

# Complying with EU Law:

How Administrative Oversight Shapes  
Transposition of EU Directives

Radosław Zubek  
Katarína Staroňová



SPRAWNE PAŃSTWO  
PROGRAM *ERNST & YOUNG*



# Complying with EU Law:

## How Administrative Oversight Shapes Transposition of EU Directives

Radosław Zubek  
Katarína Staroňová



---

SPRAWNE PAŃSTWO  
PROGRAM *ERNST&YOUNG*

Warsaw 2010



## Graphic designer:

Kotbury

Report developed under the Better Government Programme for Ernst & Young Polska spółka z ograniczoną odpowiedzialnością sp. k.

## Legal disclaimer

This report has been prepared by academics to provide readers with general information on topics they may find to be of interest.

The information contained in this report shall in no case constitute the provision of services. Whilst the authors have made every effort to ensure that the information presented in this report is accurate, there is always the risk of inaccuracies. Ernst & Young Polska spółka z ograniczoną odpowiedzialnością sp. k. "EY" shall not accept any liability for, and gives no warranty as to, the accuracy and completeness of the information contained in this report. The report may contain references to specific statutes or regulations that are subject to amendment and should, therefore, be interpreted solely in the specific context in which they are quoted. The information is published without regard to any changes, and EY gives no warranties (express or implied), and makes no representations as to its completeness, accuracy and validity.

Furthermore, in so far as it is legally entitled to do so, EY disclaims all warranties (express or implied), including, without limitation, any implied warranties of the merchantability and fitness for a particular purpose. EY, its related companies or partners, agents or employees of EY or its related companies, shall not be held liable to the reader or any third parties for any decision or action based on the information contained in this report, nor for any indirect, special or consequential losses or damages, even if information on their likely occurrence is obtained.

© Copyright by Ernst & Young Polska Sp. z o.o. sp. k., Poland

Unless otherwise provided, Ernst & Young Polska Sp. z o.o. sp. k. holds copyright to the report. All rights reserved. No part of this report, including the text or graphics, may be reproduced or transmitted in any form or by any means without the written permission of EY.



---

**SPRAWNE PAŃSTWO**  
*PROGRAM ERNST & YOUNG*

Better Government Programme  
Ernst & Young Poland  
Rondo ONZ 1  
00-124 Warsaw  
tel. +48 (22) 557 70 00  
fax +48 (22) 557 70 01  
[www.bettergovernment.pl](http://www.bettergovernment.pl)

---

# Contents

Acknowledgments .....	6
Executive summary .....	7
Section 1. Transposition Performance in East Central Europe .....	8
Section 2. Core Executive Oversight and National Performance .....	12
Section 3. Departmental Oversight and EU Law Transposition .....	17
Section 4. Conclusion .....	25
Endnotes .....	27
References .....	28





## Acknowledgments

The financial support of the Ernst & Young Better Government programme for this research is gratefully acknowledged.

The authors owe a special debt of gratitude to Dr Agnieszka Cielen who provided invaluable research support in Poland. Thanks are also due to Krisztina Jáger, Ildiko Bartha, Leno Saarnit, Irena Baclija for research assistance and to national officials in Estonia, Hungary, Poland and Slovenia who agreed to be interviewed for this research. The authors remain solely responsible for any errors in the paper.

# Executive Summary

Each year EU member states must pass many domestic legal acts to transpose newly adopted EU directives. The extent to which they do so timely and correctly affects the functioning of the European single market. Yet, member states vary in how they discharge their transposition obligations. Some governments transpose well, others are persistent transposition laggards.

What affects national transposition performance? How can it be improved? There is a rich literature seeking to explain cross-country variation in EU compliance. It shows that timely and correct transposition depends on, among others, the degree of institutional and policy fit, political preferences of domestic decision-makers and the administrative capacities of national governments.

This report focuses on the role of administrative oversight understood as mechanisms for coordinating and monitoring the action of ministries and line sections. The key argument is that whenever transposition tasks are delegated - from cabinet to ministers and from ministers to civil servants - the risk of deliberate or non-deliberate shirking arises. Such agency losses can be mitigated by oversight mechanisms.

The analysis reviews central oversight mechanisms in five new EU member states in the period 2005-2008: the Czech Republic, Estonia, Hungary, Poland and Slovenia. It reveals many similarities, but also a few major differences in institutional design. Central oversight is found to be the strongest in Slovenia and Hungary and the least robust in the Czech Republic. Poland and Estonia have medium strength of central oversight.

The report also examines departmental oversight in 20 ministries in Hungary, Poland

and Slovenia. It shows that, on average, Polish ministries have a slightly weaker oversight over transposition processes than ministries in Hungary and Slovenia.

The effect of central and departmental oversight is illustrated with quantitative data on transposition performance at national and ministerial levels in east central Europe. These results tend to support the key argument of this report: better central and departmental oversight tends to have a positive impact on the process of transposition at the domestic level.

The report formulates a few recommendations for the Polish government. It argues that the present configuration of central and departmental oversight could be improved in particular by:

- introducing the practice of regular reporting on transposition performance at cabinet and ministerial levels;
- integrating and streamlining internal systems for planning transposition and domestic legislation;
- reinforcing the management capacities of legal departments in coordinating EU transposition at the ministerial level.





# Section 1

## Transposition Performance in East Central Europe

Each year EU member states must pass hundreds of domestic legal acts to transpose newly adopted EU directives. Whether they do so correctly and on time critically affects the operation of the EU single market. This is because transposition gaps deprive individuals and businesses of their rights and disrupt the free movement of goods and services. A consistent application of EU rules across member states is also a key determinant of the European Union's competitiveness in the world.

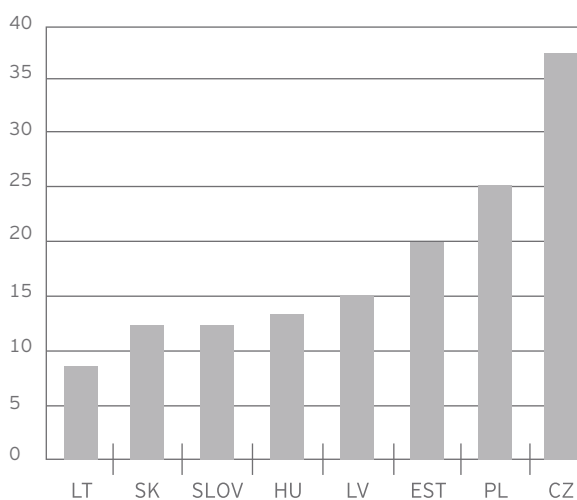
The significance of timely and correct transposition and implementation have led EU institutions to place legal compliance at the top of their agenda. The determination to tackle implementation deficits is apparent in the actions of the European Commission which opens an ever increasing number of infringement proceedings putting pressure on member states to address transposition delays. In a similar vein, the European Parliament has repeatedly urged national governments to improve their implementation records.

The emphasis on timely transposition has resulted in a gradual improvement in national transposition performance. Yet, there still remains much variation in the extent to which states comply with their transposition obligations. Why do such differences arise? What affects compliance? How can transposition performance be improved? These and other related questions form the core of the present report. The main focus will be on

administrative coordination, both at the central and ministerial levels. The analysis will also compare Poland with other new EU member states including the Czech Republic, Estonia, Hungary and Slovenia.

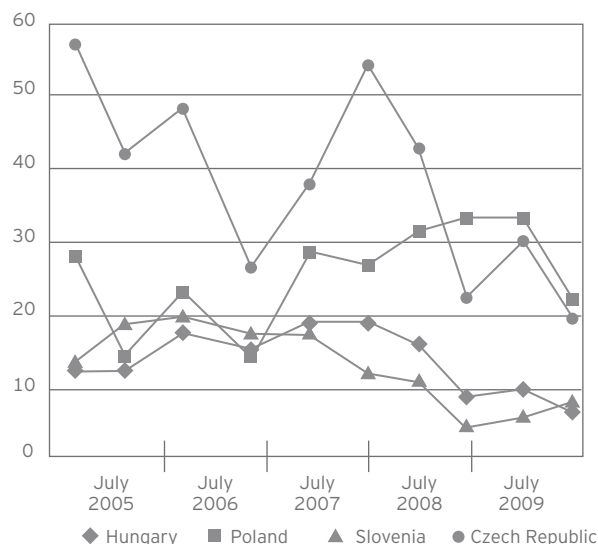
### Transposition Performance in new EU Member States

It is interesting to start with a general overview of transposition performance in new EU member states. Figure 1 presents the average number of non-transposed single market directives in EU-8 between 2005 and 2009. The data is extracted from the Single Market Scoreboard reports. The Czech Republic was clearly the most serious transposition laggard with an average transposition gap of more than 30 directives. Lithuania was one of the transposition leaders with an average of only nine non-transposed directives. The six remaining countries can be divided into two groups. The transposition record of Poland and Estonia was closer to that of the Czech Republic. Slovakia, Slovenia, Hungary and Latvia shared a comparatively good record.

**Figure 1: Average Transposition Deficit in EU-8 (2005-9)**

Source: own compilation based on Internal Market Scoreboard; average for ten reports from July 2005 to December 2009. Reports are available on [http://ec.europa.eu/internal\\_market/score/index\\_en.htm](http://ec.europa.eu/internal_market/score/index_en.htm).

It is also useful to examine the cross-temporal changes in national transposition records. Figure 2 shows how the number of non-transposed single market directives changed in four East and Central European states between 2005 and 2009. These data reveal that the Czech Republic had the worst - though declining - transposition deficit. The number of non-transposed directives in the remaining three states clustered at a medium level until the end of December 2007, but it clearly diverged thereafter. On the one hand, the transposition gap increased in Poland in each half-yearly period until an improvement in December 2009. On the other hand, the number of non-transposed single market directives consistently declined in Hungary and Lithuania.

**Figure 2: Transposition Deficit in the Czech Republic, Hungary, Poland and Slovenia (2005-2009)**

Source: own compilation based on Internal Market Scoreboard; average for ten reports from July 2005 to December 2009.

## Explaining Non-compliance

Why do states differ in their transposition performance? There is a rich literature seeking to explain cross-country variation in compliance with EU laws (see recent overview in e.g. Treib 2008; Toshkov 2010). This research identifies a large number of explanatory factors that fall into three broad categories.

### *Institutional and Policy Misfit*

Many studies find that the institutional features of member states matter for compliance with EU law. It has, for example, been shown that - all else equal - federal states find transposition more difficult than unitary states (Haverland and Romeijn 2007). More generally, it is argued that the higher the number of veto players (actors whose consent is required for policy change to take place), the more problematic the transposition process (Mbay 2001; Kaeding 2006; Giuliani 2003)





It has also been found that the degree of 'policy fit' between EU-level rules and national legislation has a strong impact on the timeliness and correctness of transposition. For example, Mastenbroek (2003), Thomson et al. (2007), Thomson (2007) and Steunenberg and Toshkov (2009) demonstrate that the more EU and national rules diverge, the more problematic the transposition process.

### *Political preferences*

Besides institutional and policy characteristics, research shows that the preferences of political actors shape the patterns of compliance. These findings fall into three categories. First, some studies argue that it matters whether governments have a high or low support for European integration. For example, in his study of new member states, Toshkov (2008) shows that more EU enthusiastic governments tend to be better at transposition. Second, there is much evidence that high political conflict regarding the transposition issue has a debilitating effect on transposition performance (König and Leutgert 2008). Finally, it has been shown that higher ideological differences at EU level reduce the likelihood of transposition, while unanimity in adoption of EU rules increases the likelihood of timely transposition (König and Luetgert 2008).

### *Administrative capacities*

Many EU implementation studies have shown that the effectiveness of national administrations critically determines the extent to which member states comply with European Union laws (see Mbaye 2001; Kaeding 2006; Hille and Knill 2006; Haverland and Romeijn 2007; Toshkov 2007, 2008; Zubek 2005, 2008; Kałużynska et al. 2009; Steunenberg and Toshkov 2009). This is an important finding which provides support for the 'management school' in EU compliance research (Tallberg 2002). According to this approach, member states fail to implement EU

laws not as matter of preference but because of their limited capacities to achieve compliance.

In a path-breaking analysis of the EU implementation, Siedentopf and Ziller (1988) argue that the quality of governmental coordination is a key determinant of successful transposition. Richardson (1996) links transposition performance to administrative styles prevalent in the national polity.

More recently, many quantitative studies have found that the efficiency of national bureaucracies has a strong impact on transposition performance. Mbay (2001) shows that the structure of the civil service has a strong effect on the number of infringements initiated against a member state (see also Haverland and Romeijn 2007). Falkner et. al (2005, 2008) find that the level of available administrative resources affects the success of transposition. Many scholars also show that the general measures of bureaucratic strength are significant predictors of transposition records (cf. Berglund et al. 2006; Hille and Knill 2006; Toshkov 2007, 2008).

Most of the recent studies resort to statistical analyses using aggregate indicators of bureaucratic efficiency. Relatively few studies link specific administrative factors to transposition performance. There are, however, some exceptions. Jensen (2007) shows how the type of oversight that central government use to monitor compliance by administrative agencies influences how quickly member states resolve infringement proceedings. More specifically, he argues that 'police-patrol' oversight is more effective than 'fire-alarm' mechanisms.

Zubek (2005, 2008) demonstrates how the strength of core executive oversight over ministerial departments affects the extent to which the latter comply with transposition commitments. His argument is that higher centralization of authority inside national cabinets facilitates timely adaptation to EU

laws. Dimitrova and Toshkov (2009) also explore the relationship between domestic EU co-ordination structures and problems with EU law compliance. They show that, while stronger coordination leads to more timely transposition, this effect is conditioned by the extent to which transposition measures are politically salient.

This report will focus on the role of administrative oversight - understood as an array of mechanisms for coordinating and monitoring the action of ministries and their constituent units. The next section will review central oversight mechanisms in five new EU

member states: the Czech Republic, Estonia, Hungary, Poland and Slovenia. Chapter 4 will examine departmental oversight arrangement in 20 ministries in three east central European states: Poland, Hungary and Slovenia. Both chapters will also provide initial checks of whether differences in the degree of oversight correlate with transposition performance. The final chapter will present general recommendations for the decision-makers in Poland and beyond on how to improve transposition performance through reinforcing oversight at central and departmental levels.





# Section 2

## Central Oversight and Transposition Performance

When the EU institutions have adopted a new directive, its transposition into domestic law is delegated to national ministries. But any delegation of authority creates the risk that those charged with delegated tasks (agents) either will not perform or will do so in a way contrary to the interests of the delegating actors (principals) (Pratt and Zeckhauser 1985; Kiewiet and McCubbins 1991). Such 'shirking' can be deliberate - when agents have private interests that diverge from those of their principal. It can also be non-deliberate - when agents lack the necessary resources or fail to perform due to problems of communication or occurrence of random events.

In the area of EU transposition, the ministerial agents responsible for transposition may be tempted to use their gate-keeping powers to delay or block adaptational measures if EU policies bring high costs to sectoral constituencies or bring benefits that are beyond the time horizon of ministers and officials. They may also lack the necessary time and personnel to effectively carry out EU-related legal implementation tasks. As a result, complete and correct transposition of EU directives may be blocked or delayed at a ministry level. Such situations may lead to the problem of non-compliance.

Such agency losses can be mitigated by oversight. The literature identifies four main types of mechanisms: contract design, screening and selection, monitoring and

reporting, institutional checks (Kiewiet and McCubbins 1991: 27-34). The first two make it possible to safeguard against agency losses before delegation (ex ante mechanisms), while the other two after delegation (ex-post mechanisms). Oversight may also be reinforced through the presence of an enforcer or supervisor - a special type of agent whose role is to monitor and report on the actions of other agents (Alchian and Demsetz 1972; Tallberg 2003).

In cabinet settings, the risk of agency losses at ministerial level is typically addressed through the development or reinforcement of a core executive (cf. Dunleavy and Rhodes 1990; Andeweg 2000; see also Hallerberg 2004). The core executive is normally taken to comprise of the prime minister, finance minister, non-sectoral ministers and 'a web of institutions, networks, and practices surrounding the prime minister, cabinet, cabinet committees and their official counterparts' (Rhodes 1995: 12). The primary task of the core executive is to identify the collective interest of the government as a whole and mobilize ministries behind such goals. To be effective, core executive actors are furnished with authority and resources that they can use to monitor and reward or sanction the behaviour of ministers and officials.

Research on the national coordination of EU transposition indeed demonstrates that many national governments establish internal oversight mechanisms to control the way in

which directorates and other units discharge transposition tasks (cf. Kaeding 2007; Dimitrakopoulos 2008; Zubek 2008; Zubek 2010 forthcoming).

### ***Core Executive Oversight***

To map the strength of core executive oversight, this report examines rules governing the process of transposition in three principal dimensions: transposition planning, substantive review and monitoring of deadlines (Zubek 2010 forthcoming). The focus is, in particular, on the role of cabinet-wide core executive actors such as Prime Minister's Offices, State Chancelleries, EU secretariats, and ministries of foreign affairs and justice.

In transposition planning, the analysis checks if there exists a monitor with responsibility for transposition planning across the government. This may be a minister for EU affairs, a dedicated EU secretariat or a special committee. The monitor may be furnished with a variety of powers such as the right to manage the transposition planning process across the government and coordinate with parallel programming exercises.

With regard to substantive review, the key issue is whether there is a central monitor who checks the correctness and completeness of transposing measures prepared at the ministerial level. The role may be performed by legal services at the EU secretariat or the Prime Minister's Office. The monitor may also have the right to draft horizontal, cross-cutting legislation.

Finally, it is important whether central units exist with responsibility for monitoring compliance with transposition deadlines. Such units may have the right to verify progress in transposition at the departmental level and report to the prime minister and the full cabinet.

## **Core Executive Oversight in New EU Member States**

This section presents information on the strength of core executive oversight in five new EU member states (see Table 1 for a summary assessment). It focuses on the period 2005-2008.

### ***The Czech Republic***

In the Czech Republic, transposition was coordinated in 2005-2008 by the deputy prime minister for legislation and the EU compatibility unit in the Government Office. When a new EU measure had been published, the unit allocated responsibility for transposition of specific directives among ministries, but its role stopped there. Ministries developed transposition work plans without any input from the unit and uploaded them to the central ISAP database. The EU compatibility unit checked if legislative programmes included all necessary transposition measures, but its comments had low status

As regards legal review, the EU compatibility unit reviewed all draft legislation for compatibility with the EU law and checked if transposition was complete and correct. Progress was discussed at monthly meetings of administrative coordinators at the Government Office, but these meetings were largely technical and focused on verifying the information contained in the ISAP database. The EU compatibility unit prepared quarterly reports to the cabinet on transposition progress. No regular reminders of delays or other problems were sent, the key emphasis was placed on the quarterly reports to the cabinet.

### ***Estonia***

In 2005-2008, transposition was coordinated by the EU secretariat in the State Chancellery. The EU secretariat was responsible for collecting the information about all newly





published directives. It prepared a summary of all new measures and proposed allocation of responsibilities. The document was discussed and accepted - every two weeks - by the EU coordination committee. Once the collective agreement was reached, the EU department placed all new measure in a centralized legislative system called SEIRA requesting ministries to upload transposition plans. The ministries decided on the intermediate deadlines, but the EU secretariat had the right to challenge ministerial proposals.

The EU secretariat did not undertake comprehensive reviews of the correctness and completeness of transposition. This was considered to be within the competence of the line departments. It did, however, receive drafts for comments and checked them in general terms. The unit did not draft horizontal legislation and did not provide special assistance to ministries with transposition matters.

The EU secretariat used the SEIRA database to monitor the progress of transposition. It prepared a monthly report to the EU coordination committee on transposition progress and a quarterly report to the meeting of secretary generals. It also prepared a bimonthly report to the full cabinet on transposition progress. The EU department also sent ad hoc reminders to individual ministries about major delays and it also used the EU coordination committee meetings for this purpose.

### *Hungary*

In Hungary, central coordination of transposition in 2005-2008 was provided by the justice ministry. The ministry monitored the EU's Official Journal and prepared a weekly newsletter listing all new measures and ministers responsible. Ministries had the primary responsibility for programming transposition, but they had to agree their detailed transposition work plan with the

Finance Ministry and the Justice Ministry. The plans were then logged into a centralized database maintained by the Justice Ministry.

The Justice Ministry acted as a watchdog with regard to semi-annual cabinet work programmes. It always checked if all transposition obligations were included and, if gaps were revealed, they requested the ministries to add missing instruments. The ministry took the lead on drafting horizontal legislation and carried out a verification of whether draft legislation correctly and fully transpose the required EU measures.

The Justice Ministry used the central transposition database to monitor the transposition record of other ministers and generated reports on delayed measures. In 2005-2007, reporting was mainly to a cabinet-level committee and focused mainly infringement cases. If serious problems were identified, the committee referred issues for a decision to the meeting of the state secretaries at the PMO or the cabinet. In 2007-2008, there was a new practice of regular - quarterly - reporting to the full cabinet on transposition progress.

### *Poland*

In Poland, the coordination of transposition process across ministerial departments was - until 2009 - the responsibility of the Office of the European Integration Committee (UKIE). In January 2010 the UKIE was merged with the Foreign Affairs Ministry, but the overall structure of central transposition coordination remained more or less unchanged.

In 2005-2008, the UKIE monitored the EU's Official Journal and informed ministries - on a more or less regular basis - of newly adopted EU measures. The responsibility for the actual programming of transposition was with the individual ministries. They had to prepare detailed work plans which were

logged into the central database maintained by the UKIE. The UKIE had a role in cabinet legislative planning, but only a passive one. Starting from late 2006, it sent a list of outstanding transposition commitments to the PM Chancellery who then passed it on to individual ministers.

In legal review, the UKIE checked all legislation for compatibility with EU law and verified the correctness and completeness of transposition. The UKIE lawyers did not draft own legislation (with a few exceptions). It provided ad hoc transposition assistance to ministries, but its intensity declined gradually. The UKIE also monitored progress in transposition across the Polish government. The monitoring took the form of a monthly report to the meeting of the KERM (European Committee of the Council of Ministers) at deputy minister level, and focused mainly on a few problem cases rather than on a detailed review of legislative works. Between 2005 and 2008, the UKIE did not provide regular reports to the full cabinet (except some ad hoc reports to the prime minister). The UKIE reminded ministries of upcoming deadlines by circulating on a monthly basis the forthcoming agenda for the KERM meetings. These agendas included all the measures the preparation of which ministries envisaged in their transposition work plans.

### **Slovenia**

In Slovenia, the coordination of the transposition process across ministerial departments is the responsibility of the Government Office for Legislation (GOL). Most importantly, GOL manages a national legislative database - Legislative Register - which contains all domestic and transposition-related legislative measures.

When an EU measure is published in the Official Journal, a GOL official enters the implementation deadline into the Register.

The system automatically calculates key milestones for transposition: when a draft measure needs to be prepared by the line ministry; when it has to be submitted to the cabinet and parliament. All new items are automatically included into the cabinet annual work plan which is prepared by General Secretariat of the Government on an annual basis. The GOL assigns responsibility for transposition among ministries. This is typically a fairly technical decision reflecting earlier division of competences at the policymaking stage. The information entered into the Register is immediately available to individual ministries.

GOL uses the Register to monitor transposition progress. If deadlines are missed, the office sends reminders to ministries. Every three months GOL prepares two reports for the cabinet: on transposition and notification progress. The draft report is discussed between GOL and individual ministries who can update or correct its contents. The reports form the basis for cabinet decisions regarding any delays or problems. GOL reviews all draft transposition measures for completeness and formal legal quality.

### **Comparative Assessment**

The foregoing discussion reveals many similarities in mechanisms of central oversight in the five new EU member states. See Table 1. In all five countries core executive coordinators notified ministries of newly published EU measures; maintained centralized databases of all transposition obligations; and provided for central verification of the correctness and completeness of transposition.

There were, however, some major differences in the degree of oversight. In some states - notably Slovenia and Hungary





**Table 1. Core Executive Coordination in East Central Europe: A Summary**

	Oversight Mechanism	Czech Rep	Poland	Estonia	Slovenia	Hungary
Transposition Planning	Notifies of new directives	+	+	+	+	+
	Controls ministry plans	-	-/+	+	+	+
	Coordinates with parallel planning	-/+	-/+	-	+	+
Quality Review	Checks correctness	+	+	-/+	+	+
	Drafts horizontal laws	-	-	-	-	+
	Provides drafting assistance	-	-/+	-	-	+
Monitoring and Reporting	Central database	+	+	+	+	+
	Sends regular reminders	-	+	-/+	+	-/+
	Regular reports to PM or cabinet	+	-	+	+	-/+

Source: own compilation

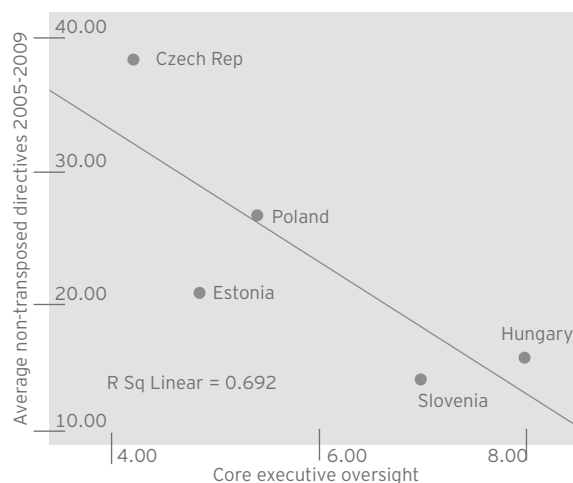
- core executives were involved in additional oversight tasks which were not supported in the other three countries or were supported to a limited extent. In both countries, the central coordinators verified whether ministerial transposition plans were feasible and complete. In Hungary, the Ministry of

Justice also had a strong role in quality review - it frequently drafted horizontal legislation and provided assistance to ministries with more complex transposition issues. Finally, in both countries there existed comprehensive central monitoring and alert systems. In the remaining three countries, central coordinators did not have such prerogatives or provided a more limited input.

Do these difference in oversight correlate with variation in transposition performance? Figure 3 plots the strength of core executive oversight against the average transposition deficit for the period 2005-2009 (see Figure 3)<sup>1</sup>. The picture is fairly clear. States with weak central oversight performed on average worse than states with a strong central oversight. The relationship is quite strong (Pearson coefficient of - 0.83). This evidence must, of course, be treated with caution, but it is interesting to see that the

present results confirm the findings on the impact of central coordination by Dimitrova and Toshkov (2009) who used a different specification of core executive coordination.

**Figure 3. Core Executive Oversight and Transposition Deficit in East Central Europe**



Source: own compilation

# Section 3

## Departmental Oversight and EU Law Transposition

Transposition of EU directives is in the hands of national ministries, but ministries are not unitary actors. At the very least, ministerial departments house two types of actors: political appointees (ministers and deputy ministers) and bureaucrats (directorates and units). It is often assumed that ministers act as principals who formulate policy, while bureaucrats are agents who implement it (Huber 2000; Strom 2000).

In practice, and in EU transposition in particular, the picture is more complex. The extent to which political appointees control policy-making varies across different settings and it is not unusual for civil servants to take active part in both policy formulation and implementation. What is crucial, however, is that inside ministerial departments there normally exist some individual or collective actors who make policy commitments (ministerial principals) and lower-level actors who implement such commitments (ministerial agents).

If this is so, then one can expect that the delegation problems which were discussed at the start of the previous chapter will also be likely to arise inside national ministries. Lower-level ministerial actors - typically officials working in line departments and sections - may 'shirk' on the transposition tasks delegated for implementation. Again, such behaviour may be deliberate or non-deliberate - it may result from divergent preferences or problems of problematic communication, insufficient expertise or scarce resources. In either case,

unresponsiveness of lower-level officials may result in problems of delayed transposition or non-transposition.

Like at the central level, oversight may help to mitigate such risks. Indeed, as we will see in the rest of this section, national ministries set up coordinating units whose role is to monitor the process of transposition at the departmental level.

### Operationalization of Departmental Oversight

To map the strength of oversight, this report examines rules-in-use governing the process of transposition inside ministries, and in particular the role of coordinating units such as horizontal legislative services, EU units and minister's offices. Rules are defined as shared understandings regarding what action is required, prohibited or permitted. The constellation of rules-in-use is examined in three dimensions: transposition planning, legal review and monitoring of deadlines (see Table 2).

With regard to planning, a key question is whether there exists an institutional monitor with responsibility for coordinating transposition programmes inside the ministry. The monitor may have the right to check if draft ministerial positions identify transposition measures; assign responsibility for transposition of new EU measures to line directorates; send requests for planned





national measures to be logged onto central databases; negotiate intermediate deadlines with directorates; and check if annual work plans of the cabinet contain all required EU-related items.

In legal review, the key issue is whether there exists a monitor that screens all EU-related legislation prepared by ministerial directorates. It may involve the right to verify all transposing draft legislation against the text of directives for correct and full transposition. It may have a veto over submissions of drafts for minister's approval and may thus act as legal gate-keeper. Also, the monitor may have the authority to draft horizontal measures on its own. It may further second lawyers or experts to work jointly with line directorates to ensure the quality of transposing measures.

As regards the monitoring of transposition deadlines, the crucial question is whether a monitor exists with responsibility for examining transposition progress inside ministry. The monitor may maintain a centralized list of all transposition obligations. It may have the right to report on progress regularly to ministerial management and send reminders to line directorates about upcoming deadlines. It may also have the authority to take remedial action and/or impose some forms of sanctions if delays are identified.

The next section discusses the rules governing transposition processes inside Polish, Hungarian and Slovenian ministries. The evidence comes from more than 80 semi-structured interviews conducted in Warsaw, Budapest and Ljubljana between 2007 and 2009. The interviewees were top civil servants from legislative, EU and line directorates. In addition, transposition practices were studied based on internal documents provided by these ministries and other written sources. The analysis focuses on the period 2005-2008.

## A Survey of Polish Ministries

A survey of eight Polish ministries - Finance, Labour and Social Policy, Internal Affairs and Administration, Economics, Agriculture and Rural Development, Health, Infrastructure<sup>2</sup> and Environment - reveals that, in 2005-2008, transposition planning and monitoring was mainly coordinated by EU affairs units (sometimes called International Cooperation Departments). EU affairs departments were in charge of coordination in six out of eight ministries (Finance, Labour, Internal Affairs, Agriculture, Health, Environment). In two ministries (Economy, Infrastructure) the responsibility for coordination of planning and monitoring was with legal departments. See Table 3. Where the EU affairs units were in charge of transposition, they were frequently supported by legal departments which had some role in quality review.

**Table 2: Ministerial Coordinators of Transposition 2005-8**

Ministry	Legal Department	EU affairs Department
Finance		✓
Labour and Social Policy †		✓
Internal Affairs and Administration ††		✓
Economy †††	✓	
Agriculture		✓
Health		✓
Infrastructure	✓	
Environment		✓

Source: own compilation; † EU law unit transferred to Legal Department in 2008; †† EU law unit set up in Legal Department in 2008; ††† since 2006.

However, the key role played by EU affairs departments in transposition coordination seems to be on the decline. In two of the five ministries (Labour and Internal Affairs), the coordination function was shifted to legal departments in 2008, following a similar shift in the Economy Ministry in 2006.

### *Transposition Planning*

In the area of transposition planning, the departmental coordinators provided limited, mainly technical-administrative, support to the line departments. The coordinating units typically received draft positions for comments during the negotiations of EU laws, but they only checked if line departments provided all required information including, among others, a discussion of legal implications. They also tended to be involved late in the process with little time for in-depth analysis. It was thus rather rare for coordinators to actively support line departments in maximizing the legal fit between European and Polish law during negotiations at the EU level.

Once EU laws have been published, the departmental coordinators acted as channels for UKIE communication with ministries. They passed on the UKIE's requests for the preparation of transposition work plans to line departments, and collated and returned the responses. But their role was mainly formal and administrative. In allocating transposition responsibilities inside ministry, the coordinating units typically relied on internal organizational rules. If departments disagreed, the matter was resolved by directors

general or deputy ministries. The coordinators normally did not engage with the substance of the line department's proposals. The proposed deadlines and substance of legislative action were normally accepted at face value.

In terms of coordination with cabinet legislative planning, the coordinators received draft departmental proposals, but they rarely checked if such inputs had addressed all pending transposing commitments. In only some ministries coordinating departments performed such checks more or less regularly and notified line departments if gaps were found. In other ministries, there was an expectation that this verification would be undertaken by the UKIE at a later stage of interministerial consultations.

### *Quality Review*

As regards the review of the correctness and completeness of transposition, the coordinators had a more pronounced role in some ministries than others. Relatively close review was undertaken in the Ministries of Agriculture, Health, Finance, Labour and Infrastructure. In these ministries, coordinating units carried out regular checks of all draft measures to ensure that transposition

**Table 3. Framework for Assessing Internal Departmental Oversight**

Oversight Mechanism	Monitor's Powers
<b>Transposition Planning</b>	
Checks legal implications	checks if draft positions identify implications for transposition
Controls planning	drives the process of planning transposition at the ministerial level
Coordination with other plans	checks if inputs to cabinet plans contain all transposing measures
<b>Legal Review</b>	
Substantive check	verifies all transposing drafts against the text of directives
Horizontal measures	drafts horizontal measures
Drafting assistance	assigns experts to jointly work on drafting measures with line departments
<b>Deadline Monitoring</b>	
Centralized timetable	maintains a centralized list of all transposition obligations of its ministry
Reporting	reports regularly to senior management
Reminders	sends regular and individual reminders to line departments

Source: own compilation





was correct and complete. In doing so, they normally compared the draft transposing instruments with the text of original directives.

In some ministries the coordinators also provided ad hoc transposition assistance to line departments, especially if the issues involved were complex. This was particularly the case in Ministries of Agriculture, Infrastructure, Health and Interior. In general, coordinating departments were not involved in the preparation of cross-cutting, horizontal transposition measures.

### ***Monitoring and Reporting***

Transposition monitoring was the strongest in the Ministries of Agriculture and Labour & Social Policy. The coordinating departments in both ministries engaged in close and regular monitoring and reporting. The Agriculture Ministry maintained its own database of transposition commitments that was separate from the UKIE data. A similar, although slightly less detailed, database was also maintained by the International Cooperation Department at the Ministry for Labour & Social Affairs. In both ministries, the senior management received regular reports on transposition progress. In the Agriculture Ministry, this information was provided to the weekly meetings of the management. In the Labour & Social Affairs Ministry, such reporting was undertaken on a monthly basis.

The coordinators in both ministries reminded line departments of transposition commitments on a regular basis. In the Agriculture Ministry, regular reminders were sent approx. 3 months before the notification deadlines, as well as on a case by case basis. Monitoring tables with transposition progress were circulated monthly to all line departments in the Ministry of Labour & Social Policy.

The remaining six ministries had weak oversight mechanisms in the area of monitoring and reporting. No central databases were

maintained by coordinating departments, who relied mainly on the UKIE documentation. No regular weekly or monthly reporting was undertaken to senior management. In Finance Ministry, half-yearly reports were prepared; in other ministries, information was available on request to the deputy minister responsible for EU affairs. The coordinating units reminded line departments of approaching or passed deadlines only as part of the KERM process. Only in the Ministries of Labour and Agriculture regular reminders were sent before deadlines as part of an internal monitoring process.

### ***Summary Assessment***

The foregoing discussion reveals that the strength of oversight mechanisms in Polish ministries varies from weak to medium. See Table 4. None of the ministries benefited from all possible oversight mechanisms. The most developed oversight was present in the Ministries of Agriculture and Labour & Social Policy. Some weak oversight was also present in the Ministries of Infrastructure, Health and Finance. The remaining three ministries had generally very limited oversight arrangements.

## **Comparison with Hungary and Slovenia**

It is interesting to compare oversight mechanisms in Polish ministries with those present at ministry level in Hungary and Slovenia - two other new EU member states.

### ***Departmental Coordination in Hungary***

A survey of oversight mechanisms in five ministries (Finance, Social Affairs and Labour; Agriculture, Health, Environment) reveals some variation in the strength of departmental oversight in 2005-2008. The Ministries of Agriculture and of Social Affairs and Labour benefited from relatively most comprehensive oversight. Their coordinating units were responsible for preparing and

agreeing the transposition work plans both inside the ministry and with external actors such as the Prime Minister's Office and the Finance Ministry. In particular, they required line departments to identify working intermediate deadlines for transposition work.

Perhaps more importantly, the coordinators ensured that transposition planning was closely linked to internal work scheduling inside the two ministries. This took the form of comprehensive checks if internal plans took into account transposition commitments. The coordinating departments also had a stronger role in quality review. They verified all draft transposing measures for completeness and correctness, and offered pro-active assistance in the formulation of legislative solutions. Finally, in the Social Affairs and Labour Ministry, the EU coordinator reported on a weekly basis to an internal meeting of departmental directors chaired by a deputy state secretary. The meeting was used to remind line departments of upcoming transposition commitments.

In two ministries - Environment and Health - the strength of oversight was medium. The coordinators in these two ministries used the same mechanisms found in the Ministries of Agriculture and Social Affairs and Labour, except that they did not undertake close monitoring and reporting of transposition progress. The remaining ministry - Finance - had very limited oversight procedures. The coordinating departments in these ministries did not have a strong role in planning, quality review or monitoring.

#### *Ministerial Coordination in Slovenia*

A survey of seven Slovenian ministries (Home, Agriculture, Labour, Transport, Economy, Finance, Environment) reveals much variation in the use of oversight at ministry level. Two ministries stand out in terms of the strength of oversight in 2005-2008 - Interior and Agriculture. In both ministries, the coordinators maintained a centralized list of all transposition tasks, updated it regularly and circulated it to directorates every second month. The coordinators agreed key working deadlines with line directorates.

**Table 4. Oversight Mechanisms in Eight Polish Ministries: A Summary**

Oversight Mechanism		Ministry							
		Labour and Social Policy	Agriculture	Health	Infrastructure	Economy	Internal Affairs	Finance	Environment
Transposition Planning	Checks legal implications	-/+	-/+	-/+	-/+	-	-	-/+	-
	Controls planning	-/+	-/+	-/+	-/+	-/+	-/+	-/+	-/+
	Coordinates with work plan	+	-	-	-	-	-/+	-/+	+
Quality Review	Performs quality checks	+	+	+	+	+	-/+	+	-/+
	Drafts measures	-	-	-	-	-	-	-	-
	Provides assistance	-	-/+	-/+	-/+	-	-/+	-	-
Monitoring and Reporting	Maintains database	-/+	+	-	-	-	-	-	-
	Reports to ministers	+	+	-	-	-	-	-/+	-
	PSends regular reminders	+	+	-/+	-/+	-/+	-/+	-/+	-/+

Source: own compilation





In both ministries, the coordinating departments were closely involved in the actual drafting and reviewing of transposition drafts. In addition, they also verified the correctness and completeness of all transposing drafts against the text of the original EU measure. In monitoring and reporting, both monitors developed a rigorous system for information flows: individual reminders were sent directly to responsible officials and there was regular reporting to the management. In the Ministry of Internal Affairs, the legal service regularly 'named and shamed' line directorates that were found in delay.

Two ministries in Slovenia had a medium strength of internal oversight: Transport and Labour. The coordinators. The EU service in the Ministry of Labour had a fairly strong role in the transposition planning, while the coordinating service in the Ministry of Transport had a weaker role. The EU unit in the Ministry of Labour was not involved in legal review, while legal review was undertaken in the Ministry of Transport. In terms of transposition monitoring, in both ministries there was regular reporting to the ministerial management.

In contrast, oversight mechanisms in the remaining three ministries - Economy, Finance and Environment - were limited. The coordinating units had no or limited role in supporting transposition planning. In legal review, the legal departments reviewed draft legislation (including transposition measures) for national legal compliance, but they did not perform any additional tasks such as reviewing correctness of transposition. The services did not draft horizontal legislation and did not assign lawyers to assist substantive departments. There were no special reporting and monitoring requirements beyond the general monitoring of the annual cabinet work plan.

## Comparative Assessment

On average, Polish ministries had the weakest internal oversight of transposition when compared with ministries in Hungary and Slovenia, although given the variation within each country such assessments should not be overstated. See Figure 3. This was due to relative weaknesses in two main areas. First, coordinators in Polish ministries typically had a limited role in transposition planning. The coordinating units acted as mere channels for UKIE communication with line departments with limited inputs into both the substance and timetable of transposition. This contrasted with a much more robust planning role of coordinating units in most Hungarian and Slovenian ministries. In addition, coordinators in Polish ministries had a weak role in ensuring that parallel planning processes such as the cabinet work plan take into account all required transposition commitments. In Hungary and Slovenia, the close link between transposition planning and general internal task scheduling made it possible to achieve tighter coordination.

Second, the coordinators in Polish ministries were more reluctant to undertake close monitoring of transposition and did not regularly report on progress to the senior management. They typically preferred to rely on the more infrequent and less detailed monitoring undertaken by the UKIE. This contrasted with a stronger role of coordinators in Hungarian and Slovenian ministries which used the cycle of three monthly cabinet reports to undertake own monitoring or arranged for internal weekly reporting to the management.

Does such variation in departmental oversight translate into differences in transposition performance? To assess the transposition record of Polish, Hungarian and Slovenian ministries, the data from the European Commission bimonthly reports on notification of EU directives was used<sup>3</sup>. These reports contain information on the number of directives

whose transposition deadline had passed, and the number of directives for which domestic measures had not been notified to the Commission. The data is also broken down by EU member state and policy sector.

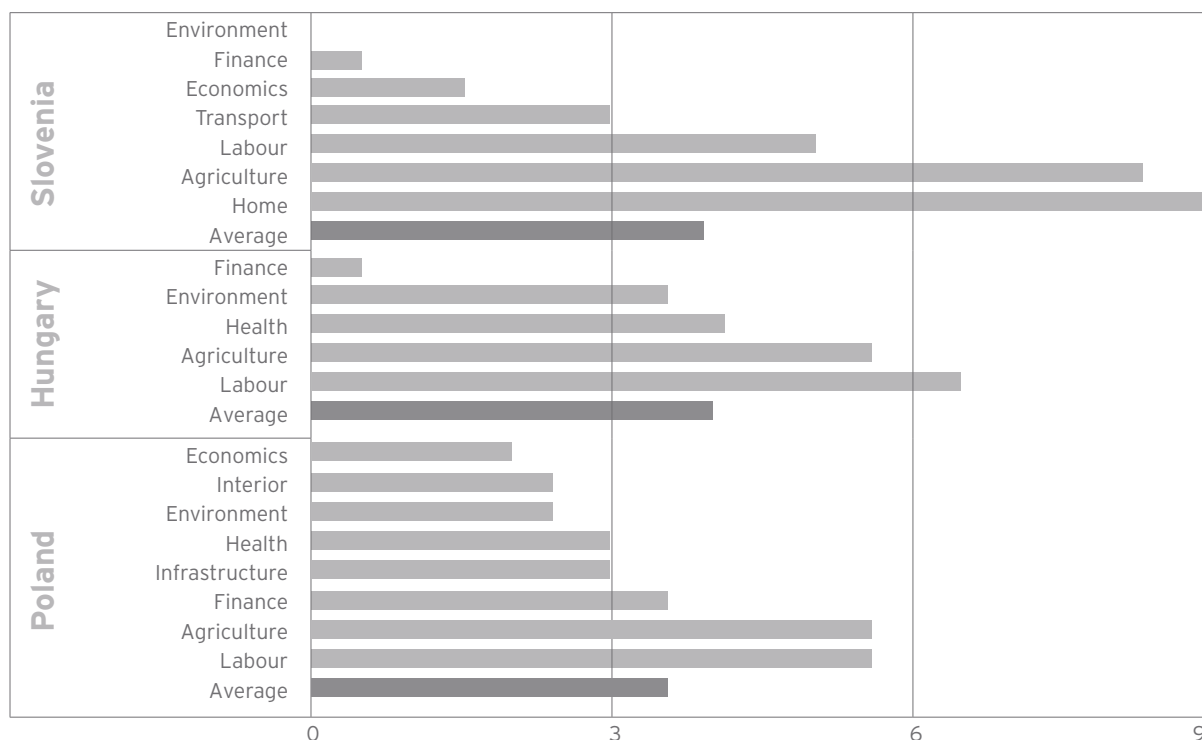
The analysis averages the number of non-notified directives between 2005 and 2008 for each policy sector and then divides the score by the average number of all newly adopted directives in that sector. The final scores for each policy sector are then assigned to individual ministries<sup>4</sup>. Admittedly, this is a rather rough estimate of individual records of national ministries in the three countries. Yet, at present, this is the best comparative data available for present purposes.

Figure 5 shows scatter plots of scores for departmental oversight and transposition deficit separately for Polish, Hungarian and Slovenian ministries. The first to note that, with the partial exception of the Slovenian

Home Ministry, none of the ministries with departmental oversight of 4.5 or more points is above the 0.06 line on the transposition deficit scale. In contrast, ministries with weaker oversight tend to have a much higher variation of scores.

The relationship between oversight and transposition deficit is generally negative in all countries, although this is perhaps most visible in the case of Polish ministries. The Pearson's correlation coefficient for the twenty ministries stands at -0.48 and is statistically significant at 0.05 level (one-tailed). The R2 for bivariate regressions ranges from 0.28 for the Slovenian ministries to 0.35 for the Polish ministries. Overall, these data thus seem to indicate, albeit in a rather tentative manner, that stronger departmental oversight is more generally associated with better transposition performance.

**Table 4. Strength of Departmental Oversight in Poland, Hungary and Slovenia (0=weakest, 9 =strongest)**

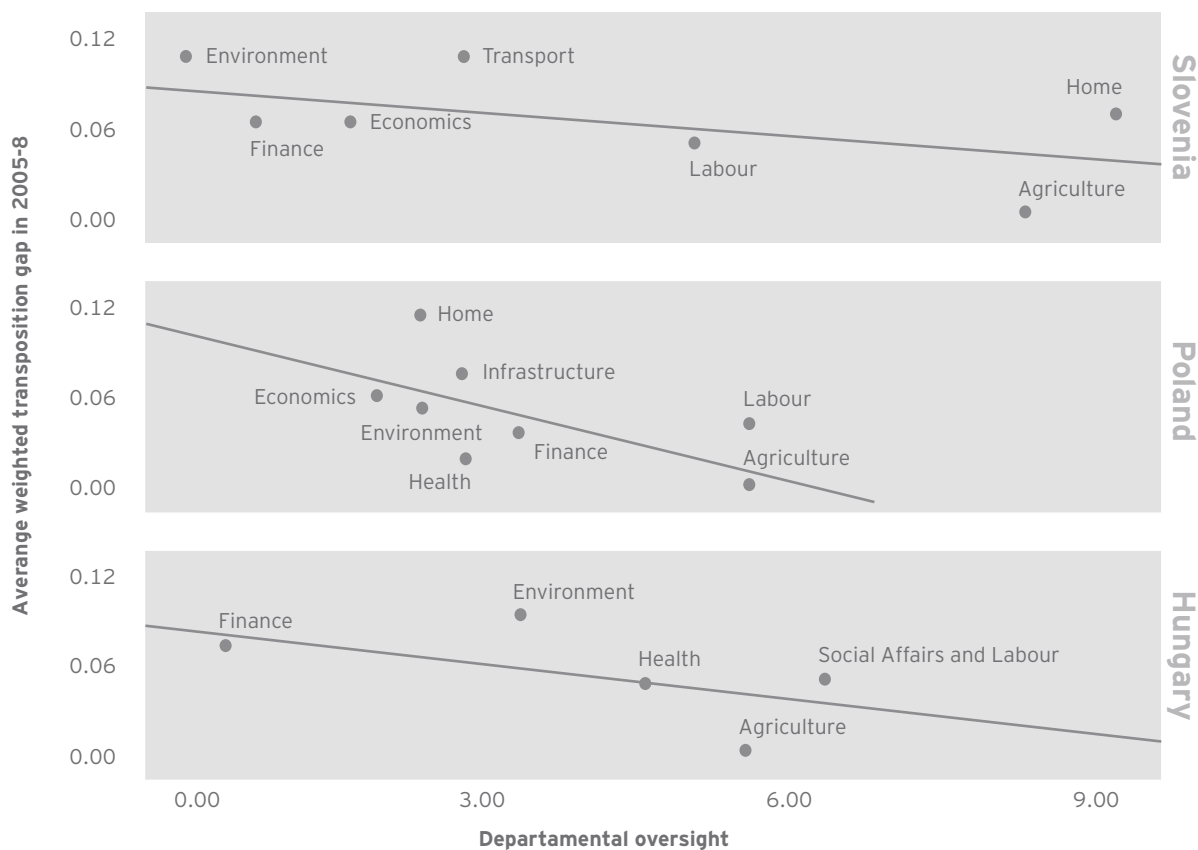


Source: own compilation





**Figure 5: Relation Between Transposition Gaps and Departmental Oversight in Poland, Hungary and Slovenia (2005-8)**



Source: own compilation; the data on average transposition deficits is derived from the reports available at [http://ec.europa.eu/community\\_law/directives/directives\\_communication\\_en.htm](http://ec.europa.eu/community_law/directives/directives_communication_en.htm).

# Section 4

## Conclusion

This concluding chapter identifies the key lessons for decision-makers in Poland and beyond. It focuses on the contribution that core executive and departmental oversight can make to the cause of timely and correct transposition of EU directives.

### Core Executive Oversight

There are three key lessons for Polish decision-makers with regard to how the present configuration of core executive oversight could be improved:

- The Foreign Affairs Ministry (which absorbed the UKIE) should present regular - preferably quarterly - reports to the prime minister and the full cabinet on progress in transposition as is the case in the Czech Republic, Slovenia, Hungary and Estonia. Such reports would need to present the record of individual ministries in transposing EU legislation.
- The central planning of transposition should be improved. The introduction in late 2009 of the e-step system is a step in the right direction, but it does not solve the problem of the low quality of ministerial work plans logged on the system. The Polish central oversight would benefit from reinforcing the prerogatives of the Ministry of Foreign Affairs or the Prime Minister's Chancellery in challenging, verifying and -

where necessary - modifying the quality of ministerial input into the central database.

- Cabinet legislative planning should be closely coordinated with transposition planning. At present, there is no central oversight over these two parallel planning streams. The two systems would benefit from close integration as it is the case in Slovenia and Estonia, where a single legislative management system exists for both domestic and EU-related legislation.

### Departmental Oversight

Three main lessons emerge from the present study for the configuration of departmental oversight in Polish ministries:

- Regular reporting to ministerial senior management about transposition progress should be introduced, in particular in ministries with heavy transposition loads. In ministries where such reporting already exists, but is infrequent, efforts could be made to present reports more often. Regular and frequent reporting would ensure better responsiveness of line departments and make it possible to take remedial action in case of delays or omissions.
- Departmental coordinators - and in particular legal departments - should pay substantive, rather than purely formal,





attention to how line department identify legal implications at the time when EU measures are being negotiated. Insufficient analysis at this early stage typically leads to problematic transposition once an EU law has been adopted. Legal departments should be closely involved in this process.

- Transposition coordination should be tightly integrated with and - build on - internal legislative management systems inside ministries. In this context, the gradual integration of domestic and EU-related lawmaking in the hands of legal departments is a positive development. Managerial capacities of legal departments would, however, need to be strengthened.

---

## Endnotes

- 1 The quality of coordination is calculated based on Table 1 as follows: + = 1, +/- = 0,5, - = 0.
- 2 In the case of the Infrastructure Ministry - only the period from later 2007 to 2008 was examined, as this Ministry was split in late 2005 and did not exist until November 2007.
- 3 The European Commission reports are available online at: [http://ec.europa.eu/community\\_law/directives/directives\\_communication\\_en.htm](http://ec.europa.eu/community_law/directives/directives_communication_en.htm)
- 4 The scores for policy sectors are assigned to individual ministries as follows: Health and Consumer Protection (Health Ministries); Environment (Environment Ministries); Enterprise (Economy Ministries); Energy and Transport (Transport Ministry in Slovenia, Infrastructure in Poland); Employment (Labour Ministries); Taxation (Finance Ministries); Agriculture (Agriculture Ministries); Justice and Home Affairs (Internal Affairs Ministry in Poland, Justice Ministry in Hungary).





## References

- Alchian, A.A. and Demsetz, H. (1972) Production, Information Costs and Economic Organization, *American Economic Review*, 62, 5: 777-795.
- Andeweg, R. 2000. 'Ministers as Double Agents? The Delegation Process Between Cabinet and Ministers', *European Journal of Political Research* 37, 3, 377-95.
- Berglund, S., Gange, I., Van Waarden, F. (2006) 'Mass Production of Law. Routinization in the Transposition of European Directives: A Sociological-Institutionalist Approach'. *Journal of European Public Policy*, 13, 5.
- Dimitrakopoulos, D. G. 2001. 'The Transposition of EU Law: "Post-Decisional Politics" and Institutional Autonomy', *European Law Journal*, 7, 4, 442-58.
- Dimitrakopoulos, D. G. 2008. *The Power of the Centre: Central Governments and the Macro-Implementation of EU Public Policy*, Manchester: MUP.
- Dimitrova, A. (2010) 'The New Member States of the EU in the Aftermath of Enlargement: Do New European Rules Remain Empty Shells?' *Journal of European Public Policy* 17(1): 137-148.
- Dimitrova, A. and Toshkov, D. (2009) 'Post-Accession Compliance Between Administrative Coordination and Political Bargaining'. *European Integration Online Papers*, Special Issue 2 (13) Art. 19.
- Dunleavy, P. and R. A. W. Rhodes. 1990. 'Core Executive Studies in Britain', *Public Administration*, 68, 3-28.
- Falkner, G., Hartlapp, M., Treib, O., Leiber, S. (2005) *Complying with Europe: EU Harmonization and Soft Law in the Member States*, Cambridge: CUP
- Falkner, G., Treib, O., Holzleithner, E. (2008) *Compliance in the Enlarged European Union: Living Rights or Dead Letters?* Aldershot, Ashgate
- Giulani, M. (2003) 'Europeanization in Comparative Perspective: Institutional Fit and National Adaptation'. In Featherstone, K. and Radaelli, C. M. (eds) *The Politics of Europeanization*. Oxford: OUP.
- Hallerberg, M. 2004. *Domestic Budgets in a United Europe: Fiscal Governance from the End of Bretton Woods to EMU*, Ithaca: Cornell University Press.
- Hartlapp, M. and Falkner, G. (2009) 'Problems of Operationalization and Data in EU Compliance Research'. *European Union Politics*. 10, 2, 281-304.
- Haverland, M. and M. Romeijn (2007) 'Do Member States Make European Policies Work? Analysing the EU Transposition Deficit', *Public Administration*, 85, 3, 757-78.
- Hille, P. and C. Knill (2006) "'It's the Bureaucracy, Stupid!": The Implementation of the Acquis Communautaire in EU Candidate Countries, 1999-2003', *European Union Politics* 7(4): 531-52.
- Hooghe, L., Bakker, R., Brigevidich, A., de Vries, C., Edwards, E., Marks, G., Rovny, J., Steenbergen, M. (2008) *Reliability and Validity of Measuring Party Positions: the Chapel Hill Expert Surveys of 2002 and 2006*. Unpublished manuscript.
- Huber, J.D. (2000) 'Delegation to civil servants in parliamentary democracies'. *European Journal of Political Research* 37: 261-289, 2000
- Jensen, C. B. (2007) 'Implementing Europe: A Question of Oversight', *European Union Politics* 8(4): 451-77.
- Kaeding, M. 2006. 'Determinants of Transposition Delay in the European Union', *Journal of Public Policy*, 26, 3, 229-53.
- Kaeding, M. 2007. 'Administrative Convergence Actually - An Assessment of the European Commission's Best Practices for Transposition of EU Legislation in France, Germany, Italy, Sweden and Greece', *European Integration*, 29, 4, 425-45.
- Kałużyńska, M. Smyk, K. And Wiśniewski, J. (eds) (2009) *Pięć Lat Polski w Unii Europejskiej*. Warsaw: UKIE.

- Kiewiet, D.R. and McCubbins, M.D. (1991) *The Logic of Delegation: Congressional Parties and the Appropriations Process*. Chicago: University of Chicago 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: 163-194.
- Laver, Michael and Kenneth Benoit (2006): *Party Policy in Modern Democracies* London: Routledge.
- Lijphart, A. 1971. 'Comparative Politics and the Comparative Method', *American Political Science Review*, 65, 3, 682-93.
- Mastenbroek, E. (2003) 'Surviving the deadline: the transposition of EU directives in the Netherlands', *European Union Politics* 4: 371-96.
- Mbaye, H. (2001) 'Why National States Comply with Supranational Law: Explaining Implementation Infringements in the European Union', *European Union Politics* 2(3): 259-81.
- Pratt, J. and Zeckhauser, R. (1985) 'Principals and Agents: An Overview'. In Pratt, J. and Zeckhauser, R. (eds) *Principals and Agents: The Structure of Business*. Cambridge, Mass.: Harvard Business School Press, pp. 1-35.
- Strøm, K. (2000) 'Delegation and accountability in parliamentary democracies'. *European Journal of Political Research* 37: 261-289, 2000
- Rhodes, R. A. W. 1995. 'From Prime Ministerial Power to Core Executive', in R. A. W. Rhodes and P. Dunleavy (eds), *Prime Minister, Cabinet and Core Executive*. New York: St Martin's Press.
- Richardson, J. (1996), 'Eording EU policies: Implementation Gaps, Cheating and Re-Steering', in: J. Richardson, *European Union: Power and Policy-Making*, London and New York: Routledge.
- Siedentopf, H. and Ziller, J. (1988) *Making European Policies Work: The Implementation of Community Legislation in the Member States*, London: Sage, Vol. I
- Steunenberg, B. and M. Rhinard (2005) 'Hare or Turtle? Member States Catching up with the Transposition of EU Directives', Leiden University Working Paper.
- 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.
- Tallberg, J. (2003) *European Governance and Supranational Institutions: Making States Comply*. Routledge.
- Thomson, R. (2007) Time to Comply: National Responses to Six EU Labour Market Directives Revisited. *West European Politics*, 30, 987 - 1008.
- Thomson, R., Torenvlied, R., Arregui, J. (2007) 'The Paradox of Compliance: Infringements and Delays in Transposing European Union Directives'. *British Journal of Political Science*. 37, 4, 685-709.
- Toshkov, D. (2007) 'Transposition of EU Social Policy in the New Member States'. *Journal of European Social Policy*, 17, 4, 335-348
- Toshkov, D. (2008) 'Embracing European Law: Compliance with EU Directives in Central and Eastern Europe'. *European Union Politics*, 9, 3, 379-402
- Toshkov, D. (2010) *Taking Stock: a Review of Quantitative Studies of Transposition and Implementation of EU Law*. EIF Working Paper 01/2010.
- Treib, O. (2008). *Implementing and complying with EU governance outputs*. *Living Review of European Governance*. <http://europeangovernance.livingreviews.org/Articles/lreg-2008-5>.
- Zubek, R. (2005) 'Complying with Transposition Commitments in Poland: Collective Dilemmas, Core Executive and Legislative Outcomes', *West European Politics*, 28, 3, 592-619.
- Zubek, R. (2008) *Core Executive and Europeanization in Central Europe*, Basingstoke: Palgrave Macmillan.
- Zubek, R. (2010 forthcoming) 'Core Executives and Coordination of EU Law Transposition: Evidence from New Member States'. *Public Administration* forthcoming.







## Authors

### **Radosław Zubek**

is a University Lecturer in European Politics and Fellow in Politics at Hertford College, University of Oxford. His main research interests are the comparative study of executives and parliaments in western and east central Europe, Europeanization of domestic political institutions and national compliance with European Union law. He is the author of *Core Executive and Europeanization in Central Europe*, Palgrave Macmillan, 2008.

[ [radoslaw.zubek@politics.ox.ac.uk](mailto:radoslaw.zubek@politics.ox.ac.uk) ]

### **Katarína Staroňová**

is a Senior Lecturer in Public Policy at the Comenius University, Slovakia. Her main area of expertise is policymaking in East Central European states, with a special focus on regulatory impact assessment, public policy formulation and compliance with EU law.

[ [staronova@governance.sk](mailto:staronova@governance.sk) ]



SPRAWNE PAŃSTWO  
PROGRAM *ERNST & YOUNG*

Better Government Programme  
Ernst & Young Poland  
Rondo ONZ 1  
00-124 Warsaw  
tel. +48 (22) 557 70 00  
fax +48 (22) 557 70 01  
[www.bettergovernment.pl](http://www.bettergovernment.pl)