Complying with Europe

What does EU law truly mean for the member states? Do they abide by it or don’t they, and why? Complying with Europe presents the first encompassing and in-depth empirical study of the effects of ‘voluntaristic’ and (partly) ‘soft’ EU policies in the member states. The authors examine ninety case studies across a range of EU Directives and shed light on burning contemporary issues in political science, integration theory, and social policy. The book reveals that there are major implementation failures and that, to date, the European Commission has not been able to perform its control function adequately. While all countries are occasional non-compliers, some usually take their EU-related duties seriously (world of law observance). Others frequently put their domestic political concerns above the requirements of EU law (world of domestic politics). A further group of countries neglects these EU obligations almost as a matter of course (world of neglect). This innovative study answers questions of crucial importance for politics in theory and in practice, and suggests how implementation of EU law can be fostered in the future.

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Complying with Europe

EU Harmonisation and Soft Law in the Member States

Gerda Falkner
Oliver Treib
Miriam Hartlapp
Simone Leiber
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Preface

This book is the result of intensive teamwork over a couple of years. Funded by the Max Planck Society, a research group on ‘New Governance and Social Europe: Minimum Harmonisation and Soft Law in the European Multi-level System’ was established at the Cologne-based Max Planck Institute for the Study of Societies. We are grateful to the Institute’s Directors, Fritz W. Scharpf (until 2003) and Wolfgang Streeck, for their support of our work. From October 1999 to September 2003, the research team collaborated face-to-face in Cologne. Co-operation has been continuing ever since then, with e-mails and phone calls serving to bridge the physical gap between the team members, who have all moved on to new jobs in different places all over Europe.

Directed by Gerda Falkner, the group of collaborators included three doctoral students who wrote their dissertation theses on specific aspects within the group’s common theme. In his doctoral thesis, Oliver Treib examined the transposition of EU Directives. Focusing on Germany, the Netherlands, Ireland and the UK, he sought to establish the relative significance of the amount of policy misfit vis-à-vis other explanatory factors in determining domestic transposition performance (Treib 2004). After completing his thesis, he continued to work in the project team as a postdoctoral researcher. Miriam Hartlapp’s dissertation analysed the transposition process and the enforcement structures in the southern and francophone member states, and the European Commission’s enforcement policy (Hartlapp 2005). Simone Leiber’s thesis, in turn, addressed the role of labour and industry in the implementation process and the impact of EU labour law Directives on domestic state–society relations. Her country studies included the Nordic states, Austria, Italy and Luxembourg (Leiber 2005). Gerda Falkner’s work on the project concentrated on the quantitative development of EU social policy over time as well as on the theory and history of EU social policy (in addition to project design, group management and research supervision). The research team was supported by three successive undergraduate research assistants. We
are indebted to Myriam Nauerz, Charlotte Buttkus and Tina Steinbeck for their support with the collection and managing of data and literature.

This book presents the overall final results of the research group. It focuses on interstate and inter-Directive comparison. Further details on subtopics can be found in various articles and papers published during recent years, and in the three dissertation theses, each of which focuses on specific aspects and particular countries. (See the project homepage: http://www.mpifg.de/socialeurope.)