

STATE AUTONOMY AND STATE CAPACITY OF THE EU MEMBER AND CANDIDATE STATES AS FACTORS OF THEIR (NON-)COMPLIANCE WITH THE EUROPEAN UNION LAW*

Aleksei Sorbale^a

National Research University “Higher school of Economics”

asorbale@hse.ru

Abstract

The process of harmonization of national legislation with the European Union law is an important step towards the creation of a “European federation.” For almost 20 years there has been a steady trend towards the emergence of states that normally comply with the EU law with minimum violations, as well as countries that show failures in this process almost every year. The aim of this study is to test the influence of factors of state autonomy and state capacity on the compliance behavior of the EU member and candidate states. I use the databases of the EU institutions, Worldwide Governance Indicators and Manifesto Project Dataset to encode the variables of this study. Multi-level linear regression is used to analyze the influence of factors of state autonomy and state capacity on the compliance behavior of the states of interest. The research is carried out for each country for 25 time periods (1993-2018). It is expected that factors of state capacity and state autonomy that correspond to the institutional design of the EU candidate and member states have the major influence on their compliance behavior. This work will help to better understand the reasons for the failures of some states and the success of others in the field of compliance with the EU law, and give way for the level of the national decision-making in the future research.

Keywords: (Non-)compliance, EU member states, EU candidate states, EU law

INTRODUCTION

The main goal of the European Union (EU) in the process of expanding and unifying its legal space is to force EU member and candidate countries to transpose, implement and apply the parts of the *acquis communautaire*.¹ In the academic literature this enforcement and the reaction of the EU member and candidate states to the enforcement actions of the EU are labeled under the term “compliance with the European Union law.”²

* This paper summarizes the main theoretical and empirical results that I achieved in the process of writing my PhD dissertation. At the moment I am at the very beginning of this study, so I will be extremely grateful for all the comments and questions that arise during the discussion of this work. Please do not circulate this paper outside Fourth Annual Tartu Conference on Russian and East European Studies.

^a 1st year PhD student at the Department of Applied Political Science, National Research University Higher School of Economics — St. Petersburg, Lecturer at the Department of Applied Political Science, National Research University Higher School of Economics — St. Petersburg.

¹ The accumulated legislation, legal acts, and court decisions that form the basis of the European Union law.

² Tanja A. Börzel et al., “Obstinate and Inefficient: Why Member States Do Not Comply with European Law,” *Comparative Political Studies* 43, no. 11 (2010): 1363–90, <https://doi.org/10.1177/0010414010376910>; Ulrich Sedelmeier, “Is Europeanisation through Conditionality Sustainable? Lock-in of Institutional Change after EU Accession,” *West European Politics* 35, no. 1 (2012): 20–38, <https://doi.org/10.1080/01402382.2012.631311>; Robert Thomson, “Time to Comply: National Responses to Six EU Labour Market Directives Revisited,” *West European Politics* 30, no. 5 (2007): 987–

The desire of the European Union to force all member and candidate countries to comply with the EU law is determined by two reasons. The first reason is that the unified normative space is directly related to the idea of creating a functioning supranational EU governance, which in the future can help the EU to transform itself into a full-fledged “European federation.”³ The second reason is the EU’s commitment to the ideological position “one size fits all”, which implies not only normative, but also political, economic and cultural unification of both EU member states and countries seeking to join the Union.⁴ It is clear though that the different degree of compliance of the member and candidate countries with the EU law becomes an obstacle to the implementation of the “united Europe”⁵ project.

In general, the process of harmonization of the national legislation with the European Union law extremely differentiates the pool of EU member and candidate states and even within the two groups. There is a steady trend towards the emergence of “winners” and “losers” of compliance with the EU legislation: while Germany, Denmark and Lithuania conduct transposition, implementation and application of the parts of the EU law with minimum violations⁶, Belgium, Italy and Portugal show failures in this process almost

1008, <https://doi.org/10.1080/01402380701617407>; Frank Schimmelfennig, *Strategic Calculation and International Socialization: Membership Incentives, Party Constellations, and Sustained Compliance in Central and Eastern Europe, International Institutions and Socialization in Europe*, 2007, <https://doi.org/10.1017/CBO9780511618444.003>; Tanja A. Börzel, Tobias Hofmann, and Diana Panke, “Caving in or Sitting It out? Longitudinal Patterns of Non-Compliance in the European Union,” *Journal of European Public Policy* 19, no. 4 (2012): 454–71, <https://doi.org/10.1080/13501763.2011.607338>.

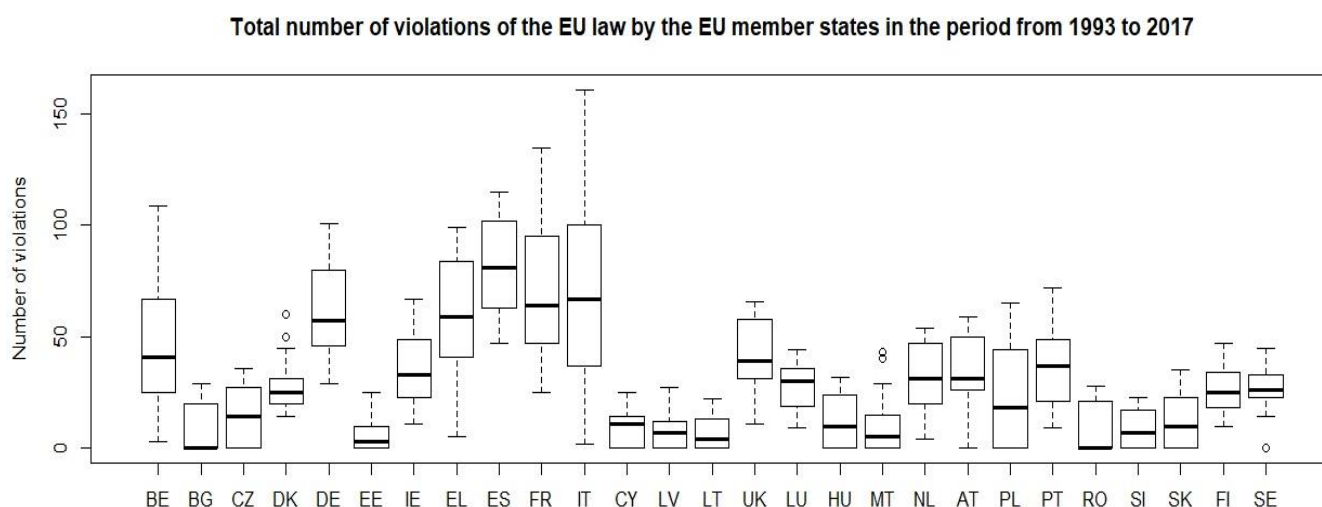
³ Thomas Banchoff, and Mitchell Smith, eds. *Legitimacy and the European Union: the contested polity*. Routledge, 2005.

⁴ Tanja A. Borzel, Thomas Risse, “One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law,” *Workshop on Democracy Promotion, Stanford University* 49, no. January 2004 (2004): 0–32; D F G Sonderforschungsbereich et al., “The European Union and the Promotion of Good Governance in Its Near Abroad One Size Fits All ? Tanja A . Börzel / Yasemin Pamuk / Andreas Stahn,” no. 18 (2008).

⁵ Richard Swedberg, “The Idea of ‘ Europe ’ and the Origin of the European Union - A Sociological Approach” 23 (1994): 378–87; Antony Smith, “National Identity and the Idea of European Unity” 68, no. 1 (2008): 55–76.

⁶ Jonas Tallberg and Christer Jönsson, “Compliance Bargaining in the European Union,” 2001; Klaus H Goetz, “The New Member States and the EU Klaus H. Goetz Forthcoming in Simon Bulmer and Christian Lequesne,” 2004; Tony Verheijen, *Administrative Capacity in the New EU Member States: The Limits of Innovation?*, *World Bank Working Paper*, 2007, <https://doi.org/10.1002/jor.23313>; Börzel et al., “Obstinate and Inefficient: Why Member States Do Not Comply with European Law.”

every year.⁷ Total number of violations of the EU law by the EU member states during the 25 year period is presented on the graph below.⁸



A similar situation is observed in the camp of the EU candidate countries: Montenegro and Serbia are the leaders in the number of the closed chapters of their *Association Agreements*⁹, while Turkey and Albania are seen as the losers of the European integration.¹⁰

Table 1. Closing of chapters of the Association Agreements (AAs) by EU candidate countries¹¹

Country	Start of Accession negotiations	Number of closed chapters of Association agreement
Albania	Not started yet	0

⁷ Mark A. Pollack, “Delegation, Agency, and Agenda Setting in the European Community,” *International Organization* 51, no. 1 (1997): 99–134, <https://doi.org/10.1162/002081897550311>; Thomson, “Time to Comply: National Responses to Six EU Labour Market Directives Revisited”; Tanja A. Börzel, “The Transformative Power of Europe Reloaded: The Limits of External Europeanization,” *KFG Working Paper Series 11*, 2010, 1–30.

⁸ Source of data: European Commission. Infringements, accessed 15 May, 2019, http://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/infringements/index_en.htm#t_0_0

⁹ The treaty between the EU and the candidate countries, which involves bringing the legislation of the candidate countries in certain areas in line with the EU legislation and also creates a framework for full-scale political, economic and cultural cooperation between the EU and the candidate countries.

¹⁰ Börzel et al., “Obstinate and Inefficient: Why Member States Do Not Comply with European Law”; Arolda Elbasani, “European Integration and Transformation in the Western Balkans,” *European Integration and Transformation in the Western Balkans: Europeanization or Business As Usual?*, 2013, 1–217, <https://doi.org/10.4324/9780203386064>.

¹¹ Data for Table 1 is taken from: Candidate countries and potential candidates. European Commission, accessed December, 3, 2018, <http://ec.europa.eu/environment/enlarg/candidates.htm>

Republic of Northern Macedonia*	Not started yet	0
Montenegro	29 June 2012	3
Serbia	21 January 2014	2
Turkey	3 October 2005	1

This study targets state autonomy and state capacity¹² as two potential explanations for such a differentiation in the level of compliance of the EU member and candidate states.¹³ It uses large-N comparison as a research strategy¹⁴ and takes rational choice as its meta-methodology. The general framework of the quantitative design includes embedded mixed methods. The main method of data analysis is multi-level linear regression.

This paper is divided into seven parts. The first part is devoted to the description and critical analysis of the main theoretical perspectives that study the phenomenon of (non-)compliance with the EU law. In the second part I operationalize the basic concepts of the study: (non-)compliance, state autonomy and state capacity. The third part describes methods of the research, the main and supportive statistical models. The fourth part is devoted to the hypotheses. In the fifth part I focus on the scope and possible limitations of the research. The sixth part concentrates on the expected and preliminary results of the study. In the seventh part is devoted to conclusion.

WHY STATES DO (NOT) COMPLY WITH THE EU LAW: STATE OF ART

The empirical puzzle associated with the different progress of EU member and candidate countries in the implementation, transposition and application of the *acquis* has been the subject

* Until February, 12 2019 - The Former Yugoslav Republic of Macedonia (FYRM).

¹² In Russian academic tradition there are several variants of translation of the term “state capacity”. In this study, I use the most common one: *государственная состоятельность* (Андрей Юрьевич Мельвиль, Денис Константинович Стукал, Михаил Григорьевич Миронюк. 2012. "Траектории режимных трансформаций и типы государственной состоятельности". *Полис. Политические исследования*, (2): 8-30.; Денис Константинович Стукал, Татьяна Евгеньевна Хавенсон. 2012. "Моделирование государственной состоятельности постсоциалистических стран." *Политическая экспертиза: ПОЛИТЭКС*, 8(1): 233-60.). This translation helps to operationalize the concept of state capacity in accordance with the objectives of this research. In my study, state capacity is understood primarily as a bureaucratic or administrative power of the state, which allows to mobilize resources to implement the necessary directive. The alternative translation *государственная статусность* is often used in the research devoted to the analysis of nation-building and the formation of primary institutions in new states (Алексей Александрович Токарев. 2012. "Концептуализация и операционализация понятия государственность." *Вестник МГИМО Университета* 4: 247-54.), and therefore not suitable for use in this study.

¹³ In this paper, state autonomy and state capacity are operationalized as sets of specific variables (factors), due to the complexity of each of the concepts. See specific factors that are in the analytical focus of the research in the section “Hypotheses of the research”.

¹⁴ Arend Lijphart, “Comparative Politics and the Comparative Method,” *American Political Science Review* 65, no. 03 (1971): 682–93, <https://doi.org/10.2307/1955513>.

of interest for many researchers since the creation of the European Union. Recently, studies on (non-)compliance of EU member and candidate states with the EU law offer a consensus, which can be expressed by the formula “strong capacity + strong autonomy = compliance.” Some authors suggest that non-compliance of the EU member and candidate states is determined by the weakness or underdevelopment of their state bureaucratic infrastructure.¹⁵ Another group of researchers links the difference in compliance within and beyond the European Union with the rationalistic calculations of member and candidate countries.¹⁶ At the same time, many theoreticians say that the decisions of the national actors on implementation of the parts of the European law, are driven by the logic of appropriateness.¹⁷

One can distinguish two major approaches to the study of the phenomenon of (non-)compliance: *structural-actor* and *consociational*. The researchers, taking as a basis the structural-actor approach, consider the relations between the EU member and candidate states and the institutions of the European Union as hierarchical: in the models they build, the advantage of the “regulatory dictate” is always on the side of one of the parties, while the other side is forced to follow the competitor’s rules.¹⁸ The structural-actor approach is often criticized

¹⁵ Oran R Young, *The Effectiveness of International Institutions: Hard Cases and Critical Variables, Governance Without Government: Order and Change in World Politics*, 1992, <https://doi.org/10.1017/CBO9780511521775>; Harold K Jacobson and Edith Brown Weiss, “IO22 Strengthening Compliance with International Environmental Accords: Preliminary Observations from a Collaborative Project,” *Global Governance* 1, no. 2 (1995): 119–48, [http://www.jstor.org/stable/27800106%5Cnfiles/317/Jacobson and Weiss - 1995 - Strengthening Compliance with International Enviro.pdf](http://www.jstor.org/stable/27800106%5Cnfiles/317/Jacobson%20and%20Weiss%20-%201995%20-%20Strengthening%20Compliance%20with%20International%20Enviro.pdf); Abram Chayes and Antonia Handler Chayes, *Organization : On Compliance Abram Chayes and Antonia Handler Chayes*, 2013, <https://doi.org/10.1017/S0020818300027910>.

¹⁶ Peter M. Haas, “Compliance with EU Directives: Insights from International Relations and Comparative Politics,” *Journal of European Public Policy* 5, no. 1 (1998): 17–37, <https://doi.org/10.1080/13501768880000021>; Tallberg and Jönsson, “Compliance Bargaining in the European Union”; Anne-Marie Slaughter, Andrew Moravcsik, and Robert O Keohane, “Legalized Dispute Resolution: Interstate and Transnational,” *International Organization* 54, no. 3 (2000): 457–88.

¹⁷ Eva G. Heidbreder, “Structuring the European Administrative Space: Policy Instruments of Multi-Level Administration,” *Journal of European Public Policy* 18, no. 5 (2011): 709–27, <https://doi.org/10.1080/13501763.2011.586800>; Jeffrey T Checkel, *Why Comply? Social Learning and European Why Comply? Social Learning and European Identity Change*, 2015, <https://doi.org/10.1162/00208180152507551>.

¹⁸ Slaughter, Moravcsik, and Keohane, “Legalized Dispute Resolution: Interstate and Transnational.”; Heidbreder, “Structuring the European Administrative Space: Policy Instruments of Multi-Level Administration.”; James D Fearon, “Bargaining , Enforcement , and International Cooperation Bargaining , Enforcement , and International Cooperation,” no. August (2014), <https://doi.org/10.1162/002081898753162820>.; Ronald B. Mitchell, “Regime design matters: intentional oil pollution and treaty compliance.” *International organization* 48.3 (1994): 425-458.; Maria Mendrinou, “Non-compliance and the European commission's role in integration.” *Journal of European Public Policy* 3.1 (1996): 1-22.; Paraskevopoulos, Christos J. "Social capital, institutional learning and European regional policy: Evidence from Greece." *Regional & Federal Studies* 8.3 (1998): 31-64.; Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, “Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey,” *Journal of Common Market Studies* 41, no. 3 (2003): 495–518, <https://doi.org/10.1111/1468-5965.00432>; Christoph Knill and Andrea Lenschow, “Compliance, Competition and Communication: Different Approaches of European Governance and Their Impact on National Institutions,” *Journal of Common Market Studies* 43, no. 3 (2005): 583–606, <https://doi.org/10.1111/j.0021-9886.2005.00570.x>.; Thomson, “Time to Comply: National Responses to Six EU Labour Market Directives Revisited”; Miriam Hartlapp, “On Enforcement, Management and Persuasion: Different Logics of Implementation

for reductionism and hierarchization of the relations between the EU member and candidate states and supranational institutions.¹⁹ However, the main criticism of this approach is related to the fact that it is based on the *top-down* logic²⁰ that is, it implies one-sided influence of the EU institutions onto the national policies of the EU member and candidate states or vice versa. The paradox of the top-down logic is that it highlights the interaction of specific supranational and national actors, but does not descend to the national level in order to determine which actors or combinations of actors are decisive in the compliance process.

The representatives of the consociational approach claim that issues related to multi-level authority and accountability, as well as to EU law compliance are not limited to clarifying the relationship of the “primacy” of a particular level of decision-making in the structure of the European Union.²¹ They demonstrate that the decision-making architecture in the EU is closest to the model of consociational democracy²², which was theorized by A. Leiphart.²³ The focus of research on compliance within the framework of the consociational approach, is the principle of subsidiarity. The principle of subsidiarity explicitly states that if a question can be resolved at a certain level of decision-making, it should not be transferred to a higher level of authority.²⁴ Thus, the majority of studies of the consociational approach are devoted to the role of state autonomy and state capacity of the “lower” level of decision-making in the European Union - the level of national states. The consociational approach is basing on the “*bottom-up*” logic²⁵

Policy in the EU and the ILO,” *Journal of Common Market Studies* 45, no. 3 (2007): 653–74, <https://doi.org/10.1111/j.1468-5965.2007.00721.x>.

¹⁹ See, for example, Joel Selway and Kharis Templeman, “The myth of consociationalism? Conflict reduction in divided societies.” *Comparative Political Studies* 45.12 (2012): 1542-1571.; Robert C. Luskin, et al., “Deliberating across deep divides.” *Political Studies* 62.1 (2014): 116-135.

²⁰ Knill and Lenschow, “Compliance, Competition and Communication: Different Approaches of European Governance and Their Impact on National Institutions.”

²¹ Walter Carlsnaes, “The Agency-Structure Problem in Foreign Policy Analysis” 36, no. 3 (1992): 247.; Matthew Gabel, “Public Support for European Integration : An Empirical Test of Five Theories” 60, no. 2 (1998): 333–54.; Joel Selway and Kharis Templeman, “The myth of consociationalism? Conflict reduction in divided societies.” *Comparative Political Studies* 45.12 (2012): 1542-1571.; Robert C. Luskin, et al., “Deliberating across deep divides.” *Political Studies* 62.1 (2014): 116-135.; Gerhard Lembruch and Kenneth D. McRae, “A Non-Competitive Pattern of Conflict Management in Liberal Democracies.” *Kenneth D. McRae (eri), Consociational Democracy. Toronto: McClelland and Stewart* (1974).; Donald L. Horowitz, *Ethnic groups in conflict, updated edition with a new preface*. Univ of California Press, 2000.; Benjamin Reilly, “Institutional designs for diverse democracies: Consociationalism, centripetalism and communalism compared.” *European Political Science* 11.2 (2012): 259-270.; Michael Burgess, *Federalism and the European Union: the building of Europe, 1950-2000*. Routledge, 2002: 29.

²² Rudy B. Andeweg, “Consociational democracy.” *Annual Review of Political Science* 3.1 (2000): 509-536.; Matthijs Bogaards and Markus ML Crepaz, “Consociational interpretations of the European Union.” *European Union Politics* 3.3 (2002): 357-381.; Peter Kraus, “Legitimacy, Democracy and Diversity in the European Union,” no. January 2006 (2006): 203–24.

²³ Arendt Lijphart, *Democracy in plural societies: A comparative exploration*. Yale University Press, 1977.

²⁴ Treaty on European Union, signed at Maastricht on 7 February 1992, 92/C 191/01. *Official Journal of the European Communities*. C 191. Volume 35. 29 July 1992.

²⁵ Tanja A. Börzel, “How the European Union Interacts with Its Member States”. Institute for Advanced Studies,” 2003, 1–23.

that takes into account the influence of national actors and institutions upon (non-)compliance of EU member and candidate countries. The research of this type also has its own drawbacks.

The first drawback of the majority of bottom-up studies is the narrow research focus. Usually a bottom-up research focuses on 1 or 2 specific factors that explain different (non-) compliance behavior of the EU member and candidate states. These factors include national bureaucratic systems²⁶, party systems and party coalitions²⁷, center-regions relationships²⁸, influence of civil initiative groups, NGOs and business associations²⁹ and many others. In turn, multi-variable research on (non-)compliance is very rare.³⁰

The second drawback of the existing research based on the consociational approach is the low level of their extrapolation power. The authors that work in the (non-)compliance field mainly do case studies or comparative studies with small N.³¹

In addition, there is a serious gap in the study of the EU candidate countries' *acquis* transposition and implementation logic. Like the current member countries, they need to harmonize their national legislation with the European Union law. This harmonization that is

²⁶ Peter Hille and Christoph Knill, "It's the Bureaucracy, Stupid': The Implementation of the *Acquis Communautaire* in EU Candidate Countries, 1999-2003," *European Union Politics* 7, no. 4 (2006): 531–52, <https://doi.org/10.1177/1465116506069442>; Dimiter Toshkov, "Transposition of EU Social Policy in the New Member States," *Journal of European Social Policy* 17, no. 4 (2007): 335–48, <https://doi.org/10.1177/0958928707081065>; Florian Trauner, "Post-Accession Compliance with EU Law in Bulgaria and Romania: A Comparative Perspective," *EIOP European Integration Online Papers* 13, no. 1 (2009): 1–18, <https://doi.org/10.1695/2009021>.

²⁷ Schimmelfennig, Engert, and Knobel, "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey"; Paul Taggart and Aleks Szczerbiak, "Contemporary Euroscepticism in the Party Systems of the European Union Candidate States of Central and Eastern Europe," *European Journal of Political Research* 43, no. 1 (2004): 1–27, <https://doi.org/10.1111/j.1475-6765.2004.00143.x>; Schimmelfennig, *Strategic Calculation and International Socialization: Membership Incentives, Party Constellations, and Sustained Compliance in Central and Eastern Europe*.

²⁸ Tanja A. Borzel, "Member State Responses to Europeanization," *JCMS: Journal of Common Market Studies* 40, no. 2 (2002): 193–214, <https://doi.org/10.1111/1468-5965.00351>; James Hughes, Gwendolyn Sasse, and Claire Gordon, "Conditionality and Compliance in the EU's Eastward Enlargement: Regional Policy and the Reform of Sub-National Government," *Journal of Common Market Studies* 42, no. 3 (2004): 523–51, <https://doi.org/10.1111/j.0021-9886.2004.00517.x>.

²⁹ Heike Klüver, "Measuring Interest Group Influence Using Quantitative Text Analysis," *European Union Politics* 10, no. 4 (2009): 535–49, <https://doi.org/10.1177/1465116509346782>; Börzel et al., "Obstinate and Inefficient: Why Member States Do Not Comply with European Law."

³⁰ See, for example, Thomas König and Brooke Luetgert, "Troubles with Transposition? Explaining Trends in Member-State Notification and the Delayed Transposition of EU Directives," *British Journal of Political Science* 39, no. 1 (2009): 163–94, <https://doi.org/10.1017/S0007123408000380>; Bernard Steunenberg and Dimiter Toshkov, "Comparing Transposition in the 27 Member States of the EU: The Impact of Discretion and Legal Fit" Bernard Steunenberg and Dimiter Toshkov Leiden University," n.d., 1–29.

³¹ Toshkov, "Transposition of EU Social Policy in the New Member States"; Klaudijus Maniakas, "Conditionality and Compliance in Lithuania: The Case of the Best Performer," *EIOP European Integration Online Papers* 13, no. 1 (2009): 1–16, <https://doi.org/10.1695/2009020>; Gergana Noutcheva, "European Foreign Policy and the Challenges of Balkan Accession: Conditionality, Legitimacy and Compliance," *European Foreign Policy and the Challenges of Balkan Accession: Conditionality, Legitimacy and Compliance* 5, no. 1 (2012): 1–248, <https://doi.org/10.4324/9780203117859>.

set in the form of the chapters of the *Association Agreements*, often takes more severe forms than the implementation of the EU directives by the member states.³²

In this research, I proceed from the above listed puzzles and lacunae. I strive to bring both empirical and theoretical contribution to the existing debate about different compliance level of the EU member and candidate countries with the European Union law. Big pool of cases (including EU candidates) and multi-variable type of my comparative study are treated as the empirical contribution. In turn, bottom-up theoretical perspective and verification of theories and hypotheses, developed for the analysis of EU member states on a pool of EU candidate countries are seen as the theoretical contribution of my research to the existing debate.

MAIN CONCEPTS OF THE STUDY

The major goal of this study is to understand whether there is any relationship between state autonomy and state capacity of the selected country and its (non-)compliance with the European Union law. Thus, the research question of this study is a “*how-type*” question. It is inextricably linked to the deductive research strategy. We formulate the RQ as follows: *How did state autonomy and state capacity of the EU member and candidate countries affect their non-compliance with the European Union law in 1993-2018?*

The wording of this question uses the key concepts of this study - state autonomy, state capacity and (non-)compliance. Also, the question indicates the temporal and spatial boundaries of this research. The operationalization of the concepts and the justification of the indicated boundaries are presented in the respective sections below.

State autonomy and state capacity

Both structural-actor and consociational approaches that we take in order to analyze the process of compliance and multi-level relationships within the EU refer to two well-operationalized concepts: state autonomy and state capacity. While state autonomy is equally understood in both approaches in T. Skocpol’s terms³³ as the ability of national/regional/supranational actors to make decisions and form political agenda, abstracting from the potential influence of other actors and interest groups, state capacity has its own conceptualization in each of the approaches. Structural-actor approach connects state capacity with the ability of supranational regulatory authorities to force member states to comply with

³² Peter Nicolaidis, “Preparing for EU Membership : The Paradox of Doing What the EU Does Not Require You to Do,” 2003: 11–17.

³³ Theda Skocpol, Peter Evans, and Dietrich Rueschemeyer, *Bringing the State Back: Strategies of Analysis in Current Research*. Cambridge, 1999.

the EU law or with the ability of member countries to conduct their own specific policy options.³⁴ Consociationalists insist that state capacity within the framework of the European Union guarantees the functional stability of consociational institutions of the European democracy, above all “*grand coalitions*” and institutions that ensure horizontal and vertical accountability.³⁵

Compliance

At the stage of operationalization of the “compliance” concept, it seems important to refer to M. Weber³⁶ and his categorization of legitimate and illegitimate domination (authority). For Weber, one of the types of legitimate authority is based on the institutionalized law, hence his legal rational authority. Illegitimate authority is not the main focus of his work, but he notes that there may be two incentives that are in the core of obedience to illegitimate authority: motive of fear and motive of expediency.³⁷

If one applies M. Weber’s ideas about illegitimate authority to the issue of (non-)compliance, one may find that the European Union uses different compliance strategies with respect to EU member and candidate countries.³⁸ The *legitimate* compliance strategy works for the members of the EU. The European Commission and the European Court of Justice have the tools to punish member countries for violating European Union law. These institutions ensure the legal rational authority of the European Union over its member countries. Candidate countries are outside the legal space of the EU, and therefore European Union institutions cannot apply the same compliance enforcement strategy to these states, as for EU member states. The European Commission may refuse to close the chapter of the Association Agreement if the candidate country shows insufficient efforts to comply with the European Union law. This is the case of the motive of *negative* expediency. Vice versa, if the candidate country successfully fulfills the EU requirements, the EU can provide this country with various benefits:

³⁴ Haas, “Compliance with EU Directives: Insights from International Relations and Comparative Politics”; Fearon, “Bargaining, Enforcement, and International Cooperation Bargaining, Enforcement, and International Cooperation”; Jeffrey T Checkel, “Why Comply? Social Learning and European Identity Change,” 2001, 553–88; Jonas Tallberg, “Paths to Compliance: Enforcement, Management, and the European Union,” *International Organization* 56, no. 3 (2002), <https://doi.org/10.1162/002081802760199908>.

³⁵ Jonathan Golub, “Sovereignty and subsidiarity in EU environmental policy.” *Political Studies* 44.4 (1996): 686–703; Andrew Jordan, “The Politics of Multilevel Environmental Governance: Subsidiarity and Environmental Policy in the European Union” 32, no. December 1992 (2000): 1307–24, <https://doi.org/10.1068/a3211.1>; Michael Burgess, *Federalism and the European Union: the building of Europe, 1950-2000*. Routledge, 2002.; Ian Cooper, “The watchdogs of subsidiarity: National parliaments and the logic of arguing in the EU.” *JCMS: Journal of Common Market Studies* 44.2 (2006): 281–304.

³⁶ Max Weber. *Economy and society: An outline of interpretive sociology*. Vol. 1. Univ of California Press, 1978.

³⁷ Anna A. Dekalchuk. “Book Review: Irina Busygina, Russia-EU Relations and the Common Neighbourhood: Coercion vs. Authority”, London and New York: Routledge, 2018, in: *The Uppsala Yearbook of Eurasian Studies* Vol. II. L.: Wildy, Simmonds & Hill Publishing, 2017: 197–198.

³⁸ I am grateful to my academic supervisor, Anna A. Dekalchuk, for the idea of separating the types of compliance of EU member and candidate countries.

easing the visa regime, economic assistance, assistance with reforms, etc. This is the case of the motive of *positive* expediency. The strategy of providing sticks and carrots of the European Union is also known as “compliance buying”³⁹, which can be treated as a base for *illegitimate authority*.

U. Sedelmeier notes that there is a tendency of compliance reduction among the ex-candidate countries that have moved into the category of the member states.⁴⁰ This is confirmed by the empirical examples of Hungary and Poland.⁴¹ One of the goals of this study is to identify, which type of compliance – based on *legitimate* or *illegitimate authority* - works better and whether there is any substantial difference.

In this research we consider only (non-)compliance of the EU member and candidate countries with respect to EU *directives*.⁴² (Non-)compliance refers to the number of cases of violation of the European Union law by the EU member state or the EU candidate country. The types of such violations (infringements) are: (1) notification failure, (2) incorrect transposition, (3) incomplete implementation and (4) improper application.⁴³

³⁹ Anna A. Dekalchuk. “Book Review: Irina Busygina, Russia-EU Relations and the Common Neighbourhood: Coercion vs. Authority”, London and New York: Routledge, 2018, in: *The Uppsala Yearbook of Eurasian Studies* Vol. II. L.: Wildy, Simmonds & Hill Publishing, 2017: 197-198.

⁴⁰ Ulrich Sedelmeier, “After Conditionality: Post-Accession Compliance with EU Law in East Central Europe,” *Journal of European Public Policy* 15, no. 6 (2008): 806–25, <https://doi.org/10.1080/13501760802196549>; Ulrich Sedelmeier, “Post-Accession Compliance with Eu Gender Equality Legislation in Post-Communist New Member States,” *EIOP European Integration Online Papers* 13, no. 1 (2009), <https://doi.org/10.1695/2009023>; Sedelmeier, “Is Europeanisation through Conditionality Sustainable? Lock-in of Institutional Change after EU Accession.”

⁴¹ Attila Ágh. “De-Europeanization and de-democratization trends in ECE: from the Potemkin democracy to the elected autocracy in Hungary.” *Journal of comparative politics* 8.2 (2015).; Katheryn Detwiler, and Ann Snitow. “Gender trouble in Poland.” *Dissent* 63.4 (2016): 57-66.; Joanna Fomina, and Jacek Kucharczyk. “Populism and protest in Poland.” *Journal of Democracy* 27.4 (2016): 58-68.

⁴² The research devoted to the phenomenon of (non-)compliance with the European Union law are divided into those where the focus of authors is the process of compliance with the EU directives and those that consider compliance of the EU member and candidate countries with the EU regulations. EU regulations rarely become the object of research, because they are mandatory and are the instruments of the direct action (see Stephen Wilks, “Regulatory compliance and capitalist diversity in Europe.” *Journal of European Public Policy* 3.4 (1996): 536-559.; Jesper Raakjær Nielsen, and Christoph Mathiesen. “Important factors influencing rule compliance in fisheries lessons from Denmark.” *Marine Policy* 27.5 (2003): 409-416.; John Davison and Yves Bertheau. “EU regulations on the traceability and detection of GMOs: difficulties in interpretation, implementation and compliance.” *CAB reviews: Perspectives in agriculture, veterinary science, nutrition and natural resources* 2.77 (2007): 1-14.). In other words, regulations do not provide member and candidate states with opportunities for different interpretations and adaptation to the norms of national legislation, and come into force immediately after their adoption and signing by the European legislative institutions. EU directives, on the other hand, provide member and candidate countries with more lawmaking opportunities, since they are introduced into state law through national legislation. In practice, the system of incorporating directives at the national level increases the likelihood of violations when EU member and candidate states implement certain parts of the *acquis communautaire*. That is why in this study we focus on directives, not on other legislative acts of the European Union.

⁴³ Börzel et al., “Obstinate and Inefficient: Why Member States Do Not Comply with European Law”; Börzel, Hofmann, and Panke, “Caving in or Sitting It out? Longitudinal Patterns of Non-Compliance in the European Union.”

METHODOLOGY AND MODEL

This study uses the *statistical* research strategy.⁴⁴ As a meta-methodology⁴⁵ I take *rational choice*. The main reason for choosing this particular meta-methodology is that the behavior of the groups of actors under consideration (political parties, bureaucracy, regional leadership) in the context of (non-) compliance with the EU law is treated here as determined by the logic of consequences.

I set country-year as the unit of analysis. The analysis is carried out for each country for 25 time periods (1993-2018). That means that the study's sample size is 33 countries × 25 time periods = 825 observations.

The number of cases of violation of the European Union law is the *dependent variable* (DV) of the study.⁴⁶ To encode this variable, I use the data of the Annual Reports on Monitoring the Application of Community Law by each country for the period from 1993 to 2018.

Independent variables are encoded as follows. The transcripts of the European Committee of regions plenary sessions help to encode the variable strategy of the regional authorities (IV1). The variable GDP per capita (IV2) is encoded with the help of data from the reports of the World Bank (GDP per capita current US \$). The variable quality of governance (IV3) uses the data of the Worldwide Governance Indicators (WGI), Government Effectiveness: Estimate criteria. Worldwide Governance Indicators (WGI), Control of corruption: Estimate criteria is used for the encoding of the variable level of corruption (IV4). Manifesto Project Dataset is used to encode the variable ideological polarization of the party system (IV5) and European Election Database is used for the independent variable fragmentation of the party system (IV6). Finally, transcripts of the European Commission's online consultations for 2000-2018⁴⁷ are used for the variables influence of the interest groups (IV7).

In addition, for models designed to verify compliance of the EU member and candidate with directives of specific blocks, we use Eurostat data.⁴⁸ The blocks of proxy variables that measure basic socio-economic and structural characteristics of the EU member and candidate states are as follows:

1. Agriculture, forestry and fisheries

⁴⁴ Lijphart, "Comparative Politics and the Comparative Method."

⁴⁵ Mark Bevir, "Meta-Methodology: Clearing the Underbrush." *The Oxford handbook of political methodology*. 2008.

⁴⁶ See descriptive statistics on the dependent variable of the main model (Model I) in the Appendix.

⁴⁷ The European Commission started to spread open its online consultations only in 2000.

⁴⁸ Eurostat Database, accessed on 15 May 2019, <https://ec.europa.eu/eurostat/data/database>

2. Environment and energy
3. Industry, trade and services
4. Population and social conditions
5. Economy and finance

As a key method of data analysis, we use multi-level linear regression. It is planned to conduct the regression analysis in two separate samples: EU member states and EU candidate countries. In addition to the basic statistical model with the dependent variable number of violations of the European Union law (DV), four more sub-models with the dependent variables (1) *notification failure*, (2) *incorrect transposition*, (3) *incomplete implementation* and (4) *improper application* are constructed.⁴⁹

To test the potential impact of basic structural and socio-economic conditions on compliance of the considered member and candidate countries, we also construct models for specific groups of EU directives. These groups include the following:

1. Energy
2. Environment
3. Finance
4. Food and drink
5. Transport⁵⁰

As noted before, the specific nature of data needed to encode the variables influence of the interest groups (IV5) and strategy of the regional authorities (IV6) requires a procedure of their two-staged coding. At the first stage, it is planned to carry out a quantitative content analysis of the used materials (transcripts of the European Committee of regions plenary sessions and European Commission's online consultations) with the identification of text categories that can help to quantitatively reflect the influence of interest groups and regional authorities on the decision-making at the national level. At the second stage, the obtained data is adapted for the main statistical models.

⁴⁹ See the histograms of distribution of the dependent variables of the supplementary models (Models II, III, IV and V) in the Appendix.

⁵⁰ EUR-Lex Directory of Community legislation in force. Accessed 15 May 2019, <https://eur-lex.europa.eu/browse/directories/legislation.html>. Each model includes the corresponding proxy variables.

HYPOTHESES

I divide the pool of factors chosen for analysis, into two groups, correlated with the two concepts to be explored in this work: state capacity and state autonomy.

The group of state capacity includes the following factors: (1) strategy of regional authorities, (2) quality of governance, (3) level of corruption and (4) GDP per capita.

The factor of the strategy of regional authorities is devoted to the state-level decision-making based on the theories by T. Börzel⁵¹ and J. Hughes, G. Sasse and C. Gordon.⁵² It can be assumed that the absence of a conflict between the central government and regional authorities leads to faster and less costly implementation and adaptation of parts of the EU law at the national level.

In turn, per capita GDP is one of the most important factors determining the state's ability to provide a sufficient basis for a correct and rapid transposition and implementation of the *acquis*.⁵³ Harmonization of the national legislation with the EU law often requires large expenditures of the national budget. It can be assumed that compliance process for richer member and candidate countries is less burdensome than for poorer ones, so they comply faster and with fewer violations.

The two factors described above are the basis of the first two hypotheses.

H1. The higher the willingness of the regional governments to cooperate with the center, the more the country complies with the EU law.

H2. The higher the country's GDP per capita, the more the country complies with the EU law.

The factor of the quality of governance is treated as the quality of public institutions.⁵⁴ I assume that countries where bureaucratic institutions are better developed have less problems with the implementation of the parts of *acquis* and spend less time and resources on the compliance program.

The level of corruption is one of the most important institutional indicators of the “good governance.” It often appears in studies on the legislative compliance of the EU member and candidate states.⁵⁵ It can be assumed that the low level of corruption in the country contributes

⁵¹ Börzel, “Member State Responses to Europeanization.”

⁵² Hughes, Sasse, and Gordon, “Conditionality and Compliance in the EU’s Eastward Enlargement: Regional Policy and the Reform of Sub-National Government.”

⁵³ Börzel, “The Transformative Power of Europe Reloaded: The Limits of External Europeanization.”

⁵⁴ Gergana Noutcheva and Dimitar Bechev, *The Successful Laggards: Bulgaria and Romania’s Accession to the EU, East European Politics and Societies*, vol. 22, 2008, <https://doi.org/10.1177/0888325407311793>; David Chandler, “The EU and Southeastern Europe: The Rise of Post-Liberal Governance,” *Third World Quarterly* 31, no. 1 (2010): 69–85, <https://doi.org/10.1080/01436590903557330>.

⁵⁵ Richard Damania, Per G. Fredriksson, and Muthukumara Mani, “The Persistence of Corruption and Regulatory Compliance Failures: Theory and Evidence,” *Public Choice* 121, no. 3–4 (2004): 363–90,

to a faster implementation of decisions, that is, more rapid and high-quality compliance to the relevant EU directive at the national level.

These two factors underlie the following two hypotheses:

H3. The higher the quality of governance, the more the country complies with the EU law.

H4. The lower the country's level of corruption, the more the country complies with the EU law.

The second group is devoted to state autonomy. Here I include the following factors: (1) ideological polarization of the parliament⁵⁶, (2) fragmentation of the party system and (3) influence of the interest groups.

P. Statham and H. Trez⁵⁷ argue that the boundaries of ideological polarization often coincide with the dividing lines in the national parliaments on (non-)compliance with the EU law. I assume that the conflicts associated with the implementation of the parts of European Union legislation are integral parts of the full-scale debate between left and right parties in the parliaments of EU member and candidate states.

The theory by G. Tsebelis⁵⁸ allows us to assume that a large number of veto-actors within the national parliament can lead to an increase in the probability of a stalemate in the matters of transposition and implementation of the parts of *acquis communautaire*.

The above mentioned two theories support the fifth and sixth hypothesis respectively.

H5. The higher the ideological polarization of the parliament, the less the country complies with the EU law.

H6. The higher the fragmentation of the party system in the country, the less the country complies with the EU law.

<https://doi.org/10.1007/s11127-004-1684-0>; Gerda Falkner, Miriam Hartlapp, and Oliver Treib, "Worlds of Compliance: Why Leading Approaches to European Union Implementation Are Only 'Sometimes-True Theories,'" *European Journal of Political Research* 46, no. 3 (2007): 395–416, <https://doi.org/10.1111/j.1475-6765.2007.00703.x>.

⁵⁶ The factor of *ideological polarization of parliament* was included in the group of state autonomy, because often ruling coalitions in EU candidate and member countries consist of the parties, which ideological positions are at the different ends of the political spectrum. In their policy on compliance, the ruling coalitions in EU member and candidate states tend to the center of the political spectrum and seek to take into account the interests of all important players when applying the parts of the EU legislation. At the same time, coalitions have to defend the compliance course from the influence of more right-wing and more left-wing parties that are not members of the coalition. Often, coalitions fail to do this. For a more detailed description of the opposition of the ruling coalitions to their parliamentary opponents on the issue of (non-)compliance see Paul Statham and Hans Jörg Trez, "Understanding the Mechanisms of EU Politicization: Lessons from the Eurozone Crisis," *Comparative European Politics* 13, no. 3 (2015): 287–306, <https://doi.org/10.1057/cep.2013.30>.

⁵⁷ Statham and Trez.

⁵⁸ George Tsebelis, "Decision Making in Political Systems : Veto Players in Presidentialism , Parliamentarism , Multicameralism and Multipartyism Author (s): George Tsebelis Stable URL : <http://www.jstor.org/stable/194257> Decision Making in Political Systems : Veto Multicam," *British Journal of Political Science* 25, no. 3 (2016): 289–325, <https://doi.org/10.1017/S0007123400007225>.

The factor of the influence of the interest groups is based on the already mentioned studies by T. Börzel⁵⁹ and H. Klüver.⁶⁰ It can be assumed that the interference of interest groups in the discussion of the normative agenda can change the degree and speed of incorporation of these norms into national legislation.

The final hypothesis is formulated as follows:

H7. The higher the influence of the interest groups on the EU-related decisions, the less the country complies with the EU law.

SCOPE AND LIMITATIONS OF THE RESEARCH

Scope

Time frame. I take the period from 1993 to 2018. In 1992, the Maastricht Treaty was signed and in 1993 it entered into force. This treaty endowed the EU institutions (European Commission, European Court of Justice and the Council of Ministers) with great powers in imposing sanctions and punishments against countries that do not comply with the EU law.⁶¹ In turn, 2018 is chosen as the end point, since the countries of the European Union continue to violate the EU law, and for some countries the number of violations increases from year to year⁶² therefore it is important to trace the dynamics of these violations.

Space frame. All EU member states (28 countries) and all EU candidate countries (5 countries) are taken as a pool for the study.

Risks, problems and their possible solutions

The general potential problems are related to the issue of internal validity of analytical models. In order to find out how strong the constructed models are in their explanatory power, standard statistical procedures are carried out. These include checking for normal distribution, logging variables, two-tailed t-test, and other tools designed to improve the quality of the model.

A more global risk arising from the focus of this study is the probability of the mutual influence of dependent (DV) and independent (IV) variables.⁶³ As many authors note, the fact that a country is a member of the European Union, as well as the presence of a country in the ranks of the EU candidate countries, forces the state's stakeholders to take steps to strengthen

⁵⁹ Börzel, "The Transformative Power of Europe Reloaded: The Limits of External Europeanization."

⁶⁰ Klüver, "Measuring Interest Group Influence Using Quantitative Text Analysis."

⁶¹ Risto Lampinen and Petri Uusikylä, "Implementation Deficit - Why Member States Do Not Comply with EU Directives?" 21, no. 3 (1998).

⁶² König and Luetgert, "Troubles with Transposition? Explaining Trends in Member-State Notification and the Delayed Transposition of EU Directives"; Börzel, Hofmann, and Panke, "Caving in or Sitting It out? Longitudinal Patterns of Non-Compliance in the European Union."

⁶³ See the description and encoding of dependent and independent variables in the section "Variables, units of analysis and data."

state capacity of their respective countries.⁶⁴ Similarly, the country's participation in the work of the EU institutions increases state autonomy, since the adoption of many political decisions is transferred to the supranational level, where the number of veto players is smaller than at the national level.⁶⁵ In order to test the DV and IVs for mutual influence, we construct a cross-lagged panel model (CLPM).

Another important problem is the measurability of variables. Some variables cannot be encoded in numbers using the standard statistical tools. My research has two problematic variables: influence of interest groups (IV5) and strategy of the regional authorities (IV6). The specific nature of the data needed to encode these variables requires the usage of the embedded mixed methods, like quantitative content analysis.⁶⁶

Finally, the last potential problem of this study may be a lack of data for encoding some variables. Mainly, I am talking about the variables influence of interest groups (IV5) and strategy of the regional authorities (IV6). For now, no available data since 1993 was found for encoding these variables. There can be three solutions to this problem: (1) search for other sources, (2) narrow the time frame or (3) remove the variables.

EXPECTED OUTCOMES AND PRELIMINARY RESULTS

The expectations from this work can be divided into theoretical and empirical. It seems important to test the ability of the theories that explain (non-)compliance behavior of the EU member states to explain the similar behavior of EU candidate countries. In addition, a crucial contribution of the dissertation research to the current discussion on (non-)compliance with the EU law is the description and categorization of the enforcement strategies of the European Union, which are based on legitimate and illegitimate domination (authority) of the EU over member and candidate countries. From the empirical point of view, all EU member and candidate countries are set in a single pool of quantitative research. Thus, my research will not

⁶⁴ Borzel, "Member State Responses to Europeanization"; Leeda Demetropoulou, "Europe and the Balkans : Membership Aspiration , EU Involvement and Europeanization Capacity in South Eastern Europe," *Southeast European Politics* 3, no. 2 (2002): 87–106; Sandra Lavenex and Frank Schimmelfennig, "EU Rules beyond EU Borders: Theorizing External Governance in European Politics," *Journal of European Public Policy* 16, no. 6 (2009): 791–812, <https://doi.org/10.1080/13501760903087696>; Florian Bieber, "Building Impossible States? State-Building Strategies and EU Membership in the Western Balkans," *Europe-Asia Studies* 63, no. 10 (2011): 1783–1802, <https://doi.org/10.1080/09668136.2011.618679>.

⁶⁵ John Peterson, "Decision-making in the European Union: Towards a Framework for Analysis," *Journal of European Public Policy* 2, no. 1 (1995): 69–93, <https://doi.org/10.1080/13501769508406975>; Falkner G. et al., "Why Do Member States Fail to Comply? Testing the Hypotheses Suggested in the Literature," *Complying with Europe? The Impact of EU Minimum Harmonisation and Soft Law in the Member States*, no. June (2004): 272–308.

⁶⁶ See the description of a two-staged coding of IV5 and IV6 in the section "Methods."

only help to better understand the reasons for the failures of some states and the success of others in the field of compliance with the European Union law, but will also expand the research field in the area of EU normative compliance and give way for the level of the national decision-making in the future research.

Below are the preliminary analysis results for EU member and candidate states (basic model 1).

Table 2. The influence of the factors of state capacity and state autonomy of the EU member and candidate states on their (non-)compliance with the EU law

	<i>Dependent variable:</i>	
	EU members	EU candidates
Strategy of regional authorities	-0.217* (0.076)	-0.528* (0.096)
Quality of governance	-0.207 (0.178)	0.117 (0.144)
Level of corruption	-0.090 (0.168)	-0.013 (0.137)
GDP per capita	5.301** (0.076)	9.491** (0.096)
Ideological polarization of the parliament	-0.009 (0.004)	-0.041 (0.017)
Fragmentation of the party system	-0.055 (0.024)	-0.012 (0.006)
Influence of the interest groups	0.002 (0.001)	0.005 (0.002)
Constant	0.951*** (0.023)	0.943*** (0.019)
Observations	700	125
R ²	0.230	0.222
Adjusted R ²	0.213	0.197

Note: The presented analysis results are preliminary. The data for the variables *influence of interest groups* (IV5) and *strategy of regional authorities* (IV6) is incomplete due to the problems of encoding and accessibility of the data

*p<0.1; **p<0.05; ***p<0.01

described in the block “Scope and limitations of the research.”

Both models demonstrate the importance of one factor of the block of state capacity: GDP per capita ($p < 0.05$). Also significant is the variable “Strategy of regional authorities” ($p < 0.1$), which belongs to the block of state autonomy.

Further analysis of specific cases and verification of the hypotheses using supportive models related to specific types of violations of the EU law and concrete EU policies will help to confirm the results obtained in this model.

CONCLUSION

Harmonization of the national legislation of the EU member and candidate countries with the European Union law is inextricably linked with the idea of creating a single European political, normative and economic space and, in the future, the full-fledged “European Federation.” The varying degree of compliance of the EU member and candidate states represents a real threat to the integration plans of Brussels. This work looks at (non-)compliance phenomenon through the prism of state autonomy and state capacity of EU member and candidate countries. Using the method of multi-level regression, I seek to discover the key factors of state autonomy and state capacity that allow some countries to undergo the compliance procedure with almost no violations, and lead to a large number of violations in other states. The major factors under consideration are: (1) strategy of regional authorities, (2) ideological polarization of the party system, (3) fragmentation of the party system, (4) GDP per capita, (5) quality of governance and (6) influence of the interest groups, (7) level of corruption. The preliminary basic model shows that the most significant factors determining the different level of compliance of the EU member and candidate countries are their GDP per capita and ability of “central” authorities to reach out to regional elites about the pieces of *acquis communautaire* being implemented.

This research, which takes as a pool the entire general population of the EU member and candidate countries, aims to supplement the existing empirical knowledge about the process and outcomes of compliance. In addition, an important goal is to bring to the fore the logic of “bottom-up” research, which focus on the activities of the national-level actors can be used in further studies of (non-)compliance.

REFERENCES

- Ágh, Attila. “De-Europeanization and de-democratization trends in ECE: from the Potemkin democracy to the elected autocracy in Hungary.” *Journal of comparative politics* 8.2 (2015).
- Andeweg, Rudy B. “Consociational democracy.” *Annual Review of Political Science* 3.1 (2000): 509-536.
- Bernard Steunenberg and Dimiter Toshkov. “Comparing Transposition in the 27 Member States of the EU: The Impact of Discretion and Legal Fit Bernard Steunenberg and Dimiter Toshkov Leiden University,” n.d., 1–29.
- Bevir, Mark. “Meta-Methodology: Clearing the Underbrush.” *The Oxford handbook of political methodology*. 2008.
- Bieber, Florian. “Building Impossible States? State-Building Strategies and EU Membership in the Western Balkans.” *Europe-Asia Studies* 63, no. 10 (2011): 1783–1802. <https://doi.org/10.1080/09668136.2011.618679>.
- Bogaards, Matthijs and Markus ML Crepaz, “Consociational interpretations of the European Union.” *European Union Politics* 3.3 (2002): 357-381.
- Borzel, Tanja A. “Member State Responses to Europeanization.” *JCMS: Journal of Common Market Studies* 40, no. 2 (2002): 193–214. <https://doi.org/10.1111/1468-5965.00351>.
- Börzel, Tanja A. “How the European Union Interacts with Its Member States’. Institute for Advanced Studies,” 2003, 1–23.
- . “The Transformative Power of Europe Reloaded: The Limits of External Europeanization.” *KFG Working Paper Series 11*, 2010, 1–30.
- Börzel, Tanja A., Tobias Hofmann, and Diana Panke. “Caving in or Sitting It out? Longitudinal Patterns of Non-Compliance in the European Union.” *Journal of European Public Policy* 19, no. 4 (2012): 454–71. <https://doi.org/10.1080/13501763.2011.607338>.
- Börzel, Tanja A., Tobias Hofmann, Diana Panke, and Carina Sprungk. “Obstinate and Inefficient: Why Member States Do Not Comply with European Law.” *Comparative Political Studies* 43, no. 11 (2010): 1363–90. <https://doi.org/10.1177/0010414010376910>.
- Burgess, Michael. *Federalism and the European Union: the building of Europe, 1950-2000*. Routledge, 2002.
- Candidate countries and potential candidates. European Commission, accessed December, 3, 2018, <http://ec.europa.eu/environment/enlarg/candidates.htm>
- Carlsnaes, Walter. “The Agency-Structure Problem in Foreign Policy Analysis” 36, no. 3 (1992): 245–70.
- Chayes, Abram, and Antonia Handler Chayes. *Organization : On Compliance Abram Chayes and Antonia Handler Chayes*, 2013. <https://doi.org/10.1017/S0020818300027910>.
- Checkel, Jeffrey T. “Why Comply ? Social Learning and European Identity Change,” 2001, 553–88.
- . *Why Comply ? Social Learning and European Why Comply ? Social Learning and European Identity Change*, 2015. <https://doi.org/10.1162/00208180152507551>.

- Cooper, Ian. "The watchdogs of subsidiarity: National parliaments and the logic of arguing in the EU." *JCMS: Journal of Common Market Studies* 44.2 (2006): 281-304.
- Davison, John and Yves Bertheau. "EU regulations on the traceability and detection of GMOs: difficulties in interpretation, implementation and compliance." *CAB reviews: Perspectives in agriculture, veterinary science, nutrition and natural resources* 2.77 (2007): 1-14.
- Dekalchuk, Anna A. "Book Review: Irina Busygina, Russia-EU Relations and the Common Neighbourhood: Coercion vs. Authority", London and New York: Routledge, 2018, in: *The Uppsala Yearbook of Eurasian Studies* Vol. II. L.: Wildy, Simmonds & Hill Publishing, 2017: 197-198.
- Demetropoulou, Leeda. "Europe and the Balkans : Membership Aspiration , EU Involvement and Europeanization Capacity in South Eastern Europe." *Southeast European Politics* 3, no. 2 (2002): 87–106.
- Detwiler, Katheryn and Ann Snitow. "Gender trouble in Poland." *Dissent* 63.4 (2016): 57-66.
- Elbasani, Arolda. "European Integration and Transformation in the Western Balkans." *European Integration and Transformation in the Western Balkans: Europea Nization or Business As Usual?*, 2013, 1–217. <https://doi.org/10.4324/9780203386064>.
- EUR-Lex Directory of Community legislation in force. Accessed 15 May 2019, <https://eur-lex.europa.eu/browse/directories/legislation.html>.
- European Commission. Infringements, accessed 15 May, 2019, http://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/infringements/index_en.htm#t_0_0
- Eurostat Database, accessed on 15 May 2019, <https://ec.europa.eu/eurostat/data/database>
- Falkner, G., O. Treib, M. Hartlapp, and S. Leiber. "Why Do Member States Fail to Comply? Testing the Hypotheses Suggested in the Literature." *Complying with Europe? The Impact of EU Minimum Harmonisation and Soft Law in the Member States*, no. June (2004): 272–308.
- Fearon, James D. "Bargaining , Enforcement , and International Cooperation Bargaining , Enforcement , and International Cooperation," no. August (2014). <https://doi.org/10.1162/002081898753162820>.
- Fomina, Joanna and Jacek Kucharczyk. "Populism and protest in Poland." *Journal of Democracy* 27.4 (2016): 58-68.
- Gabel, Matthew. "Public Support for European Integration : An Empirical Test of Five Theories" 60, no. 2 (1998): 333–54.
- Goetz, Klaus H. "The New Member States and the EU Klaus H. Goetz Forthcoming in Simon Bulmer and Christian Lequesne," 2004.
- Golub, Jonathan. "Sovereignty and subsidiarity in EU environmental policy." *Political Studies* 44.4 (1996): 686-703.
- Haas, Peter M. "Compliance with EU Directives: Insights from International Relations and Comparative Politics." *Journal of European Public Policy* 5, no. 1 (1998): 17–37. <https://doi.org/10.1080/13501768880000021>.
- Hartlapp, Miriam. "On Enforcement, Management and Persuasion: Different Logics of

- Implementation Policy in the EU and the ILO.” *Journal of Common Market Studies* 45, no. 3 (2007): 653–74. <https://doi.org/10.1111/j.1468-5965.2007.00721.x>.
- Horowitz, Donald L. *Ethnic groups in conflict, updated edition with a new preface*. Univ of California Press, 2000.
- Heidbreder, Eva G. “Structuring the European Administrative Space: Policy Instruments of Multi-Level Administration.” *Journal of European Public Policy* 18, no. 5 (2011): 709–27. <https://doi.org/10.1080/13501763.2011.586800>.
- Hille, Peter, and Christoph Knill. “‘It’s the Bureaucracy, Stupid’: The Implementation of the Acquis Communautaire in EU Candidate Countries, 1999-2003.” *European Union Politics* 7, no. 4 (2006): 531–52. <https://doi.org/10.1177/1465116506069442>.
- Hughes, James, Gwendolyn Sasse, and Claire Gordon. “Conditionality and Compliance in the EU’s Eastward Enlargement: Regional Policy and the Reform of Sub-National Government.” *Journal of Common Market Studies* 42, no. 3 (2004): 523–51. <https://doi.org/10.1111/j.0021-9886.2004.00517.x>.
- Jacobson, Harold K, and Edith Brown Weiss. “IO22 Strengthening Compliance with International Environmental Accords: Preliminary Observations from a Collaborative Project.” *Global Governance* 1, no. 2 (1995): 119–48. [http://www.jstor.org/stable/27800106%5Cnfiles/317/Jacobson and Weiss - 1995 - Strengthening Compliance with International Enviro.pdf](http://www.jstor.org/stable/27800106%5Cnfiles/317/Jacobson%20and%20Weiss%20-%201995%20-%20Strengthening%20Compliance%20with%20International%20Enviro.pdf).
- Jordan, Andrew. “The Politics of Multilevel Environmental Governance : Subsidiarity and Environmental Policy in the European Union” 32, no. December 1992 (2000): 1307–24. <https://doi.org/10.1068/a3211>.
- Klüver, Heike. “Measuring Interest Group Influence Using Quantitative Text Analysis.” *European Union Politics* 10, no. 4 (2009): 535–49. <https://doi.org/10.1177/1465116509346782>.
- Knill, Christoph, and Andrea Lenschow. “Compliance, Competition and Communication: Different Approaches of European Governance and Their Impact on National Institutions.” *Journal of Common Market Studies* 43, no. 3 (2005): 583–606. <https://doi.org/10.1111/j.0021-9886.2005.00570.x>.
- König, Thomas, and Brooke Luetgert. “Troubles with Transposition? Explaining Trends in Member-State Notification and the Delayed Transposition of EU Directives.” *British Journal of Political Science* 39, no. 1 (2009): 163–94. <https://doi.org/10.1017/S0007123408000380>.
- Kraus, Peter. “Legitimacy, Democracy and Diversity in the European Union,” no. January 2006 (2006): 203–24.
- Lampinen, Risto, and Petri Uusikyla. “Implementation Deficit - Why Member States Do Not Comply with EU Directives ?” 21, no. 3 (1998).
- Lavenex, Sandra, and Frank Schimmelfennig. “EU Rules beyond EU Borders: Theorizing External Governance in European Politics.” *Journal of European Public Policy* 16, no. 6 (2009): 791–812. <https://doi.org/10.1080/13501760903087696>.
- Lembruch, Gerhard and Kenneth D. McRae. “A Non-Competitive Pattern of Conflict Management in Liberal Democracies.” *Kenneth D. McRae (eri), Consociational Democracy*. Toronto: McClelland and Stewart (1974).

- Lijphart, Arend. "Comparative Politics and the Comparative Method." *American Political Science Review* 65, no. 03 (1971): 682–93. <https://doi.org/10.2307/1955513>.
- Lijphart, Arendt. "Consociational Democracy." *World Politics*, 1969.
- Luskin, Robert C. et al. "Deliberating across deep divides." *Political Studies* 62.1 (2014): 116-135.;
- Maniokas, Klaudijus. "Conditionality and Compliance in Lithuania: The Case of the Best Performer." *EIOP European Integration Online Papers* 13, no. 1 (2009): 1–16. <https://doi.org/10.1695/2009020>.
- Nielsen, Jesper Raakjær and Christoph Mathiesen. "Important factors influencing rule compliance in fisheries lessons from Denmark." *Marine Policy* 27.5 (2003): 409-416.
- Noutcheva, Gergana. "European Foreign Policy and the Challenges of Balkan Accession: Conditionality, Legitimacy and Compliance." *European Foreign Policy and the Challenges of Balkan Accession: Conditionality, Legitimacy and Compliance* 5, no. 1 (2012): 1–248. <https://doi.org/10.4324/9780203117859>.
- Peterson, John. "Decision-making in the European Union: Towards a Framework for Analysis." *Journal of European Public Policy* 2, no. 1 (1995): 69–93. <https://doi.org/10.1080/13501769508406975>.
- Pollack, Mark A. "Delegation, Agency, and Agenda Setting in the European Community." *International Organization* 51, no. 1 (1997): 99–134. <https://doi.org/10.1162/002081897550311>.
- Reilly, Benjamin. "Institutional designs for diverse democracies: Consociationalism, centripetalism and communalism compared." *European Political Science* 11.2 (2012): 259-270.
- Schimmelfennig, Frank. *Strategic Calculation and International Socialization: Membership Incentives, Party Constellations, and Sustained Compliance in Central and Eastern Europe. International Institutions and Socialization in Europe*, 2007. <https://doi.org/10.1017/CBO9780511618444.003>.
- Schimmelfennig, Frank, Stefan Engert, and Heiko Knobel. "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey." *Journal of Common Market Studies* 41, no. 3 (2003): 495–518. <https://doi.org/10.1111/1468-5965.00432>.
- Sedelmeier, Ulrich. "After Conditionality: Post-Accession Compliance with EU Law in East Central Europe." *Journal of European Public Policy* 15, no. 6 (2008): 806–25. <https://doi.org/10.1080/13501760802196549>.
- . "Is Europeanisation through Conditionality Sustainable? Lock-in of Institutional Change after EU Accession." *West European Politics* 35, no. 1 (2012): 20–38. <https://doi.org/10.1080/01402382.2012.631311>.
- . "Post-Accession Compliance with Eu Gender Equality Legislation in Post-Communist New Member States." *EIOP European Integration Online Papers* 13, no. 1 (2009). <https://doi.org/10.1695/2009023>.
- Selway, Joel and Kharis Templeman, "The myth of consociationalism? Conflict reduction in divided societies." *Comparative Political Studies* 45.12 (2012): 1542-1571.
- Skocpol, Theda, Peter Evans, and Dietrich Rueschemeyer. *Bringing the State Back: Strategies*

- of Analysis in Current Research*. Cambridge, 1999.
- Slaughter, Anne-Marie, Andrew Moravcsik, and Robert O Keohane. "Legalized Dispute Resolution: Interstate and Transnational." *International Organization* 54, no. 3 (2000): 457–88.
- Smith, Antony. "National Identity and the Idea of European Unity" 68, no. 1 (2008): 55–76.
- Sonderforschungsbereich, D F G, Neue Formen, Limited Statehood, and New Modes. "The European Union and the Promotion of Good Governance in Its Near Abroad One Size Fits All ? Tanja A . Börzel / Yasemin Pamuk / Andreas Stahn," no. 18 (2008).
- Statham, Paul, and Hans Jörg Trenz. "Understanding the Mechanisms of EU Politicization: Lessons from the Eurozone Crisis." *Comparative European Politics* 13, no. 3 (2015): 287–306. <https://doi.org/10.1057/cep.2013.30>.
- Swedberg, Richard. "The Idea of ' Europe ' and the Origin of the European Union - A Sociological Approach" 23 (1994): 378–87.
- Taggart, Paul, and Aleks Szczerbiak. "Contemporary Euroscepticism in the Party Systems of the European Union Candidate States of Central and Eastern Europe." *European Journal of Political Research* 43, no. 1 (2004): 1–27. <https://doi.org/10.1111/j.1475-6765.2004.00143.x>.
- Tallberg, Jonas. "Paths to Compliance: Enforcement, Management, and the European Union." *International Organization* 56, no. 3 (2002). <https://doi.org/10.1162/002081802760199908>.
- Tallberg, Jonas, and Christer Jönsson. "Compliance Bargaining in the European Union," 2001.
- Tanja A. Borzel, Risse, Thomas. "One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law." *Workshop on Democracy Promotion, Stanford University* 49, no. January 2004 (2004): 0–32.
- Thomson, Robert. "Time to Comply: National Responses to Six EU Labour Market Directives Revisited." *West European Politics* 30, no. 5 (2007): 987–1008. <https://doi.org/10.1080/01402380701617407>.
- Toshkov, Dimitar. "Transposition of EU Social Policy in the New Member States." *Journal of European Social Policy* 17, no. 4 (2007): 335–48. <https://doi.org/10.1177/0958928707081065>.
- Trauner, Florian. "Post-Accession Compliance with EU Law in Bulgaria and Romania: A Comparative Perspective." *EIOP European Integration Online Papers* 13, no. 1 (2009): 1–18. <https://doi.org/10.1695/2009021>.
- Treaty on European Union, signed at Maastricht on 7 February 1992, 92/C 191/01. *Official Journal of the European Communities*. C 191. Volume 35. 29 July 1992.
- Tsebelis, George. "Decision Making in Political Systems : Veto Players in Presidentialism , Parliamentarism , Multicameralism and Multipartyism Author (s): George Tsebelis Stable URL : [Http://Www.Jstor.Org/Stable/194257](http://Www.Jstor.Org/Stable/194257) Decision Making in Political Systems : Veto Multicam." *British Journal of Political Science* 25, no. 3 (2016): 289–325. <https://doi.org/10.1017/S0007123400007225>.
- Verheijen, Tony. *Administrative Capacity in the New EU Member States: The Limits of Innovation?* *World Bank Working Paper*, 2007. <https://doi.org/10.1002/jor.23313>.

Young, Oran R. *The Effectiveness of International Institutions: Hard Cases and Critical Variables. Governance Without Government: Order and Change in World Politics*, 1992. <https://doi.org/10.1017/CBO9780511521775>.

Weber, Max *Economy and society: An outline of interpretive sociology*. Vol. 1. Univ of California Press, 1978.

Wilks, Stephen. "Regulatory compliance and capitalist diversity in Europe." *Journal of European Public Policy* 3.4 (1996): 536-559.

Мельвиль, Андрей Юрьевич, Денис Константинович Стукал, Михаил Григорьевич Миронюк. 2012. "Траектории режимных трансформаций и типы государственной состоятельности". *Полис. Политические исследования*, (2): 8-30.

Токарев, Алексей Александрович. 2012. "Концептуализация и операционализация понятия государственность." *Вестник МГИМО Университета* 4: 247-54.

Стукал, Денис Константинович, Татьяна Евгеньевна Хавенсон. 2012. "Моделирование государственной состоятельности постсоциалистических стран." *Политическая экспертиза: ПОЛИТЭКС*, 8(1): 233-60.

APPENDIX

Appendix 1. Descriptive statistics for the dependent variable in the major model for the EU member states (per country)

	Overall (n=28)
EU law violations by Belgium	
Mean (SD)	46.8 (28.7)
Median [Min, Max]	41.0 [3.00, 109]
Missing	4 (13.8%)
EU law violations by Bulgaria	
Mean (SD)	9.08 (11.7)
Median [Min, Max]	0.00 [0.00, 29.0]
Missing	4 (13.8%)
EU law violations by Czech Republic	
Mean (SD)	13.7 (14.0)
Median [Min, Max]	14.0 [0.00, 36.0]
Missing	4 (13.8%)
EU law violations by Denmark	
Mean (SD)	26.8 (11.2)
Median [Min, Max]	25.0 [14.0, 60.0]
Missing	4 (13.8%)
EU law violations by Germany	
Mean (SD)	61.9 (21.1)
Median [Min, Max]	57.0 [29.0, 101]
Missing	4 (13.8%)
EU law violations by Estonia	
Mean (SD)	6.40 (8.07)
Median [Min, Max]	3.00 [0.00, 25.0]
Missing	4 (13.8%)
EU law violations by Ireland	

	Overall (n=28)
Mean (SD)	35.1 (15.4)
Median [Min, Max]	33.0 [11.0, 67.0]
Missing	4 (13.8%)
EU law violations by Greece	
Mean (SD)	57.0 (28.3)
Median [Min, Max]	59.0 [5.00, 99.0]
Missing	4 (13.8%)
EU law violations by Spain	
Mean (SD)	80.9 (22.3)
Median [Min, Max]	81.0 [47.0, 115]
Missing	4 (13.8%)
EU law violations by France	
Mean (SD)	70.7 (30.1)
Median [Min, Max]	64.0 [25.0, 135]
Missing	4 (13.8%)
EU law violations by Italy	
Mean (SD)	69.7 (51.0)
Median [Min, Max]	67.0 [2.00, 161]
Missing	4 (13.8%)
EU law violations by Cyprus	
Mean (SD)	7.92 (8.21)
Median [Min, Max]	11.0 [0.00, 25.0]
Missing	4 (13.8%)
EU law violations by Latvia	
Mean (SD)	7.16 (8.60)
Median [Min, Max]	7.00 [0.00, 27.0]
Missing	4 (13.8%)
EU law violations by Lithuania	
Mean (SD)	7.08 (7.78)
Median [Min, Max]	4.00 [0.00, 22.0]
Missing	4 (13.8%)
EU law violations by Great Britain	
Mean (SD)	42.1 (17.5)
Median [Min, Max]	39.0 [11.0, 66.0]
Missing	4 (13.8%)
EU law violations by Luxembourg	
Mean (SD)	27.3 (10.6)
Median [Min, Max]	30.0 [9.00, 44.0]
Missing	4 (13.8%)

	Overall (n=28)
EU law violations by Hungary	
Mean (SD)	12.2 (12.5)
Median [Min, Max]	10.0 [0.00, 32.0]
Missing	4 (13.8%)
EU law violations by Malta	
Mean (SD)	9.52 (12.7)
Median [Min, Max]	5.00 [0.00, 43.0]
Missing	4 (13.8%)
EU law violations by Netherlands	
Mean (SD)	31.5 (16.8)
Median [Min, Max]	31.0 [4.00, 54.0]
Missing	4 (13.8%)
EU law violations by Austria	
Mean (SD)	33.5 (18.8)
Median [Min, Max]	31.0 [0.00, 59.0]
Missing	4 (13.8%)
EU law violations by Poland	
Mean (SD)	23.1 (24.4)
Median [Min, Max]	18.0 [0.00, 65.0]
Missing	4 (13.8%)
EU law violations by Portugal	
Mean (SD)	38.6 (19.7)
Median [Min, Max]	37.0 [9.00, 72.0]
Missing	4 (13.8%)
EU law violations by Romania	
Mean (SD)	9.00 (11.1)
Median [Min, Max]	0.00 [0.00, 28.0]
Missing	4 (13.8%)
EU law violations by Slovakia	
Mean (SD)	8.52 (8.90)
Median [Min, Max]	7.00 [0.00, 23.0]
Missing	4 (13.8%)
EU law violations by Sweden	
Mean (SD)	12.4 (13.0)
Median [Min, Max]	10.0 [0.00, 35.0]
Missing	4 (13.8%)
EU law violations by Finland	
Mean (SD)	25.8 (9.93)
Median [Min, Max]	25.0 [10.0, 47.0]

	Overall (n=28)
Missing	4 (13.8%)
EU law violations by Slovenia	
Mean (SD)	26.4 (12.6)
Median [Min, Max]	26.0 [0.00, 45.0]
Missing	4 (13.8%)

**Appendix 2. Descriptive statistics for the dependent variable in the major model for the
EU candidate states (per country)**

	Overall (n=5)
EU law violations by Albania	
Mean (SD)	34.9 (35.7)
Median [Min, Max]	33.0 [7.00, 54]
Missing	0 (0.0%)
EU law violations by Bulgaria	
Mean (SD)	5.01 (10.1)
Median [Min, Max]	0.00 [0.00, 30.0]
Missing	1 (10.5%)
EU law violations by Northern Macedonia	
Mean (SD)	28.4 (19.0)
Median [Min, Max]	13.0 [0.00, 41.0]
Missing	1 (10.5%)
EU law violations by Serbia	
Mean (SD)	53.3 (19.7)
Median [Min, Max]	28.0 [15.0, 66.0]
Missing	1 (10.5%)
EU law violations by Turkey	
Mean (SD)	99.2 (45.7)
Median [Min, Max]	67.0 [32.0, 124]
Missing	1 (10.5%)

Appendix 3. Histogram of distribution of the dependent variables of the supplementary statistical models (Models II, III, IV and V)

