Thank you for your feedback on this. I am hoping that it will a) be my prospectus and b) be done/defended SOON. Any help you have on continuing to develop the project and what can get me to dissertation land would be most appreciated!

**A More Perfect Union: Institutional Design and Performance in the European Union.**

Member states in the European Union must implement directives by the Council of the European Union and the European Commission, but do so at sometimes dramatically different rates. Why are some countries able to consistently implement ("transpose") EU directives in a timely fashion while others dawdle, even when accounting for the strength of political institutions? Transposing a directive requires sifting through existing legislation to determine how to move toward compliance, changing existing and/or enacting new legislation, corresponding with the EU about this legislation, and then enforcing the adapted legislation. Directives are intended to increase the functioning of the market so delayed compliance can be costly in terms of slowing down or hindering trade, negatively or unfairly impacting citizens (for example, in delaying new maternity/paternity benefits), and financially if the EU chooses to sanction a state. Thus, states have an incentive to comply with directives. It would seem that countries with stronger institutions and those with pre-existing similar legislation would be more likely to comply with EU directives. We do observe that some countries are on average much better at complying (like Denmark, Sweden, and Finland) but we also see some countries with strong institutional structures (like the UK and Great Britain) transposing more slowly. What can explain the consistency in performance?

Existing research shows an incomplete picture of transposition: some countries are mentioned and studied quite a bit (Germany and the Netherlands) (Haverland et al 2011, Mastenbroek 2003, Steunenberg 2006) while others (Greece, Ireland) receive less attention. Similarly, some policy areas (social policy) receive more attention than others (agriculture). Given these different focuses, and the size of the body of directives to be studied, it may be more surprising that any generalizations are able to be made at all. In fact, some countries (Sweden, Denmark and Finland) tend to have faster compliance than others (France, Greece, Germany, UK). The faster transposing countries tend to transpose at higher rates and more quickly, even when accounting for institutional misfit, governing party ideology (Toshkov 07) and the number of institutional veto players (Toshkov 07, Borzel et al 2012). What can explain the patterns of compliance among member states while addressing the variation that occurs within each state across different directives and sectors?

I find that 1) how policies and laws are implemented nationally influence how EU directives are enacted, 2) measurement of ‘successful’ transposition reveals or obscures underlying influences in transposition behavior and 3) national patterns, shaped by existing institutional structures, are more than enshrined preferences: they shape behavior and expectations. Different means of implementing national measures in the transposition process lead to different patterns of rule-making and compliance based on the roles of knowledge, delegation and efficiency in state cabinets, ministries and legislatures. Measures transposed by different bodies, particularly cabinets, ministries and subnational institutions, incorporate different numbers of national measures, levels of specificity, and involve different numbers of key policymakers. There is a relationship between how directives are transposed and the means by which they are implemented (selection effect) and how countries typically transpose directives and their relationship to relative timeliness.

My goals for this project are twofold: 1) contribute to the literature on transposition, helping to
build and test existing theories in this field, 2) speak to broader audiences within social science, particularly literatures on the European Union, expectations about the role of International Organizations in the IR literature, and theories of institutional change. Directives place pressures on existing institutional structures to adapt and incorporate sometimes very disparate policy measures. Some states successfully rise to the challenge when others fail despite capacity, design, and the best of intentions. This problem is not unique to the EU or directives and I aim to use this study as a way to understand the broader phenomenon.

a) EU: Directives continue to perplex social scientists. Under what circumstances are directives transposed correctly and in a timely fashion? What are the relevant variables? This project will address the timing and completeness of directive transposition.

Although general compliance rates overall may not be as problematic as some scholars (Mastenbroek 2003) indicate (Borzel et al 2010, Borzel et al 2012), there exist troubling patterns in compliance among member states. For example, four states (Belgium, France, Greece and Italy) commit 2/3 of Community Law violations (Borzel 2011) and significant variation exists across policy sectors (Mastenbroek 2003, Haverland 2011, Steunenberg 2009) Conducting a cross-national, cross-sectoral study enables a clear and in-depth look into the mechanisms behind successful transposition in a two-pronged approach: timeliness and correctness.

**Timeliness (Delay)**

There exists a significant effect on transposition for administrative efficiency, parliamentary scrutiny, coordination strength (all positive) and federalism/regionalism, corruption levels, veto players, number of ministries involved and domestic conflict (all negative/not positive). (Toshkov 2010) The studies establishing these effects do so by evaluating different components of member countries and directives. Thus, whether these findings can be generalized is unclear. Secondly, what we consider important institutional features, such as political constraints, government type, party dynamics, and bargaining power, do not have a clear effect on results, raising the question of whether institutions really do matter.

**Correctness (Infringements)**

Borzel et al (2010) look at what influences country infringements, testing existing hypotheses from the International Relations literature on different influential components of compliance through infringement data (when countries are taken to court). However, given that infringement cases are those which the EU has elected to pursue and sanction, they may be unrepresentative. For example, Borzel et al find that power and capacity have an interactive effect, finding that "[p]olitically powerful member states are most likely to violate European law while the best compliers are small countries with highly efficient bureaucracies." When applied to a larger dataset on delayed compliance, this argument is not significant. It may be that states are more strategic in their non-compliance with less powerful countries complying less with 'less salient' directives (or those which the EU will not sanction). I propose a different means of understanding compliance: the mechanism of transposition within member states.

Borzel et al (2011) also evaluate policy-specific factors and find that "some policies are more often violated than others (especially those from the enterprise sector, justice and home affairs, and environment policy fields)" (Borzel et al 2011). Since their data comes from infringement reports, it is unclear whether these violations truly occur more frequently or if these areas are a) easier to monitor or b) more salient for EU monitors. Furthermore, as Steunenberg (2006) demonstrates: there may exist a tension between the number of actors (and differing ideal points) and the type of incorrect transposition that transpires. His model demonstrates that when a single actor transposes a directive, the policy may be timely but it will be closest to that actor's
ideal point (and potentially further from the specified policy in the directive). When there are many actors with differing ideal points, the transposition may be closer to the intended policy but there is also a high probability of gridlock (and delay).

I find that although in-state political dynamics matter (including polarization between executive and leading party and the number of veto players), how they matter depends upon the means of transposition within member states. The majority of the literature on transposition delay is unable to reach definitive conclusions and the more recent literature on infringements may be unrepresentative of the underlying processes contributing to successful transposition given the potentially non-representative sample. I evaluate data on timeliness and infringements to determine whether the same causal processes lead countries to delay and incorrectly implement from two perspectives, and answer how directive and policy area features contribute to the dual problems of timely and correct transposition finding that existing theories do not provide a clear explanation.

b) IO: What are the circumstances guiding why and when countries agree to conditions of membership? The EU was organized as an economic entity and countries have agreed to uphold and support this.

The European Union provides an ideal domain to probe existing theories of international organization on why, when, and how states comply with rules. Dominant theories alternatively emphasize the role of sanctioning, structuring, and norms to answer these important questions. For example, realists say that nations focus on the costs of rules and only agree to treaties or rules they would have agreed to anyway. The managerial school argues that most states comply, but when they don’t it tends to be because of rule ambiguity, lack of ability, or social change (Chayes & Chayes 1993).

c) Institutions: I argue that understanding compliance—and the requisite institutional/policy change among individual member states during the process of transposition—can shed light on how institutions are able to adapt and change.

States’ ability to transpose, in addition to whether or not they do so, is dependent upon the design of national political institutions and how these institutions adapt to the pressures placed upon them by different directives and policy domains. To withstand the pressures of time, institutions must be stable enough to endure yet flexible enough to adapt as new demands are placed upon them. This is particularly true for European Union member states: understanding how they adjust to incorporate the new policies mandated by the EU can help shed light on how institutions are able to change and adapt over time.

Institutions, the ‘rules of the game’ (North) create explicit arrangements negotiated among international actors and prescribe, proscribe and/or authorize behavior (Koremenos 2011). Existing research demonstrates that ‘institutions matter’, but the means in which they matter and the conditionality of their influence still are not well understood. In the case of the EU member states, institutional choices, such as electoral structure and legislative delegation may impact timeliness as they create conditions conducive to higher numbers of veto players (Tsebellis 1992) and policy gridlock (Krehbiel 1992).

These existing institutional structures must then adapt to address policy issues presented by to-be-transposed directives. Existing explanations consider only whether certain institutional structures are present; I propose considering how structures of institutions enable change.
Currently, two primary literatures exist to discuss institutional change: those that focus on 'shocks' to the institutional system (Collier & Collier (1991)) and those which emphasize gradual shifts (Mahoney & Thelen 2009, Mahoney & Thelen 2010, Pierson 2000, Page 2005?). The situation presented by directives can occur along this spectrum: the impetus for change is external to the member state in a sense, but often states have some policies on the topic of the directive already on the books before a directive is even written. Across the spectrum of change, the structure of the institution (how individuals interact with one another), strategies and behaviors developed within that structure, and time all influence change.

This study can contribute to a broader theory of change, from more gradual approaches (amended directives largely similar in content to the original) to shocks (legislation that is both effort-intensive and in contradiction to existing legislation). In looking at transposition in the EU, I can answer questions on the role of institutions, capacity and preferences in the ultimate successful transposition of different policies. This approach enables me to look at 15 different states’ attempts to solve the same policy issue 800 times over. In doing so, I can leverage existing variation in state environments, temporal circumstances, and particularities of issue domains to move ever closer to answering why and how institutions shape behavior.

**Application: Investigating Institutional Structures and Relationship to change**

To answer this puzzle of compliance, I begin by focusing upon institutional structures and means of transposing directives. Institutional structures include institutional design choices (federal, party system) and the means through which legislation is created. I focus on formal institutions. I also emphasize implementation, rather than design of directives, as it is the time when member states might shape directives (Steunenberg 2006).

I first illustrate the variation across states with respect to the means by which they transposed a random selection of directives from 1975-2004. The full list of directives and their corresponding period of deadline is available. These initial data are from Borghetto and Franchino (2010) and Franchino and Hoyland (2009) with infringement data from Borzel et al.
We see above a pretty different picture of delay by member state. Similarly, when we focus on overall violations (infringements), the number varies by state as well.
Of these measures adopted in the process of transposition, we see variation across member states in this graph showing both the relative breakdown of measure type and the number of national measures enacted in complying with directives:

I argue that these differences are instrumental in shaping how countries respond to future directives: how legislation is enacted is related to the timing of that delay. The median delay is about 6 months and the average delay in transposition is about two years. Legislation enacted by legislatures is on time 50% of the time, compared to 25-40% of the time for other measure types. Similarly, cabinet measures are ‘seriously late’ 47% of the time, while legislative and ministry measures are severely late only 36% of the time. The difference in timeliness between the legislature and cabinet-drafted measures is significant at the p=0.01 level using a t-test.

<table>
<thead>
<tr>
<th>Transposition Timeliness (delay severity)</th>
<th>timely (not late)</th>
<th>moderate (1 yr)</th>
<th>serious (&gt;1 yr late)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trans by:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legislature</td>
<td>1,531</td>
<td>431</td>
<td>1,044</td>
<td>3,006</td>
</tr>
<tr>
<td>Cabinet</td>
<td>913</td>
<td>954</td>
<td>1,615</td>
<td>3,482</td>
</tr>
<tr>
<td>Ministry</td>
<td>4,273</td>
<td>2,379</td>
<td>3,951</td>
<td>10,603</td>
</tr>
<tr>
<td>Subnational</td>
<td>866</td>
<td>390</td>
<td>1,333</td>
<td>2,589</td>
</tr>
</tbody>
</table>
**Theory: Institutions and Knowledge**

Existing institutional structures shape actor expectations: behavior in strategic environments conditions behavioral patterns and expectations of future behavior. The reason we appear to observe patterns of compliance is that when countries choose different methods of implementation, they are choosing how they deal with and (in effect) think about creating legislation. I consider patterns of legislators implementing policy and aim to address the challenge issued by Aoki that “[a] careful and systematic study is called, including an investigation of how the initial “institutional conditions, such as the legacies of old institutions and the prevailing informal rules (norms, social ethics, etc.), kinds and level of the existing stock of human competence, and so on, affect subsequent institutional change, how rule-setting in the polity interacts with the evolution of the endogenous rules of the games in other domains, and so on.” (Aoki 2001, pg 20) This conceptualization by Aoki supports arguments by Mahoney and Thelen (2010) that institutional change occurs “precisely when problems of rule interpretation and enforcement open up space for actors to implement existing rules in new ways” (Mahoney & Thelen 2010, 4). The implementation of directives provides a formal arena in which that change can be studied.

Like Mahoney and Thelen, I emphasize the context and character of institutions, but I focus more on the institutional and actor components of institutional change because many directives are so complex that multiple types of rule change (layering, replacement) occur in transposition. Legislation drafted through state parliaments typically takes longer, requires broader consensus, and is (often) drafted by individuals with different viewpoints and perspectives, which tend to employ fewer measures, have higher levels of expertise and transpose directives more quickly. Directive effects and existing institutional structures both contribute to whether a directive is transposed in a timely fashion (Luetgert and Dannwolf 2007) However, institutional structures exert influence on patterns of compliance beyond instilling and fulfilling preferences. *Institutional structures shape expectations for behavior and the patterns of legislative activity themselves.*

Subnational/legislative state measures (e.g. German State Law, Italian Regional or Provincial Laws, UK Regional Administrative Measures) tend to take much longer than their peer institutional pathways and also typically involve more national measures in the process of transposition. In comparison, cabinet measures tend to be relatively quick and involve few national measures on the path to transposition. I find a relationship between the type of national executing measure and the legislative environment of the different countries. Specifically, I anticipate two broad findings: 1) means of implementing and transposing directives influence how future EU directives are enacted and 2) national patterns, shaped by existing institutional structures, are more than enshrined preferences: they shape behavior and expectations.

I have done preliminary work that shows that the proportion of national measures enacted through cabinets and subnational governments is a significant predictor of transposition timeliness, where the higher the proportion of these measures in place, the increased risk of not transposing a directive. I hypothesize that these 'ways of doing business' indicate underlying means of addressing legislation and rules in ways currently not captured by indicators of institutional success or strength. In particular, I hypothesize that the behavioral patterns of these different legislative 'paths' encourage a particular quality of political culture to develop—a culture which pervades the local legislative environment. The inevitable stickiness of culture explains why the worlds of compliance appear to be strong indicators but why we observe some variation in the behavior of countries themselves.
Legislatures
Different perspectives exist on why and when legislatures might comply. Arguments focusing upon the political environment theorize that existing party structures and dynamics will influence whether and how transposition emerges. However, formal models indicate that compliance may actually be easier in the complex environment of legislatures. As legislatures consist of many players and parties so legislation emerging from here will be broader and take longer to transpose. However, given the multiplicity of perspectives, it will likely be closer to the ideal policy set by the EU. Preliminary results support this secondary argument, that the pressure to transpose weighs heavily enough that actors do transpose directives in a much more timely fashion than in comparative means of transposition.

Cabinets & Ministries
In contrast, when fewer actors transpose a directive, the policy may be timely but it will be closest to that actor’s ideal point (and potentially further from the specified policy in the directive) (Steunenberg 2009).

National Legislatures
We know that parties influence transposition choices in social policy (Falkner et al. (2005) and Treib (2003)), and the data show that there is a moderate correlation between social policy and enactment by legislatures and subnational legislatures. However, levels of knowledge and expertise may be different (lower) at this level of government in comparison to state legislatures. Additionally, the timing may be longer given the delegation that occurs. Thus, we anticipate legislation here to be slower and poorly applied.

Data & Evidence
I have done analysis incorporating key variables from existing explanations in the literature and find that a) they are incomplete and b) no clear consensus exists.

My initial results demonstrate that some variables from the literature are indeed significant—for example, whether a directive is from the EU council remains significant as does the length of a directive and the institutional capacity of a country.

Borzel et al (2010) find that power and capacity shape infringements. Interacting the two in their model shows that powerful states able evade compliance and that this effect is mitigated by states with stronger institutional systems. We do not see that same relationship here, which indicates that a different process underlies transposition timing, that there may be strategic noncompliance within the infringement cases that is not present in the larger body of directives, or that there may be influencing factors determining whether/when directives and states are investigated for noncompliance.

The directive timing has different mechanisms at play than in the actual compliance of directives: a study of both can help correct for potential biases inherent within each sample (timing relies on self-reported data by states while infringement cases occur under selection from the Commission).

5-Tests/Hypotheses
This theory leads to a series of testable hypotheses that I have begun to investigate and will continue to
explore in my research:

**H1**: Institutions matter: How policies are passed/implemented is significant with respect to the outcomes of transposition and timeliness and provides greater explanatory power than existing and competing arguments:

- **H1a**: Legislatures passed legislation will have a higher non-compliance incidence with respect to timing but a lower non-compliance incidence with respect to non-conformity.
- **H1b**: Cabinets and Ministries will have lower rates of non-compliance with respect to timeliness but higher rates of non-compliance incidence with respect to non-conformity.

**H2**: State patterns of passing legislation will exist beyond EU (primary ‘character’ of national legislation)

**H3**: Different domains may have different effects and patterns of implementation. Look at directive level effects (clustering analysis on directives) and policy domain effects.

- **H3a**: More complex policies (like those in Social Policy) will take longer to implement and be more prone to infringement.
- **H3b**: Less complex policies will take less time to implement.

**H4**: Behavioral Spillover exists: compliance speed is faster when countries use means of implementation that are a) ‘fast’ and b) ‘productive’ (legislation (productive) and ministries (productive). LIKELY MOST IMPT CONTRIBUTION

-- working on thinking about how to code this
-- should help institutions as preferences argument: some shifts in behavior are faster/better/more efficient than others

**H5**: Different institutional paths lead to primacy of different arguments--different methods of implementing and passing laws will lead to different levels of compliance speed.

-- have shown h1 to be true (significance of legislative measures points to this) but need to develop more theory about what happens when this is the case

**H6**: True in other international agreements--Kyoto (emissions), international institutions: WTO, GATT, IMF, EU, UN, NATO, WHO, NPT/IAEA

? SECOND IMPT CONTRIBUTION

**6- Proposed Outline**

As the project has many facets and will require more explanation of operationalization of variables, measurement, and sources, a book type dissertation format is most appropriate but I will aim to have three publishable papers that can come from the project. A potential outline of chapters is as follows:

1. Introduction
2. Theory
3. EU explanations and definitions & Summary of existing research
4. Comparison between Timing & Infringement: different causal mechanisms?
5. Directive effects: Contribution of different domains and directives on timing & infringement
6. Proving ground: Look at compliance behavior of member states in different international organizations
7. Conclusions
References
Toshkov, Dimiter (n.d.) Implementation of EU Law: An Online Database of Existing Research, in cooperation with the Institute for European Integration Research