators, public support or party manifesto data. <i>Examples:</i> policy specific measure of domestic conflict, government/party/country preferences towards given policy sectors. |
| 3 | Actor Specific | Variables measured on the individual actors level. The term actor is broadly specified and may include: political leaders, parties, governments, citizens, interest groups, institutions (e.g. departments, ministries, regional institutions). <i>Examples:</i> variables staying for the preferences/ interests, and capacities of those actors, government left-right position/range. |
| 4 | Country Level | Variables that vary only across countries, e.g. institutional characteristics and economic indicators. <i>Examples:</i> economic power, GDP, trade openness, political culture, corruption, and membership length. |
| 5 | European Level | Variables which are purely European and are not related to the national actors, country and individual directive levels. This can be variables that change over time. Note that Commission action should be coded as either sector or country specific and not European specific. <i>Examples:</i> the time when the co-decision procedure was introduced |
| 999 | No Appropriate Category | Neither of the above categories is applicable. |

3.7 Operationalization Level: Categorization

Corresponding variables in dataset “compliance2012”: “indvar”, “indvar.label”

| Codes | Corresponding Values |
|--------------------------------------|---|
| Directive Characteristics | |
| 0100 | directive specific indicators |
| 0101 | →length of deadline |
| 0102 | →commission directive |
| 0103 | →council directive |
| 0104 | →co-decision directive |
| 0106 | →length of text/number of recitals |
| 0107 | →discretion |
| 0108 | →quality/clarity of directive |
| 0109 | →new directive |
| 0110 | →amending directive |
| Goodness of fit | |
| 0200 | goodness of fit |
| 0210 | →directive requirements fit with national policy legacies/traditions |
| 0211 | →directive requirements fit with the organization of interest groups |
| 0212 | →directive requirements fit with norms |
| 0213 | →directive requirements fit with national institutions |
| 0214 | →directive requirements fit with the regulatory state |
| 0220 | →concerning financial costs |
| 0230 | →directive requirements fit with existing legislation |
| 0231 | →directive requirements fit with existing legislation:existence of a national policy |
| 0232 | →directive requirements fit with existing legislation:no need to change the national status quo |
| EU Decision-Making Procedures | |
| 0300 | eu decision-making procedures |
| 0301 | →involvement of the european parliament |
| 0302 | →decision rule in the council of ministers |
| Member States Characteristics | |
| 0400 | member states' characteristics |
| 0401 | →(effective) number of parties |
| 0410 | →features of the political system |
| 0411 | →→federalism |
| 0412 | →→corporatism |
| 0413 | →→veto players/points |
| 0414 | →→corruption |
| 0415 | →→degree of centralization |
| 0416 | →→regional autonomy |
| 0417 | →→level of democracy |
| 0418 | →→type of democracy |
| 0419 | →→type of the legal system |
| 0420 | →economic and political features |
| 0421 | →→weighted votes in the council of ministers |
| 0422 | →→net contributors to eu budget |
| 0423 | →→gdp (per capita) |
| 0424 | →→economic power |
| 0425 | →→population size |
| 0426 | →→power index |

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|--|---|
| 0430 | →national administration's characteristics |
| 0431 | →→bureaucratic efficiency/resources |
| 0432 | →→size of bureaucracy |
| 0433 | →→transposition load |
| 0434 | →→fiscal resources |
| 0440 | →coordination process features |
| 0441 | →→involvement of national actors in the EU law-making process |
| 0442 | →→number of ministries involved in the implementation process |
| 0443 | →→political conflict between ministries |
| 0444 | →→clear responsibilities for transposition |
| 0450 | →national control mechanisms |
| 0451 | →→obligatory inspection |
| 0452 | →→discretion of inspectors |
| 0453 | →→difficulty if court access |
| 0454 | →→presence of fire-alarm mechanisms |
| 0460 | →culture characteristics |
| 0461 | →→three worlds of compliance |
| 0462 | →→respec of the rule of law |
| 0463 | →→type of the negotiation culture |
| 0464 | →→political culture |
| 0470 | →other member states' characteristics |
| 0471 | →→old members |
| 0472 | →→new members |
| Enforcement mechanisms | |
| 0500 | enforcement control mechanisms on the eu level |
| 0510 | →infringement procedure |
| 0511 | →→commission activity |
| 0512 | →→court judgement |
| 0513 | →→complaints by national actors |
| 0520 | →saliency for the commission |
| 0521 | →→commission disagreement |
| Transposition process characteristics | |
| 0600 | transposition process characteristics |
| 0610 | →type of legislation used |
| 0611 | →→primary legislation |
| 0612 | →→secondary legislation |
| 0613 | →→tertiary legislation |
| 0620 | →issue linkage |
| 0621 | →→transposition package |
| 0630 | →critical event |
| 0631 | →→external shock |
| 0632 | →→election |
| Government preferences | |
| 0700 | government preferences |
| 0710 | →law specific government positions |
| 0711 | →→incentive to deviation |
| 0712 | →→outvoted on the eu level |
| 0713 | →→saliency |
| 0714 | →→conflict in the council of ministers |

| | |
|--------------------------------|--|
| 0720 | →government specific positions |
| 0721 | →→position on the left-right dimension |
| 0722 | →→position on the eu dimension |
| 0723 | →→ideological range in the government |
| 0724 | →→ideological range in the parliament |
| 0725 | →→type of government |
| Citizens' Attitudes | |
| 0800 | attitudes of member states' citizens |
| 0810 | →attitudes towards the eu |
| 0811 | →→support for eu membership |
| 0820 | →attitudes towards specific policies |
| 0830 | →attitudes towards other issues |
| 0831 | →→support for democracy |
| Policy Learning | |
| 0900 | policy learning |
| 0901 | →length of eu membership |
| 0902 | →single loop learning |
| 0903 | →double loop learning |
| No appropriate category | |
| 1000 | no appropriate category |

3.8 Hypothesis

Write the hypothesis related to the each independent variable as stated by the author and indicate the page number in brackets.

3.9 Expected Direction of the Effect

Write the expected effect – positive or negative – of the independent variable on the dependent variable. This expected effect should be based on the hypothesis and theoretical grounding presented by the author. Leave this field blank if there is no information with regard to the expected direction of the effect.

3.10 Found Direction of the Effect

Indicate the found direction of the effect – positive, negative or none – of the independent variable on the dependent variable. Use the results from the empirical analysis.

3.11 Significance/Confidence Level

Corresponding variable in dataset "compliance2012": "significant", "significant.label"

Indicate the significance level of the found effect. Here we are interested in the level of confidence for the found effects. Note that we provide different coding schemes for studies using inferential statistics and studies applying case study analysis. In the former case we differentiate between the common statistical significance levels $p=0.05$ and $p=0.01$, which are a direct measure for the likelihood that the found effects have occurred by chance. Unfortunately, there is no common measure for the level of significance or confidence of the found effects in case study analysis. One way to measure the confidence level is to look at the share of the cases for which the expected direction of the effect was confirmed. For simplification reasons we code only three possible

scenarios: no confirmation, confirmation for some of the cases and confirmation for most of the cases.

| Code | Corresponding values | Instructions |
|------------------------|---|---|
| Inferential statistics | | |
| 0 | Not significant | Effects with significance level p larger than 0.5 |
| 1 | Significant | Effects with significance level $0.01 \leq p < 0.05$ |
| 2 | Highly Significant | Effects with significance level $p < 0.01$ |
| 10 | Significant: effect direction too complex | The effect of categorical variables is interpretable only with reference to the baseline group. Since authors use difference values of the categories as a reference group it is difficult to compare the reported effects. Examples for categorical variables are: "world of compliance" (world of neglect, world of domestic politics, world of observance), "type of legal instruments" (primary legislation, secondary legislation etc.), "legal system" (common law, French civil law, German civil law). |
| 11 | Not significant: effect direction too complex | Use this option in the case of categorical variables. For more detail see code 10. |
| Case Studies | | |
| 3 | Not confirmed | The direction of the expected effect was not confirmed. |
| 4 | Confirmed | The direction of the expected effect was confirmed in some of the cases in the study |
| 5 | Strongly Confirmed | The direction of the expected effect was confirmed in most/majority of the cases in the study |
| Not specified | | |
| 9 | Not specified | No specific Information was provided. |

4. Explanatory Factors: Theory

Corresponding variable in dataset "compliance2012": "ivtheoryneu", "ivtheoryneu.label"

Based on the definition of the independent variable the introduced hypothesis indicate which of the following theoretical arguments is being tested by the author.

4.1 Definition and Theory

| Category | Definition and Theoretical Expectations |
|--------------------------|--|
| Management school | Management school conceives member states as willing to comply, but their efforts are handicapped by domestic hurdles, misinterpretations and capacity limitations (Chayes and Chayes 1993). We distinguish between institution induced hurdles (see institutional decision-making capacity), cultural constraints, public related limitations, inter-ministerial coordination capacity, bureaucratic efficiency, and learning capacities. |
| Capacity | Formal (institutions) and informal rules (culture, routines and norms) characterizing the political system of a given country, which provide |

| | |
|---|---|
| | <p>information about government's abilities in all stages of the legislative decision-making process (preparation, introduction and implementation of legislative acts). This category includes all capacity factors which do not fit into the predefined subcategories of the management school: institutional decision making capacity, inter-ministerial coordination problems, bureaucratic efficiency, learning, public opinion, and culture.</p> <p><i>Theoretical Expectation:</i> Member States capacity is expected to improve their compliance with EU laws.</p> |
| Institutional decision-making capacity | <p>Institutionally determined decision-making powers. Here we are interested in the formal rules which determine the power and responsibilities of state institutions in the legislative decision-making process, frame the power constellations between the actors involved in the implementation process and thus directly influence government's capacity to incorporate EU laws into the national legal system. We are looking for agenda and veto powers, which determine who is entitled to set the legislative agenda in the first place, block or delay the decision on EU law transposition, and thus hinder the efforts of policy change and constrain government's capacity to comply.</p> <p><i>Theoretical Expectation:</i> Member states institutional decision-making capacity is expected to improve their compliance with EU laws.</p> |
| Inter-ministerial coordination problems | <p>Coordination problems between ministries resulting from the impact of formal or informal rules.</p> <p><i>Theoretical Expectation:</i> Few Inter-ministerial coordination problems are expected to improve member states compliance with EU laws.</p> |
| Bureaucratic efficiency | <p>Bureaucratic, administrative and government effectiveness in the decision-making process.</p> <p><i>Theoretical Expectation:</i> Bureaucratic efficiency is expected to improve member states compliance with EU laws.</p> |
| Public support | <p>Public support or attitude towards EU and EU policies. Since politicians have short-time horizons and care about re-election, negatively oriented public towards EU and EU policies is considered to be an additional obstacle for the government to transpose.</p> <p><i>Theoretical Expectation:</i> Positive public support or attitude towards EU and EU policies is expected to improve member states compliance with EU law.</p> |
| Culture | <p>Informal rules like norms, common values, routines, and traditions as well as beliefs and perceptions which frame the process of legislative decision-making and influence the strength of commitment of the involved actors to the task. The general idea is that given more favorable norms, routines and cultural frames a government may be more capable to transpose EU laws in a proper manner.</p> <p><i>Theoretical Expectation:</i> Favorable culture is expected to improve member states compliance with EU laws.</p> |
| Learning | <p>The capability to learn, to get to know the EU legal system and to adapt to it. The stronger the government is in its learning, changing and adapting ability, the more capable it is to comply with EU rules. If capability of learning is operationalized through other already predefined factors like goodness of fit</p> |

| | |
|--|--|
| | <p>or adaptation pressure, then it should be coded in line with the operationalization criteria.</p> <p><i>Theoretical Expectation:</i> Higher learning capacities or the mere opportunity to learn are expected to improve member states compliance with EU laws.</p> |
| Enforcement School | <p>In line with the political economy tradition of collective action and game theory the enforcement school perceives states as strategic actors calculating their costs and benefits. Accordingly, enforcement theory suggests that compliance is intentional impeded by the free riding dilemma, which can be remedied by monitoring and sanctioning of defecting member states (Downs et al 1996). Non-compliance, thus, occurs as a consequence of either a <i>preference</i> induced unwillingness or a lack of <i>monitoring and enforcement mechanisms</i> needed to hamper member states free riding and defection incentives.</p> <p>Recognizing that the transposition process is highly dependent upon the power constellations and political conflict within the state, we decided to abolish the black box perception of member states and loosen the unitary actor assumption common to the international compliance literature (see e.g. Downs et. al. 1996). We argue that in the case of compliance with European law, in addition to the incentives and preference of the member states also the incentive structure and preference patterns of the involved national political actors matter.</p> |
| Preferences | <p>With „preferences“ we refer to the fit between EU law provisions and policy requirements and national preferences as well as the general attitude of the government towards the EU and the European integration process. The higher the preference misfit, the greater the associated costs with EU law implementation are and thus the stronger the member states' and political actors' incentives to deviate and violate Community laws.</p> <p><i>Theoretical Expectation:</i> Higher preference fit between EU legal provisions/requirements and national preferences, as well as positive government attitude towards the EU and the European Integration process are expected to improve member states compliance with EU laws.</p> |
| Supranational monitoring and enforcement | <p>Raising the cost of non-compliance, monitoring and sanction mechanisms hamper member states incentives to free-ride and defect. Enforcement literature distinguishes between centralized („police patrol“) and decentralized („fire alarms“) monitoring systems placed either on the national or the supranational level (Tallberg 202: 614, 620).</p> <p>With „supranational monitoring and enforcement“ we refer to all „police patrol“ and „fire alarm“ acts of supervision occurring on the supranational/European level. „Police patrol“ mechanisms include supervision activities of supranational institutions such as the European Commission and the ECJ (annual monitoring reports, infringement proceedings, ECJ suit cases). „Fire alarm“ mechanisms encompass supervision activities of individuals, companies and interest groups who monitor state's behavior, clarify EC law and sanction non-compliance using the preliminary ruling system of the ECJ.</p> <p><i>Theoretical Expectation:</i> Stronger supranational monitoring and enforcement mechanisms, as well as enhanced supervision activities are expected to improve member states compliance with EU laws.</p> |
| National | <p>With „national monitoring and enforcement“ we refer to all „police patrol“</p> |

| | |
|----------------------------|---|
| monitoring and enforcement | <p>and „fire alarm“ acts of supervision occurring on the national level. While „police patrol“ mechanisms include supervision activities of national public institutions, „fire alarm“ mechanisms encompass supervision activities of individuals, companies and interest groups who monitor and sanction non-compliance using e.g. the national court system.</p> <p><i>Theoretical Expectation:</i> Stronger national monitoring and enforcement mechanisms, as well as enhanced supervision activities are expected to improve member states compliance with EU laws.</p> |
| Other | |
| Goodness of fit | <p>The degree of fit between European law provisions and requirements and the national context, where the national context means existing policies/laws, national formal (e.g. existing institutions) and informal (e.g. established norms, practices, traditions, routines) rules within the state. The degree of misfit reflects the magnitude of adjustments and the size of adaption costs required for the implementation of EU laws (Heritier et.al. 2001). Therefore, it is expected that compliance failures are more likely in cases of low fit between existing domestic arrangements and new arrangements required by the EU directives.</p> <p><i>Theoretical Expectation:</i> Greater fit between EU requirements and the national context (existing policies and formal/informal rules) is expected to improve member states compliance with EU laws.</p> |
| EU law complexity | <p>Complex and ambiguous EU laws. Unclear, very abstract and complex laws enhance the information demand of the member states, and thus member states need more time, staff and expertise to comply with EU law. Therefore, it is suggested that complex directives are harder to be transposed.</p> <p><i>Theoretical Expectation:</i> Less complex and less ambiguous EU laws are more likely expected to be implemented and thus member states compliance record is expected to improve with less complex EU laws.</p> |
| EU Power | <p>Powers member states have on the EU level to influence the legislative decision-making process (e.g. voting, agenda-setting, veto or bargaining powers).</p> <p><i>Theoretical Expectation:</i> Powerful member states can influence the legislative decision-making on the EU level and bring the content of EU laws nearer to their own policy preferences. Higher preference fit is suggested to lower the willingness to deviate from EU law requirements. According to this logic it is suggested that greater EU power should improve member states compliance with EU law.</p> |
| No appropriate category | All theoretical accounts, which do not fit in the predefined theoretical arguments. |

4.2 General Code Instructions

Base the coding of the theoretical concept on the theoretical argument of the author. This implies that same variables may represent different theoretical logics. Prime example is the factor “discretion” which is used as an indicator for the level of goodness of fit (higher discretion implies greater goodness of fit) and the level of complexity (higher discretion implies greater complexity of EU laws). Another example is the variable unanimity rule in the Council of Minister, which on the one hand is used to measure member states power to influence EU legislative-decision making, and on the other hand is used as a proxy for the preference fit between member states preferences and EU directive requirements.

| Code | Category | Code Instructions and Examples |
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| Management School | | |
| 010100 | Capacity | <p>Include characteristics of the political system of a country which are indicators for government's ability to act in the legislative decision-making and implementation processes. Explanatory factors which do not fit or fit into more than one of the management subcategories.</p> <p><i>Examples:</i> no examples</p> |
| 010101 | Institutional decision-making capacity | <p>Include factors referring to the power constellations between actors on the national level set by institutional rules. Look for indicators of authors' (actors'?) autonomy, authority and competences on different levels and fields. Include factors reflecting the logic of the concept "veto points" as well as agenda-setting powers.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Institutional veto points/players:</i> second chamber, federal political system, degree of centralization and power of regional authorities, involvement of the national parliament in the transposition process (usually indicated by the type of national transposition measures: primary or secondary legislation) • <i>Partisan veto players:</i> number of coalition parties and/or their political division, effective number of political parties, single party vs. coalition governments Other veto points: veto player indexes (e.g. Tsebelis 2001), strength of interest groups, consensual vs. majoritarian (majority?) type of democracy as proxies for the level of political constraint. • <i>Agenda setting:</i> government's agenda setting power |
| 010102 | Inter-ministerial coordination problems | <p>Include factors measuring coordination problems between ministries or administrative actors during policy formulation and implementation processes. In particular, we are interested in the factors reflecting inter-ministerial and administrative formal institutional rules.</p> <p><i>Examples:</i> Number of ministries or departments involved in the transposition process, number of decision making stages required for transposition, existence of special legal departments for coordination of government activity, existing coordination mechanisms, channels for communication between administrative and political actors, uncertainty about the responsibilities for transposition, involvement of national actors such as the national parliament or committees in the EU law-making process, political conflict between ministries.</p> |
| 010103 | Bureaucratic efficiency | <p>Include all factors which indicate bureaucratic, administrative or government decision-making efficiency. Bureaucratic efficiency encompasses aspects of size, organization, selection, and training of staff, technical expertise, and financial capabilities. This variable also includes various resource limitations (initially coded in a separate variable "resource limitations")</p> <p><i>Examples:</i> size of bureaucracy, quality and quantity of administrative stuff, financial capabilities, fiscal resources, level of politization of bureaucracies, bureaucratic accountability and transparency, activity</p> |

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| | | of the administration in the implementation process, government efficiency and stability factors, fragmentation of the administration, overlapping competences, technical expertise, administrative and transposition overload, and the factors included in the World Bank index for government effectiveness (quality and professionalism of public and civil services, competence of civil servants, quality of public formulation and implementation, degree of autonomy from political pressure, and credibility of government's commitment to policies). |
| 010104 | Public opinion | <p>Include factors referring to the opinion or the attitude of the public towards EU and EU policies.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Attitudes toward the EU:</i> national approval or disapproval rates of the EU, degree of identification with Europe, confidence, satisfaction, support for European integration, and attachment to the EU and approval of EU membership. • <i>Attitudes towards specific EU policies:</i> approval or disapproval of specific European policy issues. |
| 010105 | Culture | <p>Include factors referring to informal rules, practices, habits and beliefs which constrain or increase governments decision-making and implementation capacity.</p> <p><i>Examples:</i> (dis-)approval of democracy, (dis-)respect for and (mis-)trust in the rule of law, cultures of law obedience e.g. Falkner's et al. (2005) worlds of compliance, types of legal system, corruption level, styles of conflict management, political and administrative culture of decision-making e.g. institutional jealousy, negotiation culture and consensus seeking rules.</p> |
| 010600 | Learning | <p>Include variables reflecting the capability to learn, to get to know the EU legal system and to adapt to it. This category encompasses factors indicating time availability for learning and development of legislative routines, gained knowledge about and experience in the European legislative decision-making and transposition process.</p> <p><i>Examples:</i> measures of time available for learning like length of membership, knowledge and experience.</p> |
| Enforcement School | | |
| 020100 | Preferences | <p>Include factors which reflect the fit between EU law provisions and requirements and the preferences of the member states, national parties, government and parliament. This category also includes the general attitudes of the state/government towards the EU and the European integration process.</p> <p><i>Examples:</i> political leaders interest fit with directives requirements, government's position towards an EU policy, government's position towards EU membership, state's disagreement with the content of directives, government position across policy sectors, government's opposition during the European decision-making process, member states' policy preference misfit, QMV on the European level as a proxy for member states' preference misfit, government preferences towards European integration, governments position on the left-right scale as a proxy for governments approval of trade liberalization.</p> |
| 020200 | Supranational monitoring and | <p>Include all factors referring to „police patrol“ and „fire alarm“ acts of supervision occurring on the supranational/European level. In</p> |

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| | enforcement | <p>particular, include all supervision activities of supranational institutions such as the European Commission and the ECJ (annual monitoring reports, infringement proceedings, ECJ suit cases) and individuals, companies and interest groups who monitor states' behavior, clarify EC law and sanction non-compliance using the preliminary ruling system of the ECJ.</p> <p><i>Examples:</i> Commission and ECJ activities (monitoring activities, shaming approach, sterring (?), infringement proceedings, court rulings and other measurements for Commission activity like „periods of grace“), Commission disagreement with directives as a proxy for the level of Commission incentive to enforce the implementation of these directives.</p> |
| 020300 | National monitoring and enforcement | <p>Include all factors referring to all „police patrol“ and „fire alarm“ acts of supervision occurring on the national level. In particular include all supervision activities of national public institutions, and individuals, companies and interest groups who monitor and sanction non-compliance using e.g. the national court system.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Fire alarm mechanisms:</i> complaints by national actors – citizens or interest groups, strength of civil society, domestic pressure, societal mobilization, presence or characteristics of fire alarm mechanisms like rules, procedures and informal practices enabling individual citizens and organized interest groups to examine, charge administrative decisions, executive agencies and to seek remedies from agencies, courts (e.g. length of court proceedings, court access). • <i>Police patrol mechanisms:</i> existence of police patrol mechanisms like national supervisory bodies (e.g. policy inspectorates) |
| 020400 | EU Power | <p>Include all factors referring to the powers member states have on the EU level to influence the legislative decision-making process.</p> <p><i>Examples:</i> voting powers (e.g. voting weights in the Council of Ministers), veto powers (e.g. unanimity decision-making rules), bargaining powers (e.g. economic and political powers of the member states), agenda-setting power.</p> |
| Other categories | | |
| 010200 | Goodness of fit | <p>Factors indicating the degree of fit between European law provisions and requirements and the national context. The national context may refer to different aspects including culture, routines, policy legacies and traditions, coordination patterns, regulatory styles, existing national institutions and legislation, resource capacities, and the organization of interest groups. Note that the fit between EU law provisions and government's preferences belongs to the preference category.</p> <p><i>Examples:</i> policy legacy fit, fit with preexisting body of laws, fit with the existing organization of interest groups (no pressure for reorganization of existing domestic interests), existing traditions, fit with the regulatory style and structure of a particular policy sector, type of EU directives (new vs. amending directives) type of national transposition measures (early legislation and new laws vs.</p> |

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| | | amendments), adaptation pressure, fit with norms, level of discretion available to the national legislators. |
| 010700 | EU law complexity | Include factors indicating EU law complexity, ambiguous and incoherent policy requirements. Those factors are mostly directive specific features. Note that factors reflecting the complexity of national decision-making rules belong to the category inter-ministerial coordination problems. <i>Examples:</i> Quality, clarity and complexity of EU directives indicated by the length of directives, number of recitals, number of major provisions, number of required transposition measures, length of allotted transposition time, directive types (Commission vs. Council directives, the former being perceived to have more technical character), and level of discretion granted in EU directives. |
| 040000 | No appropriate category | Include all variables, for which author's theoretical argumentation either does not fit the logic of the categories presented above or the author provides two or more different theoretical expectations (see Steunenberg and Toshkov 2009 (discretion)). Examples: measure whether the deadline has passed or not, (Luetgert and Dannwolf 2009), time after the adoption of a directive (Mastenbroek 2003) time since the last election (Luetgert and Dannwolf 2009), favorable policy context (Knill and Lenshov 1998), dynamic institutional arrangements (Knill and Lenshov 1998), EU membership length as a proxy for EU members eagerness to demonstrate their status as "legitimate" member of the EU (Perkins and Neumayer (2007), lack of general guidelines and formal rules for a policy field (Bursens 2002) |
| 050000 | Control variable | Include all variables whose effect upon compliance is not specified and theoretically grounded. If the author indicates that a certain variable is a control variable, but nevertheless presents a theoretical explanation for the expected effect, then classify this variable according to the logic of the other categories. |

4.3 Direction of the theoretical concept

Independent variables may reflect the same theoretical concept e.g. bureaucratic performance, but may indicate different direction of the theoretical concept, for example bureaucratic efficiency or bureaucratic inefficiency. In order to accommodate for these differences we code whether the direction of the theoretical concept is negative (coded as 1) or positive (coded as 2).

| Code | Meaning | Examples |
|---|-------------------------------|---|
| Capacity | | |
| Negative | Lack of or less capacity | |
| Positive | Presence of or more capacity | |
| Institutional decision-making capacity | | |
| Negative | Less decision-making capacity | Federal political system, existence of a second chamber, powerful regional authorities, primary legislation as a proxy for the involvement of the |

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| | | national parliament in the transposition process, coalition government |
| Positive | More decision-making capacity | Unitary state, centralized political system, secondary legislation where the approval of the parliament is not required, single party government |
| Inter-ministerial coordination problems | | |
| Negative | Existence of coordination problems, more coordination problems. | High number of ministries involved in the transposition process, lack of special legal department for coordination of government activity, political conflict between ministries, uncertainty about the responsibilities for transposition |
| Positive | Smooth coordination, less coordination problems. | One ministry involved in the transposition process, existence of special legal department for coordination of government activity, involvement of national actors such as the national parliament or committees in the EU law-making process |
| Bureaucratic efficiency | | |
| Negative | Bureaucratic inefficiency, lack of or less efficiency | Lack of resources and technical expertise, low number of administrative staff, overlapping competences, administrative and transposition overload, administrative shortcomings |
| Positive | Bureaucratic efficiency, more bureaucratic efficiency | High quality and professionalism of public and civil services, technical expertise, high financial capabilities, bureaucratic accountability and transparency |
| Public opinion | | |
| Negative | Negative opinion or attitudes towards the EU and EU policies | Disapproval of EU membership, negative public attitude towards the EU |
| Positive | Negative opinion or attitudes towards the EU and EU policies | High degree of identification with the idea of united Europe, citizens' support for the EU, approval of the EU membership |
| Culture | | |
| Negative | Unfavorable culture, existence of informal rules which constrain the transposition process | Corruption, world of neglect, confrontation style of resolving conflicts, disrespect for the rule of law |
| Positive | Favorable culture, existence of favorable informal rules for the transposition process. | Stable political culture, approval of democracy, "world of observance", respect for the rule of law |
| Learning | | |
| Negative | Incapacity, inability of learning (inability to learn) | New member states, lack of experience |
| Positive | Ability of learning (ability to learn) | Length of membership, knowledge and experience |
| Preferences | | |
| Negative | Negative attitude of the government towards the EU or misfit between EU law provisions and national | State's disagreement with a directive or policy, member state's preference misfit with directives requirements, government's opposition during the EU decision-making process |

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| | preferences. | |
| Positive | Positive attitude of the government towards the EU or fit between EU law provisions and national preferences. | Government support for the EU, fit between the government/leader's policy interests and directives requirements |
| Supranational monitoring and enforcement | | |
| Negative | Less supranational control and enforcement | Limited Commission activity and supranational control, Commission disagreement with directives |
| Positive | More supranational control and enforcement | Enhanced Commission and ECJ monitoring activity, shaming, infringement proceedings, sanctions, Commission awareness of the transposition performance of member states |
| National monitoring and enforcement | | |
| Negative | Less national control and enforcement | Weak civil society, ineffective labor inspectorates, lengthy court proceedings, discretion for inspectors |
| Positive | More national control and enforcement | Access to domestic courts, societal mobilization, domestic pressure, police patrol oversight, sanctioning tools, obligatory inspections |
| EU power | | |
| Negative | Less power on the European level | Introduction of the qualitative majority voting, low bargaining/voting power in the Council of Ministers |
| Positive | More power on the European level | Bargaining power in the Council of Ministers, economic strength, voting power in the Council of Ministers |
| Goodness of fit | | |
| Negative | Less fit/misfit between European law provisions and the national context (legislature, informal rules, routines, culture, interest group organization etc.) | Contradicting traditions, new directive, policy misfit, legal misfit, adaptation pressure |
| Positive | More fit between European law provisions and the national context (legislature, informal rules, routines, culture, interest group organization etc.) | Early legislation, directive amendments, discretion, policy (legacy) (legislation?) fit, organization fit of interest groups, amending national transposition measures |
| EU law complexity | | |
| Negative | More complex and unclear EU laws | Ambiguous and complex EU law indicated by the high number of recitals, transposition measures, the length of directives, Council directives, and the level of discretion granted in the directives. |
| Positive | Less complex and more clear EU laws | Clarity and quality of EU law, Commission directives (more technical character) |
| No appropriate category | | |
| Negative | | Leave blank |
| Positive | | Leave blank |
| Control variable | | |
| Negative | | Leave blank |

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| Positive | | Leave blank |
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