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Implementing European Policies:
The Impact of
National Administrative Traditions

CHRISTOPH KNILL

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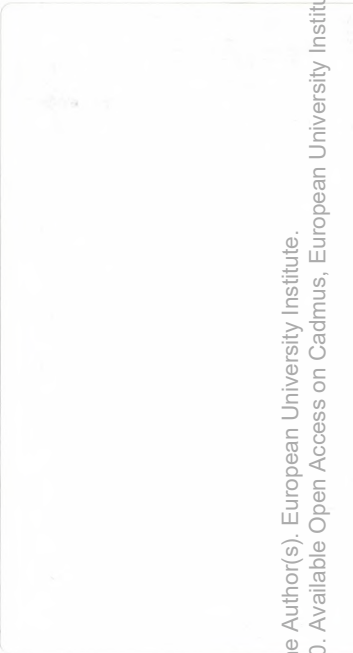
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ROBERT SCHUMAN CENTRE

**Implementing European Policies:
The Impact of National Administrative Traditions**

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Abstract*

In the last few years, problems of ineffective implementation of Community legislation have gained importance on the Commission's agenda. But, whilst the basic problem has been identified, solutions seem difficult to find. Besides the limited resources of the Commissions in order to enforce and supervise the implementation of EU policy in the member states, the dependence on national administration for implementing European policies implies that the formal transposition and practical application of supranational policies is crucially influenced by administrative traditions prevalent in a certain policy field, which may differ substantially from country to country. In light of these considerations, it is the objective of this article to investigate the interplay of national administrative traditions and European policy implementation in closer detail. The main argument developed is that the extent to which administrative traditions affect implementation effectiveness is crucially dependent on the degree of pressure for administrative adaptation perceived at the national level as a consequence of European requirements. According to the degree of adaptation pressure four basic paths are being distinguished, implying either ineffective or effective implementation.

* Parts of this paper draw heavily on ideas developed and accumulated during a year of close collaboration with Andrea Lenschow. Moreover, it uses material from a joint research project that we are currently conducting. I am therefore quite uncertain to what extent I can claim any property right to the following arguments. I hope that Andrea's move to Salzburg will not prevent future "synergy effects".

1 Introduction¹

Until recently, the substantive implementation of European policy, that is the realisation of European policy objectives at the national level beyond their pure formal transposition, played a minor role on the Community agenda. The main emphasis lay on policy formulation, especially on the completion of the single market program. Against this background, it is not surprising that the Commission controlled the implementation activities of the member states mainly with respect to the formal transposition of European legislation into national law. More difficult questions of implementation, that is the substantive outcomes of European policies at the national level, remained largely unexamined or even neglected. This general picture is not only true for areas of market regulation, but can also be observed in fields where social regulation (including health and safety at work, consumer protection, environmental protection and certain areas of social policy) is meant to curb negative externalities of market processes. In this article, the implementation performance with respect to one field of social regulation, namely environmental policy, will be investigated more closely.

Given that most EU environmental directives have now been transposed in the member states, there is growing concern over their practical application and enforcement. In the last few years, therefore, effective and consistent implementation of Community legislation has gained importance on the Commission's agenda. This shift in the focus of attention from policy formulation to implementation is primarily due to a growing awareness that implementation deficits might put into question the legitimacy and credibility of the integration process (Commission 1996a, 6; Ehlermann 1996). Indeed, increasing attention revealed a widespread and persistent implementation deficit in a number of areas. This becomes evident when considering the Commission's annual "infringement" report, which highlights a sharp increase in the number of suspected infringement proceedings against member states in the near future (Jordan 1995; Commission 1996; Ehlermann 1996).

Against this background, the Commission's growing attention towards questions of effective implementation of European legislation might come as no surprise. But, whilst the basic problem has been identified, solutions seem

¹ The research for this paper was made possible by the European Commission, GD XI, and the European University Institute, Florence. I therefore would like to express my particular thanks to Georges Kremis, GD XI, as well as Prof. Yves Mény and Prof. Adrienne Héritier, who provided the financial, logistical, and scientific support for this project. Furthermore, I am grateful to Dirk Lehmkuhl for critical and constructive remarks.

difficult to find. Besides the limited legal, personal and financial resources of the Commissions in order to enforce and supervise the implementation of EU policy in the member states, the main difficulty lies in the fact that, apart from competition and anti-dumping policy, effective implementation of EU legislation is highly dependent on the cooperation of member states, who decide on the necessary organizational, legal and institutional arrangements (Rehbinder/Stewart 1985, 137). This reliance on national administration for implementing European policies implies that the formal transposition and practical application of supranational policies is crucially influenced by administrative traditions prevalent in a certain policy field, which may differ substantially from country to country (Siedentopf/Ziller 1988; Siedentopf/Hauschild 1990, 451; Dehousse et al. 1992; Metcalfe 1994).

In light of these considerations, it is the objective of this article to investigate the interplay of national administrative traditions and European policy implementation in closer detail. How is the implementation effectiveness of supranational policies affected by existing administrative traditions at the national level; i.e. under which conditions can we expect implementation to be most effective? The main assumption underlying the analysis is that the extent to which administrative traditions affect implementation effectiveness is crucially dependent on the degree of pressure for administrative adaptation perceived at the national level as a consequence of European requirements. According to the degree of adaptation pressure four basic paths are being distinguished, implying either ineffective or effective implementation. In pursuit of an answer to the questions raised above, this article is structured in the following way. First, a general analytical framework for investigating the interplay between national administrative traditions and implementation effectiveness of European policies is developed. In a second section, the analytical framework will be applied in order to explain implementation results drawn from the field of EU environmental policy.

2 The Impact of National Administrative Traditions on the Implementation of EU Policy: Analytical Considerations

The analytical approach applied to explain the implementation of European policy in light of differing national administrative traditions is based on the assumption that — depending on the particular constellation of national administrative traditions and EU requirements — certain pressure for changing existing administrative arrangements is perceived at the national level. The level of this adaptation pressure, in turn, has crucial implications for implementation effectiveness.

For our purpose, the degree of implementation effectiveness is defined as the degree to which both the formal transposition and the practical application of supranational measures at the national level correspond to the objectives defined in the European legislation. Although practical application is the most important factor when deciding upon effectiveness of implementation, formal transposition is taken into account, as it forms the basis for subsequent practical application. With respect to formal transposition, it has to be examined if and how all regulatory and administrative measures are enacted in order to incorporate Community legislation fully into national law. Referring to practical application, it is analysed if administrative styles, structures and practices are appropriate in order to achieve the objectives defined in EU policies, and if these objectives actually are achieved. Have existing administrative patterns been "fitted" to meet European requirements or was there only formal adaptation to European law while existing practices remain unchanged?

It is important to emphasise, that the criteria against which implementation effectiveness is assessed, refer to the compliance with the objectives defined in European legislation rather than political outcomes in terms of environmental quality improvements. Our basic intention is to examine the way national administrative traditions are affecting formal and practical compliance with EU policies, without assuming that European policies must necessarily have positive effects on the national environmental situation². Having clarified our understanding of implementation effectiveness, we will now have a closer look at the factors explaining varying implementation records in light of different national administrative traditions.

2.1 The Perception of Pressure for Adaptation

As mentioned above, our analysis is based on the assumption that EU legislation implies the perception of a certain pressure to adapt existing administrative arrangements, with the level of this pressure having crucial implications on implementation effectiveness. In this section, we will focus on the first part of this explanatory framework; i.e. the emergence of adaptation pressure. We assume that the level of adaptation pressure perceived at the national level is affected by both "quantitative" and "qualitative" factors. While the particular constellation of EU requirements and national arrangements defines the factual need for adaptation, the extent to which an objective "mismatch" is perceived as being fundamental by administrative actors is

² Hence, the focus of analysis is more one of institutional change or persistence at the national level in light of European adaptation pressures rather than being a classical implementation study.

influenced by the institutional and policy-specific context, in which sectoral administrative traditions are embedded.

The "Quantitative" Dimension of Adaptation Pressure

To assess the objective "match" or "mismatch" of European legislation and national administrative traditions, we distinguish three analytical dimensions characterising sectoral administrative arrangements: regulatory approach, style, and structures. The *regulatory approach* refers to dominant ideas and beliefs of how to tackle certain policy problems, such as, for instance, market-based versus state-coordinated approaches in transport policy or emission-orientation versus quality-orientation in environmental policy³. The dimension of the *regulatory style* is defined by two related aspects: the mode of state intervention and administrative interest intermediation; i.e. patterns of interaction between administrative and societal actors. From an analytical perspective, we can distinguish between two ideal types of interventionist and mediating regulatory styles. The mediating ideal is characterized by a form of state intervention that emphasizes self-regulation and procedural rather than substantive requirements; it implies high discretion and flexibility with respect to practical application. Accordingly, patterns of interest intermediation are shaped by pragmatic bargaining, informality, consensus, and transparency. Following the interventionist ideal, on the other hand, command-and-control type regulatory rules define substantive objectives, leaving administrative actors only limited discretion and flexibility for defining requirements taking into consideration individual circumstances. As a consequence, we expect patterns of interest intermediation to be more legalistic, formal, adversarial and closed (i.e. with limited access for third parties) (cf. van Waarden 1995). As a third dimension, *regulatory structures* are of relevance. Relevant patterns in this context are related to both the vertical (centralisation/decentralisation) and horizontal (concentration/fragmentation) distribution of administrative competencies as well as patterns of administrative coordination and control.

The characteristics of the three administrative dimensions given in a certain policy sector become generally apparent in the particular choice and application of policy instruments; i.e. policy instruments work as a kind of indicator of the

³ The particular characteristics of the regulatory approach can often be traced to specific policy parameters which define the particular context of policy formulation and implementation in a country. These parameters can be divided up into four groups, including economic factors (market structure of the regulated industries, general economic situation of a country); social factors (social movements, strength of private sector associations and organization); geographic factors (geographic conditions, population density); and technological factors (technological innovation).

existing national administrative tradition. They reflect not only a distinctive regulatory approach, but also correspond to a certain mode of state intervention. In defining the "rules of the game", they furthermore imply specific patterns of administrative interest intermediation. In addition, the type and application of policy instruments is related to structural and organizational arrangements in place. Fragmented administrative structures, for instance, make it more difficult to apply integrated policy instruments requiring the merging of fragmented administrative responsibilities.

The extent to which European legislation may affect these dimensions depends on both content and design of supranational policies. *Policy content* refers to the objectives and requirements defined in supranational legislation. In general, European policies contain no particular provisions directly affecting sectoral regulatory approaches, styles or structures at the national level. Rather the adaptation requirements for existing administrative traditions are transmitted indirectly by the definition of policy instruments whose application may have more or less fundamental repercussions on well-established regulatory arrangements.

While policy content refers to the objectives and intentions of supranational legislation, the dimension of *policy design* encompasses aspects of legal and regulatory systematisation. In this respect three criteria are distinguished. First, the regulatory scope of the policy refers to the number of policy sectors potentially affected by European legislation. Generally speaking, we can distinguish between sectoral measures where the impact is restricted to a single policy and cross-sectoral measures which might affect a whole policy field. A second criteria relates to regulatory density, which is defined by the extent to which EU policy contains detailed or only vague regulatory provisions.⁴ Thirdly, regulatory consistency of the policy relates to the clarity and internal logics of both the specific measure under consideration and the broader regulatory context in which the policy is embedded⁵. We assume that the

⁴ European legislation often is characterized by inconsistent degrees of regulatory density, the formulation of a very detailed program core may coincide with an only vaguely shaped operational core (cf. Knoepfel/Weidner 1983).

⁵ Policy content and policy design are aspects to be decided during the policy formulation stage. The peculiarities of the supranational decision-making process often lead to deficits with respect to both dimensions. During Council negotiations policy contents may be watered down and scope, density and consistency may be reduced in order to achieve consensus. These deficits can be traced mainly to the striving of the member states to avoid institutional adaptation and economic costs implied by European legislation. Thus, national administrative traditions not only structure the process of policy implementation but also that of supranational policy formulation. While being aware of these complex and interdependent relationships given in the European policy cycle, for the purpose of our study it seems to be

potential for adaptation pressure increases with the regulatory scope, density, and consistency of EU legislation.

The "Qualitative" Dimension of Adaptation Pressure

The constellation of EU policies and sectoral administrative traditions at the national level indicates the "objective" adaptation requirements. It tells nothing, however, about how this adaptation pressure is perceived at the national level which we will consider the qualitative dimension of adaptation pressure. We assume that the extent to which national actors perceive European requirements as a fundamental challenge depends on two "perception filters": the degree of *institutional embeddedness* of sectoral administrative arrangements and the *policy context*, including aspects like issue salience as well as the contestedness of the issue in question. As we shall see, the explanatory relevance of the policy context is to some extent contingent upon the impact of the first aspect, institutional embeddedness.

Institutional Embeddedness

Institutional embeddedness defines the degree of institutionalization or institutional stability of sectoral administrative traditions. According to Krasner (1988), embeddedness increases with the degree of an institution's depth and breadth. On a vertical dimension, institutional depth defines the extent to which administrative arrangements are "ideologically" rooted in "paradigms" (Hall 1993) affecting the beliefs and ideas of administrative actors. The horizontal perspective, institutional breadth, refers to the number of (inter-)institutional linkages and the tightness of these linkages; i.e. the number of other changes that would have to be made if the institutions under observation were to be changed. Breadth is therefore related to the potential costs of transaction linked to institutional transformation. With increasing institutional embeddedness, existing arrangements are representing core rather than peripheral parts of administrative traditions. As a consequence, higher adaptation pressure is perceived, the more EU legislation challenges core patterns of the regulatory approach, style and structure identified by their degree of institutionalization.

The extent to which sectoral administrative arrangements represent core patterns of national administrative traditions depends on their institutional embeddedness at both general and sectoral levels. Referring to the general level, we define sectoral arrangements as representing core patterns, when they reflect

appropriate to take EU policies as a starting point. Supranational policy formulation is considered a background factor in contributing to a more complete understanding of the concrete content of the policy decided.

and are linked to the basic characteristics of the state tradition as well as the legal and political-administrative system. Thus, institutional depth of sectoral arrangements is higher the more they reflect the basic conception of the state (state tradition). This holds true especially for the regulatory style, where we have distinguished between an interventionist and a mediating ideal type. According to Badie and Birnbaum (1983) two broad paths implying different state conceptions can be distinguished: the "state-led society" (France, Prussia) where the state has developed autonomous authority structures over society in order to lead the nation by active intervention and control and the "society-led state" (Britain) reflecting a network of elites and institutions which have national legitimacy in place of the state. In the latter model political influence is founded on social values and not on the forcible conquest of the state (Badie/Birnbaum 1983; Nettl 1968; Dyson 1980).

Furthermore, institutional breadth of sectoral arrangements is affected by aspects of the legal and political system. Of specific importance for our context is the fact that different legal traditions have led to different conceptions of the law in leading and controlling administrative action. In the Continental states separation of state and society is reflected by the development of a comprehensive system of administrative law which contains detailed procedural and substantive provisions in order to empower administrative intervention into society. On the other hand, administrative behavior is subject to extensive judicial review. Administrative action, therefore, is fundamentally related to legal rules defining possible courses of action. In Britain, on the other hand, administrative law and judicial review are comparatively less developed. Formal legal rules are less important for administrative activity than in Continental Europe. We therefore expect a higher degree of embeddedness of sectoral regulatory rules in countries where a comprehensive system of administrative law is developed, since sectoral adaptations would imply more extensive transformations of the general system of administrative law. With respect to the political system, institutional breadth is expected to be higher in federal states, where sectoral structures are tightly linked to the basic distribution of competencies between different levels of government (central, regional, local).

The classification of sectoral administrative arrangements as core patterns depends not only on the extent to which they are embedded into their macro-institutional background, but is also defined by their links to sector-specific institutional embeddedness. Institutional depth at the sectoral level is defined by the extent to which regulatory activities are shaped by a dominant regulatory approach; i.e. a "framework of ideas and standards that specifies not only the goals of policy and the kind of instruments that can be used to attain them, but

also the very nature of the problems that they are meant to be addressing” (Hall 1993, 279). Institutional breadth of sectoral arrangements, on the other hand, is higher the more regulatory rules and structures are based on a stable, comprehensive and interrelated set of arrangements.

When considering the institutional embeddedness of administrative arrangements, it should be noted that the structural stability of embeddedness; i.e. the “embeddedness of embeddedness” is conceived as dynamic rather than static. The institutional background, in which administrative arrangements are embedded, may itself be subject to dynamic developments, whose pace and scope are basically dependent on the structural capacity for reforms given at the national level⁶. In other words, the institutional background, in which sectoral administrative arrangements are embedded is conceived of as trajectory, along which — depending on the reform capacity of the political system — more or less far-reaching developments may take place (cf. Dobbin 1994)⁷. The higher the structural dynamics implied in this “embeddedness of the embeddedness”, i.e. the structural flexibility of the core, the lower the potential vulnerability to core challenges implied by supranational legislation.

Depending on the degree of institutional embeddedness of sectoral administrative arrangements, we distinguish between three levels of adaptation pressure. We classify pressure as *high*, if EU policy is perceived as contradicting core elements of administrative arrangements. *Moderate* adaptation requirements are perceived, on the other hand, in case EU legislation is seen as demanding only changes within the core of national administrative traditions rather than challenging these core factors themselves. Changes within the core may include the addition of new regulatory elements as long as existing arrangements are not put into question, and cases where initial core challenges are no longer perceived, since the challenged core has itself become subject to change as a consequence of national dynamic processes. In contrast to instances

⁶ National reform capacity is defined by specific characteristics of the political-administrative system. First, the structure of the state (central or federal) plays an important role for the allocation of administrative competencies and administrative co-ordination. It has to be noted that there is a general trade-off between centralization and decentralization. Thus, decentralization on the one hand can reduce reform capacity in offering interested actors a higher number of veto points (Immergut 1992, 27) that can be exploited. On the other hand it may strengthen the opportunities for societal actors to bring about policy innovation by offering a higher number of political arenas. Second, and related to the first point, the strength/weakness of executive leadership has to be assessed; i.e. how strong is the position of the government with respect to other political, administrative and societal actors.

⁷ An illustrative example in this respect are recent public sector reforms, which — as a result of differing national reform capacities — were carried out with for or less far-reaching impacts in different European countries.

of moderate and high adaptation pressure which both imply more or less far-reaching administrative changes, *low* pressure for adaptation is given if member states assume that they can rely on already existing administrative provisions to implement European legislation. While the degree of institutional embeddedness provides us with a starting point for identifying different levels of adaptation pressure perceived at the national level, perception shifts may occur as a result of the second "perception filter", the policy context, to which we now turn.

The Policy Context

As indicated already, the relevance of the policy context is dependent on the level of adaptation requirements perceived in light of institutional embeddedness. To be precise, the particular impact of the policy context on potential perception changes is restricted to cases of "changes within the core"; i.e. of moderate adaptation pressure. In contrast to the cases of low and high perception of adaptation pressure, this "halfway" situation implies a more unstable attribution of adaptation pressure, with its perception moving up or down depending on the given policy context. The limited impact of the policy context becomes apparent, when considering the basic factors by which it is defined.

To grasp the influence of the policy context, we distinguish between low and high *political salience* of the issue addressed by European legislation. Issue salience is affected by three groups of factors. Firstly, it needs to be determined whether there is an objective problem (depending the objective environmental situation, the applicability of EU legislation in question, as well as patterns of industrial settlement, for instance). Secondly, environmental capacity of administrative and societal actors is of importance, including aspects such as administrative resources for monitoring and measuring the state of the environment as well as public awareness and the strength of environmental organizations which influence information exchange and the politicisation of the implementation process. Administrative and societal environmental capacity are crucially affecting if and how objective problems are perceived. In addition, high societal environmental capacity may imply a generally high salience of environmental issues, i.e. political salience under such conditions has not necessarily to be linked to an objective environmental problem. Thirdly, salience of environmental issue may rise, if the European legislation is linked to and can jump on the bandwagon of more general debates (deregulation, for instance) which have high priority on the national political agenda.

If political salience is low, we assume that perception of adaptation pressure shifts from a moderate to a low level. Due to political indifference, policy problems addressed by supranational legislation are either overlooked, neglected, or taken as being satisfactorily resolved by given administrative arrangements, although from a mere institutional perspective moderate changes would have been required. Although one could theoretically think of cases, where under similar conditions the perception of high pressure might shift to a moderate level, this case is rather unlikely in practice, since institutional core challenges will hardly occur without provoking a certain level of political attention.

In cases of high political salience, on the other hand, the impact of the policy context depends on the interest constellation given in the *political arena*. If European policy requires a redistribution of costs and benefits between different societal actors, we assume that the political arena is conflictive. As a consequence, the political sensibility for administrative changes increases, implying a perception shift from moderate to high adaptation requirements. The theoretical possibility of a shift from low to moderate, on the other hand, is excluded by definition. As long as European policy is nothing more than a confirmation of existing national arrangements, there is — even in cases of high political sensibility — no obvious reason why any kind of adaptation pressure should be perceived at the national level.

In cases where the political arena is less conflictive, on the other hand, we expect that the moderate perception level is confirmed and consolidated by the policy context. There is a general political consensus and acceptance, that certain administrative changes are necessary in order to comply with European legislation. Such a consensual arena can be expected, for instance, when the issue is linked to a more general topic which dealt with in a climate of strong political commitment toward certain solutions.

In sum, the impact of the policy context on the perception of adaptation pressure is restricted to cases of moderate adaptation requirements⁸. Firstly,

⁸ An alternative explanation of the limited impact of the policy context as an additional "perception filter" could be seen in the fact that the two cases of core contradiction and complete confirmation reflect rather unambiguous institutional constellations which allow for rather stable attributions of adaptation requirements. With respect to moderate pressure, which refers to changes within the core, i.e. "secondary aspects" (Sabatier 1993) or "first and second order changes" (Hall 1993), attribution is less clear and stable. Since this category is related to the whole spectrum between the two poles of core challenge and no challenge, it seems likely that the perception might easily shift to the high or low pole end. In order to analyse, if and in which direction a perception shift might occur, we need a second "perception filter", which is defined by the policy-specific context.

perception might shift to low pressure as a result of low political salience. Secondly, the moderate perception level will be confirmed in cases of high political salience and a consensual political arena. Thirdly, perception will shift to high adaptation pressure in cases of high political salience and a conflictive political arena.

In light of these considerations, we expect the policy context to be less relevant in countries with strong institutional embeddedness of sectoral administrative arrangements. In such cases, the institutional filter generally provides a sufficient basis for defining the perception of adaptation pressure, since EU policy in such countries is more likely to be perceived "clearly" either as core contradiction or as core confirmation. On the other hand, the policy context is of particular importance in countries where institutional embeddedness is generally low or subject to dynamic variation as a consequence of high national reform capacity⁹.

A particular case where institutional embeddedness can be expected to be low are countries with low sectoral administrative capacity. Low administrative capacity is given, when — due to the low resources and priority given to a certain policy field — no systematic regulatory approach and style have emerged and effective and coordinated structures are missing or not well developed. As a consequence, sectoral embeddedness with respect to both institutional breadth and depth remains at a low level. From an institutional perspective, we therefore generally expect the perception of a moderate level of adaptation pressure, since EU policy requires the introduction of new arrangements rather than the replacement of established core patterns. High pressure in such cases can only be expected when EU provisions challenge core aspects of the general institutional background. A more likely pattern is that the perception of moderate requirements for institutional adaptations shifts to a low perception level due to missing issue salience (which partly can be traced to low administrative capacity with respect to measurement and monitoring).

2.2 Linking Adaptation Pressure and Implementation Effectiveness

We have explained that — depending on the constellation of European and national policies as well as the impact of institutional and policy-specific "perception filters" — the implementation of European legislation leads to different perceptions of adaptation pressure on existing administrative traditions. According to the three levels of pressure distinguished, different

⁹ The auxiliary character of the policy context in cases where institutional constellation provide no sufficient explanation follows the principle of „decreasing levels of abstraction“, which takes the institutional frame as analytical point of departure and moves towards an actor-centric perspective if needed (cf. Mayntz/Scharpf 1995).

"implementation paths" can be identified, implying either effective or ineffective implementation results.

(1) Resistant Persistence: Contradiction of the Core

In cases where high adaptation pressure, i.e. contradiction of the administrative core, is perceived, ineffective implementation results are quite likely. As neo-institutionalist approaches suggest, well-established institutions such as administrative traditions, not easily adapt to exogenous pressures. Rather institutional adaptation is constrained by the structures in place. In general, institutions — apart from the rare cases of external shocks or fundamental performance crisis — persist over time, although their environment is changing (cf. Krasner 1988; DiMaggio/Powell 1991; March/Olsen 1996). This persistence is particularly likely with respect to core elements, which are deeply rooted in the institutional background. Adaptation to European pressure in such circumstances will therefore be resisted; either by incomplete, incorrect, or symbolic implementation, i.e. despite formal compliance, the practical application follows the pre-existing approach (cf. Brunsson/Olsen 1993).

(2) Accepted Adaptation: Change Within a (Changing) Core

If pressure for adaptation is perceived as moderate, conditions for effective implementation are better. Since the changes required are interpreted as remaining within the institutional framework rather than as challenging its core, adaptation is easier to achieve. Two specific cases can be distinguished.

On the one hand, EU policy might contribute to the improvement of a "static" core. In this case, supplementary or complementary elements to the existing regulatory approach are provided. On the other hand, EU policy can play a role as guiding and reinforcing the change of a "dynamic" core. In these cases the implementation coincides with independent, concurrent dynamics within the general institutional context in which sectoral administrative arrangements are embedded. As mentioned above, this coincidence may reduce the high adaptation pressure initially perceived at the national level. Within the general reform climate, institutional changes implied by EU legislation are no longer perceived as challenging national core patterns but as corresponding to ongoing changes. In such circumstances supranational policy can reinforce national dynamics and drive sectoral administrative reforms further than they would have otherwise gone¹⁰.

¹⁰ It should be emphasised in this respect, that the scope and pace of such national dynamics is basically contingent upon the reform capacity of the national political system.

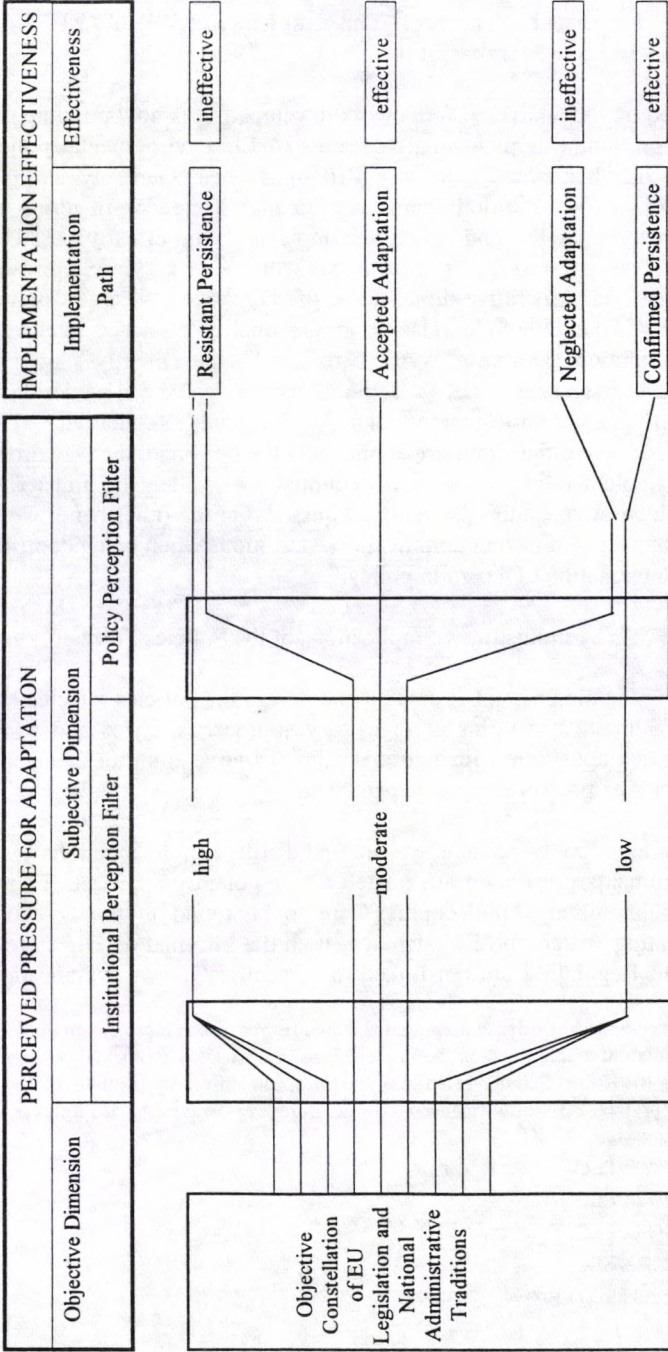
(3) Compliant Persistence: Confirmation of the Core

If the constellation of European requirements and national administrative traditions implies no or only negligible adaptations of administrative arrangements characterized by a low degree of institutional embeddedness, EU policy can be seen as a confirmation of national core arrangements. This holds especially true for cases where national arrangements exactly reflect or even go beyond the supranational provisions. In such cases, national administrative traditions allow for a rather effective implementation of European legislation, since compliance is unproblematic.

(4) Neglected Adaptation: Missing Contradiction of Missing Capacity

Under different circumstances, implementation in cases of low adaptation pressure may be rather ineffective. This pattern is to be observed particularly in situations, where EU policy objectively would require changes within existing core arrangements, but this pressure is not perceived. As we have seen, the perception of adaptation pressure indicated by the institutional perspective, may shift from moderate to low in cases of low political salience. In other words, European adaptation pressure is not sufficient to motivate administrative adaptation at the national level in light of the low political attention dedicated to the issue in question. As a consequence, there is the potential that European reform requirements are either underestimated or intentionally ignored. In member states with low administrative capacity, ineffective implementation can often be traced to such a misperception of low rather than moderate or high adaptation pressure.

Table 1: Perceived Adaptation Pressure and Implementation Effectiveness



3 Empirical Evidence: The Implementation of EU Environmental Policy in Four Member States

Based on the analytical framework developed, it is now possible to explain and interpret some implementation results of EU environmental policies found in four member states¹¹; namely Britain, France, Germany and Spain, whose administrative traditions show significant differences in terms of regulatory approaches, styles, and structures. Implementation effectiveness is analysed for five measures, relying on instruments with rather varying implications in terms of these administrative dimensions: the Directive on Large Combustion Plants (LCP)¹², the Directive relating to the quality of water intended for human consumption (Drinking Water Directive)¹³, the Directives on Environmental Impact Assessment (EIA)¹⁴, the Directive on the Freedom of Access to Environmental Information¹⁵ and the Eco-Audit Regulation¹⁶. This way, two comparative dimensions are applied. On the one hand, the way different policies are implemented in the same country; i.e. under the impact of the same administrative traditions, can be assessed. On the other hand, we can compare the impact of different administrative traditions when being confronted with the implementation of a certain policy.

3.1 The Administrative Implications of the Policies Selected

Along the dimensions of content and design the policies selected show different characteristics in terms of regulatory approaches, styles and structures. From their juxtaposition with national administrative traditions, different levels of adaptation pressure might be perceived.

Turning to policy content, we can first distinguish the extent to which the policy instruments prescribed are related to a regulatory approach. Elements of such problem-solving "philosophies" are to be found in the Directives on LCP, Drinking Water, and EIA, whereas both the Information Directive and the Eco-Audit Regulation are not linked to a specific type of overall approach, but to

¹¹ The empirical evidence presented is drawn from a research project on the impact of national administrative traditions on the implementation of EU environmental policy currently carried out at the Robert Schuman Centre of the European University Institute, Florence (Knill 1997). The project is jointly financed by the European University Institute and the European Commission, DG XI.

¹² 88/609/EEC.

¹³ 80/778/EEC.

¹⁴ 85/337/EEC.

¹⁵ 90/313/EEC.

¹⁶ Regulation (EEC) No. 1836/93.

questions of regulatory style and structures within a given approach. When considering the regulatory approaches of the former three Directives, certain differences exist. Both the LCP and Drinking Water Directive emphasise the precautionary principle, which claims that — despite scientific uncertainty over causes and effects of environmental pollution — pollutants have to be reduced as far as possible by making use of the best available technologies. Based on these principles, the focus of the LCP-Directive is directed at the reduction of emissions at the end of the pipe, whilst the Drinking Water Directive is focusing on water quality objectives. In contrast, the EIA Directive is characterized by an integrated philosophy. Environmental impacts have to be assessed from a cross-media perspective. Any developer of a project which is likely to have significant effects on the environment has to undertake an EIA before the consent for the project is given by the competent authority.

Different conceptions also exist with respect to regulatory styles. Whereas the LCP and Drinking Water Directive reflect the interventionist ideal type, the Information Directive and the Eco-Audit Regulation point to the mediating ideal. The EIA Directive lies somewhat within these two poles. The interventionist mode of state intervention given in case of the LCP and Drinking Water Directive becomes apparent in the substantive and hierarchical instruments, which define legally-binding emission or quality standards to be achieved. According to these uniform and hierarchical specifications, the measures imply more formal and legalistic patterns of administrative interest intermediation. In contrast, the Information Directive is characterized by procedural requirements aiming at increasing regulatory transparency. To make the performance of both public authorities and the regulated industries accountable to the public, the Directive requires relevant authorities holding information on the environment to make this information available to the persons requesting it. The mediating regulatory style is even more pronounced in case of the Eco-Audit Regulation, which emphasizes industrial self-regulation by the voluntary introduction of an environmental management system. The EIA Directive, on the other hand, is characterized by both mediating and interventionist elements. While the requirement to carry out an EIA is specified in a hierarchical way, the Directive's focus on procedural aspects and public participation reflects elements of the mediating ideal type.

When focusing on structural arrangements, potential implications are most likely in case of the EIA Directive and the Eco-Audit Regulation. Thus, the integrated approach inherent to the EIA procedure points to the concentration or at least coordination of administrative control responsibilities. While the EIA Directive may imply changes in existing structures, the Eco-Audit Regulation requires to build up new structures. Member states must create competent

accreditation and certification bodies in order to set up an Environmental Management and Audit Scheme (EMAS) to be applied by industry. Structural implications of the other Directives, in contrast seem to be less demanding and are basically related to organisational rather than structural adaptations.

Referring to policy design, we find different degrees of regulatory scope. While the substantive policies are focusing on one single environmental medium (air and water), the procedural policies are related to all media; i.e. have cross-sectoral character — thus potentially requiring more extensive adaptations at the national level. Differences also exist with respect to regulatory density, which is quite high in case of the substantive Directives, where uniform and detailed provisions are defined. Member States have only limited leeway in deciding on the corresponding means of how to achieve the standards, since the latter were based on the best available technologies at that time. In contrast, regulatory density of the procedural measures is rather low. Especially the Directives on EIA and Access to Information are characterized by a vague and open wording, leaving much leeway for interpretation at the national level. Referring to regulatory consistency, especially in the case of drinking water certain problems become evident. The measurement technologies prescribed to some extent were already outdated when the Directive came into force and were found incapable of performing the measurement of some fine values called for in the Directive. This way, member states going beyond the monitoring requirements of the Directive paradoxically put themselves at a higher risk to breach European standards, since such breaches were likely to be found with more frequent and sophisticated application of monitoring technology.

3.2 The Impact of Different Administrative Traditions on the Implementation of Different Policies

We have seen that the European policies selected vary with respect to both policy content and design. In the following we take a look at the ways these differing characteristics have implied effective or ineffective results in the given national context.

Germany: Between Resistant and Compliant Persistence

In Germany, we can observe a bifurcation of its implementation record. While the substantive policies corresponded with existing national arrangements which may even go beyond European requirements, the procedural measures — apart from the Eco-Audit Regulation — were perceived as contradicting core elements of the German administrative tradition. The existence of two contrasting implementation paths can be explained against the background of

highly institutionalized national administrative arrangements. Only the assessment of the Eco-Audit Regulation's implementation record requires the additional analysis of the policy context.

German administrative traditions in environmental policy are characterized by a regulatory approach which emphasizes the precautionary principle, the use of best available technologies in combating environmental pollution, and the definition of uniform control requirements independent of varying local conditions. The interventionist regulatory style can be understood against the background of the German state and legal tradition, which presupposes a superior role of the state *vis-à-vis* society; with the rule of law traditionally serving as a substitute for democratic representation (cf. Ellwein/Hesse 1989; Allum 1995). Policy instruments generally reflect the hierarchical type, defining substantive and uniform standards to be achieved. Patterns of interest intermediation can be described as being rather formal and legalistic, with informal bargaining between regulatory authorities and industry taking place under the "shadow of the law". Access for third parties is quite restricted, allowing for participation only in legally specified cases. Regulatory structures at the sectoral level are characterized by fragmentation and decentralization (cf. Wessels/Rometsch 1996), the latter being due to the federal state structure.

The clearly defined and deeply institutionalized patterns of sectoral administrative arrangements coexist with a very high political salience of environmental issues. The combination of "objective" problems (stemming from the even and rather dense distribution of industrial settlement as well as the high population density) and the high level of societal mobilisation in the environmental field form the conditions for a generally intense perception amongst administrative actors of potential conflicts between EU requirements and national arrangements (Héritier/Knill/Mingers 1996; Lenschow 1997).

In light of the administrative traditions, Germany perceived both the LCP and the Drinking Water Directive basically as confirmation of national arrangements which partly even went beyond European requirements. Problems occurred due to the regulatory inconsistency of the Drinking Water Directive, however, as Germany sought to create this consistency at the national level. Thus, the Directive contained certain limit values, which could not be measured by the monitoring requirements defined. The development of appropriate measurement technologies in Germany led to transposition delays and had the side effect of a subsequently increased vulnerability to the detection of breaches with the standards. Despite this "self-created" adaptation pressure, EU policy was generally perceived as conformation of the national arrangements (Lenschow 1997).

In contrast to the substantive Directives, both the Directives on Access to Information and EIA were perceived as contradicting existing core arrangements, thus implying rather ineffective implementation results. In both cases, already the first "perception filter", institutional embeddedness, indicated a challenge of core patterns¹⁷. Despite the open texture of the Information Directive, its provisions contradicted the German administrative tradition of secrecy generally allowing participation only for parties directly affected by administrative activities, which is deeply rooted in the German state and legal tradition. As a consequence, implementation was delayed and formal transposition occurred in a rather restrictive way. Moreover, practical application so far indicates far-reaching deficits (cf. Scherzberg 1994; Lenschow 1997).

The institutional challenges posed by the EIA Directive, in turn, were basically related to the regulatory structure. The cross-media approach embodied in the Directive implies a relatively concentrated and centralised structure, requirement which stood in sharp contrast to the horizontal and vertical fragmentation of administrative competencies in Germany, which can not only be traced to the federal state structure, but is also institutionally rooted at the sectoral level. Given this static, medium-specific structure, the EIA Directive implied something revolutionary for the Germans (Héritier/Knill/Mingers 1996, 297). As a consequence, implementation results show only limited adaptations of regulatory structures. Although progressive national legislation was enacted to formally comply with the Directive, subsequent specification of the legislation by Regulations and Circulars significantly reduced the scope of the Directive. Thus, the EIA does generally not make much difference for the German authorization practice which is still based on a single-media approach (Héritier/Knill/Mingers 1996, 298; Lenschow 1997).

The Eco-Audit Regulation represents the only case where the German implementation path can be described as accepted adaptation. From an institutional perspective, this can be explained by the fact that Regulation has to be understood as an additional regulatory instrument supplementing the tools already in place rather than the substitution of existing instruments by new ones. Adaptation therefore is easier, since no modification in existing arrangements is necessary. The "institutional perception" was confirmed and reinforced by the specific policy context. Thus, issue salience was high, as it is

¹⁷ In both cases, this perception was supported by the policy context. Due to high salience of environmental matters, it was feared that a high number of information requests cause significant delay and disturbance in administrative operation. In a similar way, the EIA Directive was perceived as increasing administrative workload and delaying authorization processes.

generally the case in Germany with respect to environmental matters. Despite certain discussions on the concrete implementation, the political arena was characterized by a broad consensus on the potential merits of the Regulation. An important factor bringing about this consensual climate was the fact that the European legislation happened to resonate with concurrent national debates on "slimming the state" and overregulation (Lenschow 1997)¹⁸.

Britain: Accepted Adaptations Within a Changing Core

In contrast to Germany, the British approach to pollution control defines regulatory requirements in light of local environmental quality, cost/benefit-considerations, and sound scientific evidence on harmful effects of pollutants. The regulatory style comes quite close to the mediating ideal. Policy instruments traditionally are procedural rather than substantive and leave regulatory authorities high flexibility and discretion to define control requirements in the context of individual circumstances. Traditional patterns of interest intermediation are characterized by informal and pragmatic relationships between regulatory authorities and industry, almost excluding access possibilities for third parties (Vogel 1986). The sectoral regulatory style therefore corresponded to the consensual British "policy style" (Jordan/Richardson 1982), which is to be explained against the background the state tradition of the "society-led state" (Badie/Birnbaum 1983, 83). The emphasis on consensus rather than coercion finds its expression in the legal system with its preponderance of procedural regulation and the missing comprehensive system of public law principles to guide and control administrative action (Damaska 1986, 25). Turning to the regulatory structure, policy implementation was spread over a whole range of central and local authorities, with overall responsibility for pollution control laying with the Department of the Environment (DoE). Despite the unitary structure of the state, this division of responsibilities leaves local authorities a certain room for own initiatives and activities, since, unlike in France, there are no local agents of central government which coordinate and influence the activities of local authorities (Rhodes 1991, 85). On the other hand, allocation of competencies between the different levels of government shows a lower degree of institutional stability as comparative arrangements in other European countries. This can be traced to the strong position of central government within the British political system, which offers opposing actors a low number of institutional veto points for blocking governmental proposals. What is more,

¹⁸ In this context it is currently discussed to what extent EMAS play a role in accelerating the authorization procedure for industrial plants; e.g. by granting certain regulatory relief to companies registered under EMAS.

unlike in Germany, for instance, in Britain there is no constitutionally entrenched guarantee of local self-government (Dunleavy 1993).

Against this background, one would expect patterns of resistant persistence rather than accepted adaptation with respect to the substantive Directives and the Information Directives, since these measures challenged core arrangements, which were deeply rooted in the sectoral and general institutional context¹⁹. Interestingly, however, the implementation of the policies under study was overlapped by national reform dynamics. These developments, whose high scope and pace can be traced to the strong position of the government within the British political system, affected both core and peripheral patterns of the general institutional context, in which sectoral arrangements were embedded. Thus, a basic feature of the national dynamic processes, which were directed at increasing the effectiveness and efficiency of the public sector, was to open up government and to make administration more transparent. Additionally far-reaching structural developments took place, including the privatisation of public bodies and utilities, the establishment of independent agencies responsible for policy implementation, as well as the introduction of private sector management concepts (Hood 1991; Rhodes 1996). A further side-effect of these structural changes is the tendency toward more formal and legalistic arrangements, based on contracts and legal framework documents (Rhodes 1996; Wallace 1996).

As a consequence of these dynamics, European requirements were no longer perceived as contradicting administrative core arrangements, since this core — at least those parts which were defined by the general institutional context — was already subject to transformation. European provisions therefore were perceived as change within a changing core and played an important role in guiding and reinforcing national reform dynamics.

The perception of moderate adaptation pressure was confirmed and supported by the policy context. Political salience of both administrative reform and environmental issues was rather high. What is more, as a result of growing international pressure and increasing influence of environmental associations at

¹⁹ It should be noted that in the case of the drinking Water Directive the initial perception was that of moderate rather than high adaptation pressure, since the quality-based approach basically corresponded to the British arrangements. Similar to the French case (see below), the practical application within a more and more sensitive policy context soon resulted in a shift in the perception of adaptation pressure from moderate to high. Space does not allow for elaborating on this development in closer detail. The focus is therefore on the second implementation stage of the Directive, where pressure perception shifted once again as a result of national reform dynamics.

the national level during the eighties, a general political commitment emerged with respect to improved environmental protection and sustainable development. In light of national reform dynamics and this favourable political climate a more "positive" perception of adaptation pressures emerged, which is reflected in the implementation of the legislation under investigation.

In case of the substantive Directives, the particular dynamics emerging from change within a changing core led to a mixture of administrative change and persistence, which favours effective implementation. On the one hand, changes took place which in part go even beyond EU requirements. Thus, the regulatory approach is now characterized by an integrated concept taking a cross-media approach with respect to the control of emissions and discharges from industrial plants. In addition, the regulatory style is based on more substantive criteria defined in the EU Directives. Patterns of interest intermediation are more formal and offer far-reaching opportunities for public access to environmental information. The integrated approach is also reflected in structural changes, which imply a concentration and centralization of administrative competencies at the central level within the Environment Agency which was established in 1996 (Weale 1996).

Interestingly, the overlapping of national reform dynamics with the implementation of the Directives allowed for the persistence of certain core arrangements, although the latter were initially challenged by the Directives. National reform dynamics created now opportunities for maintaining crucial characteristics of the flexible traditional approach without being in breach with the European requirements based on a uniform and less flexible concept. Most important in this respect is the privatisation of the former publicly owned water and energy industries. This way, market conditions changed, allowing and requiring more flexible arrangements with respect to pollution control (Knill 1995; 1997a). As a consequence, the substantive European requirements are fulfilled in the context of a persistent regulatory approach based on local environmental quality, sound scientific evidence and cost/benefit considerations. Accordingly, state intervention is still characterized by high flexibility and discretion given to administrative actors. And within this flexibility there is still room for informal discussions and negotiations between regulatory authorities and industry. Interestingly, the changes accepted within the changing part of the core allowed for a persistence of the unchallenged parts of the core (Knill 1997a).

The trend of accepted adaptations within a changing core can also be observed with respect to the Information Directive and the Eco-Audit Regulation. As a consequence of the national dynamics, the Environmental Protection Act 1990

established so-called public registers, containing all relevant permitting and operational data as well as the results of emission monitoring for all processes falling under the Act. These arrangements exceed the requirements of the EU Directive in the sense that Directive provides only a passive right of information on request, whereas the British rule grants an active right of access to information. However, the Directive applies to all environmental data, while the public registers cover only certain data pertinent to authorization procedure. In so far, certain legal adaptations were perceived as being necessary in the UK, leading to comparatively effective implementation results²⁰.

Also the Eco-Audit Regulation reinforced developments that already had taken place in the UK, where environmental management systems based on British Standard 7750 had been introduced in 1992. With respect to the body necessary for the accreditation of verifiers the UK could rely on administrative structure already in place to implement the national environmental management system and the ISO 9000 quality management standard. Moreover, the procedural character of the Regulation as well as the emphasis of self-regulation conformed essentially to British administrative tradition in environmental policy. Publication of corporate environmental data was also compatible with British ideas on openness and transparency as emphasised by the EPA 1990.

In contrast to the relative effective implementation results described so far, the implementation of the EIA Directive can be characterized as neglected adaptation; i.e. although from an institutional perspective the Directive would have required moderate changes, as a result of low political salience no particular pressure was perceived to adapt existing arrangements. Due to the open wording of the Directive and the flexible British provisions, European requirements were integrated into the planning procedures which fall under the responsibility of the local authorities. This integration without change, however, to some extent runs against the objectives of the Directive. Firstly, due to the lack of coordination between central and local authorities given within the British political system, there is no linkage between the EIA (where responsibility lies with the local level) and the industrial process authorization (which for the larger plants lies with the Environment Agency) (Knill 1997a). Secondly, as a result of the "easy" implementation, environmental impacts are given no particular rank compared to other considerations in the planning process. In light of the wide discretion traditionally given to the planning authorities, the latter have broad leeway in balancing the results of the EIA

²⁰ Despite some critics raised by a recent implementation report by the House of Lords Select Committee on the European Communities (House of Lords 1996), the British implementation record seems to be rather effective when compared with the situation in the other countries under study.

against other information to be considered, such as financial and economic interests. Moreover, the balancing of competing considerations is only to a limited extent subject to court review. The courts only review the procedural aspects, e.g. if all interests have been taken into account, but leave the concrete decision to the discretion of the local authorities (Alder 1993, 212). The quality of environmental statements in general is therefore not very satisfactory. Some provide only little more information than a standard planning application, and few provide information on the alternatives considered, or the mutual interaction of the effects on different environmental media.

France: Problematic Adaptation Within a Flexible Core

In France, a multi-dimensional regulatory approach is dominant, which combines elements of both the British and German philosophy. While the French approach — similar to the British — places its focus on regional environmental quality, it generally contains a more technology and precautionary approach similar to the Germans. According to this broad approach, state intervention is shaped by both interventionist and mediating elements, including both substantive and procedural regulation. In addition, regulatory authorities are given high flexibility and discretion with respect to policy implementation. And even though the French — as the Germans — have an interventionist state and legal tradition, they exhibit more informal and consensual patterns of interest intermediation. This specific regulatory style can be explained by the fact that policy instruments in France are generally defined by way of framework legislation, giving administrative authorities high flexibility to adapt policy instruments in light of regional circumstances, making use of administrative circulars. Secondly, administrative and industrial top officials are often "old boys" of the same establishment, the *Ecole des Mines*, facilitating that administrative authorities use their competencies in a more cooperative and informal way.

Regulatory structure is characterized by concentration of administrative responsibilities at the regional and departmental level with the main decision-making powers lying with the central state agents, the regional and departmental prefects. In order to legitimate this centralized system, there exists a wide range of possibilities for the participation of local authority and general public representatives in so-called multi-partite bodies, which have mainly advisory and monitoring functions. In addition, the general public is given access to the control activities of regulatory authorities by a number of information and participation rights.

In contrast to the German and British case, the implementation paths of the measures under investigation show no dominant constellation of patterns. Although France, as a result of its multidimensional regulatory approach, is to a lesser extent prone to perceive core contradictions, from an institutional perspective moderate adaptations would have been required in many cases. The way, these pressures were perceived within the given policy context, however, resulted in rather mixed picture of implementation results.

A quite illustrative example in this context are the two substantive Directives, where we find differing implementation results despite their rather similar character. While the implementation of the LCP Directive can be characterized as accepted adaptation, the Drinking Water Directive reflects more the pattern of resistant persistence. As we shall see, this difference can be explained in light of the specific policy context given in both cases. For both Directives, from an institutional perspective, the moderate adaptation pressure on existing administrative arrangements was indicated. Although regulatory activities were based on legally-binding standards, these limits were negotiated at the regional level in light of the provisions defined in national framework laws (Bailey, 1997). Hence, the introduction of uniform national standards, as required by the Directives, required certain adaptations without challenging the regulatory core arrangements.

In case of the LCP Directive, the perception of moderate adaptation pressure was supported by the policy context. Due to the nuclear-dominated structure of the French energy sector, large combustion plants play only a minor role. Moreover, no new large combustion plants were planned for the future. In so far, the requirements of the Directive were perceived as being rather unproblematic to achieve by all actors involved. As a consequence of this consensual political arena, the perception of moderate adaptation requirements was confirmed.

By contrast, in the case of the Drinking Water Directive, the necessity to change the practice from adapting national framework laws in light of regional circumstances to uniform requirements for all regions was perceived as contradicting existing arrangements. This becomes particular obvious with respect to the European values for nitrates and lead, which are considered as too strict by French authorities. In other words, the conflict between the precautionary legislation and the French approach considering regional environmental conditions was perceived in the latter case. This perception shift can basically be traced to the high political sensibility and, related to that, the rather conflictive political arena given in the case of drinking water. Conflict emerges from the fact that the water companies are not prepared to pay the cost

for improving water quality as long as the French authorities refuse to intervene more strictly into agricultural activities which are seen as the main factors causing drinking water pollution (Bailey 1997). The demands of the water suppliers, on the other hand, are strongly resisted by the agricultural sector, which is politically sensitive and influential in France.

The implementation of the EIA Directive reflects a further case, where the policy context played an important role in changing the perception of adaptation pressure indicated by the institutional filter. In contrast to the case of Drinking Water, however, the impact of the policy context led to the perception of low rather than moderate adaptation requirements. Although France had established the legal and administrative basis for carrying out an EIA already in 1976, the objectives defined in the Directive would have required certain modifications with respect to public participation and the relevance for the EIA within the authorization process. No particular pressure was perceived to adapt to these requirements, however. This can be traced to the low political salience given to the implementation of Directive in France, which can be traced to the fact that EIAs were already an integral part of the regulatory arrangements for years. Accordingly to the missing adaptations, there is some criticism that in France the EIA is a pure declaration of the impacts a project will have on the environment rather than an instrument to stop or change projects with adverse environmental effects. Moreover, public participation generally takes place only after a decision on the project has been taken (Bailey 1997).

Moderate adaptation pressure was also perceived in the case of the Eco-Audit Regulation, which meant something new for the French. New administrative arrangements had to be introduced to comply with the Regulation; the innovations required are not in conflict with the existing regulatory core arrangements. The perception of moderate adaptation requirements was supported by the policy context. Since the Regulation was seen as a useful complementary tool, which was supported by industry, the political arena was characterized by a basic consensus on the potential benefits of the legislation.

The Information Directive, in contrast, can be seen as a confirmation of the existing arrangements. France perceived no necessity to introduce any formal and practical changes when complying with the EU Directive as the latter confirmed national legislation which was already enacted in 1978. Existing national arrangements to some extent even went beyond supranational requirements. However, although national practice suffered no formal amendment, the Directive is presently proving a useful tool, especially for environmental associations, in gaining access to data. This had been rendered

difficult in the past by the frequently uncooperative attitude taken by the French authorities (Héritier/Knill/Mingers 1996, 263).

Spain: Tolerated Acceptance of Missing Capacity

Compared to France, Britain, and Germany, administrative capacity in Spain can generally be described as being rather low. Accordingly, sectoral embeddedness of administrative arrangements is quite weak, implying that the perception of high adaptation pressure is likely only with respect to administrative elements which are embedded into the general institutional context. No dominant regulatory approach developed in order to address problems of environmental pollution. Rather state intervention is based on an unsystematic regulatory patchwork. In light of the interventionist state tradition and the rather recent authoritarian regime, there is a preference for command-and-control regulation. Basically, uniform and substantive standards are defined, which are, however, weak and far from reflecting a precautionary approach. The not well developed patterns of interest intermediation are formal, legalistic and closed, offering third parties only limited opportunities for access (Aguilar 1993, 240). Due to the federal structure of the state, a decentralised regulatory structure is in place, with the regions being the basic actors for practically implementing EU legislation. Regulatory structures are furthermore highly fragmented (Aguilar 1997), which is partly a result of the only recent attention toward environmental issues, which came basically as a consequence of European requirements. Thus, the newly established Environment Ministry is relatively weak and overall competencies for industrial pollution control still lie with other ministries. In addition, regional administrations lack financial and personal resources and structures are not very well developed.

Given these administrative arrangements, one should expect the perception of moderate adaptation requirements from an institutional perspective. Due to the missing sectoral embeddedness, EU legislation is to a lesser extent contradicting core patterns, but basically contains requirements to build up a missing core. As a consequence of low political salience, however, the pressure to improve missing arrangements is perceived as low, thus implying quite ineffective implementation results. The very low political salience of environmental issues can be traced to the missing perception of environmental problems despite their actual existence. Missing problem perception is basically a consequence of missing administrative capacity in terms of measurement and monitoring and missing societal capacity; i.e. due to the priority given to industrial development in order to close the economic gap to the Northern countries environmental awareness of the public is low and environmental organization are weak.

This general picture holds especially true in case of the two substantive measures. Referring to the LCP Directive, where adaptation requirements were significantly lowered during Council negotiations in order to overcome Spanish resistance, this becomes basically obvious with respect to the 1984 Framework Directive, on which the LCP Directive is based. The Framework Directive requires the use of BATNEEC (Best Available Techniques Not Entailing Excessive Cost) in order to minimise pollution from industrial plants, but has never been implemented in Spain (neither in formal and nor in practical terms) (Boerzel 1997). In the case of water, EU policy objectives are (mis)perceived as being achieved, since the missing administrative monitoring technologies are partly outdated and incapable for detecting breaches of the fine values defined in the Directive. In addition, public awareness, due to the primary concern of water shortage over water quality, is low. This places low pressure on regulatory authorities to strengthen their control requirements.

With respect to the EIA Directive and the Eco-Audit Regulation, an interesting difference can be observed. While the EIA case reflects the path of neglected adaptation, in the case of EMAS moderate pressure was perceived and the necessary adaptations accepted. In both cases, the central level is responsible for the formal transposition, whereas practical application lies with the regions. In case of the EIA, this division of responsibilities contributed to the reduction of perceived adaptation requirements. To begin with, at the central level perception of adaptation pressure was low as a result of the distance from potential problems emerging from practical application at the regional level. The low political salience given at the regional level, in turn, allowed for the integration of the Directive's requirements into rather deficient structures.

By contrast, in the case if the Eco-Audit Regulation, moderate adaptation pressure was supported by the policy context, bringing about regulatory innovation and the building up of administrative capacity. The introduction of EMAS was linked to the context of a broader political debate absent in case of the earlier implementation of the EIA Directive. The focus of this general political discussion is on regional autonomy and regional economic development in Catalonia, a region where economic development is at a rather high level and which is striving for autonomy from the central state. For these reasons, Catalonia anticipated the enactment of the relevant framework legislation by the central state by setting up provisional administrative structures (Boerzel 1997). This way, the region played the role of a national pacesetter. In addition, the building up of administrative capacity was facilitated by the fact that the Regulation requires administrative capacity only to a limited extent. The higher share of capacity-building is required from industry willing to participate in the EMAS scheme.

The Information Directive is the only case, where Spain perceived EU requirements as contradicting core arrangements, namely the secretive and closed administrative tradition. As a consequence, the implementation reflects the pattern of resistant persistence. Besides the long delay of the rather minimalist formal transposition, no effects can be observed with respect to the practical application so far. Rather research findings point to a practical non-implementation of the Directive (Boerzel 1997). Resistant persistence is facilitated by the low public awareness with respect to environmental matters given in Spain. Accordingly, the number of information requests is rather low and therefore no particular pressure for public authorities emerged in order to change their secretive practice.

The analysis of the implementation of different policies in different countries points to a rather mixed picture of implementation records. Obviously, different policies lead to rather varying results in different member states. Against this background, the concluding section addresses the question how the overall implementation effectiveness of European legislation might be improved in light of highly diverging administrative traditions in the member states.

3.3 Comparison of Implementation Results

As already mentioned, the empirical results allow for a comparison along two dimensions; i.e. with respect to different policies and different countries. The policy dimension provides us with insights on the general compatibility of EU legislation with different national administrative traditions. Focusing on the individual member states, on the other hand, reveals the implications of specific national administrative patterns on different policies.

Table 2: Implementation Paths for the Measures and Member States under Study

Policy/Country	Germany	Britain	France	Spain
LCP	Compliant Persistence	Accepted Adaptation	Accepted Adaptation	Neglected Adaptation
Drinking Water	Compliant Persistence	Accepted Adaptation	Resistant Persistence	Neglected Adaptation
Access to Information	Resistant Persistence	Accepted Adaptation	Compliant Persistence	Resistant Persistence
EIA	Resistant Persistence	Neglected Adaptation	Neglected Adaptation	Neglected Adaptation
Eco-Audit	Accepted Adaptation	Accepted Adaptation	Accepted Adaptation	Accepted Adaptation

To begin with the policy dimension, the Eco-Audit Regulation and the EIA Directive show consistent implementation patterns. In the Eco-Audit case, the effective pattern of accepted adaptation, which is to be found in all countries under study, can be traced to the pure additive character of the legislation; i.e. it contains no requirements that challenge existing arrangements. In addition, the Regulation requires not only the building up of administrative capacity, but also an increase of environmental capacity within industry. This way, effective implementation is facilitated. Finally, the Regulation's link to the general debate on deregulation in many countries might have secured a sufficient degree of political salience. Negative results in case of the EIA, on the other hand, can be traced to the open texture of the Directive, creating insufficient challenges to existing national arrangements (with the exception of the German case). By contrast, as a result of their higher "challenging potential" the implementation results for the other measures under study are rather mixed. Despite its open texture, the Information Directive still contains sufficient requirements to provoke resistant reactions in member states with a deeply rooted tradition of administrative secrecy. In the case of the substantive Directives, positive implementation results were possible as long as member states were able to fulfil the substantive requirements without changing existing administrative core arrangements.

Considering the country dimension, the bifurcation of Germany's implementation record implying either confirmation or contradiction is to be understood against the background of sectoral administrative arrangements characterized by a high level of sectoral and general institutional embeddedness. In the British case, by contrast, a generally high embeddedness of administrative traditions coincides with a high national reform capacity. This way, there is more room for national dynamic processes, within EU legislation can exert a guiding and reinforcing influence. The French record reveals, that the existence of a multi-dimensional approach with a lesser degree of institutional embeddedness reduces the vulnerability to core contradictions. On the other hand, having "all of everything" may sometimes imply rather "unpleasant" modifications of well-established patterns, which depending on the policy context will be accepted, neglected or resisted. Also the Spanish are to a lesser extent confronted with core contradictions, since — as a result of low sectoral embeddedness — there is not very much of a core to be challenged. Furthermore, due to the low political salience of environmental issues, however, corresponding requirements of EU legislation pointing to the creation of a missing core, are generally neglected.

4 Conclusion

The analysis has shown that the impact of national administrative traditions on the implementation of European policies is dependent on the national perception of pressure to adapt existing arrangements in light of European requirements. The extent to which such pressure is perceived is not only affected by the "objective" constellation of national traditions and the content of supranational policies, but also by the operation of institutional and policy-specific "perception filters". The latter play an important role in defining whether factual adaptation requirements are perceived as more or less fundamental. In this context, the effect of the policy filter are contingent upon the consequences of the institutional filter; i.e. they become only relevant with the institutional filter leading to unstable attributions.

In light of different levels of pressure perceived, four implementation paths can be distinguished, implying either effective or ineffective results. The first path, *resistant persistence*, is given in cases where perceived pressure is high. EU legislation is contradicting national core patterns with ineffective implementation being very likely. More effective results can be expected in the second path, *accepted adaptation*, where perceived pressure remains at a moderate level, since the demand for adaptation is interpreted as remaining within the existing core arrangements. Effective results are even more probable with respect to the third path, *compliant persistence*, where low adaptation pressure is perceived, because supranational policies basically confirm the national approach in place. The perception of low adaptation pressure, on the other hand, can also mean *neglected adaptation*. In this case, moderate adaptation requirements indicated by the institutional filter are neglected as a result of low political salience of the issue in question. Results drawn from environmental policy show that policies directed at supplementing rather than challenging national administrative arrangements are more likely to take the path of accepted adaptation, if there is sufficient political salience. Furthermore, effective implementation results are more likely in countries where administrative core arrangements are embedded into a more flexible institutional context, which may be subject to dynamic developments as a result of higher national reform capacity.

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