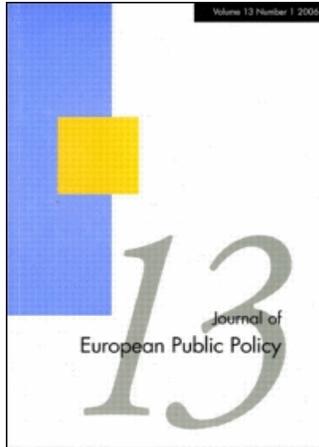


This article was downloaded by:[Faculteit Sociale Wetenschappen]
On: 10 October 2007
Access Details: [subscription number 768416130]
Publisher: Routledge
Informa Ltd Registered in England and Wales Registered Number: 1072954
Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Journal of European Public Policy

Publication details, including instructions for authors and subscription information:
<http://www.informaworld.com/smpp/title~content=t713685697>

In search of the worlds of compliance: culture and transposition performance in the European Union

Dimiter Toshkov

Online Publication Date: 01 September 2007

To cite this Article: Toshkov, Dimiter (2007) 'In search of the worlds of compliance: culture and transposition performance in the European Union', Journal of European Public Policy, 14:6, 933 - 959

To link to this article: DOI: 10.1080/13501760701497956

URL: <http://dx.doi.org/10.1080/13501760701497956>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.informaworld.com/terms-and-conditions-of-access.pdf>

This article maybe used for research, teaching and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

In search of the worlds of compliance: culture and transposition performance in the European Union

Dimiter Toshkov

ABSTRACT This paper tests the argument that assigning countries into three worlds of compliance helps to explain transposition performance in the European Union. Looking into what cultural features distinguish the ‘culture of compliance’ worlds shows that attitudes towards law-abidingness and rule-following, and trust in the EU institutions, are not directly related to membership in the three types. Then, focusing on the explanatory potential of the typology, the study finds that levels of non-transposition are consistent with the argument although the differences between the groups are only marginally significant. The implications of the typology for the variability of transposition performance and the differentiated impact of domestic politics in the compliance worlds are not, however, supported by the empirical analysis of yearly policy-specific data on non-transposition rates (1998–2005).

KEY WORDS Compliance; Europeanization; implementation of EU law; survival analysis; transposition; worlds of compliance.

INTRODUCTION

Compliance with European Union (EU) policies rapidly emerges as a central pillar in the make-up of European integration studies. The variance of member states in their responses to EU law and policies has provided a fertile ground for the growth of the field. A descriptive question – how much non-compliance is there in Europe – and an explanatory ambition – how to account for the varying performance at the domestic level – have been the major focal points of interest (Berglund *et al.* 2006; Börzel 2001; Duina 1997; Haverland and Romeijn 2007; Kaeding 2006, Steunenberg and Rhinard 2006).

The recent volume by Gerda Falkner, Oliver Treib, Miriam Hartlapp and Simone Leiber, *Complying with Europe? The Impact of EU Minimum Harmonisation and Soft Law in the Member States* (2005), makes significant advances in regard to both issues. Building on an in-depth study of the legal and practical implementation of six EU social policy directives in the 15 ‘old’ member

states, the authors argue that there are considerable problems with compliance. Reporting the failure of several theories to explain the cases, the scholars develop a typology of three worlds of compliance in order to account for the patterns identified.

This paper takes up the 'worlds of compliance' insight and tests the explanatory model contained in the typology. First, the cultural factors determining membership in the specific compliance world are explored. General social trust is found to be closely linked with the typology; surprisingly, however, recent surveys show that attitudes towards law-abidingness and rule-following do not seem to be discriminatory traits of the different 'worlds'. Second, the capability of the typology to account for the data from which it is generated is explored. I find that the three groups of countries differ only marginally in terms of transposition delay. Then, the explanatory power of the typology is tested against data tracking the transposition performance of EU member states over eight years across policy sectors. The analysis gives only weak support to the thesis that clustering countries into three groups helps to explain implementation outcomes. The differences between the compliance worlds reach only marginal significance. Further, there is no evidence that domestic politics influences compliance in a different way and on a different scale, as proposed by the thesis, in the three country types. While these findings cannot invalidate the use of the typology as a heuristic device, they do cast doubt on its utility as a guide for explaining transposition performance in the EU.

The paper proceeds as follows. The next section presents the 'worlds of compliance' thesis, discusses the causal structure implied and develops explicit hypotheses. After that a discussion of the link between the three types and relevant social attitudes follows. Next, an empirical analysis of the hypotheses using the original data is presented and the analysis is then extended to a new dataset with a broader time and policy scope. The final section summarizes the findings and concludes.

CHARTING THE WORLDS OF COMPLIANCE

Having acquired (mainly through interviews and document analysis) intimate knowledge of the fate of six EU social policy directives in the 15 member states, Falkner *et al.* (2005) investigate the explanatory potential of a multitude of theories and arguments suggested by the existing literature. Only very weak explanatory power is found for a few of the variables (like administrative co-ordination), while most of the factors do not even remotely match the data. Looking for a solution to the theoretical impasse, Falkner *et al.* develop a typology: the three worlds of compliance.

The major insight on which the typology is built is that there is 'a specific pattern of reacting to EU-induced reform requirements' (p. 318) that allows the EU member states to be grouped into a world of law observance, a world of domestic politics, and a world of neglect. The constitutive factor behind the three clusters is the 'national culture of digesting adaptation requirements'

(p. 319). Compliance results tend to depend on different factors in the three types of country: culture in the first, fit with preferences in the second one, and administrative non-action in the third group. The causal mechanism presented (pp. 328–9) is self-enforcing as when society expects compliance, élites feel pressure to comply and ‘public discourse stresses long-term gain for all of respected rules of law’ (figure 15.1, p. 329). Attitudinal factors in the broader public are translated into law-abidingness in the administrative and political systems, which in turn distinguish the different worlds of compliance.

In the world of law observance, the goal of compliance overrides domestic concerns and transposition of EU directives is usually on time and correct. In the world of domestic politics, ‘obeying EU rules is one goal amongst many, domestic concerns frequently prevail’ (p. 323). In the world of neglect, compliance with EU law is not a goal in itself and administrative inefficiency and/or ‘national arrogance’ impede the process of implementation. The Nordic countries Denmark, Sweden, and Finland are positioned in the world of law observance. Germany, Austria, Belgium, the Netherlands, the United Kingdom, and Spain comprise the world of domestic politics. France, Italy, Ireland, Luxembourg, Greece and Portugal are left in the world of neglect. The position of Ireland and Italy is dubious as they fit the world of neglect in terms of overall implementation, but the world of domestic policy in terms of transposition only (p. 339).

The authors are ‘confident that the typology grasps some of the most important characteristics of how the three different “family of nations” *typically* react to EU Directives’ (p. 341; italics in original). If that is the case, there should be at least some observable implications of the different types of reaction. Of course, it cannot be required that the typology should ‘reliably predict each and every *individual* case of implementation’ (p. 341; italics in original). Still, as compliance culture is supposed to be stable in time, some aggregate measures of member states’ performance should be connected to the three types. Otherwise, we are left in the position of having an explanatory mechanism that does not lead to a pattern of observable outcomes.¹

First of all, we should inquire about the discriminating factor between types: a culture of law-abidingness. Naturally, it is quite difficult to give a precise meaning to an aspect of culture, especially an aspect that focuses on an almost magical thing like rule-following. Still, scholars have attempted to discover manifestations of such culture in the comparative analyses of peoples’ attitudes. Conceptually, it can be expected that a culture of good compliance is more likely where the majority of citizens value the rule of law, express preferences for abidingness to explicit rules and favour rule obedience under all circumstances (Gibson and Caldera 1996; Nelken 2004). Further, the more citizens trust the authority that issues the rules, the more likely it is that a culture of good compliance will develop. Also, general trust should be a defining characteristic of a culture of good compliance as the implementation of informal rules requires reciprocity that can be sustained only by high levels of social trust. This brief discussion leads to the first set of hypotheses with a focus on the link between a culture of

compliance and the attitudes in the different countries. This link is important as it gives a rationale for assigning the countries into the different types. It should be remembered that the causal mechanism outlined by Falkner *et al.* does rely on general attitudes (see figure 15.1, p. 329). The law-abidingness of the administrative and political systems is conditioned by the law-abidingness of the citizens.

H1: A culture of law observance is more likely if greater support for law-abidingness and the rule of law is present.

H2: A culture of law observance is more likely if greater trust in the institutions producing the rules is present.

H3: A culture of law observance is more likely if greater social trust is present.

Next, I turn to the implications of the typology itself. The ‘worlds of compliance’ thesis should, and does, provide distinct expectations about the overall transposition and implementation performance of the three groups. As the probability of each directive being implemented on time is higher in the world of law observance than in the world of domestic politics and even more so than in the world of neglect, over an extended period of time and number of policy issues the distribution of outcomes should appear different. The fate of each individual directive is not deterministically decided by the ‘compliance culture’; still, aggregated results should reflect the higher individual probability of timely compliance. In the world of law observance, non-application, delayed and non-transposition are expected to be less common. In the world of domestic politics, some of the laws are implemented swiftly and on time (if they fit domestic preferences) and some are delayed and ignored. The aggregate outcomes should then indicate a middle position between the world of law observance and the world of neglect. Focusing on the stage of transposition, one set of performance indicators of general interests are the proportion of directives non-transposed in a certain period of time and the implementation delay. Hence, the next set of propositions:

H4: Mean implementation delays are shorter and the average rate of non-transposition is lower in the world of law observance than in the world of domestic politics, and mean implementation delays in the world of domestic politics are shorter than in the world of neglect.

The mean level of performance is only one of the aspects tackled by the typology. The world of law observance provides expectations about the variance of performance, too. The transposition and implementation record in the world of law observance should be consistently good. As the major explanatory factor in this group of countries is the law-abidingness culture, and as culture changes only slowly and is characteristic of all policy sectors, performance should not differ much across time and across sectors. Turning to the world of neglect, variance should also be small, because performance is expected to be consistently poor. The main factor influencing transposition and implementation–neglect–can be expected to be approximately the same across policies and time and, consequently, performance should not differ much. On the

other hand, the world of domestic politics should exhibit characteristic variability in the outcomes. Performance in these countries largely depends on the fit between EU-promoted change and domestic political preferences. This fit is likely to be quite different over time, in different policy sectors, and even within policy sectors for different directives. The variability of the performance then should be much higher in the world of domestic politics. Early and proper implementation is to be predicted in some cases, prolonged and troublesome implementation in others. Overall, the aggregated outcomes will reflect this as the variance becomes larger.

An important source of variability of transposition performance might stem from increased attention from the European Commission for some sectors, or during some periods of time. While the world of law observance might be less likely to change its track record as a result of increased EU attention on the issue (as compliance is high anyway), the performance in the other two worlds might change. In countries where domestic politics considerations determine the speed and rate of transposition, strengthened monitoring efforts change the domestic costs and benefits of (non-)transposition and thus the performance. In the countries that neglect their transposition duties, increased attention to some areas and during some time periods also changes the rate of compliance because it focuses attention on the problem. In terms of the hypotheses about the different *level* of variability, however, this source of variation should not change the relative ranking between the three worlds, as the world of domestic politics is also susceptible to increased pressure. A look at the data also suggests that if we assume that EU pressure for timely transposition is increasing with time, the performance of the three clusters of countries is better. Still, the rate of change of the groups is comparable.²

H5: The variance of transposition delays and instances of non-transposition is higher in the world of domestic politics than in the world of law observance and the world of neglect.

Taking this further, direct implications about when domestic politics should matter can be derived from the typology. Clearly, the impact (no matter whether positive or negative) of political parties should be observable in the world of domestic politics while muted in the other two clusters of countries. This is actually the characteristic feature of the domestic politics world. What government and parties want tends to be overshadowed by the reflex to comply in the world of law observance and by the reflex to disregard EU policy in the world of neglect. There is no need to specify the impact in terms of size and direction; the expectation is only that, for a cluster of countries, there would be some impact of domestic (party) politics.

H6: Political parties' preferences matter for transposition outcomes in the world of domestic politics, but not in the world of law observance and the world of neglect.

Another way in which the impact of domestic politics can manifest itself is through the impact of the number of veto players on transposition performance.

Following Tsebelis (2002) in defining veto players as the political actors whose agreement has to be assured for a change of policy, we can expect that in the countries of the world of domestic politics the more veto players there are, the more difficult it would be to transpose and implement EU law on time. On the other hand, the impact of the number of veto players on the other two compliance worlds should be negligible, as the potential for political conflict is not related to transposition patterns.

H7: The number of veto players affects transposition outcomes in the world of domestic politics, but not in the worlds of law observance and neglect.

These rather straightforward hypotheses capture the basic features of the explanatory model underlying the 'worlds of compliance' typology. Table 1 summarizes the main features of the three types, the propositions, and the countries fitting the corresponding type. The first set of propositions (H1–H3) focuses on the culture of compliance, the main discriminating factor setting the worlds apart. The second set (H4–H7) derives empirical implications about the characteristic patterns of transposition performance in the three groups of countries. Formalizing the expectations brings the possibility of transparent empirical analysis and a test of the propositions. The remaining part of the paper takes up this task.

TRACKING THE CULTURE OF GOOD COMPLIANCE

What is a culture of good compliance made of? Law-abidingness and law observance are suggested as the obvious answers. People willing to follow formal rules in all circumstances are, by definition, good compliers. It is exactly the silencing of other considerations when rules have to be implemented that is characteristic of the ideal-typical world of law observance of Falkner *et al.* (2005). Support for the rule of law, which embodies at the system level rule-abidingness, provides another component of the compliance culture. Trust in the institution that issues the rules increases their legitimacy, and thus compliance with the rules. Social trust in general is needed for a system of social relationships based on rule-following.

When trying to pin down and seek measures of aspects of national legal cultures, and attitudes towards rule compliance in particular, we are constrained by the relative lack of theoretical discussion of the concept, and further by the rarity of comparative empirical studies surveying rule-following attitudes. One of the few studies that explicitly try to uncover the dimensions of legal culture and to operationalize some of its aspects is presented by Gibson and Caldeira (1996). The authors state that 'Willingness to tolerate exceptions to the law is an attitude of some importance in the operation of a legal system' (p. 60) and try to capture empirically support for the rule of law. The questions they employ are similar to the ones used in the current paper.

In order to test whether the elements of compliance culture are connected with the grouping of EU member states in the different worlds of compliance,

Table 1 The logic and expected effects of the worlds of compliance

	<i>World of law observance</i>	<i>World of domestic politics</i>	<i>World of neglect</i>
Determinants of compliance	Compliance culture	Fit with domestic preferences	Administrative inaction
Predominant logic	Cultural	Pursuit of political interest	Pursuit of interest in the administration
Perceived importance of law observance and rule of law (H1)	High	Moderate	Low
Trust in the EU institutions and social trust (H2, 3)	High	Moderate	Low
Mean delays and rates of non-transposition (H4)	Low	Moderate	High
Variance in transposition performance (H5)	Low	High	Low
Impact of politics on transposition (H6, 7)	Weak	Strong	Weak
Countries	Denmark (DK), Finland (FI), Sweden (SE)	Austria (AT), Belgium (BE), Germany (DE), the Netherlands (NL), Spain (ES), UK (GB)	Greece (GR), France (FR), Luxembourg (LU), Portugal (PT), Italy (IT), Ireland (IE)

I use data from the *European Social Survey*,³ a comparative survey of attitudes, beliefs and behaviour patterns covering all EU member states (Jowell 2003). There are several questions included in the survey that relate directly to our interest in law-abidingness and trust. First, the survey investigates general social trust. Trust is also measured in regard to several institutions, the most relevant for the purposes of the analysis being trust in the legal system and trust in the European Parliament. Law obedience is captured by responses to several questions collected during the first two rounds of the European Social Survey which address slightly different aspects of rule-following attitudes: the

importance of rule obedience, rule-following as a civic duty, and the appropriateness of obeying the law even if it means missing good opportunities.

The small number of cases featured in the ‘worlds of compliance’ typology prohibits a statistical test of the determinants of country membership in a certain type. Still, we can examine visually through a series of plots whether there is a link between these variables and the type of compliance culture. The informal graphical inspection cannot be a substitute for statistical tests, but it can reveal the broad patterns evident in the data.⁴ First, the plot of social trust vs. trust in the legal system exposes an intriguing pattern. Figure 1 shows the countries’ values on social trust against the values for trust in the legal system where a different symbol indicates membership in a certain type. General trust discriminates quite well between the three worlds of compliance. The three Nordic countries have the three highest values. The countries from the world of neglect are at the lower end of the scale. Ireland is actually quite close to the world of law observance but, as mentioned before, Ireland has a dubious position in terms of which type it belongs to.

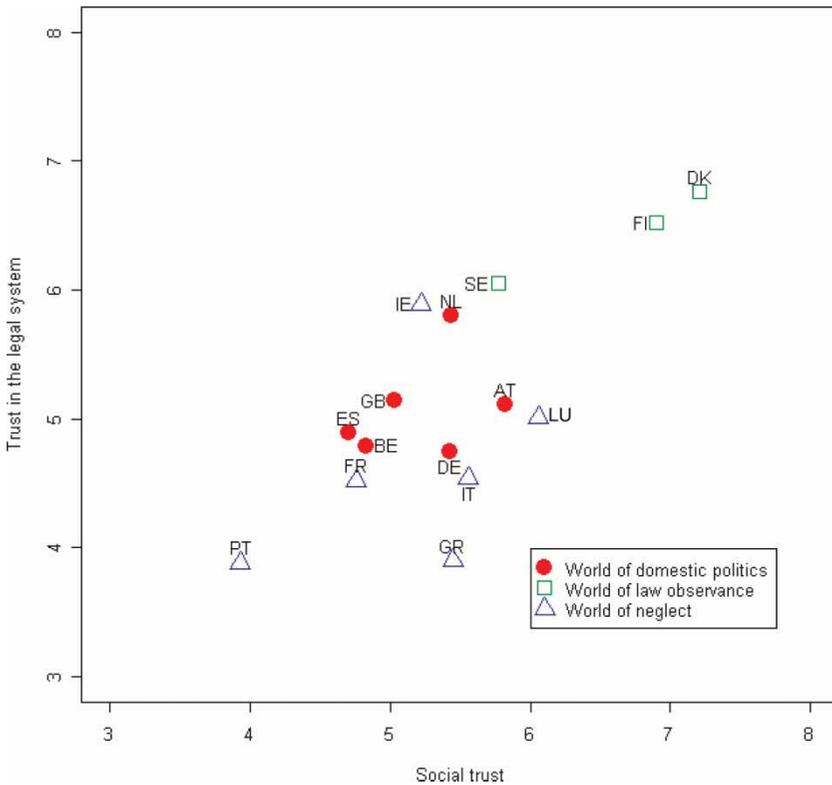


Figure 1 Social trust and trust in the legal system in the worlds of compliance (see Table 1 for country codes)

Trust in the legal system, which is a concept more directly related to the culture of compliance than general social trust, seems to perform a little worse. The three Nordic countries tend to have higher values on this dimension as well and some of the world of neglect ones are at the lower end of the scale. Most of the remaining states, however, are practically indistinguishable in their positions.

Overall, social and institutional trust exhibit some potential to pick the special position of the world of law observance. Social trust is relatively successful in separating the world of domestic politics from the world of neglect, too. The dividing line is, however, only tentative. On the other hand, measures of trust in the European Parliament completely fail to group the countries in the three types, with most of the 'neglect' countries having the highest scores and the 'law observance' countries in the middle.⁵ This is not surprising as empirically the lack of correlation between trust in the European institutions (and support for European integration more generally) and the performance of the country in compliance with EU policies is known (Duina 1997). A plausible explanation is to take account of the effectiveness of the domestic institutions. Ineffective national institutions lead to lower citizens' trust in them. As a result, people place their trust more with the EU-level institutions and support deeper European integration in general (see Sanchez-Cuenca 2000). But domestic institutions in these countries being ineffective, implementation of EU policies cannot be timely and proper. No matter whether this explanation is accepted or not, trust in the European institutions evidently has no connection with the assignment of the EU members to the three worlds of compliance. If we take seriously the proposition that the more you trust the authority that issues the rules, the more likely you are to comply with them, this lack of connection is troubling. Because it has been noticed for quite some time in the literature on EU public support and EU implementation it seems trivial, but in fact it does present a puzzle for the explanation of compliance.

Even more interesting is the lack of a clear correlation between public attitudes towards law observance and membership in the different worlds of compliance. Looking at the x-axis of Figure 2, we notice that two of the 'neglect' countries – Italy and Greece – are the ones with the highest score on the item asking for agreement with the statement that laws should be obeyed all the time.⁶ They are also amongst the countries that place greatest importance on the virtue of rule observance for the citizenship ideal. At the other end of the spectrum, citizens in the Netherlands and Spain tend to downplay the importance of rule-abidingness under all circumstances and do not consider it an essential part of 'good citizen' responsibilities, relative to the other countries in the sample. It should be noted, however, that the variance in the responses between the countries is quite small: the original scale ranges from 1 to 5 for the x-dimension and from 0 to 10 for the y-axis. Interestingly, countries from the world of law observance and the world of neglect tend to cluster together. The world of domestic politics is slightly separated from the other two in terms of the importance of rule-following for good citizenry. The difference

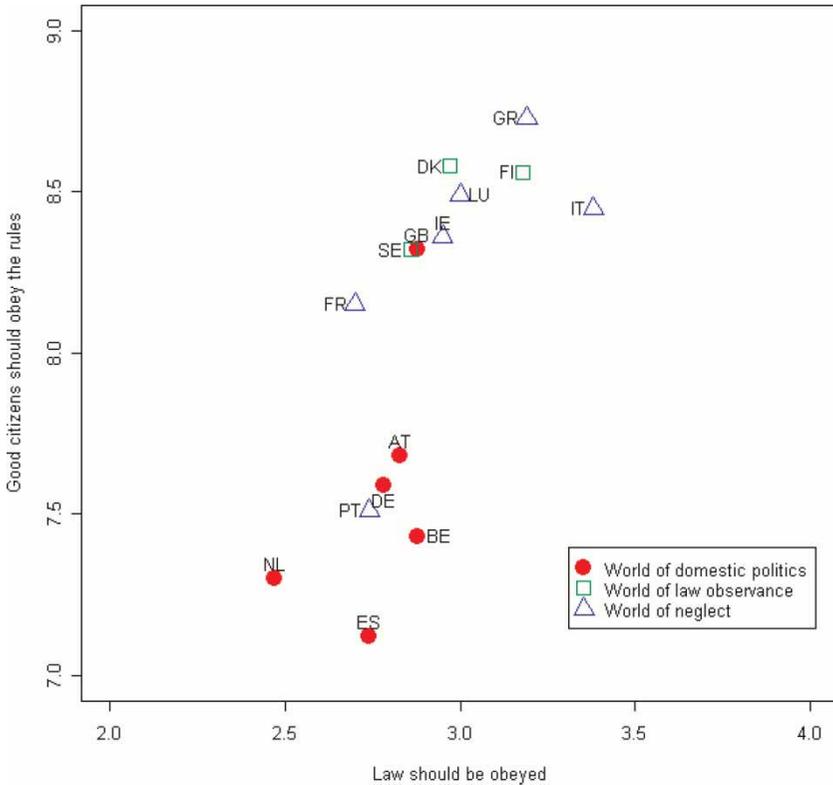


Figure 2 Attitudes towards law observance in the worlds of compliance (see Table 1 for country codes)

is very weak, however, with the United Kingdom within the ‘wrong’ cluster, and Portugal also siding with the ‘wrong’ group. Even these weak conclusions cannot be supported by the positions of countries on the more general question about law obedience (the x-axis).

Figure 3 plots the attitudes towards statements similar to the previous ones. On the x-axis is the mean value of agreement with the statement that the law should be followed even if this means missing good opportunities (note that higher values indicated less agreement with the statement) and on the y-axis is the mean value of agreement with the statement that occasionally it is admissible to ignore the law (lower values indicate support for ignoring the laws). Despite the really small between-country variance, the worlds of good compliance and neglect are very close together with some members of the world of domestic politics a little bit apart.

Because Figures 2 and 3 and the attitudes they present capture different aspects of the same concept – law obedience – we can safely conclude that the link between law obedience and the assignment of the EU members in

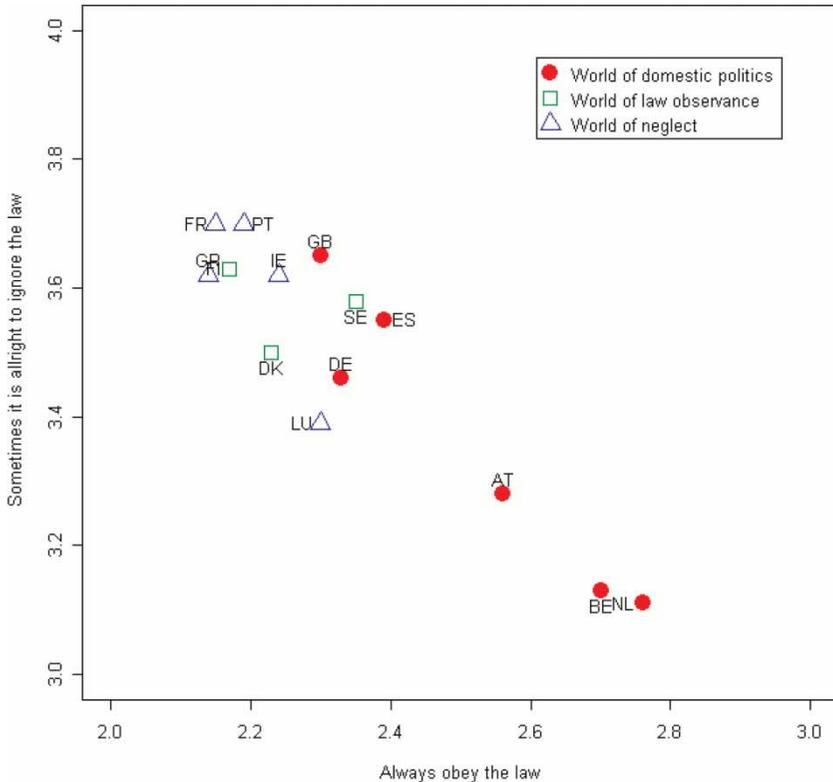


Figure 3 Attitudes towards law obedience in the worlds of compliance (see Table 1 for country codes)

the three worlds of compliance is hardly existent.⁷ At best, the world of domestic politics seems slightly less supportive of non-conditional law-abidingness than the world of law observance and the world of neglect, but there are a few exceptions and the differences are small. In fact, social trust, albeit seemingly more remotely connected with compliance, differentiates much better between the three types than any measure of law observance.

What do these conclusions tell us about the analytical status of the typology? In my opinion, they should motivate a more detailed analysis of what precisely are the ingredients of a culture of good compliance if we want to grasp the factors that move the three clusters apart. Intuitively plausible answers, such as attitudes towards law-abidingness, ignoring rules, and trust in the institutions producing the norms, seem to be dismissed by the available data. The relevance of social trust is intriguing but more efforts are needed in order to clarify the potential causal links between (non-institutional) trust and (institutional) compliance. It is interesting to add to these findings the observations of Ulf Sverdrup (2002: 7) on the nature of Nordic legal culture. He notes that it embodies a pragmatic approach towards rules. Courts and formal rules play a less important

role than in the rest of Europe. A pragmatic legal culture is also reported in the Netherlands (Blankenburg and Bruinsma 1994).

The main findings of the analysis so far are that general social trust is characteristically different in the three worlds of compliance while support for law-abidingness and rule-following and trust in EU institutions are not related to the culture of compliance. We find support for hypothesis 3 but not for hypotheses 1 and 2. Next, focusing on the explanatory potential of the typology, the remaining propositions will be investigated using the original data reported by Falkner *et al.* (2005).

SOCIAL POLICY TRANSPOSITION IN THE THREE WORLDS OF COMPLIANCE

This section takes up the question of how well the ‘worlds of compliance’ typology accounts for the social policy transposition patterns found by Falkner *et al.* in their study of compliance with six directives in the 15 ‘old’ members of the EU (2005). It might seem odd to match the typology with the data from which it is generated, but the authors underline that the typology is based not directly on the compliance outcomes in the 15 cases but on their broader and deeper understanding of transposition and implementation. Hence, examining the level of correspondence between the typology and the empirical findings is a legitimate exercise.

The variable of interest on which I focus is transposition delay. Transposition delay is defined as the time passed after the transposition deadline until an essentially correct transposition is achieved. The data are summarized in Falkner *et al.* (2005: 271). Delay is measured in months, and the number of cases is 90. An essential feature of the data is that some of the transposition processes were not completed at the time of reporting the results. Hence, the data are right-censored with the delay for some observations extending to the period after the completion of the original study. As this affects a total of 17 observations, it would seriously compromise any attempt at data analysis which does not take the truncation into account.

The question of interest is how different are the three worlds of compliance in regard to transposition delay? In order to answer this question in view of the right-censoring problem noted, a survival analysis can be used. We track the fate of each individual transposition process, and then group these according to the type of compliance world in which the transposition process occurs. The procedure produces three curves summarizing the fraction of non-transposed directives for each point in time after the deadline expired. We can start with a non-parametric survival analysis in order to examine visually the survival functions for the three compliance types.

Figure 4 presents the results of the non-parametric survival analysis. It is clear that the three types differ, but only marginally. In addition, if we plot confidence intervals around the three curves it is evident that the three worlds are actually quite close together in terms of their transposition delays. The difference is most

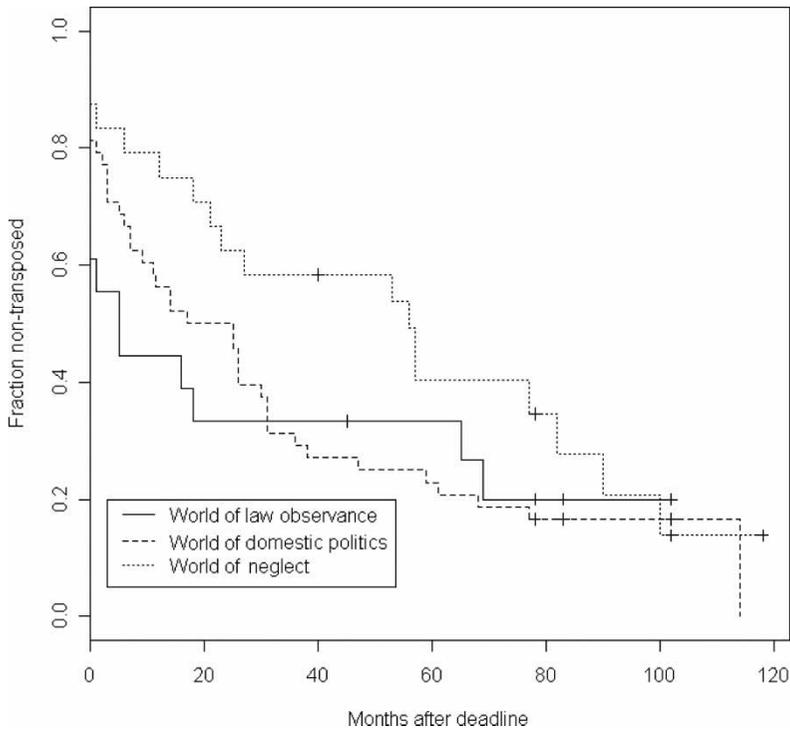


Figure 4 Transposition survival rates in the three worlds of compliance

pronounced in the early stages after the deadline until approximately two years later. Within this period the fraction of non-transposed directives rapidly declines for the world of domestic politics, while for the other two types the reduction in non-completed transpositions is not so marked. Nevertheless, with the parallel movement, the world of neglect and the world of law observance remain apart because of the very different starting positions—the height of the curves at time 0, reflecting the proportion of directives transposed on time (before the deadline had expired).⁸ It is interesting to note that, after this initial period, both the world of neglect and the world of law observance reach a plateau, while in the world of domestic politics the fraction of non-transposed directives continues to decline and they even start to outperform the world of law observance. For directives with exceptionally long delays (80 months or more) the performance of the three clusters is basically undistinguishable. Of course, the sample on which this analysis is based is rather small, making it harder to detect a difference in the face of normal variability and less likely that the results are generalizable beyond the specific cases analysed, and the number of observations in each group is not balanced. Falkner *et al.* notice that the sample of directives might be especially unrepresentative for the Scandinavian countries which have untypical problems with some of the

directives studied. The marked change in the rate of transposition in the period after a two-year delay might also be interpreted as a sign that if the law observance countries have problems with a specific directive, the problems are likely to be serious and as a result difficult to solve. These countries still transpose more directives on time, and reduce their transposition deficit fast in the short term, but for the remaining directives delays might be exceptionally long because they are likely to reflect not neglect or low capacity, but genuine and serious problems with the particular piece of legislation.

The analysis so far reveals interesting patterns of handling transposition duties, although it does not seem to support the hypothesis that performance in terms of transposition delay of the three clusters of countries is truly different. There is, however, a more formal way in which we can examine this proposition. First, we can test whether there is a difference between the three survival curves.⁹ Using the world of law observance as a baseline category, the test returns a *p* value of 0.299 which shows that there is no significant difference between the groups. We can also estimate a parametric survival model and examine the impact of belonging to a certain compliance type. Estimating such a model, we have to specify a distribution for the baseline hazard. Because there is no reason to suspect that the baseline hazard changes non-monotonically, the Weibull distribution can be used. Table 2 reports the results. Using the world of domestic politics as a baseline category, there is no significant impact of the world of neglect and the world of law observance. Looking at hypothesis 4 we have no evidence to confirm it. The mean implementation delay for the social policy cases does not differ significantly for the three clusters of countries.

On the basis of these analyses we can conclude that there is no evidence of a significant difference between the transposition performances of the EU member states in terms of their compliance type. The small and restricted sample, however, is not enough to test the explanatory potential of the typology convincingly. Over an extended period of time and a wider selection of cases, however, the typology should provide expectations about patterns of non-transposition, as specified in hypotheses 4–7. The next section presents a dataset that encompasses the transposition performance of the 15 member states for a period of eight years covering several policy sectors, and tests the hypotheses using the new data.

Table 2 Weibull survival model of transposition delay

<i>Variable</i>	<i>Value</i>	<i>Standard error</i>	<i>z-value</i>
(Intercept)	3.49	0.25	14.08
Neglect world	0.70	0.45	1.54
Law observance world	-0.11	0.49	-0.23
Log (scale)	0.46	0.10	4.66

EXPLAINING NON-TRANSPOSITION IN THE THREE WORLDS OF COMPLIANCE

Transposition performance is difficult to trace in a manner allowing comparisons between the various sectors of EU activity and the different member states. One of the few sources available¹⁰ which publishes rates of transposition by sector and country are the Commission's Annual Reports on Monitoring the Application of Community Law.¹¹ Each yearly report includes aggregate data on the cases of non-transposition. Non-transposition is detected when no national implementing measures are reported for directives with expired transposition deadlines. As such, the definition is formalistic and probably biases downwards the estimates of non-transposition. However, we have no reason to suspect that the bias is different for the different member states and the comparability of the nation-level figures is thus probably secured.¹²

Ideally, in order to test the 'compliance worlds' typology we would require many independent observations of member state transposition performance. However, data tracking the transposition processes for a sufficiently large random sample of all EU directives for all member states are not available. Relying on yearly aggregated estimates, broken down by sector and country, is a reasonable 'second best' choice. In order to construct the dataset the Commission's Annual Reports for the years 1998–2005 (eight data points) were used. To avoid the issue of no variance, only seven sectors with sufficient legislative dynamics were chosen: Enterprises, Employment and Social Affairs, Environment, Energy and Transport (merged with Information Society), Internal Market, Taxation and Customs Union, and Health and Consumer Protection. This produces 56 (eight time points and seven sectors) measurements of non-transposition for all the 15 member states and the opportunity to test the 'worlds of compliance' typology implications.

The mean of the dependent variable is 8.02 acts and the standard deviation is 7.97. As we are dealing with count data, the shape of the distribution and the fact that the variance is larger than the mean suggest that a negative binomial distribution should be used in estimating a regression model. Before moving to the estimation, some simple descriptive statistics can help us to evaluate the evidence pro and contra the 'worlds of compliance' hypotheses. The three groups of countries have different means of non-transposition rates. The standard deviations are also different for the three clusters, as Table 3 shows.

The world of law observance has the lowest mean (and median) rate of non-transposition, and also its performance is the most consistent. The world of domestic politics has a higher mean, and higher variability too. In the world of neglect the mean is the highest, as well as the variability. The results show that, as expected, more directives are not transposed within the deadlines set in the group comprising Greece, Portugal, Luxemburg, and France. On the other hand, also as expected, the rates of untimely transposition are lowest in the group comprising Denmark, Sweden, and Finland. Although according to the authors of the typology Italy and Ireland should belong to the world of

Table 3 Summary statistics of non-transposition rates

	<i>Mean</i>	<i>Median</i>	<i>Standard deviation</i>
World of law observance	6.05	4	6.76
Denmark	5.41	3	5.86
Finland	6.59	5	7.62
Sweden	6.16	4	6.75
World of domestic politics	7.73	6	7.58
Austria	8.34	7	7.76
Belgium	7.43	5	7.78
Germany	6.70	5	7.13
Italy	9.70	7	8.64
Ireland	8.89	6.5	8.09
Netherlands	7.11	5	6.58
Spain	6.59	5	6.88
United Kingdom	7.07	5.5	7.39
World of neglect	10.09	8	9.08
Greece	11.73	8	10.11
France	8.79	5	8.89
Luxembourg	10.38	8	8.18
Portugal	9.48	7.5	8.98

domestic politics in terms of transposition and the world of neglect in terms of overall implementation, the results also show that the transposition performance of these two countries is closer to the 'neglect' group.

Looking back at hypotheses 4 and 5 capturing the typology's implications about the mean rate and variability of transposition performance, we can corroborate the proposition that the mean non-transposition scores are different, and ordered in the proposed way, except in the cases of Italy and Ireland (but these two have ambivalent status in the typology itself). The proposition about the variability, however, is not supported by the data. The causal logic of the worlds of compliance thesis leads us to expect that the record of the 'domestic politics' countries should be the most volatile, as the fate of individual directives crucially depends on the fit with the national political and institutional context. The data point out clearly that this is not the case. While the variability of the 'domestic politics' countries is slightly greater than the variability in the world of law observance, it is less than the variability in the world of neglect. In my opinion, the hypothesis about the variance is much more important and characteristic of the typology than the hypothesis about the mean level of performance. It is the unique contribution of the 'worlds of compliance' typology to try to provide a causal mechanism explaining the clustering of countries. This causal mechanism implies that in Austria, Belgium, Germany, the Netherlands, Spain, the UK, Italy and Ireland transposition will sometimes be on time and sometimes not, while in the rest compliance will be consistently high (the law observance group) or low (the neglect group). This pattern is not found in

the data, even after we cover an extended period of time and several policy sectors, thus reducing the 'noise' effect of other potentially influential factors.

The mean rate of non-transposition seems different from the box-plots but we can check in a more rigorous manner whether this difference is likely to occur only by chance, or whether there is a systematic impact of belonging to a certain world of compliance. We have also still to examine hypotheses 6 and 7 about the (lack of) impact of domestic politics. To these two ends, a regression model for count data is estimated with the compliance type used as an explanatory variable. I attempt to test two of the more straightforward aspects of domestic politics influence: the impact of political parties in power, and the impact of the number of veto players. Two models are estimated. Model 1 focuses on the impact of the party ideology of the government, and Model 2 investigates the influence of veto players (see Table 4).

Turning first to the party effect hypothesis, for the period under study the party family of the leading political party in office was coded. Then, Social democratic parties were sorted into one category while Conservative, Christian democrat, and Liberal parties were put into another. In the worlds of law observance and neglect which party is in power should not matter, as compliance is driven by completely different forces – the reflex to comply in the former and the reflex to neglect EU policies in the latter. In the world of domestic politics, however, parties in office should exercise some influence on the process of transposition and hinder it if the policy to be downloaded is not quite to their liking. While each individual case cannot be predicted, over time the performance of left parties should appear different from the performance of right parties. Therefore, the interaction between party ideology and the domestic politics compliance type should be significant, while the effect in the rest of the countries should be zero. No direction of the influence is hypothesized but only that there should be some effect.

Table 4 (Model 1) presents the results from the negative binomial regression used to estimate the model. Using the world of domestic politics category as a baseline, the model reports a significant effect reducing the rate of non-transposition for membership in the world of law observance. Being part of the world of neglect increases the non-transposition rate, as we also noticed from the descriptive statistics, but the difference is not significant under the specific assumptions about the underlying distribution made by the model. Party ideology does not have a significant effect in general, but the interaction between membership in the world of domestic politics and party ideology is also not significant. Hence, no evidence can be found of a specific influence of the ideology of the major party in office on non-transposition. While the lack of evidence was expected in the general case, it goes contrary to hypothesis 6. As operationalized in this analysis, domestic politics does not have an effect on transposition in the world of domestic politics.

The number of veto players also has no impact on transposition performance either in the world of domestic politics, or in the remaining two groups.¹³ Model 2 summarizes the result of the analysis, estimating the influence of the number of

Table 4 Negative binomial regression of non-transposition rates

Variable	Model 1				Model 2			
	Value	Standard error	z-value	Significance	Value	Standard error	z-value	Significance
(Intercept)	0.06	0.06	34.81	***	1.90	0.09	22.32	***
World of law observance	-0.34	0.12	-2.88	**	-0.15	0.14	-1.07	
World of neglect	0.19	0.10	1.83		0.37	0.12	2.87	**
Left party	0.12	0.10	1.18		-	-	-	-
Interaction left party and world of domestic politics	-0.14	0.13	-1.09		-	-	-	-
Veto players	-	-	-	-	0.02	0.04	0.50	
Interaction veto players and world of domestic politics	-	-	-	-	0.03	0.04	0.67	

Significant codes: 0 '***' 0.001 '**' 0.01 '*' 0.05. Unstandardized coefficients.

veto players. The effect of the variable, as well as the effect of the interaction with the domestic politics world, are practically indistinguishable from zero. We should be extremely careful, however, when interpreting this result as the veto players score is very stable in time and has only limited variation across countries.¹⁴ Still, on the basis of the available data, we can refute hypothesis 7.

Of course, the impact of parties in office and the influence of veto players are only some of the aspects of the potential influence of national political and institutional variables. Moreover, parties often rule in coalitions throughout the period and countries studied, so taking account only of the major party misses the impact of smaller partners. The influences of government type, regional decentralization, interest groups, executive strength, etc., are not taken into account. Nevertheless, focusing on the potential impact of governing parties' ideology, measured tentatively by the party family, is a first step towards a test of the impact of domestic politics on compliance rates.

CONCLUSION

This paper analysed the typology of compliance worlds developed by Falkner *et al.* (2005) in order to account for compliance patterns in the member states of the EU. The typology promises to shed light where numerous theories have failed: explaining compliance performance in Europe. I find only weak evidence of its analytical power after looking into the mechanisms that move the three compliance worlds apart, and into its empirical implications.

This paper argues that a few basic propositions capture the spirit and logic of the typology: countries where social trust, law-abidingness and rule-following are considered important should be more likely to be part of the world of law observance; delayed and non-transposition should occur more often in the world of domestic politics and even more so in the world of neglect; and the performance of the domestic politics world should be more varied and linked to the party ideology of the parties in power and the number of veto players.

Social trust in the general population is found to be closely related to membership of the three different worlds. On the other hand, trust in the EU institutions, attitudes towards law-abidingness, rule-following and unconditional law observance are not aligned with the three clusters. These results point out that additional work has to be done in order to specify the causal mechanism distinguishing between the types. Apparently, it is not the case that the more people consider formal rules important and trust the rule-producing authority, the more compliance with EU directives will be shown at the national level. Several interpretations are possible: civil servants and politicians might hold different values from the general population; European rules might have a special status inducing more compliance; different organizational arrangements can translate general attitudes and preferences in different ways in the 15 member states. All these potential responses, however, direct attention towards *institutional* variables, and water down the impact of *culture*, as manifested in what people value and consider appropriate. It is a question for future research to investigate the

hypothesis, suggested by the current study, that compliance culture in respect to EU rules might need a complex institutional network in order to be sustained and might have only a remote connection with citizens' values. But the question remains as to whether this still counts as an explanation in terms of *culture*.

While this first set of findings indicates that more work has to be done specifying the analytical structure of the typology, the next set of results questions its explanatory potential. The performance of the domestic politics world is no more varied than the compliance rates of the others, and party ideology and the number of veto players do not matter in all the three worlds. These conclusions are reached after analysing a dataset spanning eight years and all significant sectors of EU legislative activity. The more reliable measures of Falkner *et al.* (2005), restricted to a sample of six social policy directives, were also analysed but, similarly, they did not yield univocal support for the typology's predictions. In conclusion, it seems that the worlds of compliance are an interesting way of looking at compliance in Europe, but they do not capture all the complexity of transposition patterns in the EU.

Biographical note: Dimiter D. Toshkov is a Ph.D. student in the Department of Public Administration at Leiden University, the Netherlands.

Address for correspondence: Dimiter D. Toshkov, Leiden University, Department of Public Administration, Wassenaarseweg 52, PO Box 9555, 2300 RB Leiden, the Netherlands. email: dtoshkov@fsw.leidenuniv.nl

ACKNOWLEDGEMENTS

I would like to thank Frank Häge, Gerda Falkner, and two anonymous referees for useful comments and suggestions.

NOTES

- 1 The typology refers to process patterns, not outcomes. However, typical procedural patterns are more likely to produce certain *distributions* of outcomes rather than others.
- 2 I am grateful to an anonymous reviewer for drawing attention to the importance of EU pressure as a source of variability.
- 3 A description of the project, as well as the data, are available from <<http://www.europeansocialsurvey.org>>, consulted April 2006. Data from two rounds of the survey are available. The first round was conducted in 2002/03 and the second one in 2004/05. The data are distributed by the Norwegian Social Science Data Services.
- 4 The scatter plots are not used with the intention of suggesting any causal relation between the pairs of variables represented.
- 5 According to data from the *European Social Survey*, Round 2 (2004).
- 6 The scale of the original data has been inverted so that higher values indicate more agreement with the statement.
- 7 It should be highlighted that the estimates of peoples' attitudes towards rule-following have to be replicated by future research in order to put the conclusions on firmer

ground. It might be the case that these attitudes are highly volatile. The exact wording of the questions on law-abidingness might also strongly influence the results. For example, in the paper by Gibson and Caldeira (1996) Greece seems to be less 'rule-following' than the Netherlands (the empirical work for this study was conducted in 1992–93).

- 8 A comparison of the non-transposition *rates* can also be inferred from the heights of the survival curves at time 0 (Figure 4). From the figure it is clear that the world of law observance has the lowest value with a little over 39 per cent of directives transposed on time. On the other hand, the values for the world of neglect and the world of domestic politics are 13 per cent and 20 per cent. The associated F statistic for between-group difference of means is 2.769 which is not significant at the 0.05 level (two-sided test). I am thankful to an anonymous reviewer for suggesting that I include this comparison.
- 9 The G-rho family of tests was used for the procedure (Harrington and Fleming 1982).
- 10 The CELEX database, incorporated in 2005 by EUR-Lex, does provide information on the national implementing measures for transposition of EU directives but suffers from several flaws. It does not feature the dates of adoption of transposition acts in all cases, and at least until recently only a few countries have consistently reported their implementing measures. A team of scholars have recently assembled a transposition dataset that overcomes most of these problems (see Berglund *et al.* 2006; Haverland and Romeijn 2007; Kaeding 2006; Steunenberg and Rhinard 2006, and the website <<http://www.transposition.leidenuniv.nl/>> for more information on this programme). Unfortunately for the purposes of this study, this dataset does not include a sufficient number of member states from each 'compliance world'.
- 11 The reports are available from the website of the Secretariat General of the European Commission: <http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm> (consulted April 2006).
- 12 As long as there are no member state specific biases, the overall quality of the data is also not a problem in itself, as the data are used not to substantiate descriptive inferences but to compare the national patterns.
- 13 The veto players' scores are calculated on the basis of the original scores made available by Tsebelis, updated for the period until 2005. The original data is available from <<http://www.polisci.ucla.edu/tsebelis/vpdata.html>> (last consulted October 2006).
- 14 Steunenberg and Rhinard (2006) have also criticized the use of the original score in explaining transposition and have devised a novel veto players' index that takes into account the sectoral specificity of transposition routines, as well as the fact that a large number of EU directives are actually transposed through secondary legislation. As a result, the veto players' score of Steunenberg and Rhinard (2006) is specific for each directive and demands directive-level data.

REFERENCES

- Berglund, S., Gange, I. and Waarden, F.V. (2006) 'Mass production of law. Routinization in transposition of European directives: a sociological-institutionalist account', *Journal of European Public Policy* 13(5): 692–716.
- Blankenburg, E. and Bruinsma, F. (1994) *Dutch Legal Culture*, Deventor: Kluwer.
- Börzel, T.A. (2001) 'Non-compliance in the European Union: pathology or statistical artefact?', *Journal of European Public Policy* 8(5): 803–24.
- Duina, F. (1997) 'Explaining legal implementation in the European Union', *International Journal of the Sociology of Law* 25(1): 155–79.

- Falkner, G., Treib, O., Hartlapp, M. and Leiber, S. (2005) *Complying with Europe? The Impact of EU Minimum Harmonisation and Soft Law in the Member States*, Cambridge: Cambridge University Press.
- Gibson, J. and Caldeira, G. (1996) 'The legal cultures of Europe', *Law and Society Review* 30(1): 55–85.
- Harrington, D.P. and Fleming, T.R. (1982) 'A class of rank test procedures for censored survival data', *Biometrika* 69(2): 553–66.
- Haverland, M. and Romeijn, M. (2007) 'Do member states make European policies work? Analysing the EU transposition deficit', *Public Administration* (forthcoming).
- Jowell, R. and the Central Co-ordination Team (2003) *European Social Survey 2002/2003: Technical Report*, London: Centre for Comparative Social Surveys, City University.
- Kaeding, M. (2006) 'Determinants of transposition delay in the European Union', *Journal of Public Policy* 26(3): 229–53.
- Nelken, D. (2004) 'Using the concept of legal culture', *Australian Journal of Legal Philosophy* 29(1): 1–25.
- Sanchez-Cuena, I. (2000) 'The political basis of support for European integration', *European Union Politics* 1(2): 147–71.
- Steunenberg, B. and Rhinard, M. (2006) 'Hare or turtle? Member states catching up with the transposition of EU directives'. Unpublished paper, Leiden University, Department of Public Administration.
- Sverdrup, U. (2002) 'Compliance and conflict resolution in the European Union', ARENA seminar, Oslo, 17 September 2002.
- Tsebelis, G. (2002) *Veto Players: How Political Institutions Work*, Princeton, NJ: Princeton University Press.

Final version accepted for publication 20/03/07

IN SEARCH OF THE WORLDS OF COMPLIANCE: A BRIEF REPLY¹

Gerda Falkner, Miriam Hartlapp, Simone Leiber and Oliver Treib

Toshkov's analysis is a welcome contribution to EU compliance studies. Although the data he uses often do not seem to fit with his interpretation of the 'worlds of compliance' typology, he also finds some support for our work, and *Complying with Europe* is said to make 'significant advances' (p. 933) with regard to what Toshkov sees as the two major issues: analysing how much non-compliance there is, and explaining performance diversity.

1. DATA SUPPORT WORLD OF LAW OBSERVANCE

Contrary to Toshkov's interpretation, his section on 'tracking the culture of good compliance' (p. 938 ff.) supports a substantial part of our typology. In our work, compliance culture is a decisive feature in distinguishing the

world of law observance: the relative weight of culture versus other explanatory factors in the implementation process is greater. Therefore, indicators for the rule of law should primarily single out Denmark, Finland and Sweden *vis-à-vis* the other countries, but we never expected steadily declining degrees of overall law observance when we move from the world of law observance to the worlds of neglect and domestic politics.

Indeed, Toshkov's empirical data on 'general trust' as well as on 'trust in the legal system' confirm that 'social and institutional trust exhibit some potential to pick the special position of the world of law observance' (p. 941).

2. INDICATORS FOR 'COMPLIANCE CULTURE'

A culture of good compliance with rules can exist on at least three different levels: public opinion on the micro level of citizens; political élites at large; and the experts concerned with implementing EU law. Having derived the information about this culture from expert interviews, we know that this culture is present at least on the third level, which, however, does not imply that it necessarily extends beyond this. Although Toshkov finds support for our typology in his indicator on 'social trust', one should hence be cautious about using mass survey data. We would assume instead that there is a higher probability for cultural features that discriminate between the three worlds at the specific level of relevant experts, as our interviews suggested, or of political élites at large.

Further problems include the fact that expecting law abidance by one's government does not mean that individuals will themselves want to obey the rules (contrary to Toshkov's operationalization). Additionally, survey answers often relate to what people would like to see, not to what they actually witness. It seems plausible to us that people in a system where rules are frequently disregarded will demand that laws should be obeyed all the time to an over-proportionate extent (such as in Italy and Greece, p. 941). This highlights that the opinion poll data discussed by Toshkov are problematic, although his contribution could in principle be a fruitful starting point for indispensable further investigation of compliance cultures.

Finally, Toshkov's data on trust in the institutions producing the rules at the EU level are inappropriate for testing our typology. Toshkov himself acknowledges that 'the lack of correlation between trust in the European institutions . . . and the performance of the country in compliance with EU policies is well known' (p. 941).

3. TRANSPOSITION DELAY AS A MEASURE

In our data on transposition delays Toshkov finds that the three worlds do differ, 'but only marginally' (p. 944). For us, the first part of this statement provides at least some support for the existence of different country clusters, but what is more important than the delay is that his survival analysis also reveals different

procedural patterns. 'It is interesting to note that, after this initial period, both the world of neglect and the world of law observance reach a plateau, while in the world of domestic politics the fraction of non-transposed directives continues to decline' (p. 945).

This fits our expectations. In the world of domestic politics, changes in government and infringement proceedings as a reaction to complaints by interest groups are among the main reasons for compliance with long overdue transposition obligation. Both factors become more probable as time goes by. In the world of neglect, Commission intervention is often necessary to trigger transposition. Given a separation of the political and the administrative spheres, bureaucratic inertia should remain largely untouched by a change in government. There is an absence of resourceful interest groups that could file complaints to trigger supranational enforcement. Therefore, the relatively high plateau of non-transposed legal acts accurately reflects the procedural pattern identified in our work. In the world of law observance, finally, we have argued that cases of non-compliance are significantly less frequent than in the other two worlds. That we found a certain plateau of long-standing transposition problems is discussed in our book (pp. 331 ff.): our sample directives involved exceptional problems for these countries, and Toshkov himself acknowledges this (p. 945).

With regard to overall delays in our sample, however, we should again stress that our typology is not about outcomes but about procedural patterns. We have never claimed that the overall performance was the crucial feature differentiating the worlds, and definitely not with regard to the sample of directives studied.

4. VARIABILITY AS AN INDICATOR

Toshkov critically remarks that the 'proposition about the variability . . . is not supported by the data' (p. 948). This follows the argument that, at least across a large number of cases, countries in the world of domestic politics should show the largest variability in transposition outcomes. Unluckily, Toshkov is less than clear about how he comes to his results and what his levels of aggregation in the calculation of 'variability' are. Does he measure variability between different countries within each group, or between levels of transposition performance for each country at different points in time, or both?

In our view, between-country variability within groups is not so much the problem, as we argue that, despite belonging to the same world, different countries may have more or less favourable institutional conditions that let them perform relatively better or worse within their group. Variability in each country, measured in terms of transposition performance in individual cases, would be decisive. However, we suspect that much of Toshkov's measurement is at the level of between-country variability. In addition, Toshkov does not have data on individual cases. The annual transposition rates he uses are highly aggregated and might thus look more (or less) homogeneous. In our

90 qualitative case studies we actually found more procedural variability within the countries in the world of domestic politics.

5. THE INFLUENCE OF DOMESTIC POLITICS

If Toshkov finds no evidence that ‘domestic politics influences compliance in a different way and on a different scale . . . in the three country types’ (p. 934), this is most probably also due to the type of data and the level of aggregation (across directives and sectors) he uses.

Additionally, Toshkov only differentiates between governments led by social democratic parties and governments led by other parties. This disregards coalition dynamics, and bargaining between governments and opposition parties whose agreement may be required to enact transposition legislation (minority governments; strong second chambers with different political majorities). Moreover, we are not sure how Toshkov dealt with the problem of changing governments, for he is silent on this issue.

As for veto players, Toshkov’s expectation that they affect transposition outcomes in the world of domestic politics, but not in the world of law observance and neglect, is in line with our arguments (Falkner *et al.* 2007a). Why, then, does Toshkov not find an effect of the number of veto players? One hurdle (for others, see Falkner *et al.* 2007b) is his disregard of their preferences in explaining the outcomes. Toshkov thus should have tested at least whether there is an interaction effect between the party political composition of governments and the number of veto players. Even better would have been information about the preferences of individual veto players on the transposition of the specific directives.

That such information is usually not available in quantitative studies is one more indication of the limited use of statistical approaches to implementation of EU legislation (see in more detail Falkner 2007).

6. THE KIND OF DATA NEEDED

To test the explanatory potential of our typology, Toshkov uses transposition data published by the European Commission based on information supplied by the governments.

The quality of the available quantitative data can be questioned on several points, e.g., systematic country biases. It seems plausible that countries in the world of law observance may be more self-critical than others. And at least some countries in the world of domestic politics seem prone to ‘tick-the-boxes implementation’ (Richardson 1996:282). These effects, and others (Falkner *et al.* 2007b), could explain why disparities in transposition notification statistics are not as differential as the unequal process patterns in the different worlds of compliance would suggest.

We are thus not concerned if this type of statistical analysis finds no sweeping support for our arguments. Many research questions simply cannot be answered adequately with the statistics that are easily available.

Biographical notes: Gerda Falkner is Head of the Department of Political Science at the Institute for Advanced Studies, Vienna, and Associate Professor of Political Science at the University of Vienna, Austria. Miriam Hartlapp is a Researcher at the Social Science Research Centre, Berlin, Germany. Simone Leiber is Senior Researcher in Social Policy at the Institute of Economic and Social Research in the Hans Böckler Foundation, Düsseldorf, Germany. Oliver Treib is Assistant Professor in the Department of Political Science at the Institute for Advanced Studies, Vienna, Austria.

Address for correspondence: Gerda Falkner. email: falkner@ihs.ac.at

NOTE

1 For an expanded version of this reply, see Falkner *et al.* (2007b).

REFERENCES

- Falkner, G. (2007) 'Time to discuss: Data to crunch, or problems to solve?', *West European Politics* (forthcoming).
- Falkner, G., Hartlapp, M. and Treib, O. (2007a) 'Worlds of compliance: why leading approaches to the implementation of EU legislation are only "sometimes-true theories"', *European Journal of Political Research* 64: 395–416.
- Falkner, G., Treib, O., Hartlapp, M. and Leiber, S. (2007b) 'In search of the worlds of compliance: promises and pitfalls of quantitative testing'. Political Science Series Working Paper, Institute for Advanced Studies, Vienna (www.ihs.ac.at), (http://www.ihs.ac.at/publications/pol/pw_113.pdf).
- Richardson, J.J. (1996) 'Eroding EU policies: implementation gaps, cheating and re-steering', in J.J. Richardson (ed.) *European Union: Power and Policy-making*, London: Routledge, pp. 278–94.

IN SEARCH OF THE WORLDS OF COMPLIANCE? A RESPONSE

Dimiter Toshkov

The reply of Gerda Falkner, Miriam Hartlapp, Simone Leiber, and Oliver Treib to my analysis of the 'worlds of compliance' is a welcome reaction that, I hope, can spark further discussion on the analytical leverage of the typology. In this necessarily brief response I want to take up only two points of more general concern.

First, the potential deficiencies of survey and other large-N data cannot be an excuse to avoid the application of quantitative analyses. Often what is lost in terms of reliability is compensated by the generalizability and replicability gained. At the very least, such an exercise forces one to specify very clearly what should and what should not be expected according to a theory in terms of falsifiable hypotheses.

The empirical results of the paper also lead us to reconsider and clarify the theory in important ways. For example, observing that broad popular attitudes are not directly linked with the compliance types forces a shift of focus to the compliance culture of the relevant experts. But this qualification of the theory becomes necessary only *after* the empirical analysis has indicated possible discrepancies. In a similar way, we might think of various explanations as to why, unexpectedly, the variance of country-level yearly transposition performance within the world of domestic politics turns out to be smaller than in the world of neglect only *after* we have established this empirical fact. The overall conclusions of my paper leave open the question of whether the 'worlds of compliance' theory can withstand the weight of such adjustments and qualifications.