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**Complying with Europe: EU Harmonisation
and Soft Law in the Member States**

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What does EU law truly mean for the member states? Do they abide by it or don't they? And how can we explain the significant differences in domestic implementation performance? It was the aim of a research group established at the Max Planck Institute for the Study of Societies in Cologne to shed light on these questions. The project team included Gerda Falkner and Oliver Treib, two researchers who are now members of the IHS Department of Political Science. It analyzed the domestic implementation of six EU social policy Directives in the fifteen "old" EU member states prior to Eastern enlargement. The results of this project have just been published by Cambridge University Press.

EU social policy: significant impact despite major implementation gaps

Contrary to the views of many observers, the 90 comparative case studies revealed that EU social policy is not a sum of insignificant rules that fail to go beyond what already exists in the member states. The six Directives in our sample required major reforms in countries like the UK, Ireland and Denmark, and they had a considerable impact in many other member states, among these also countries with generally high levels of social regulation like Austria.

Yet, transforming EU legislation into domestic practice is a painstaking process. It frequently provokes fierce political battles among domestic actors and often becomes intertwined with other controversial reform processes. Above all, implementing EU legislation is usually very slow. Only approximately 11 per cent of our cases were transposed correctly and on time. In half of all cases, member states were delayed by two years or more. As a consequence, it frequently takes a large number of interventions by the EU Commission and the European Court of Justice to reach reasonable

levels of compliance. However, the Commission has not been able adequately to perform its control function. The Brussels bureaucracy lacks appropriate resources for active monitoring. Therefore, a significant part of implementation problems escapes its attention.

Systematic differences between three worlds of compliance

Most importantly, the results reveal huge disparities between different groups of member states in the way they typically fulfill their EU-related duties. What emerges from this observation is a typology of three “worlds of compliance”, which results from the varying importance of a culture of law-abidingness in the political and administrative systems of the member states. In the world of law observance, the presence of a culture of good compliance among political and administrative actors usually ensures fast and correct implementation. Denmark or Sweden are examples of this group of countries. In the world of neglect, the absence of such a culture in both the political and administrative systems typically leads to long phases of bureaucratic inertia and rather apolitical implementation processes. Greece or France conform to this pattern. In the world of domestic politics, administrations usually work dutifully, but since a culture of law-abidingness is absent in the political realm, implementing EU law typically depends on the fit with the political preferences of government parties and other powerful players in the domestic arena. This is the largest cluster, involving countries like Austria, Germany and the UK.

The central theoretical implication of this typology is that the quest for uniform theoretical models to explain compliance with EU law is futile. Instead, different theoretical propositions may explain the implementation performance of different country clusters.

More information on the project: <http://www.mpifg.de/socialeurope>