

Transposition of EU Directives in Central and Eastern Europe

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ABSTRACT of a PhD Project Description

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SESSION 1: Governance in the European Union

The research project investigates the process of transposition of European Union (EU) directives in Central and Eastern Europe (CEE)². The former communist countries aspiring to become members of the EU had to face the challenge of implanting into their national legal systems in the course of a few years a colossal body of legislation, comprising of more than 80,000 pages. The challenge becomes even tougher, if we take into account not only the mere length of the Community acquis, but also its technical complexity, and its overreaching nature. Thus, the process of legal approximation in the context of the enlargement of the EU is, arguably, a unique process and, as such, an intriguing object of scientific inquiry.

The Ph.D. project has a twofold aim. First, it will provide a systematic, cross-sectoral exploration of the process of transposition of European directives in CEE. Empirical information will be gathered on the transposition of EU directives in several policy areas in the countries concerned. Preliminary data, based on the dynamics of negotiations, suggests that there is a considerable variation in the speed and correctness of transposition in the countries selected. Moreover, variance can be identified across sectors, and across time for individual countries. As a second step, the systematic collection of data on the process of transposition will provide rich material for the development of an explanatory account, capable to confront the main research question of the study:

What explain the variance in speed and quality of transposition in the countries of CEE?

The growing body of literature on Europeanization provides a starting point in the search for explanatory factors. Several explanations (or rather interpretations), based on new

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² The countries under study are Bulgaria, the Czech Republic, Hungary, Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, and Romania.

institutionalist insights, have been put forward in the context of the study of the impact of the EU on the member-states. In a nut-shell, the differential impact of Europe is attributed to 1) variance in the adaptational pressure (which is conceptualized as a function of the goodness-of-fit between the EU measure to be downloaded and the national *status quo* in the policy field), 2) and, the mediating effect of the existing institutional context (number of formal and informal veto-points, strength of interest groups able to support or hinder the changes, capacity of the national government to steer the transposition and implementation of EU decisions). Although considerable differences in the operationalization of the variables and the importance attached to each of them, there are at least two common points. First, the explanations are usually actor-based *and* institutionalist. Second, the process of Europeanization is regarded as a matter of both will and ability; in other words it is a political, as well as an administrative process.

Existing research on the Europeanization in CEE focuses attention also on the asymmetric nature of the negotiations between the EU and the candidate-countries and highlights that conditionality of the accession process should have a considerable impact on the pace and outcome of Europeanization in CEE.

From a methodological point of view, the project will proceed in three phases. First, data will be pooled on the speed of transposition in all the countries concerned. TAIEX, a database of the EU keeping track on transposition, will be the main information source for this part. Against the background of this pooled data, several countries and policy sectors will be selected for closer analyses. During the third phase efforts will be focused on the collection of rich contextual information on a few cases that have attained a central place in view of the research hypotheses. Thus, the research will shift from variable-oriented to case-oriented. Quantitative methods will be used during the first part with the aim of exploring the data, identifying the major trends and distributions, and testing the impact of some system-level variables. A comparative qualitative approach will be employed in the latter phases.

Finally, it should be noted that the study can benefit from the on-going research program *Analyzing European Union Policies: The Transposition of Directives*, while adding information on the specific experience with the process of transposition of the former communist candidate-countries from Central and Eastern Europe.