

# Compliance with EU norms. Not a “one-size-fits-all” problem

Marco Giuliani

Most compliance studies share the epistemological assumption of the existence of a one-best-way assuring good transposition and implementation of EU norms, and, symmetrically, a set of variables that homogeneously produce problems and failures. Alternatively, in the article we will elaborate on the idea of different paths to (non-)compliance, adopting a qualitative comparative perspective. We will test this intuition using data on compliance levels in the fifteen EU member states. Our methodological exercise shows the existence of two sets of remote conditions – resembling the distinction between Westminster and Consensus democracies – that enhance non-compliance. Within those institutional set-ups, different combinations of proximate conditions trigger that outcome. Some factors even play the opposite role in the two contexts, thus suggesting to reconsider the mentioned one-size-fits-all assumption.

*Keywords:* EU Compliance; Transposition; Qualitative comparative analysis; Conjunctural causality.

## 1. Introduction

Compliance studies have been for years one of the most active field of research and publishing within the broader area of EU studies. Nowadays, the topic seems to attract relatively less attention than in the recent past<sup>1</sup>. There could be many reasons for this pattern. Field of study simply experience highs and lows. As with many other issues, cycles are dictated by exogenous and endogenous forces. Ontological or constitutive questions are now more on the hit of the scholarly debate, pushed by the wave of the democratic deficit debate, and fostered by the economic and Euro crisis. At the same time, the issue is now probably less problematic and politically sensitive than in the past. According to standard transposition measures on EU Commission reports, both the average level of

<sup>1</sup> According to a query performed in Web of Science among political science articles, four out of the five most productive years in the field were from 2007 to 2010. Actually, at the same time, the research production shifted from general cross-country analyses, to more in depth sector studies.

non-compliance, and its cross-country variation have been reduced in the last decade or so. Many programs carried out by EU institutions helped in this direction, improving the dialogue with the member states, sanctioning more effectively non-compliance and, generally speaking, incrementing the problem-solving mechanisms in the implementation and enforcement of EU policies.

However, without denying the priority of these factors, even some elements within this research field may have played a role. The original ambitions were extremely high. Among them, the purpose of integrating heterogeneous strands of literature, such as implementation studies and international relations, the burgeoning field of Europeanization and management research. Keeping up to those aspirations was certainly not an easy task. Yet, even more pragmatic and ordinary issues cannot be discarded. Many of the findings proved not to be robust enough. Different specifications, operationalizations, measurements, and methodologies produced different, sometimes even contrasting, results. A certain degree of uncertainty is a common feature in the social sciences, helping in the continuous effort of better specifying our research hypotheses, and improving our empirical comprehension of the investigated dynamics. However, not all disagreements have those beneficial effects, especially if they turn into a sort of competition among “schools of thought”. Veto players versus misfit, country-specific elements versus policy-specific obstacles, institutional versus cultural factors: these divides haven’t always produced the cumulating of knowledge that we expect from a collective scientific effort.

We don’t think that one of these approaches is intrinsically superior to the others, even because most of them convincingly present and accurately defend their findings. We would rather take a different perspective, trying to make sense of the sensitivity of those results to different research specifications. We will adopt fuzzy set qualitative comparative analysis (QCA) arguing that the lack of robustness could hide different, equifinal paths towards (non-)compliance<sup>2</sup>.

The structure of the article is the following. In the next section, we

<sup>2</sup> It should be noted that even the meta-analysis performed by Exadaktilos and Radaelli (2012) on the type of causality used in the best studies in the wider field of Europeanization did not come across articles based on the QCA approach. Kaeding (2008) was probably the first one that explored this research avenue, though he only checked for single necessary conditions, without looking for conjunctural effects, which is the most specific character of the approach. The recent works on clustered Europeanization (Cacciatore et al 2015), on the “customization” of transposition (Thomann 2015), and on the compliance record of the newest member states (Sedelmeier 2016) are, to our knowledge, the first complete exceptions to that rule.

summarize the main positions in the scholarly literature around EU compliance. Thereafter, we exemplify an alternative approach applying QCA to the data collected by König and Luetgert (2009). We check if the number and the heterogeneity of veto-players can represent a necessary or sufficient condition for compliance and non-compliance. In section 4, we further develop our exercise by proposing a two-step Qualitative comparative analysis applied to the former EU-15 member states. More specifically, we will complement the aforementioned dataset with further data regarding the domestic phases of EU policy-making in order to glean the alternative explanatory paths towards non-compliance. In the final section we discuss the empirical findings of our exercise, and conclude by returning to some methodological reflection.

## 2. The rise of compliance studies

New issues often emerge within a scientific community as the answer to a set of common perceptions and needs. Together with the post-ontological turn in EU studies, the issue of compliance with EU norms rapidly gained increased attention among political scientists. There were several reasons for such a convergence of interests. First of all, it took stock from the saturation of ontological questions on the “nature of the beast”: compliance issues represent a typical pragmatic topic strictly connected with the “EU-in-action”. Secondly, it was the empirical quantitative side of the more theoretically oriented debate around Europeanization. Furthermore, EU compliance was exactly located at the centre of three different approaches: Europeanization (especially in its first generation top-down version), Implementation studies (with all its connection with the new governance paradigm), and International Relations (from two-level games to the typical concern for (lack of) enforcement of international agreements). Compliance problems were easy to understand for both comparatists and IR researchers, EU specialists and “domestic” political scientists, theoretically oriented scholars and applied ones. Finally, they had the clear advantage of being, at first sight, easy to operationalise, with data regularly provided by EU institutions, as well as well-compiled pre-existing datasets.

These elements quickly contributed to the attractiveness and success of compliance studies. However, what appeared as a standardized field of inquiry, the ideal opportunity for cumulating knowledge and findings, soon demonstrated some limits. To begin with, different works adopted diverse units of analysis and research strategies. The matter was less

about some contrast in theoretical lenses, than about the research focus: some scholars concentrated on variations across countries, and others on differences across European legal instruments. Studies that assumed the political system as their unit of analysis, made their explanations revolve around the domestic institutional set-up (e.g. partisan and institutional veto-players), whereas factors connected to the original policy (e.g. goodness of fit, type of measure, deadline, backlog, etc.) accounted for compliance variation when single directives were observed.

The operationalisation of the dependent variable laid questions that scholars answered differently (Hartlapp and Falkner 2009). Some authors considered compliance as a dichotomy, whereas others a continuous property. How, and where we should measure it was the immediately following issue. Deadlines of directives seemed perfect to discriminate between compliant and defiant behaviours, but the same could be said of infringement proceedings at each level. Formally, only a ruling of the European Court of Justice can ascertain non-compliance but, as political scientists, we are more interested in discovering political and administrative misalignments between EU and member states than to attest a juridical offence. Thus, a more fine-grained measure of non-compliance used in the literature has been the length of the transposition process (eg. Borghetto et al 2006; Kaeding 2007; Steunenberg and Rhinard 2010). However, when does the “failure” event occur (i.e. transposition)? Several partial measures are often adopted in order to comply with a single directive, and it’s not easy to declare the process completed. In addition, similar delays in different sectors have not the same costs, and they cannot be equally considered. The different operationalization and measurement choices limited the capacity to cumulate the empirical evidences in the field.

As for methods and techniques, the existence of institutional databases seemed to pave the way for an easy translation into datasets for quantitative analysis. Unfortunately, data were not always reliable and complete, and the many European and domestic sources proved sometimes inconsistent, so that some scholars preferred to identify relevant case studies, and perform qualitative process-tracing. Some of these (mostly) qualitative studies were quite elaborate (e.g. Falkner et al. 2005, 2007), following a hypothesis-testing rationale to get to wide categories with ambitions of external validity. Even econometric analyses built on a unique policy sector have the same ambition. Yet, both approaches cannot be easily generalized to other sectors. To get the best of the two worlds, or to bridge the divide between “variable-oriented” and “case-oriented” approaches (Ragin 2008), some scholars suggested to adopt triangulation and explicit mixed method research design (Mastenbroek

2007; Luetgert and Dannwolf 2009). However, the demanding work has not found many followers yet.

All these methodological dissimilarities did not help in consolidating this field of inquiry, whose results were often not robust enough<sup>3</sup>. However, there could be something more than a methodological issue of robustness. Part of the sensitivity of the results could be the side-effect of some deeper epistemological reason. Small N and large N studies both look for variables that increase the probability of compliance. They further share the implicit assumption that the researched effects can be exported and generalized to different contexts or time-periods. However, if there were different paths to compliance, assured by different combinations of conditions, the search for a common average effect would probably produce results that are extremely sensitive to different specifications. This is what we exemplify in the next section, using countries as unit of analysis<sup>4</sup>.

### 3. Veto players and compliance: from variable to condition

“Veto players” is a typical institutional variable included in many research designs aimed at testing the varied compliance capabilities of the EU member states. As with every domestic policy decision, the argument goes, the transposition of EU directives is constrained by the preferences of the partisan and institutional actors that condition the law-making process. Similar to endogenous policy innovation, even the capacity to modify the internal status quo following external constraints is an inverse function of the number and variety of veto players. In the field of com-

<sup>3</sup> For a meta-analysis of the robustness of the hypotheses tested in compliance studies, see Angelova, Dannwolf and König (2012), and for a detailed reconstruction of the field along its major divides see Treib (2014). It is worthwhile consulting even the two database managed by Toshkov (2014) and by Toshkov, Knoll and Wewerka (2014). Given the difficulties in overcoming such differences, some authors argued that new findings and research strategies in the field of compliance studies seem to be attracted by a sort of “black hole” (Weiler 1991: 2465; Mastenbroek 2005).

<sup>4</sup> As reported in the concluding section, QCA and two-step analysis don’t need to be confined to country comparison, which obviously investigate only specific sources of non-compliance, and are not a panacea for some of the limits illustrated in the first part of the article. It is probably true that a lot of within-country variation still remains unexplained by taking a cross-country approach. However, unless one argues that there are no regular differences at that level, which is patently not the case, looking at country compliance performances remain an interesting perspective, perfectly fit to illustrate our point.

pliance studies, “significant effects of the number of veto players were found by [several scholars. However,] case study based accounts found no delaying effects of veto players, a finding which was also corroborated by some quantitative studies” (Treib 2014: 25-26).

A part from the differences in research design, scholars probably arrived at different conclusions even because they were looking for a systematic average effect, all other things being equal. However, it is always very difficult to level the field by controlling for other circumstances. For example, if directives are transposed using the ordinary legislative process, as in Italy, traditional partisan and institutional veto players may be a relevant delaying factor. However, if the executive can immediately approve them using secondary legislation, as in France, the role of that variable is completely different. In that case, other factors, such as ministerial drift, or the formal position of a ministry responsible for EU affairs, may turn out to be more relevant than veto players<sup>5</sup>. What is the substantive meaning of equalizing the institutional setup of very different countries, and looking for the common relevance of certain variables? As Oliver Treib (2014: 26) puts it “some of these findings are open to criticism since they establish statistical effects for factors that may not be causally relevant for the cases analyzed”. In other words, some explanation may be true (read “significant”) on average, but false (read “contradicted”) for some of the cases, and even the other way round, not systematic on average but tangible in some of the cases.

The issue may be investigated in terms of sufficient and necessary conditions using fuzzy sets and Boolean algebra. For this exercise, we use the data collected by König and Luetgert (2009), covering compliance records of the “historic” fifteen member states from 1986 to 2002, for two main reasons: the sample is sufficiently large to provide room for country comparison, and, at the same time, enough stationary to avoid averaging exceedingly diverse performances<sup>6</sup>. We simplify the authors’ original fine-grained classification in order to have a straight dichotomy between on-time and anticipated transpositions on the one side, and delayed and other forms of non-compliance on the other (table 1).

<sup>5</sup> On the “mixed” results that this state of affairs can produce, see even Finke and Dannwolf (2015). On the different underlying explanatory mechanism, see Dörrnbächer et al (2015).

<sup>6</sup> QCA is best suited for interpreting deterministically well-defined periods, while it is inadequate for analyzing longitudinal cross-section variations.

TAB. 1. *Transposition outcomes 1986-2002 (N and percentage).*

	On time or anticipated		Delayed or not transposed		Total N
	N	%	N	%	
AUT	244	44,1	309	55,9	553
BEL	543	41,3	771	58,7	1314
DK	748	58,5	530	41,5	1278
FIN	387	67,3	188	32,7	575
FRA	620	46,6	710	53,4	1330
GER	573	45,8	679	54,2	1252
GRE	445	34,6	841	65,4	1286
IRL	531	43,2	699	56,8	1230
ITA	498	38,0	814	62,0	1312
LUX	531	39,2	822	60,8	1353
NL	655	51,6	615	48,4	1270
POR	381	28,8	940	71,2	1321
SPA	676	52,7	607	47,3	1283
SWE	389	71,2	157	28,8	546
UK	525	43,4	684	56,6	1209

*Source:* Recodified from König and Luetgert (2009)

As for veto players, we operationalized them according to Tsebelis (2002) both counting them and measuring the range between the extreme government parties on the left-right scale. The condition of having many veto players has been labelled “blocked”, whereas that of having a great distance among them has been termed “heterogeneous”. We then computed the fuzzy scores for each country using the so-called direct method (Ragin 2008), applied both to the outcomes – compliant and non-compliant – and to the two conditions (table 2).

TAB. 2. *Fuzzy-set membership in outcomes and in two conditions*

	compliant	~compliant	blocked	heterogeneous
AUT	0,24	0,76	0,26	0,03
BEL	0,14	0,86	0,99	0,84
DK	0,89	0,11	0,67	0,63
FIN	0,98	0,02	1,00	1,00
FRA	0,36	0,64	0,64	0,22
GER	0,31	0,69	0,72	0,08
GRE	0,03	0,97	0,02	0,00
IRL	0,2,	0,8	0,27	0,09
ITA	0,07	0,93	1,00	0,99
LUX	0,09	0,91	0,26	0,28
NL	0,63	0,37	0,63	0,19
POR	0,01	0,99	0,11	0,00
SPA	0,69	0,31	0,01	0,00
SWE	0,99	0,01	0,01	0,02
UK	0,21	0,79	0,01	0,00

According to the theory, we should expect non-compliance as a result of blocked political systems, as well as of heterogeneous ones. Although the second measure is usually the one that counts, we have preferred to keep the two conditions separate in order to verify their singular and combined sufficiency. Moreover, we don't expect that, symmetrically, the absence of veto players is, in itself, sufficient for transposing effectively EU directives. This may appear as common sense. Yet, asymmetric causation is not part of the usual understanding of compliance and non-compliance, whereas it is specific to the QCA approach. Table 3 reports the truth table associated with these two conditions, together with the list of countries closer to the four types. The same table includes the level of consistency of the solution for the two outcomes – positive and negative.



TAB. 3 *Truth table for vps conditions and consistency of sufficiency for two outcomes*

block- ed	hetero- geneous	N of cases with > 0.5 in the ideal type	Cases with Member- ship > 0.5	Consistency of sufficient solution	
				compliant	~compliant
0	0	8	AUT, GRE, IRL, LUX, POR, SPA, SWE, UK	0.454	0.751
1	0	3	FRA, GER, NL	0.693	0.842
0	1	-	-	-	-
1	1	4	BEL, DK, FIN, ITA	0.583	0.641

The first thing worth noticing is that the combination “not-blocked” with “heterogeneous” is a logical remainder within our scope conditions. It is not surprising, but it should not be taken for granted since non-blocked political systems include several coalition governments. Secondly, the level of consistency for compliance, returning “the degree to which the empirical information deviates from a perfect subset relation” (Schneider and Wagemann 2012: 129), hints at the fact that none of the remaining three solutions is sufficient for the outcome, containing very differently performing countries<sup>7</sup>. In fact, among countries without severe problems of veto-players, Austria, Greece, Ireland, Luxembourg, Portugal and the United Kingdom belong more to the set of non-compliant cases, than to the one of compliant ones, to which Spain and Sweden belong instead. Even among blocked but non-heterogeneous systems, France and Germany on the one side, and Netherlands on the other, exhibit opposite outcomes. And the same applies to Belgium and Italy for the non-compliant, and to Denmark and Finland for the compliant countries, within the pattern characterized by many and heterogeneous veto players.

To put it simply, each combination clearly produces contradictions. Even if we consider non-compliance as the outcome to be investigated the results are similar. With just one difference. Here the level of con-

<sup>7</sup> The rule of thumb for the level of sufficiency worth exploring is at least 0.8 (Schneider and Wagemann 2010, 2012), whereas in table 2 does not even reach the value of 0.7.

sistency for the intersection of blocked and non-heterogeneous (0.842) is worth further consideration. The three cases better covered by this combination are, as we said, France, Germany and Netherlands. Unfortunately, each of them belongs more to the solution than to the outcome set, and the last country is even a true logical contradiction<sup>8</sup>. Thus, in spite of the consistency level, our scrutiny confirms that the absence/presence of veto players is not sufficient neither for compliance, and nor for non-compliance<sup>9</sup>.

TAB. 4. *Consistency and coverage of the necessity of veto players conditions*

Conditions	compliant		~compliant	
	Consistency	Coverage	Consistency	Coverage
blocked	0.642	0.568	0.499	0.692
~blocked	0.652	0.454	0.689	0.751
heterogeneous	0.435	0.581	0.306	0.641
~ heterogeneous	0.731	0.402	0.800	0.690

It could be the case that the absence/presence of veto players is necessary, though not sufficient, at least for one of the two outcomes. This would explain why we find for each combination diverse results. However, it would even signify that we should observe for each outcome the presence of specific patterns of conditions. Unfortunately, this is not the case with our data. The consistencies for necessary conditions reported in table 4 are far from the advisable 0.9 threshold usually suggested, confirming that veto players are neither sufficient nor necessary for both potential outcomes. This doesn't rule out the possibility of being part of more complex INUS conditions. But this is exactly the point we are making. Veto players, as other conditions, may be relevant under certain circumstances and for certain countries. The alternative search for more complex conjunctural solutions will be exemplified in the next section.

<sup>8</sup> The values can be easily derived from table 2 but, for the readers' convenience, are further reported in the online supplementary material in the author's website. True logical contradictions for sufficiency are cases that display set membership scores in condition and outcome that are on different sides of the 0.5 qualitative anchor.

<sup>9</sup> There is no automatic translation from the language of statistical analysis to that of Boolean algebra, because of their different epistemologies (Goertz and Mahoney 2006, 2013). Yet, the lack of necessity and sufficiency, can make sense of the unstable marginal effects.

#### 4. Exploring a different approach

Under Qualitative Comparative Analysis, the occurrence of (non)-compliance is believed to depend on the special combinations of sufficient and necessary conditions, rather than on the cumulative net effect of independent determinants. Moreover, QCA expects that different sub-populations can get to equally good results after different combinations of presence and absence of these attributes (something that returns odd results in mainstream models). The expectation follows a context-sensitive causal rationale (Thomann 2015). To it, an outcome occurs after some special underlying mechanism has sparked off; but the same generative mechanism may lay on different combinations of enabling and triggering factors as the context changes (Pawson 1989, Ragin 2006). Therefore, models are required to cover all the theoretically possible conditions beneath compliance, from which the QCA will later identify the special “causal paths” explaining similar cases' outcomes within a population.

What does this mean for our research topic?

- a) That there is not a single benchmark model able to boost any country's compliance with EU norms if faithfully adopted. Rather, even considerably different configurations of factors can produce the same outcome.
- b) That one may identify variables which additively reduce the probability of compliance problems, but the actual intersection of those conditions may return an empty subset.
- c) That the opposite of what produces EU compliant behaviours does not necessarily cause non-compliance.

We will explore this alternative approach using the same dataset of the previous section, but this time checking the idea of contextual causality. More in detail, we will take several of the hypotheses circulating in the literature, calibrate their variables into fuzzy-set conditions, distinguish between enhancing remote institutional configurations and proximate triggering factors (Schneider and Wagemann 2006), and eventually identify alternative and functionally equivalent paths towards non-compliance.

An institutional approach informs many hypotheses in the field of compliance studies. Among these hypotheses, we already quoted the idea that the timely transposition of directives, as a special type of exogenously driven policy innovation, is negatively affected by the number and characteristics of veto players. We deem a political system to be blocked if it has a high number of partisan veto players (Tsebelis 2002), and we

characterize it as constrained reflecting their heterogeneity, and further considering the second chamber and the powers of the president (Jahn 2010; Jahn et al. 2014). For some authors, compliance is affected not only by the different preferences among veto-players, but even by that of other legislative actors. Parties in parliament may use their resources “to convene hearings, to mobilize interest groups and the public against a quick transposition of a directive” (König and Luetgert 2009: 183). Even a differentiated parliament may thus be an obstacle to compliance. On the other side, a positive effect is expected by a corporatist model of interest representation that embeds devices for aggregating the preferences of stakeholders, and by unitary systems that do not risk to be stalled by the joint-decision trap of federalist systems (Scharpf 1988; Thomson 2007; Borghetto and Franchino 2010)<sup>10</sup>.

Beyond the distal effect produced by these remote systemic variables, we put forward the idea that other factors, more directly related to EU policies and affairs, affect the degree of compliance of the different countries. Among them, the status of beneficiary of EU funds (instead of net payer) should help convincing domestic policy-makers of the importance of the Union and ease the transposition of its normative constraints (Perkins and Neumayer 2007). Citizens may not be aware of the actual budgetary balance, but their perceptions of the direct and indirect benefits of the EU membership, and thus their conditional support for its policies, may influence the political costs of compliance (Lampinen and Uusikylä 1998; Mbaye 2001). Other administrative and procedural factors can have an impact (Steunenberg 2006; Steunenberg and Toshkov 2009). We here focus on the oversight activity played by parliaments specifically on EU affairs (Raunio 2009; Winzen 2012; 2013; Finke and Dannwolf 2015) and thus on the need for a higher level of accountability and ex-ante coordination, something that has been often quoted as a factor improving the EU performance of the Danish political system (Riis 2007; Christensen 2010). But we focus even on an often overlooked factor in the interaction between member states and the EU institutional architecture, namely Permanent representations and their staffing (Kassim et al. 2001). These institutions represent a critical juncture between the capitals and Brussels and, in their bottom-up involvement in the EU policy-making, are in an important position for anticipating many problems that could arise in the top-down implementation of EU norms. We expect that these proximate factors and their actual combination in the right environment may activate the mechanisms that produce compliance and non-compliance.

<sup>10</sup> The labels assigned to these remote institutional conditions is signalled by the use of the italics.

Raw data of the positive outcome – compliance – and of all the conditions are presented in the online supplementary material, together their fuzzy set scores, that have been calibrated thanks to the direct method (Ragin 2008)<sup>11</sup>. The expectation is that non-compliance follows an ideal type qualified by many veto points and players, politically heterogeneous representatives, in big, federal states not benefitting from the Eu membership, where policy-makers are isolated from the parliamentary scrutiny and from the inputs of stakeholders, with poor human investments in Brussels, and with an un-supportive public opinion. The theoretical type is detailed to the point that hardly any actual case can display the whole set of attributes at once. Moreover, if we decided to attribute the patterns not covered empirically to some outcome – a common practice for logical remainders in the minimization process of qualitative comparative analysis – we would have to take that thorny decision for something around 1000 combinations<sup>12</sup>.

Schneider and Wagemann (2006, 2010) give their contribution to tackle both methodological problems suggesting a sort of protocol for QCA analysis that has the virtue of adhering to a diffuse understanding of the logic of causality in the social sciences (see even Schneider 2009). They profit from the simple intuition regarding the difference between remote and proximate conditions that we have explicitly followed while describing the conditions for compliance and non-compliance. Remote conditions are relatively stable; their origin tends to be distant in time; they are difficult to change, such as socio-economic conditions, cultural factors and constitutional choices; and they establish and activate the context within which the causal mechanisms work. Proximate factors “are the products of human agency (...); are temporarily and spatially closer to the outcome to be explained and, as a consequence of this, more closely linked to it”. (Schneider and Wagemann 2006: 760; see even Goertz and Mahoney 2005)<sup>13</sup>.

<sup>11</sup> The codebook and dataset used in the QCA analysis are available in the authors website at <http://xxx.xx>. In the supplementary material at that same address, we report thresholds and distributions, together with the analysis of necessity for each condition with compliance and non-compliance as outcomes. The consistency levels indicate that conditions are far from being sufficient for each of the outcomes.

<sup>12</sup> The exact number would be  $2^{10}$  minus the combinations empirically covered that, for fifteen cases, can range from 1 to 15; thus, the number of logical remainders would go from 1009 to 1023.

<sup>13</sup> Recently, Dimitrova and Steunenberg (2016) propose an interpretation of compliance as a patchwork between three interacting levels: with EU and national rules and institutions limiting the degrees of freedom of street-level implementers. We share with them the overall intuition that “implementation can take different routes” in a context-sensitive framework.

The distinction is certainly useful for better understanding the different types of conditions, but it mostly serves other reasons. Firstly, it is a useful starting point for grasping the idea of equifinality. There are in fact alternative paths to the outcome, which may be different in different contexts, i.e. under diverse remote conditions. No country is rigidly condemned to a certain outcome because of its remote status, although the solutions that have to be arranged may be more or less complex under alternative arrangements. Secondly, it concentrates the attention on solutions that can be actually pursued given the path and context dependencies of certain choices. Lastly, it reduces the amount of heroic assumptions that are necessary to attribute logical remainders to explanatory paths, thus pragmatically contributing to the realism of the solutions<sup>14</sup>. We here apply this two-step approach to search the causes for non-compliance, reproducing a parallel design for the non-symmetric compliance outcome just for the enabling remote conditions in the supplementary material. In fact, non-compliance is the problem that we are mostly interested to explain, though the causes of compliance may be investigated due to prescriptive reasons.

#### First step: remote enhancing conditions.

The first step is to reduce the truth table for non-compliance proposed in Table 5. Each row represents a different combination of the six remote conditions: BIG, BLOCKed, POLArized, CONSTrained, FEDERAList and CORPORatist.

The 15 cases cover 10 out of 64 logical combinations of our remote conditions. It is interesting to notice that there are no crisp conditions unequivocally connected to non-compliance. The outcome is produced by blocked and non-blocked political systems, federal and unitary, big and small countries, etc. This represents further evidence for the fact that it is better to embrace a conjunctural logic of causation, instead of relying simply on marginal effects. It is even difficult to uncover any clear pattern among our conditions, especially because actual data have to be complemented by the adjudication of the 54 logical remainders. In order to reduce that complexity, we rely on the Quine-McClusky algorithm implemented on the FsQCA software by Ragin (1987). More specifically, we are looking for the most parsimonious paths while minimiz-

<sup>14</sup> The number of potential combinations after the separation of the 6 remote from the 4 proximate conditions is equal to  $2^6+2^4=64+16=80$ . If, at each stage, you can have from 1 to 15 combinations empirically covered, the overall number of logical remainders is reduced from over 1000 to something in the range between 50 and 78.

ing the logical combinations of the first seven rows of table 5, allowing at

TABLE 5. *Consistency test for remote conditions for non-compliance*

Config.	Conditions						Not compliant	Consistency	N	Country
	BIG	BLOC	POL	CONST	FED	CORP				
1	0	0	0	0	0	0	1	0.995	2	GRE, POR
2	0	0	1	0	0	0	1	0.994	1	IRL
3	1	1	1	1	0	0	1	0.988	2	FRA, ITA
4	1	1	0	1	1	1	1	0.958	1	GER
5	1	0	0	0	0	0	1	0.899	1	UK
6	0	1	0	0	1	1	1	0.822	2	BEL, NET
7	0	0	1	1	1	1	1	0.794	1	AUS
8	1	0	1	0	1	0	0	0.589	1	SPA
9	0	0	1	0	0	1	0	0.584	2	LUX, SWE
10	0	1	1	1	0	1	0	0.282	2	DEN, FIN
...							?		0	
64							?		0	

Note: N = number of cases with fuzzy membership score higher than 0.5



the same time for a solution whose consistency is lower compared to the common rule of thumb recommendations<sup>1</sup>. This under-specification is justified by the fact that we are not yet looking for the triggering mechanism but only trying to identify the contextual set-up that enables non-compliance.

The analysis of the remote conditions leads to the following solution:

$$(\sim\text{FED} * \sim\text{CORP}) + (\text{FED} * \text{CORP}) \rightarrow \text{NON-COMPLIANCE}$$

Both scenarios thus represent enhancing remote contexts for non-compliance. This first result is particularly interesting, and once more coherent with our initial beliefs, because the two solutions are almost specular<sup>2</sup>. They virtually represent polar types of democracy, close to those identified by Lijphart as Majoritarian and Consensus democracies (Lijphart 2012). They don't present any feature connected to the organization of the executive, which is central for Lijphart's models, and the two conditions actually belong to different dimensions in his clustering of variables, but we will still use his labels for the sake of simplicity. The first remote context, ( $\sim\text{FED} * \sim\text{CORP}$ ), is in fact one in which the power is concentrated in the centre and does not need to find ex-ante agreements with stakeholders, as in Westminster-like democracies. The countries closer to this context are – in order of consistency – Greece, the United Kingdom, Portugal, France, Ireland and even Italy, which would have been probably excluded from the group if some partisan veto-players concern had influenced the belonging. The second one, ( $\text{FED} * \text{CORP}$ ), sees the power dispersed at different governance levels, and is consciously based on sharing power on the basis of concertation, which is a feature of Consensual-like democracies. Austria, Germany, Belgium and Netherlands are best represented in this second context.

Both are favourable environments for activating, not causing, non-compliance. We believe that the two settings may be exposed to different sets of more specific challenges and risks. And the identification of those two enhancing backgrounds represents a first result which is at odd with

<sup>1</sup> We used a cut-off value of 0.7 for consistency. All logical remainders are made available for use in the minimization process. The details of the solutions, and of the membership of the cases into them, are presented in the supplementary material. As usual in logics and QCA,  $\sim$  stands for negation,  $*$  for the Boolean operator “and” (intersection),  $+$  for “or” (union), and  $\rightarrow$  indicates an explicit connection.

<sup>2</sup> ( $\sim\text{FED} * \sim\text{CORP}$ ) is not exactly the negation of ( $\text{FED} * \text{CORP}$ ) because the intersection operator is not equivalent to the interaction term in econometric analysis. Applying DeMorgan's law, the negation of ( $\text{FED} * \text{CORP}$ ) is actually equal to ( $\sim\text{FED} + \sim\text{CORP}$ ).

the usual findings of compliance studies, which mostly identify one-size-fits-all solutions. Not all our fifteen countries are included within one of the two groups, not least because they belong to institutional contexts that represent unfavourable conditions for non-compliance, though without strictly preventing it. Among them, the three Nordic countries – Sweden, Finland and Denmark – plus Spain and Luxembourg, with only the latter being included in the group of non-compliant systems.

### Second step: proximate triggering conditions within different contexts

We now proceed to find the different triggering combinations within each of the two remote institutional setups<sup>3</sup>. We will investigate the role played by the four proximate conditions more directly connected with Eu policy-making: being a net beneficiary from EU-membership, internally accountable on EU towards the parliament, sufficiently staffed in the Permanent representatives, and with a public opinion supporting the Union<sup>4</sup>. We start by checking the independent necessity of each of these conditions within the two subsets, whose consistency and coverage is reported in table 6.

TAB. 6. *Analysis of necessity for non-compliance within the two remote institutional solutions*

Conditions	s1: ~FED*~CORP		s2: FED*CORP	
	Consistency	Coverage	Consistency	Coverage
~BENeficiary	0.468750	0.892193	1.000000	0.703412
~ACCountable	0.898438	0.894942	0.567164	0.763819
~STAFFed	0.728516	0.951531	0.496269	0.651961
~SUPPort	0.322266	0.850515	0.667910	0.795556

We have a first confirmation of the idea that guided our two-step investigation, namely that the conditions that trigger non-compliance are different under diverse remote institutional setups. If we look at the consistency of each condition, the two most necessary requirements for non-compliance are perfectly symmetrical within the first and within the

<sup>3</sup> While describing the two-step QCA, Schneider and Wagemann, use different procedures. In Schneider and Wagemann (2006) they suggest to run separately each remote condition with the proximate ones. In Schneider (2009) they are all run together simultaneously. In their handbook (2012) they go back to their first option. Given our two opposite scenarios, we prefer to use the two remote solutions as defining the scope conditions of the second step, thus checking for the triggering factor literally *within* the subsets previously defined.

<sup>4</sup> We actually expect the *absence* of those conditions to trigger non-compliance.

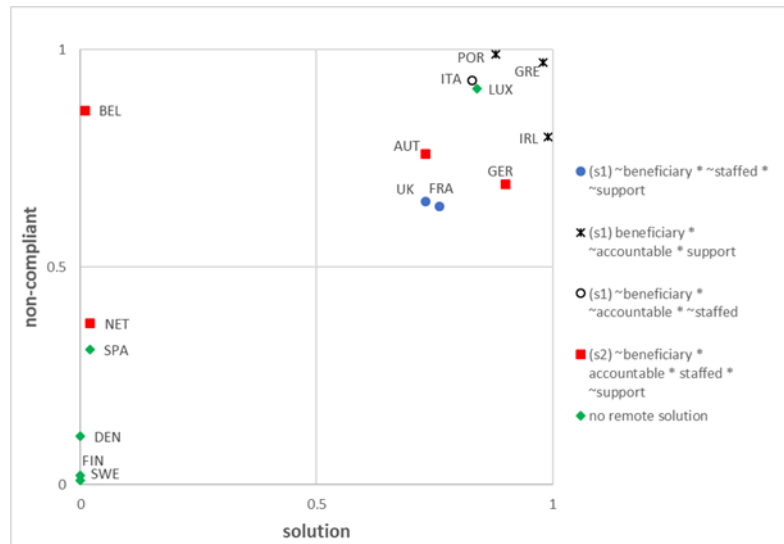
second solution subsets. Whereas avoiding the parliament scrutiny on EU matters, and having comparatively understaffed Permanent representations in Brussels are the two most important conditions for Westminster-style unitary and pluralist countries, for power-sharing federalist and corporatist member states they are being a net contributor to the EU budget, and having a Euro-sceptic public opinion. The average differences in coverage further suggest that the two remote conditions are not perfectly equivalent as for providing an environment inclined to favour non-compliance. But this could be easily understood even before running the proximate conditions by looking to the number of non-compliant cases within the two groups, and in any case is only marginally interesting for our argument.

Moving from singular necessity to conjunctural causality, the threshold for passing the sufficiency criteria has to be higher than in the first step – we used a cut-off for sufficiency of 0.85 – and we chose not to allow any simplifying assumptions as for logical remainders (Schneider and Wagemann 2006; 2012)<sup>5</sup>. The proximate solutions for both remote conditions, as well as for the remaining cases, are displayed in the XY plot represented in Figure 1, while the complete results of the parallel analyses are reported in the online supplementary material. A part from the non-covered case of Belgium, which, in any case, does not represent a contradiction, all the others are correctly located in the opposite second and third quadrants. At the same time, we acknowledge that only a few of them are located close to the ideal upper-right corner, and some are below the bisector delimiting the “deviant cases for consistency in degree”, that is they have higher fuzzy score on the solution than on the outcome (Schneider and Rohlfing 2013)<sup>6</sup>.

<sup>5</sup> We are aware of the debate regarding the different aim of diverse QCA solution types, and, more specifically, regarding the need to stick to parsimonious solutions if we aim to causal explanations (Baumgartner 2015; Baumgartner and Thiem 2017). Yet, the debate is not yet settled, as demonstrated by the different views within the COMPASS network (COMPARative Methods for Systematic cross-caSe analySis), but, more important, because for the aim of this article it does not really matter if we are only describing the multiple paths towards non-compliance within the old 15 EU member states, or actually looking for causal triggers following the two-step protocol. In both cases (and even if we recommended second-step parsimonious solutions with difficult counterfactuals) we found diverse combinations leading to non-compliance, which may appear trivial to QCA specialists, but yet it is not standard practice in the community of compliance scholars.

<sup>6</sup> However, it should be underscored that the graph represents the overlay of two XY plots representing only the combinations of the proximate solutions *within* the scope conditions defined by two remote conditions, and not the full enhancing-triggering causal mechanism.

FIG. 1. *XY plot of the solution to the outcome not compliant*



What is immediately evident is the presence of different alternative paths producing non-compliance. Member states coping with EU norms is clearly not a one-size-fits-all issue.

There are three solutions within the first remote institutional set-up, though two of them could be thought as sharing the negative assumptions stated in footnote 11. Major countries like the United Kingdom, France and Italy overlap in the combination of characteristics opposing compliance. They were all net contributors to the EU budget and understaffed in their permanent offices in Brussels, which, for countries of that size and relevance, already appears an odd characteristic. Furthermore, France shared with Britain the public perception of not benefitting from the EU membership, and with Italy a low parliamentary scrutiny on EU affairs. Their path towards non-compliance tells a story of autonomy, sheltering and lack of priority. It comes close to what Falkner and colleagues (2005) called the “world of domestic politics”, though a) it only partially reflects their identification of national cases, b) our explanation is not a cultural one. Non-inclusive democracies – the one defined by the first remote solution – do typically not share power with other institutions and levels of government, and put in place strategies to resist to external obligations. Thus, it could be a way of challenging norms that those countries have not been able to affect.

The remaining solution within the first remote condition represents countries that are closer to the ideal upper right corner: Portugal, Greece and, to a lesser extent, Ireland. It's impossible to avoid noticing that they all belong to the group of countries sometimes depreciatively called PI-IGS. Nonetheless, apart from the fact that the acronym was used on other issues, Spain has nothing to do with the non-compliant group, and Italy only shares with it the condition of non-accountability. Portugal, Greece and Ireland, more than belonging to a cultural "world of neglect", share a non-accountable participation to EU affairs, together with a sort of incoherence between the benefits received and perceived, and the actual political behaviours. The exclusion of the parliament from the domestic preparation of EU policy-making backfires in the phase of transposition, given the tight margins that countries with those characteristics have in bargaining for more favourable conditions.

Under the second power-sharing remote condition, the location of the countries is more problematic. The latter reflects the fact that the institutional set-up only loosely enhances non-compliance – see the position of the Netherlands – but even the proximate conditions are only marginally capable to trigger the outcome – the position of Belgium is the perfect example of this failure. Under these consensus-style democracies, some factor is clearly missing. Germany and, mostly, Austria are the ones that are better explained. The solution (staffed and accountable, but non-beneficiary and without a supportive public opinion) does not identify problems of administrative capability or responsiveness. Rather the opposite, in an inclusive country, those two factors can play against compliance when the citizens don't perceive the membership of the European Union to be fruitful, and the actual budgetary arrangements assign them more contributions than benefits. It is another sort of domestic politics world, but clearly different from the one pictured by the first solution displayed.

Eventually, though individually irrelevant (Schneider and Rolhding 2013), most cases not entering the two enhancing remote conditions are correctly positioned in the lower-left quadrant, with the Nordic countries as examples of the best practices in the field. Luxembourg is twice deviant in that respect. It is placed in the best position for a typical case, but it should not be there both as for enhancing institutional context, and as for level of compliance. However, the problem here is that being a residual remote configuration does not mean much in terms of commonality with the other excluded cases. Luxembourg is excluded from the first remote solution because of its degree of corporatism, and from the second because of the impossibility of any kind of decentralization (given the size of the country). In that context, it has its own path towards non-

compliance mirrored in its position in the XY plot, something that reflects even the uniqueness of the country within the European backdrop.

The different paths discovered signal the plurality of solutions to a policy problem. Moreover, they indicate that the same condition can trigger non-compliance within certain institutional environments, and not within others. Looking for composite interactions between remote and proximate factors is not the usual way of looking at transposition problems in the literature on EU compliance. However, the absence of a unique core variable helps making sense of the theoretical and empirical debate between opposite strands of literature emphasizing enforcement rather than management problems (Tallberg 2002), willingness rather than capacity (Treib 2014), policies opposed to countries (Steunenberg and Rhinard 2010), and ultimately misfit contrasted to veto players (Cowles, Caporaso and Risse 2001).

## 5. Discussion and conclusion

Before moving to the conclusions, it is worth reminding what we have done and what we have not. Starting from the don'ts. Our exercise was not a strict replication of König and Luetgert (2009), and neither a sensitivity test for their and others empirical evidence. We take advantage of their data, and built upon some of the most common propositions advanced by the literature on compliance in the last decade. But our research design, and the same ontology and epistemology of compliance is different, so that our work can hardly be considered a robustness check. At the same time, it is not a fully developed empirical work. It uses empirical data, but it makes a methodological argument. For the preceding reason, it cannot provide an exhaustive answer to most issues connected to EU compliance, but just suggest an alternative research avenue. Being an empirically based methodological exercise, it is as sensitive to measurement and calibration refinements as the typical quantitative test. Finally, though its Boolean logic roots in a deterministic tradition, it cannot offer as it is prescriptive solutions, not least because we focused on "non-compliance", and necessity and sufficiency conditions are not symmetric as marginal effects are, and the search for conditions enhancing and triggering "compliance" would need another empirical exercise.

Now, regarding the dos. First of all, the aim of our exercise is explanatory, without necessarily aspiring to generalize beyond the observed cases and time-period. We set our scope conditions, and our goal is that of identifying the mix of causes for specific outcomes, and for a specific

population.

We take countries a units of analysis, and the range of conditions we tested mostly derive from that part of the compliance literatures that focuses on system capabilities. Implicitly, our exercise clarifies the limits of policy or institutional emulation, suggesting that the (marginal) effect of certain conditions on (non)-compliance can be positive or negative in different contexts. Finally, our analysis suggests that the unstable results and findings of the literature on EU compliance do not depend exclusively on different operationalization of dependent and independent variables, but to the difficulties in recognizing the equifinality of certain conditions, and the logic of conjunctural causality.

This is a first added value of our work, and of the approach: going beyond the discussion about marginal effects of covariates, and concentrate on their context-dependent effect. The whole debate around the role of veto-players favouring non-compliance is exemplary in this sense. A high number of veto-players, as well as their distance on some relevant continuum, are thought to prevent on time transpositions. However, in section 3 we demonstrated that these two requirements are neither sufficient nor necessary conditions. On the one side, even political systems characterized by higher internal decision-making costs may organize their participation to EU affairs in an efficient and effective manner. On the other, Westminster-like countries may all the same suffer for non-compliance, in spite of their swift decisions. And the very simple reason for those two apparently unexpected outcomes is that, in most of the cases, functionally equivalent conditions produce the same results or neutralize the same risk.

Some Nordic countries have many veto-players, but their inclusive attitude towards societal stakeholders makes them indifferent towards the cabinet format. Greece and Portugal have few of them, but their lack of accountability is a shortcoming that negatively affects their compliance records. In unitary and federal states, the conditions that produce delays and short-circuits in the formulation and implementation of EU policies don't need to be the same, and the parliamentary scrutiny may have opposite effects if the interest that MPs represent are generally in favour of against the EU membership. In our example, we actually found that opposite conditions could favour the same effect once interacting with different institutional environments. Conditional models in quantitative analyses may partially explain these situations, but they don't work exactly in the same way, and cannot account for complex causal configurations.

Beyond stressing the idea of equifinality and conjunctural causality, our two-step approach permits to keep together groups of factors that

normally exclude each other. Background conditions are the founding institutional elements of a political system, too far away from the object of our study to directly generate non-compliance, but at the same time boosting the impact of more proximate factors. These relate to the actual process of participating in the ascending and descending phases of the EU policy-making process, and can be further extended to include domestic coordination within the cabinet (Kassim 2005, Kassim et al. 2000), or policy vs diplomatic specialization of the Permanent representations in Brussels. Though our exercise has no prescriptive aim, it underscores the risk of issuing specific arrangements on the basis of some superficial emulation of the best practices, without taking into account how they interact with background conditions. In this sense, it is clearly an appeal against one-size-fits-all solutions.

The distinction between remote and proximate can take even other directions, fruitfully building on those studies underlining that differences between policies are more important than those between countries (Dimitrova and Steunenberg 2016). Instead of choosing sectors and simply reduce the scope conditions of our research, we could coherently let the analysis identify policy commonalities in the enhancing of (non)-compliance behaviours at a first stage, and then investigate the specific alternative explanatory paths within those remote settings. It would be a more systematic way to check if even EU compliance problems can be reframed under the mantra of much policy literature that “policies determine politics” (Lowi 1972).

In the field of EU (non-)compliance, the amount of functional equivalents can be so high, and the intersections of conditions so complex, that social science risks to remain stuck between exceedingly stylized models, and idiographic descriptions. Qualitative Comparative analysis is not the all-round methodological solution cherry-picking the best of the two worlds – econometrics and case study reconstruction – but in this area of research can complement the necessity of a more systematic approach to policy problems while not abiding to the idea of the uniqueness of their solutions. It is true that the latter are not simply available on shelves, but that they are contingent and path-dependent. Still, it is possible to explore regularities within those contingencies, and the proposed two-step approach helps focusing on the actual meaning of the interplay between remote and proximate conditions. Furthermore, as we said, our approach can put in another perspective the fact that several empirical works produced in the last ten or fifteen years unstable and incongruent results. The lack of robustness is not the effect of false premises, biased designs, or incorrect operationalization, but simply the consequence of un-modelled conjunctural causes leading to an extreme sensitivity to case



selection and measurement issues.

This article is built on something more than a *pars destruens* of preceding works. Yet, it is something less than a fully-fledged empirical study. It is a methodological exercise based on actual data that produces several negative findings and a few positive ones. It clears the fact that veto players are neither sufficient nor necessary for non-compliance, but it reveals that the two remote enhancing institutional conditions have something to do with Westminster and Consensus models of democracy. It avoids further extending the range of investigated proximate triggering conditions, but it illuminates paths towards non-compliance with high levels of consistency. The coverage of those paths is not ideal, and cases like Luxembourg and Belgium would need to be brought under a better explanation with the help of other factors, but their commonality with some of the qualitative evidence produced by the world of compliance literature gives additional depth to our findings, and put the first one in a different – more policy-oriented than cultural – perspective.

## RIFERIMENTI BIBLIOGRAFICI

- Angelova, M., Dannwolf, T. and König, T. (2012), «How Robust Are Compliance Findings? A Research Synthesis», *Journal of European Public Policy*, 19(8): 1269-1291.
- Baumgartner, M. (2015), «Parsimony and Causality», *Quality & Quantity*, 49: 839-856.
- Baumgartner, M. and Thiem, A. (2017), «Often Trusted but Never (Properly) Tested: Evaluating Qualitative Comparative Analysis», *Sociological Methods & Research*, DOI: 10.1177/0049124117701487.
- Börzel, T., Hofmann, T. and Panke, D. (2012), «Caving in or Sitting It out? Longitudinal Patterns of Non-compliance in the European Union», *Journal of European Public Policy*, 19(4): 454-471
- Borghetto, E., Franchino, F. and Giannetti, D. (2006), «Complying with transposition deadlines of EU directives: evidence from Italy», *Rivista Italiana di Politiche Pubbliche*, 1: 7-38.
- Borghetto, E. and Franchino, F. (2010), «The role of subnational authorities in the implementation of EU directives», *Journal of European Public Policy*, 17(6): 759-780.
- Cacciatore, F., Natalini, A. and Wagemann, C. (2015), «Clustered Europeanization and national reform programmes: a qualitative comparative analysis», *Journal of European Public Policy*, 22(8): 1186-1211.
- Christensen, J.G. (2010), «Keeping in control: the modest impact of the Eu on Danish legislation», *Public Administration*, 88(1): 18-35.
- Cowles, M., Caporaso, J. and Risse, T. (eds) (2001), *Transforming Europe: Europeanization and Domestic Change*, Ithaca, Cornell University Press.
- Dimitrova A.L. and Steunenberg, B. (2016), «The power of implementers: a three-level game model of compliance with EU policy and its application to cultural heritage», *Journal of European Public Policy*, DOI: 10.1080/13501763.2016.1223156
- Dörrenbächer, N., Mastenbroek, E. and Toshkov, D. (2015), «National Parliaments and Transposition of EU law: A Matter of Coalition Conflict?», *Journal of Common Market Studies*, 53(5): 1010-1026.
- Exadaktilos T. and Radaelli, C.M. (2012), «Looking for Causality in the Literature on Europeanization», in Exadaktilos T. and C.M. Radaelli (eds.), *Research Design in European Studies. Establishing Causality in Europeanization*, Basingstoke, Palgrave: 17-43.
- Falkner, G., Treib, O., Hartlapp, M. and Leiber, S. (2005), *Complying with Europe: EU Harmonization and Soft Law in the Member States*, Cambridge: Cambridge University Press.
- Falkner, G., Hartlapp, M. and Treib, O. (2007), «Worlds of Compli-

ance: Why Leading Approaches to the Implementation of EU Legislation Are Only ‘Sometimes-True Theories’», *European Journal of Political Research*, 46(3): 395–416.

Finke, D. and Dannwolf, T. (2015), «Who let the dogs out? The effect of parliamentary scrutiny on compliance with EU law», *Journal of European Public Policy*, 22(8): 1127-1147.

Giuliani, M. (2003), «Europeanization in Comparative Perspective: Institutional Fit and National Adaptation», in Featherstone, K. and C. Radaelli, eds, *The Politics of Europeanization*, Oxford: Oxford University Press: 134-57

Goertz, G. and Mahoney, J. (2005), «Two-level theories and fuzzy-set analysis», *Sociological Methods & Research*, 33(4): 497–538.

Goertz, G. and Mahoney, J. (2006), «A Tale of Two Cultures: Contrasting Quantitative and Qualitative Research», *Political Analysis*, 14:227–249

Goertz, G. and Mahoney, J. (2013), «Methodological Rorschach Tests: Contrasting Interpretations in Qualitative and Quantitative Research», *Comparative Political Studies*, 46(2): 236-251.

Hartlapp, M. and Falkner, G. (2009), «Problems of operationalization and data in EU compliance research», *European Union Politics*, 10(2): 281–304.

Jahn, D. (2010), «The Veto Player Approach in Macro-Comparative Politics: Concepts and Measurement», in König, T., G. Tsebelis and M. Debus (eds), *Reform Processes and Policy Change. Veto Players and Decision-Making in Modern Democracies*, New York, Springer: 43–68.

Jahn, D., Behm, T., Düpont, N. and Oberst, C. (2014), «PIP – Parties, Institutions & Preferences: Veto Player (Annual) [Version 2014-09]», Chair of Comparative Politics, University of Greifswald.

Kaeding, M. (2006), «Determinants of Transposition Delay in the European Union», *Journal of Public Policy*, 26(3): 229–253.

Kaeding, M. (2008), «Necessary conditions for the effective transposition of EU legislation», *Policy & Politics*, 36(2): 261-281.

Kassim, H. (2005), *The Europeanization of Member States Institutions*, in Bulmer, S. and C. Lequesne (eds), *The Member States of the European Union*, Oxford, Oxford University Press: 285-316.

Kassim, H., Peters, B.G. and Wright, V. (eds) (2000), *The National Co-ordination of EU Policy: the Domestic Level*, Oxford, Oxford University Press.

Kassim, H., Menon, A., Peters, B.G. and Wright, V. (eds) (2001), *The National Co-ordination of EU Policy: the European Level*, Oxford, Oxford University Press.

König, T. and Luetgert, B. (2009), «Troubles with Transposition?

Explaining Trends in Member State Notification and the Delayed Transposition of EU Directives», *British Journal of Political Science*, 39(1): 163–194.

Lampinen, R. and Uusikylä, P. (1998), «Implementation Deficit: Why Member States Do Not Comply with EU Directives? », *Scandinavian Political Studies* 21: 231–51;

Lijphart, A. (2012), *Patterns of democracy. Government Forms and Performance in Thirty-Six Countries*, New Haven, Yale University Press.

Lowi, T (1972), «Four Systems of Policy, Politics, and Choice», *Public Administration Review*, 32(4): 298-310.

Luetgert, B. and Dannwolf, T. (2009), «Mixing Methods : A Nested Analysis of EU Member State Transposition», *European Union Politics*, 10 (3): 307–334.

Mastenbroek, E. (2005), «EU compliance: still a ‘black hole’? », *Journal of European Public Policy*, 12(6): 1103–20.

Mastenbroek, E. (2007), *The politics of compliance. Explaining the transposition of EC directives in the Netherlands*, Wageningen, Ponsen&Looijen.

Mbaye, H. (2001), «Why National States Comply with Supranational Law», *European Union Politics*, 2(3): 259–81

Pawson, R. (1989), *A Measure for Measures: A Manifesto for Empirical Sociology*, London, Routledge.

Perkins, R. and Neumayer, E. (2007), «Do Membership Benefits Buy Regulatory Compliance? An Empirical Analysis of EU Directives 1978-99», *European Union Politics*, 8(2):180-206.

Ragin, C.C. (1987), *The comparative method: Moving beyond qualitative and quantitative strategies*, Berkeley, University of California Press.

Ragin, C.C. (2006), «Set Relations in Social Research: Evaluating their Consistency and Coverage», *Political Analysis*, 14(3): 291-310.

Ragin, C.C. (2008), *Redesigning Social Inquiry: Fuzzy Sets and Beyond*, Chicago: The Chicago University Press.

Raunio, T. (2009), «National Parliaments and European Integration: What We Know and Agenda for Future Research», *The Journal of Legislative Studies*, 15(4): 317-334.

Riis, P. (2007), «National Parliamentary Control of EU Decision-making in Denmark», in Tans, O., C. Zoethout and J. Peters (eds.), *National Parliaments and European Democracy*, Groningen, Europa Law Publishing: 185–204.

Scharpf, F.W. (1998), «The Joint-decision Trap. Lessons from German Federalism and European Integration», *Public Administration*, 66(3): 239-278.

Schneider, C.Q. (2009), *The consolidation of democracy: comparing*

Europe and Latin America, New York, Routledge.

Schneider, C.Q. and I. Rohlfing (2013), «Combining QCA and process tracing in set-theoretic multi-method research», *Sociological Methods & Research*, doi:10.1177/0049124113481341

Schneider, C.Q. and Wagemann, C. (2006), «Reducing complexity in Qualitative Comparative Analysis (QCA): Remote and proximate factors and the consolidation of democracy », *European Journal of Political Research*, 45(5): 751-786.

Schneider, C.Q. and Wagemann, C. (2010), «Standards of Good Practice in Qualitative Comparative Analysis (QCA) and Fuzzy-Sets», *Comparative Sociology*, 9(3): 397–418.

Schneider, C.Q. and Wagemann, C. (2012), *Set-theoretic methods for the social sciences*. Cambridge, Cambridge University Press.

Sedelmeier, U. (2016), *Compliance after Conditionality: Why Are the European Union's New Member States So Good?*, n. 22, May, "Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond" (MAXCAP).

Steunenberg, B. (2006), «Turning swift policy-making into deadlock and delay: national policy coordination and the transposition of EU directives», *European Union Politics*, 7(3): 293–319.

Steunenberg, B. and Toshkov, D. (2009), «Comparing transposition in the 27 member states of the EU: the impact of discretion and legal fit», *Journal of European Public Policy*, 16(7): 951-970.

Steunenberg, B. and Rhinard, M. (2010), «The transposition of European law in EU member states: between process and politics», *European Political Science Review*, 2(3): 495-520.

Tallberg, J. (2002), «Paths to Compliance: Enforcement, Management, and the European Union», *International Organization*, 56(3): 609–643.

Thomann, Eva (2015), «Customizing Europe: transposition as bottom-up implementation», *Journal of European Public Policy*, 22(10): 1368-1387.

Thomson, R. (2007), «Time to Comply: National Responses to Six EU Labour Market Directives Revisited», *West European Politics*, 30:5, 987-1008.

Toshkov, D. (2014), «Implementation of EU Law: An Online Database of Existing Research», in cooperation with the Institute for European Integration Research; [http://eif.univie.ac.at/eif\\_implementation/](http://eif.univie.ac.at/eif_implementation/)

Toshkov, D., Knoll, M. and Wewerka, L. (2014), «Compliance Database: An Online Database of Case Study Research of EU Law Application», in cooperation with the Institute for European Integration Research at the Austrian Academy of Sciences, available at:

<http://eif.univie.ac.at/compliance>

Treib, O. (2014), «Implementing and complying with Eu governance outputs», *Living Reviews in European Governance* 9(1).

Tsebelis, G. (2002), *Veto players. How political institutions work*, Princeton, Princeton University Press.

Weiler, J. (1991), «The transformation of Europe», *The Yale Law Journal*, 100(8): 2403-2483.

Winzen, T. (2012), «National Parliamentary Control of European Union Affairs: A Cross-national and Longitudinal Comparison », *West European Politics*, 35(3): 657-672.

Winzen, T. (2013), «European integration and national parliamentary oversight institutions», *European Union Politics*, 14(2): 297-323.



# Compliance with EU norms: not a “one-size-fits-all” problem

## Supplementary material

Tab. A.1 Veto players conditions and compliance (fuzzy sets values)

	Compliant	Not compliant	Blocked (B)	Not blocked ( $\sim$ B)	Heterogeneous (H)	Not heterogeneous ( $\sim$ H)	$\sim$ B $\cdot$ $\sim$ H	B $\cdot$ $\sim$ H	$\sim$ B $\cdot$ H	B $\cdot$ H
AUT	0.24	0.76	0.26	0.74	0.03	0.97	0.74	0.26	0.03	0.03
BEL	0.14	0.86	0.99	0.01	0.84	0.16	0.01	0.16	0.01	0.84
DK	0.89	0.11	0.67	0.33	0.63	0.37	0.33	0.37	0.33	0.63
FIN	0.98	0.02	1	0	1	0	0	0	0	1
FRA	0.36	<b>0.64</b>	0.64	0.36	0.22	0.78	0.36	<b>0.64</b>	0.22	0.22
GER	0.31	<b>0.69</b>	0.72	0.28	0.08	0.92	0.28	<b>0.72</b>	0.08	0.08
GRE	0.03	0.97	0.02	0.98	0	1	0.98	0.02	0	0
IRL	0.2	0.8	0.27	0.73	0.09	0.91	0.73	0.27	0.09	0.09
ITA	0.07	0.93	1	0	0.99	0.01	0	0.01	0	0.99
LUX	0.09	0.91	0.26	0.74	0.28	0.72	0.72	0.26	0.28	0.26
NL	0.63	<b>0.37</b>	0.63	0.37	0.19	0.81	0.37	<b>0.63</b>	0.19	0.19
POR	0.01	0.99	0.11	0.89	0	1	0.89	0.11	0	0
SPA	0.69	0.31	0.01	0.99	0	1	0.99	0.01	0	0
SWE	0.99	0.01	0.01	0.99	0.02	0.98	0.98	0.01	0.02	0.01
UK	0.21	0.79	0.01	0.99	0	1	0.99	0.01	0	0

*Source:* Derived from Table 2 in the article



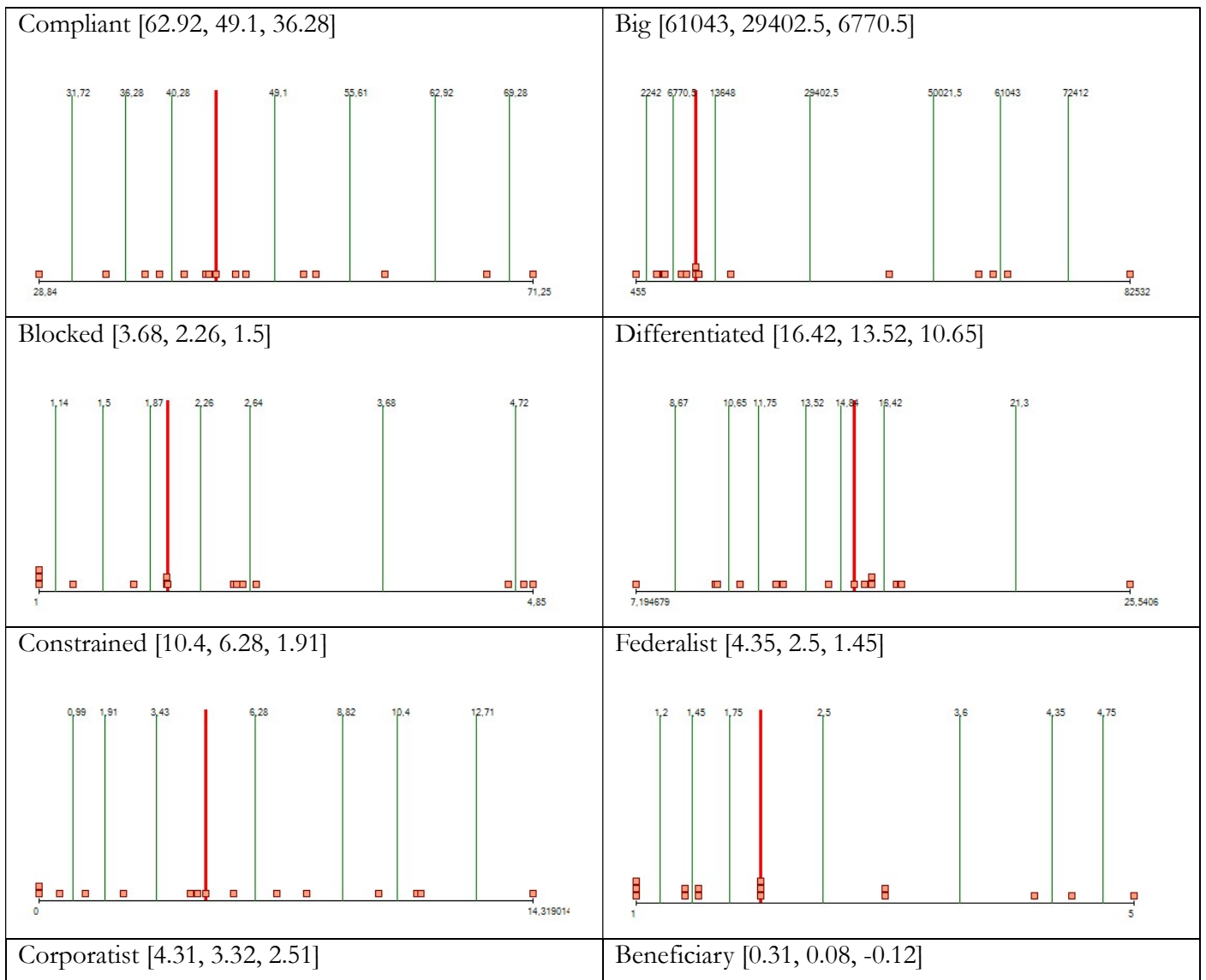
Tab. A.2 Outcome and conditions (raw values)

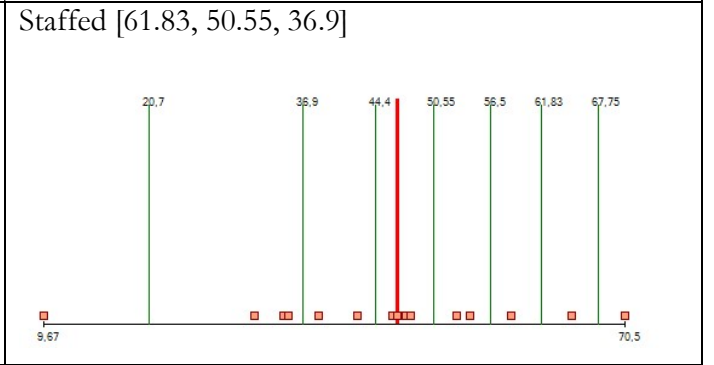
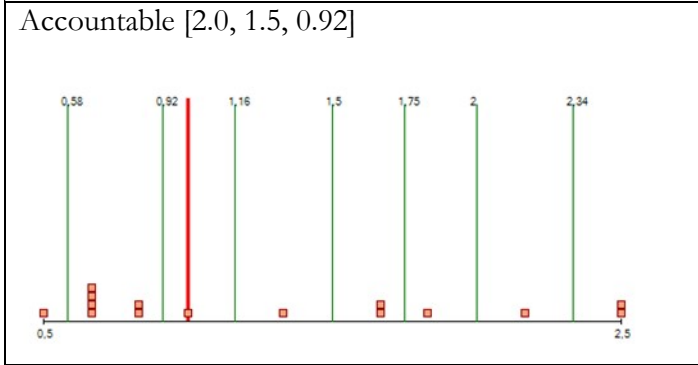
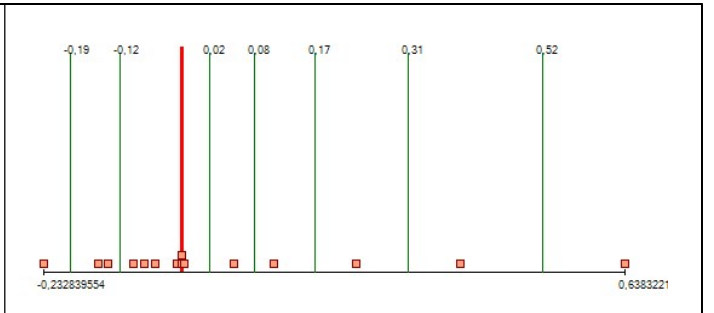
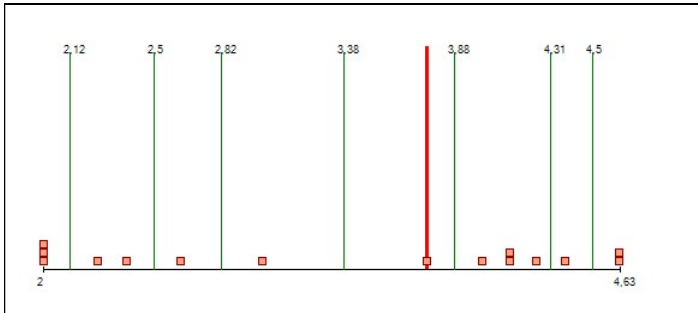
	Compliant pct on time	Big population millions	Blocked number vps	Differentiated parliamentary range	Constrained Jahn vps	Federalist Lijphart	Corporatist Siaroff	Beneficiary net balance/pc	Accountable parliamentary control	Staffed number staff Reper	Support pct Eurobarometer
AUT	44.1	8.1	2.0	15.3	9.9	4.5	4.6	-0.1	1.7	70.5	38.46
BEL	41.3	10.4	4.7	10.2	5.6	4.2	3.8	-0.2	0.7	34.8	55.94
DEN	58.5	5.4	2.6	17.0	11.1	2.0	4.3	0.1	2.5	38.5	61.42
FIN	67.3	5.2	4.8	15.7	14.3	2.0	4.4	0.0	2.5	48.2	39.86
FRA	46.6	62.3	2.5	14.4	6.9	1.5	2.3	0.0	1.0	47.7	50.03
GER	45.8	82.5	2.7	12.4	11.0	5.0	4.1	-0.1	2.2	58.7	45.55
GRE	34.6	11.0	1.3	12.7	0.6	1.0	2.0	0.4	0.7	65.0	69.30
IRL	43.2	4.0	2.0	16.9	4.6	1.0	2.6	0.6	0.5	31.7	80.61
ITA	38.0	57.5	4.9	25.5	7.8	1.5	3.0	0.0	0.8	42.6	59.18
LUX	39.3	0.5	2.0	16.0	2.4	1.0	4.1	0.0	0.7	9.7	69.39
NL	51.6	16.3	2.5	10.2	4.4	3.0	4.0	-0.1	1.3	35.3	68.64
POR	28.8	10.5	1.7	11.1	1.4	1.4	2.4	0.2	0.7	46.2	67.85
SPA	52.7	42.5	1.0	17.1	0.0	3.0	2.0	0.1	0.8	52.9	41.64
SWE	71.3	9.0	1.0	16.0	4.8	2.0	4.6	-0.1	1.8	54.3	23.77
UK	43.4	59.8	1.0	7.2	0.0	1.4	2.0	-0.1	1.7	46.7	38.15

Tab. A.3 Outcome and conditions (fuzzy set scores)

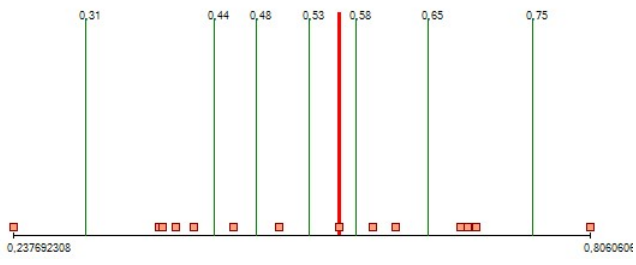
	<b>Compliant</b>	<b>Big</b>	<b>Blocked</b>	<b>Differentiated</b>	<b>Constrained</b>	<b>Federalist</b>	<b>Corporatist</b>	<b>Beneficiary</b>	<b>Accountable</b>	<b>Staffed</b>	<b>Support</b>
AUT	0.24	0.06	0.26	0.86	0.93	0.96	0.98	0.07	0.73	1	0.01
BEL	0.14	0.07	0.99	0.03	0.39	0.94	0.79	0.01	0.01	0.03	0.68
DEN	0.89	0.04	0.67	0.97	0.97	0.19	0.94	0.4	1	0.07	0.89
FIN	0.98	0.04	1	0.91	1	0.19	0.96	0.17	1	0.37	0.01
FRA	0.36	0.96	0.64	0.71	0.61	0.05	0.02	0.18	0.07	0.35	0.27
GER	0.31	0.99	0.72	0.24	0.97	0.98	0.92	0.03	0.98	0.9	0.08
GRE	0.03	0.08	0.02	0.29	0.02	0.01	0.01	0.98	0.01	0.98	0.98
IRL	0.2	0.03	0.27	0.97	0.24	0.01	0.07	1	0.01	0.02	1
ITA	0.07	0.93	1	1	0.75	0.05	0.23	0.17	0.03	0.15	0.82
LUX	0.09	0.02	0.26	0.93	0.07	0.01	0.92	0.16	0.01	0	0.98
NL	0.63	0.15	0.63	0.03	0.22	0.69	0.89	0.08	0.29	0.03	0.98
POR	0.01	0.08	0.11	0.07	0.03	0.04	0.03	0.88	0.01	0.28	0.98
SPA	0.69	0.78	0.01	0.97	0.01	0.69	0.01	0.61	0.03	0.65	0.02
SWE	0.99	0.06	0.01	0.93	0.27	0.19	0.98	0.04	0.88	0.73	0
UK	0.21	0.95	0.01	0	0.01	0.04	0.01	0.1	0.73	0.3	0.01

Fig. A.1 Distribution and thresholds for outcome and conditions [top, crossover, bottom]





Support [0.65, 0.53, 0.44]



Tab. A.4 Analysis of necessity for compliance and non-compliance (consistency and coverage)

Outcome	Compliance		Non-compliance	
	Consistency	Coverage	Consistency	Coverage
big_fs	0.368151	0.410305	0.427948	0.748092
~big_fs	0.773973	0.463115	0.662664	0.621926
blocked_fs	0.642123	0.568182	0.498908	0.692424
~blocked_fs	0.652397	0.453571	0.688865	0.751191
differentiated_	0.808219	0.529742	0.562227	0.578002
~differentiated_	0.356164	0.341543	0.542576	0.816092
constrained_fs	0.650685	0.585516	0.430131	0.607088
~constrained_fs	0.563356	0.386604	0.706332	0.760282
federalist_fs	0.472603	0.547619	0.364629	0.662698
~federalist_fs	0.708904	0.415663	0.751092	0.690763
corporatist_fs	0.760274	0.572165	0.441048	0.520619
~corporatist_fs	0.363014	0.292818	0.637555	0.806630
accountable_fs	0.681507	0.687392	0.301310	0.476684
~accountable_fs	0.481164	0.305103	0.802402	0.798046
beneficiary_fs	0.357877	0.428279	0.425764	0.799180
~beneficiary_fs	0.832192	0.480237	0.695415	0.629447
staffed_fs	0.534247	0.532423	0.435589	0.680887
~staffed_fs	0.679795	0.434354	0.700873	0.702407
support_fs	0.421233	0.319066	0.659389	0.783398
~support_fs	0.714041	0.572016	0.426856	0.536351

Tab. A.5 Minimization of the remote conditions for non-compliance

---

	raw coverage	unique coverage	consistency
$\sim$ federalist* $\sim$ corporatist	0.613537	0.564410	0.894904
federalist*corporatist	0.316594	0.267467	0.710784

---

solution coverage: 0.881004

solution consistency: 0.816802

---

Note: Algorithm: Quine-McCluskey ; frequency cutoff: 1.00; consistency cutoff: 0.7

Cases with greater than 0.5 membership in term  $\sim$ federalist\* $\sim$ corporatist:

GRE (0.99,0.97), POR (0.96,0.99), UK (0.96,0.79), FRA (0.95,0.64), IRL (0.93,0.8), ITA (0.77,0.93)

Cases with greater than 0.5 membership in term federalist\*corporatist:

AUT (0.96,0.76), GER (0.92,0.69), BEL (0.79,0.86), NET (0.69,0.37)

Tab. A.6 Complex solution for non-compliance within the first remote context  $s1=(\sim\text{federalist}*\sim\text{corporatist})$

	raw coverage	unique coverage	consistency
$\sim\text{beneficiary}*\sim\text{staffed}*\sim\text{support}$	0.304688	0.083984	0.993631
$\text{beneficiary}*\sim\text{accountable}*\text{support}$	0.587891	0.490234	0.937695
$\sim\text{beneficiary}*\sim\text{accountable}*\sim\text{staffed}$	0.367188	0.126953	0.994709

solution coverage: 0.941406  
solution consistency: 0.958250

Note: frequency cutoff: 1.00; consistency cutoff: 0.85

Cases with greater than 0.5 membership in term  $\sim\text{beneficiary\_fs}*\sim\text{staffed\_fs}*\sim\text{support\_fs}$ : UK (0.7,0.79), FRA (0.65,0.64)

Cases with greater than 0.5 membership in term  $\text{beneficiary\_fs}*\sim\text{accountable\_fs}*\text{support\_fs}$ : IRL (0.99,0.8), GRE (0.98,0.97), POR (0.88,0.99)

Cases with greater than 0.5 membership in term  $\sim\text{beneficiary\_fs}*\sim\text{accountable\_fs}*\sim\text{staffed\_fs}$ : ITA (0.83,0.93), FRA (0.65,0.64)

Tab. A.7 Complex solution for non-compliance within the second remote context  $s2=(\text{federalist}*\text{corporatist})$

	raw coverage	unique coverage	consistency
$\sim\text{beneficiary}*\text{accountable}*\text{staffed}*\sim\text{support}$	0.541045	0.541045	0.873494

solution coverage: 0.541045  
solution consistency: 0.873494

Note: frequency cutoff: 2.00; consistency cutoff: 0.85

Cases with greater than 0.5 membership in term  $\sim\text{beneficiary\_fs}*\text{accountable\_fs}*\text{staffed\_fs}*\sim\text{support\_fs}$ : GER (0.9,0.69), AUT (0.73,0.76)