

**Post-Accession Compliance in the Enlarged European Union:
why are the new member states so good?**

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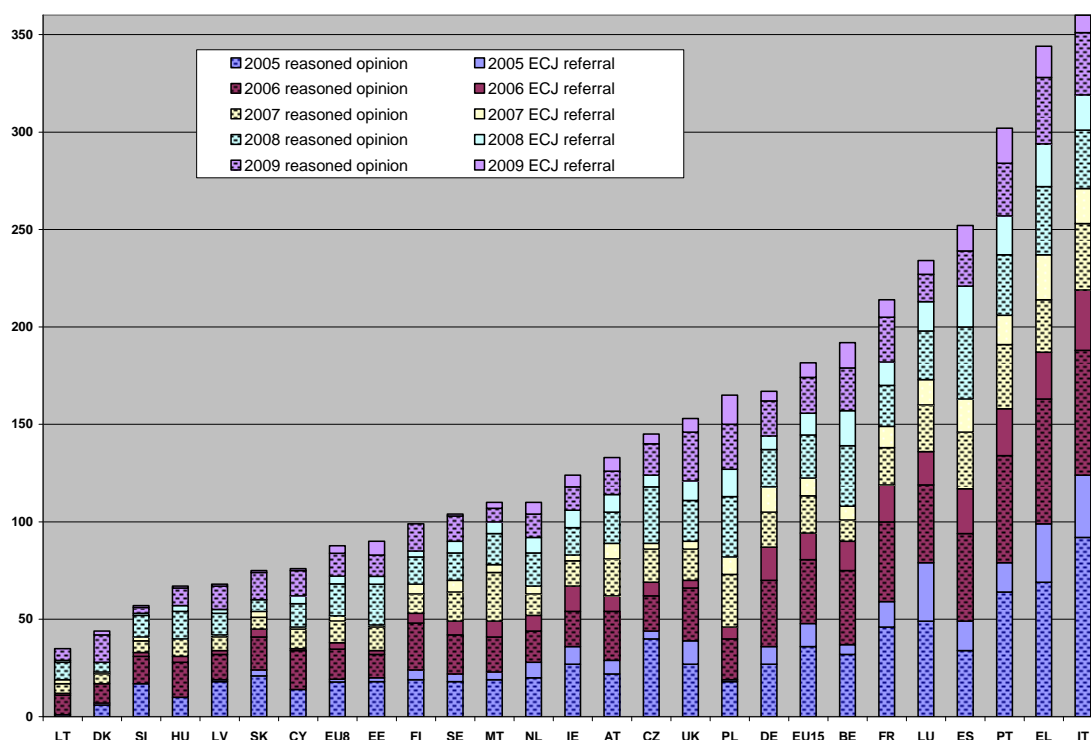
Introduction

States' compliance with international agreements and the rules of multilateral international institutions of which they are member is a key question in International Relations. This paper addresses a subset of this broader debate – what explains compliance patterns in states that are new members of international institutions? It contributes to this debate through analysing a specific case – compliance with European Union (EU) law in the countries that joined the EU in 2004. This particular case allows us to investigate a highly salient sub-question with regard to compliance in international institutions' new members: does it affect post-accession compliance if the members of an international institution have made membership conditional on prospective member's ability to demonstrate their ability to adopt the international institution's rules prior to accession? In other words, does the use pre-accession conditionality by an international institution affect post-accession compliance by the new members?

The post-accession compliance record of the EU's new members that joined in 2004 appears puzzling. A cursory glance at some of the pertinent approaches in the literature on national compliance with, and the domestic impact of, international institutions would lead us to expect serious problems with post-accession compliance. The 'enforcement school' to compliance with international institutions emphasises as a key explanatory factor the adjustment costs that international rule impose on domestic actors (see e.g. Fearon 1998, Tallberg 2002: ***). As the new members did not participate in the creation of EU law, they had no opportunity to reduce these domestic adjustment costs. By contrast, the 'management school' focuses on administrative capacity limitations as a source of compliance problems (see e.g. Chayes and Chayes 1993, Tallberg 2002: ***). Administrative capacities necessary to apply and enforce EU law had to be built from scratch in the new members during the post-communist transition and generally lag behind the older member states. Finally, studies of the EU's pre-accession influence on the then candidate countries emphasise the importance of the membership incentive for their compliance with the EU's demands (Kelley 2004, Kubicek 2003, Schimmelfennig and Sedelmeier 2005a). The change in the incentive structure after accession – when the sanctions at the disposal at EU are no longer as powerful as the threat of withholding membership – could then be expected to have a negative effect on the new members' compliance.

Yet post-accession compliance in the new members has been surprisingly good in view of these negative expectations. The great majority of new members (except for the Czech Republic and Poland) outperformed virtually all of the older members. Figure 1 (below) shows infringement decisions taken by the European Commission under Art. 226 TEU after the 2004 enlargement from January 2005-December 2009 (reasoned opinions and referrals to the ECJ). Excluding 2004 (rather than starting on 1 May 2004) avoids a possible bias in favour of the new members, given the lead time for infringement procedures to reach the stage of the reasoned opinion. Data on the infringement cases are collected from the website of the Commission's Secretariat General, which publishes the Commission's decisions soon after these have been taken, while the Annual Reports that report aggregate data are usually only published towards the end of the following year. The data also appear more reliable as they reports more cases of reasoned opinions and ECJ referrals than the Annual Report.

Figure 1: Commission infringement decisions, 2005-2009



Source: Compiled from website of Commission Secretariat General

This paper makes a first step towards an explanation of this surprisingly good performance of the new member states. The next section examines a more nuanced argument about the impact of the changing incentive structure after accession. Rather than leading us to expect a poor compliance record immediately after accession, there are two factors that might explain why good compliance in the immediate post-accession phase could be fully compatible with an explanation based on the incentive structure and the sanctioning capacity of EU institutions. The sunk costs of pre-accession adjustments might mean that infringements are much more likely with regard to new legislation with a transposition deadline after accession. Likewise, the special safeguard clause in Article 38 of the accession treaties could have deterred infringements during the first three years of membership. However, the analysis in section 2 finds that neither of these factors can explain the new members' good post-accession compliance.

Since the good compliance record cannot be simply attributed to either to the costs of conditionality-driven pre-accession alignment or temporary post-accession

safeguards, the remainder of the paper searches for an explanation of the new members' compliance records. As a starting point, I focus on explanatory factors that the general literature on compliance with international institutions identifies. I analyse whether such factors can explain cross-national variation in the 25 member states of the enlarged EU after 2004. If this was the case, then the better performance of most new members would be due to the favourable constellation of such factors in the new members, rather than more specific factors applying primarily to their situation.

Section 3 focuses on four explanatory factors that are prominent in the compliance literature: state power, administrative capacity, domestic veto players, and domestic support for European integration. Section 4 uses fuzzy-set Qualitative Comparative Analysis (fsQCA) for a preliminary analyse of whether these factors can explain cross-national variation in compliance with EU law in the enlarged EU. The paper concludes that two of the explanatory factors operate differently in the old and new member states, which in turn suggests that the legacy of pre-accession conditionality still affects post-accession compliance.

Sunk costs of pre-accession alignment and special post-accession sanctions

Sunk costs of pre-accession adjustments

Approaches that explain states' compliance with the demands of international institutions with the external incentives that these offers (in the case of the EU, especially the positive incentive of membership)(Grabbe 2006, Jacoby 2004, Kelley 2004, Schimmelfennig and Sedelmeier 2004, Schimmelfennig and Sedelmeier 2005a, Vachudova 2005) focus primarily on the changing incentive structure once a state joins the international institutions. Although international institution still have enforcement powers vis-à-vis full members (in the EU, the threat of financial sanctions imposed by the ECJ), these are not as powerful as the threat of withholding membership altogether during the pre-accession phase. Governments that weigh the costs of compliance with EU law against those of the potential sanction are therefore less likely to be deterred than prior to accession.

At the same time, such an approach would not necessarily expect a complete reversal of compliance after accession. Rules and institutions that were adopted during the pre-accession period are not cost-free to dismantle. Although it has been noted that the EU's new members deliberately engaged in a process of 'shallow institutionalisation' of EU demands prior to accession in order to minimise the costs of a reversal after accession (Goetz 2002, Jacoby 1999), rules that were institutionalised in response to EU conditionality present the new members with sunk costs, and such rules can be locked in through veto players who can block their dismantling. Therefore, the contrast in the incentive structure between pre-accession and post-accession should be particularly salient for new legislation that only has to be transposed after accession. While conditionality could account for the (formal) adoption of legislation that had to be in place upon accession, the change of the incentive structure after accession would lead to worsening of compliance records with regard to legislation that only had to be implemented after accession. Thus, the good compliance record of the new members could be merely a temporary phenomenon. The good compliance record would be accounted for by the large amount of legislation that had to be adopted prior to accession, but it would mask a deteriorating record with regard to new legislation. As the amount of new legislation increases, compliance records deteriorate over time.

Sunk costs hypothesis: new members incur a relatively higher share of infringements of legislation that has an implementation deadline after 1 May 2004 than the old member states.

Post-accession safeguard

Another reason why accession does not necessarily lead to an immediate deterioration after accession is that the EU made special arrangements in order to alleviate the deterioration of its sanctioning capacity. Article 38 of the accession treaty allows the Commission to take 'appropriate measures' if a new member causes within the first three years of membership 'a serious breach of the functioning of the internal market' or if there is an 'imminent risk of such breach'. This threat might indeed explain why the new members perform well after accession, but again, good compliance would be a temporal phenomenon. After the safeguard expired in May 2007, compliance should deteriorate.

Safeguard hypothesis: the new members perform significantly better during the first three years of membership than in the period following May 2007.

Analysis and findings

In order to test the ‘sunk costs’ hypothesis, table 1 (below) presents for each member state a simple calculation of the ratio of infringements of directives that had to be transposed after accession to all infringements in the period 2005-2009. It presents this ratio for the combined number of Reasoned Opinions and ECJ referrals, as well as separately for these two stages in the infringement process.

Table 1: Effects of sunk costs of pre-accession alignment on post-accession compliance?

Ratio of infringements of directives with a post-acc deadline/all infringements

	Reasoned Opinions & ECJ referrals	Reasoned Opinions	ECJ referrals
PL	0.33	0.31	0.38
ES	0.34	0.32	0.39
DE	0.36	0.37	0.33
AT	0.37	0.35	0.44
FR	0.40	0.41	0.40
IT	0.42	0.44	0.38
SK	0.43	0.43	0.42
EE	0.44	0.43	0.56
MT	0.45	0.43	0.55
EU8 median	0.47	0.46	0.43
CZ	0.46	0.44	0.57
NL	0.46	0.49	0.40
DK	0.47	0.47	0.50
LV	0.47	0.48	0.43
<i>EU15 mean</i>	<i>0.48</i>	<i>0.48</i>	<i>0.49</i>
EU8 mean	0.48	0.48	0.51
HU	0.50	0.51	0.43
<i>EU15median</i>	<i>0.52</i>	<i>0.5</i>	<i>0.5</i>
SE	0.52	0.50	0.57
EL	0.52	0.51	0.56
CY	0.52	0.55	0.29
BE	0.52	0.51	0.55
LT	0.53	0.58	0.25
PT	0.54	0.55	0.49
UK	0.57	0.52	0.73
FI	0.57	0.58	0.56
IE	0.60	0.59	0.62
LU	0.64	0.62	0.68
SI	0.69	0.65	1.00

Table 1 suggests that the good post-accession compliance of the new members is not simply due to a delayed ‘conditionality effect’. No systematic difference between new and old member states is observable with regard to in the share of infringements of ‘new’ legislation in the total infringements. In contrast to the expectation that the share should be higher for new members than for old members, mean scores for old and new members are very similar, with infringements of ‘new’ legislation presenting around 48 percent of total infringements in both groups. The median score for the new members is actually even lower than for old members. Table 1 shades those scores for new members that are higher than the average for the EU15 light/green, as they seem consistent with expectations and those that are lower in dark/read, as they appear to contradict expectations. For some individual new member states the data comes close to matching the expectations, in particular in the case of Slovenia, where the share is highest among all member states (and 100 percent of ECJ referrals concern new legislation). Yet there is considerable variation across the new members; and Poland has the lowest shares of all member states. The old member states show very similar variation as the new member states. On the basis of this data, the ‘sunk costs’ hypothesis can be rejected.

In order to understand whether the *special safeguard clause* in the accession treaties constrained infringements during the first three years of membership, figure 2 (below) traces the number of reasoned opinions for each member state (the new member states are in light lines). Table 2 (below) shows the developments in the number of Reasoned Opinions for the years from 2007-2009, relative to the average in 2005 and 2006. The figure and table show that there is a general decline of the number of reasoned opinions across all member states. The decline is not as pronounced for the new members as for the old members, the general trend among the old members is an improvement, rather than a decline in infringements after the safeguard clause expired. The main exception is Poland, which experienced a strong increase, and where since 2007 the number of reasoned opinions exceeds the average for 2005-2006. Lithuania also experienced an increase, but the absolute numbers remain very small (similarly to the case of Denmark).

The lack of evidence for a general decline of compliance from 2007 in the new members suggest that it is possible to reject the ‘safeguard’ hypothesis. The specific threat of sanctions during the first three years of membership cannot explain the performance of the EU8, certainly not on its own. Moreover, if the safeguard clause motivated the EU8’s compliance until May 2007, it is not clear that they would choose to perform any better than the worst performers among the EU15, nor why we observe variation in the compliance records across the EU8.

Figure 2: Annual number of Reasoned Opinions per member state, 2005-09

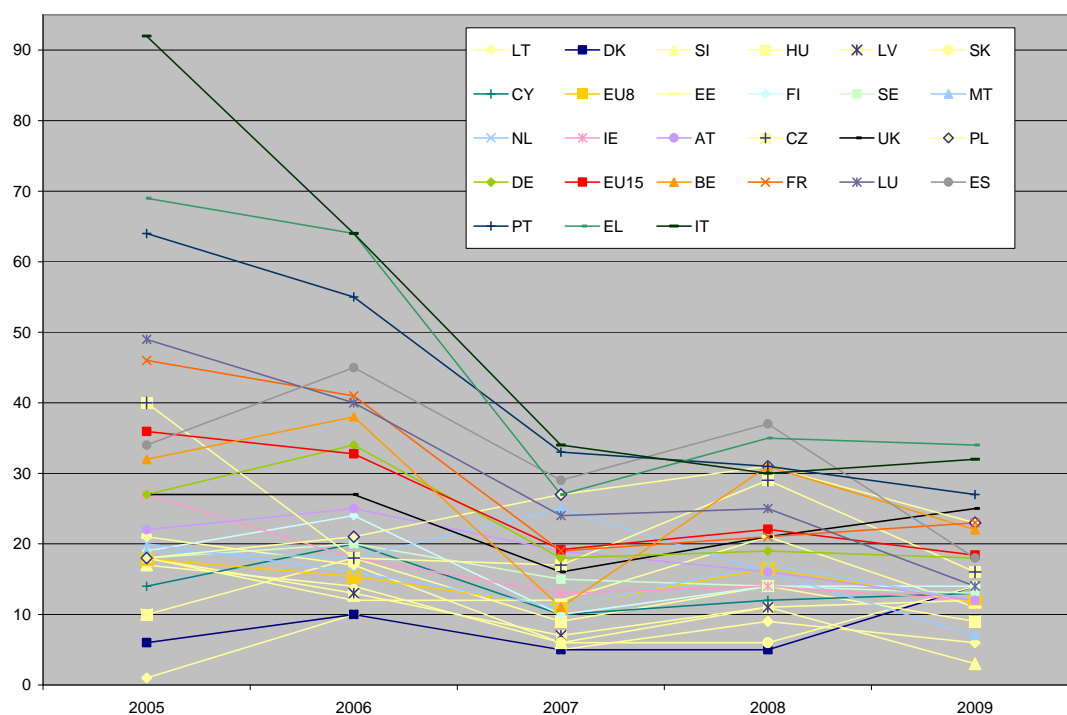


Table 2: Annual number of Reasoned Opinions compared to the average for 2005-06.

	average 2007-09	2007	2008	2009
IT	0.41	0.44	0.38	0.41
SI	0.43	0.39	0.71	0.19
SK	0.46	0.32	0.32	0.74
LU	0.47	0.54	0.56	0.31
EL	0.48	0.41	0.53	0.51
FR	0.48	0.44	0.48	0.53
PT	0.51	0.55	0.52	0.45
IE	0.58	0.58	0.62	0.53
EU15 mean	0.58	0.56	0.64	0.54
FI	0.59	0.47	0.65	0.65

DE	0.60	0.59	0.62	0.59
BE	0.61	0.31	0.89	0.63
LV	0.65	0.45	0.71	0.77
AT	0.67	0.81	0.68	0.51
CY	0.69	0.59	0.71	0.76
<i>EU25 mean</i>	0.70	0.64	0.80	0.67
ES	0.71	0.73	0.94	0.46
CZ	0.71	0.59	1.00	0.55
SE	0.74	0.79	0.74	0.68
NL	0.74	0.61	0.94	0.67
HU	0.76	0.64	1.00	0.64
UK	0.77	0.59	0.78	0.93
<i>EU8 mean</i>	0.79	0.67	0.99	0.71
MT	0.86	1.35	0.86	0.38
EE	0.98	0.80	1.40	0.73
DK	1.00	0.63	0.63	1.75
LT	1.21	0.91	1.64	1.09
PL	1.38	1.38	1.59	1.18

**General explanations for national compliance with international institutions:
power, capacity, support, and control.**

Since the change in the incentive structure cannot account for compliance in the new members, even if we consider the temporarily delays induced by sunk costs and temporary safeguards, this section focuses on explanatory factors that are prominent in more general explanations for compliance with international institutions. Although the literature is far from conclusive on what factors explain cross-country variation, especially with regard to the case of the EU, we would expect the same factors that explain compliance in the ‘old’ EU to explain variation across member states in the enlarged EU, and by extension, the better compliance record in the new members.

The literature identifies a wide range of potentially significant causal conditions that can explain compliance patterns across member states (for a review of the literature on EU compliance, see Mastenbroek 2005, Treib 2008). As a first step, this paper concentrates on key explanations that are tested in (Börzel et al. forthcoming 2011), which presents arguably the current state of the art for the study of cross-country variation in compliance with EU law.

State power

In line with the enforcement school to compliance (Fearon 1998, Tallberg 2002), the costs of compliance in the new member states could be expected to be higher than in the old member states, since they did not participate in the making of these rules, and the systematic transformation created generally high adjustment pressures in view of the significant misfit between planned economies and the rules of the EU's internal market. However, these costs and especially variations across the new members are difficult to operationalise.

Boerzel et al. find that the member states' decision whether to comply with EU law depends on their size and the related state power. Size should not matter as an indicator of a states' sensitivity to the sanctions imposed by the ECJ, since the fines are calculated in relationship to a country's ability to pay. Instead, the key argument by Boerzel et al. about the significance of 'power' is based on the assumption that the costs of non-compliance are primarily reputational. Powerful states that are often pivotal to the outcome of EU decision-making under qualified majority voting are less concerned about their reputation. In this sense, it is a states' 'power of recalcitrance' (Börzel et al. forthcoming 2011) that explains their decision to infringe EU law.

Administrative capacity

In line with 'management school' to international compliance (Chayes and Chayes 1993, Tallberg 2002), another key finding by Börzel et al. (forthcoming 2011) is that administrative capacities also matter for compliance, and that in particular an explanation that combines 'power' and 'capacity' explains well the compliance patterns in the EU. Studies focused in particular on compliance in the new member states prior to accession also find support for explanations focused on administrative capacity (Hille and Knill 2006, Toshkov 2008, Toshkov 2009).

Veto players

If national governments choose to comply with international institutions, they are not only constrained by the capacity of their administration. Domestic veto players who incur costs through compliance can thwart their attempts. At the same time, somewhat

counterintuitively, such political constraints can be beneficial for compliance. As governments are under greater pressure to seek compromises in order to generate a domestic consensus, domestic opposition can become less problematic at the implementation stage. Although Boerzel et al (forthcoming) do not find support for this factor, Hille and Knill (2006) do, albeit as a factor conducive to compliance.

Attitudes towards the European integration

Compliance with international institutions might not only depend on the material costs and constraints that governments face, but also on the perceived legitimacy of the international institutions (Franck 1990, Checkel 2001, Schimmelfennig and Sedelmeier 2005b: ***). Support for European integration among political parties and publics can be an indicator for such legitimacy, although it could also relate to the perceived material benefits. Boerzel et al. (forthcoming) do not find that 'legitimacy' matters for compliance – especially if conceptualised as attitudes towards European integration. In fact, some studies (see e.g. Mbaye 2001) find an inverse relationship between support for European integration and compliance.

However, I include this factor as there might be a good reason to expect that positive attitudes towards the EU are more conducive for compliance in the new members than in the old members (Sedelmeier 2008: 821-22). The experience of conditionality during the pre-accession period could be considered as a socialization process. The Commission's regular monitoring and assessment of the candidate countries in progress reports induced a competition that focused on their position in compliance league and during which they were continuously exposed to the notion that compliance with the Commission's demands was the key criterion for being recognised as 'good community members'. To the extent that the new members internalised this notion, they are more likely than old members to consider good compliance as 'appropriate behaviour' after accession, while the latter might not see a contradiction between a poor compliance record and a high normative value of European integration. In turn, only those new members that have positive attitudes towards the EU and aspire to be 'good community members' are likely to be sensitive towards such consideration and more likely to be shamed by bad compliance records. Indeed Toshkov (2008) provides some evidence that support for EU membership in

the accession referenda are positively correlated with a good transposition records (although the causal mechanism he identifies is different).

Method, data sources and operationalisation

The use of fuzzy-set QCA

This paper uses fuzzy-set Qualitative Comparative Analysis (fsQCA) to analyse the data. Of particular promise for explaining compliance with EU law is that this technique is particularly well equipped to analyse equifinality – the possibility that more than one causal path leads to the outcome – and to capture complex combinatorial effects in configurational causation.

The high number of factors that have been found relevant some contributions to the literature, but not consistently across studies, and the absence of a broader consensus as to what factors are most relevant could be an indication of the limitations of monocausal explanations of compliance. Indeed, the study by Boerzel et al. (forthcoming) is path-breaking in analysing interaction effects between their three main explanatory factors in a quantitative analysis.

While regression analyses rarely model interactions between more than two variables since these are difficult to interpret, and interaction effects deplete the degrees of freedom, fsQCA captures complex combinatorial causation, including an identification of necessary and sufficient conditions.

[include paragraph on possible interactions in combinations of explanatory factors]

Moreover, compliance studies usually assume that the same factors cause compliance and (their absence) non-compliance. In view of the inconclusive and sometimes contradictory findings of some of the literature, the ability of fsQCA to grasp asymmetrical causation – different (combinations of) factors might explain compliance and non-compliance respectively – could be an advantage.

A drawback for the use of fsQCA in this specific case is that the unit of analysis are states (with the outcome/dependent variable as the aggregate number Reasoned Opinions and ECJ referrals for 2005-2009). Although the underlying unit of analysis are all pieces of legislation that a country has to comply with – which in turn present ‘violative opportunities’ (Börzel 2003) – through the focus on the aggregate number of actual infringements per country, the analysis loses much of the qualitative case study characteristics that fsQCA values.

Outcome

The outcome to be explained are the cross-national differences in the level of compliance (I exclude Romania and Bulgaria since these only joined in 2007). The paper assigns to the member states different fuzzy scores that indicate the extent to which they have membership in the group of ‘compliant member states’. I assign these scores on the basis of the aggregate number of Reasoned Opinions and ECJ referrals for a state between 2005 and 2009. The data does not distinguish between the type of infringement – non-notification of national transposition measures, incorrect transposition into national law, or deficient application of correctly transposed legislation.

Explanatory factors

Since the unit of analysis are member states, not country years, the data for the explanatory conditions are averaged over the period of observation. As an indicator of *state power*, this paper uses the number of votes under QMV to calibrate whether a member state belongs to the group of powerful states. To assess *administrative capacity*, I use the World Bank’s Governance indicators (Kaufmann et al. 2009), but focus exclusively on the indicator ‘government effectiveness’ that comes closest to a proxy for the administrative capacity relevant for the implementation of EU law since it ‘measures the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government’s commitment to such policies.’

To operationalise *political constraints* through *veto players*, the studies by Boerzel et al. (forthcoming) and Hille and Knill (2006) both use the POLCON database. However, the last year that it covers is 2004, just before my observation period starts. I therefore use the indicator for ‘checks’ in the World Bank database on Political Institutions although it still only covers the years 2005 and 2006 (Keefer and Stasavage 2003).

As an indicator for *attitudes towards the EU*, I focus on the preferences of government parties, weighted by a party’s number of seats in parliament. The data on parties’ attitudes is drawn from the Chapel Hill 2006 dataset (Hooghe et al. forthcoming). Since the dataset does not include Luxembourg, Malta and Cyprus, I use the data for these three countries from Benoit and Laver (2006). Table 3 (below) presents the raw data and corresponding calibrated fuzzy set scores for the outcome and explanatory conditions.

Table 3: Raw data and calibration of fuzzy scores

	Infringements (raw data)	compliance	Weighted votes (raw data)	Power	WB gov. indic. (raw data)	Admin capacity	Support for EU (raw)	gvt_supp	Checks (raw data)	checks
AT	118	0.6	10	0.4	1.63	0.6	5.97	0.8	4	0.6
BE	164	0.4	12	0.4	1.53	0.6	6.32	0.8	5	0.8
CY	65	0.8	4	0	1.27	0.4	-		3	0.2
CZ	129	0.6	12	0.4	1.02	0.4	4.32	0.4	5	0.8
DE	151	0.4	29	1	1.54	0.6	6.03	0.8	4.5	0.8
DK	32	1	7	0.2	2.03	1	6.14	0.8	5	0.8
EE	77	0.8	4	0	1.31	0.4	5.4	0.6	3	0.2
EL	304	0	12	0.4	0.70	0	6.67	1	3	0.2
ES	228	0.2	27	0.8	1.14	0.4	7	1	4	0.6
FI	89	0.8	7	0.2	1.89	1	6.06	0.8	4	0.6
FR	188	0.2	29	1	1.24	0.4	5.71	0.8	4	0.6
HU	60	0.8	12	0.4	0.95	0.2	6.85	1	4	0.6
IE	108	0.6	7	0.2	1.70	0.6	6.07	0.8	6	1
IT	334	0	29	1	0.65	0	5.00	0.6	3	0.2
LT	30	1	7	0.2	0.85	0.2	6.45	0.8	3	0.2
LU	217	0.2	4	0	0.96	0.8	-		4	0.6
LV	59	0.8	4	0	1.82	0	5.85	0.8	6	1
MT	102	0.8	3	0	1.19	0.4	-		3	0.2
NL	98	0.8	13	0.4	1.81	0.8	5.21	0.6	6	1
PL	136	0.6	27	0.8	0.60	0	4.48	0.4	4	0.6

PT	271	0	12	0.4	1.01	0.2	6.88	1	2.5	0.2
SE	93	0.8	10	0.4	0.98	1	5.77	0.8	4	0.6
SI	54	0.8	4	0	0.94	0.4	6.09	0.8	6	1
SK	65	0.8	7	0.2	1.80	0.2	4.93	0.6	5	0.8
UK	126	0.6	29	1	1.77	0.8	5.22	0.6	3	0.2

Analysis and findings

Explanation for compliance

A preliminary analysis of the above conditions yields two equifinal paths to compliance in the enlarged EU. This solution has a consistency of 0.90 and a coverage of 0.75. An analysis of necessary conditions does not show high consistency for the causal conditions, although it is fairly high for government support for European integration (.89), with a coverage of 0.67.

The first path has a consistency of 0.91; a unique coverage of 0.44 and a raw coverage of 0.65. It suggests that member state weakness in combination with both support for European integration among the government parties and constraints in the political system usually lead to compliance. This path covers Austria, Finland, Hungary, Ireland, Latvia, Netherlands, Sweden, Slovenia and Slovakia. The causal mechanism that this combination suggests is that weak states that are more dependent on the support of other member states in EU decision-making do only comply if their governments also support European integration, and if domestic constraints in the domestic political system put them under pressure to seek a domestic consensus on the implementation of EU law. By contrast, administrative capacities are not a necessary condition for compliance.

The second path has a higher consistency (0.95) but a rather low unique coverage (0.10), with a raw coverage of 0.30; covering Poland and the Czech Republic. Its recipe however does not easily lend itself to identifying a causal mechanism. It suggests that low administrative capacity and low support for European integration within the government, in combination with constraints in the political system lead to compliance. While the importance of constraints suggest a similar effect as in the

other path, namely the pressure to achieve domestic consensus, the other two factors are counterintuitive. Low administrative capacity is actually a necessary element in the causal path, as is the absence of support for European integration. While it is therefore difficult to give a plausible account of the underlying causal mechanism for this combination, its rather low unique coverage indicates that this path is empirically much less significant.

Explanation for non-compliance

The analysis of the causes of non-compliance also yields two equifinal causal paths. The solution has a fairly high consistency (.90) although a somewhat lower coverage (.60). Both solutions include the condition that a state needs to be powerful and with a low administrative capacity. These two factors have to be combined either with constraints in the political system (consistency 0.89), or with high government support (0.93). The causal mechanism underpinning the combination of power and lack of capacities is more straightforward – these states are sufficiently powerful to be less sensitive to the reputational damage of non-compliance, but they also lack the administrative capacity for compliance even if they do not deliberately choose not to comply. However, the analysis suggests that usually not even a combination of these two factors is sufficient to lead to non-compliance. The first causal path suggest that for non-compliance to occur, in addition to power and weak capacities, a state's political system has to be characterised by domestic veto players that are capable of undermine government efforts to comply with EU law. The causal mechanism underpinning the other path is again harder to identify as it suggest that power and the lack of capacity only lead to non-compliance if national governments support European integration.

Different explanations for compliance in old and new members?

In a second analysis, I include as an explanatory condition 'post-conditionality' that distinguishes between old and new member states, and which allows us to assess whether the explanatory factors operate differently in the two contexts. Indeed, the analysis suggests three paths to compliance, two of which apply to countries that have undergone a process of pre-accession conditionality, and one path for the old member

states. The consistency (0.96) and coverage (0.76) for this solution are both high. The path for the old member states combines four explanatory conditions: the old member states usually comply if their state power is weak, in combination with good administrative capacities, government support for European integration, and consensus-inducing domestic constraints. Both paths for the new members suggest rather counter-intuitively that for post-conditionality states, weak administrative capacities are a necessary part of the combination leads to compliance. For the first path, the other elements of the causal paths are more intuitive: low capacity needs to be combined with weak state power and government support for European integration. The causal mechanism underpinning the second path is again less clear – a combination of weak capacities, a lack of government support for European integration, and domestic political constraints – but the coverage of this path is anyway rather small.

Conclusions

This paper has made a first step towards an explanation for the good post-accession compliance of the states that joined the EU in 2004. This compliance pattern is at odds with explanations focused on international institutions' sanctions. This puzzle still holds, even if we consider that the sunk costs of pre-accession alignment, as well as the special post-accession safeguards that could have delayed a deterioration of the new members' compliance records until a later phase in their membership.

This paper has therefore considered four prominent explanations for compliance with international institutions – state power, administrative capacities, perceived legitimacy of the institution, and domestic political constraints – in order to analyse whether they can explain cross-country variation in compliance in the enlarged EU, and by extension, in the new member states. Using fsQCA, the paper has identified one main path that usually leads to compliance: state weakness in combination with both support for European integration among the government parties and constraints in the political system that create pressures for a domestic consensus. Non-compliance usually results with powerful states lack administrative capacities, either in

combination with domestic political constraints or government support for European integration.

The paper has then distinguished separate paths to compliance depending on whether a state has undergone the experience of pre-accession conditionality. Two surprising findings are that for both paths for the post-conditionality new members include the lack of administrative capacities, and one path includes government support although studies of the old members have usually found no, or even a detrimental effect, of this factor.

The apparent importance of the lack of administrative capacities suggests that the measure of general administrative capacities might be misleading in the new members. Although the general capacities are usually rather low, they might have much stronger capacities with regard to the specific capacities required for the administrative coordination of the implementation of EU law. Pre-accession conditionality has put pressure on the then candidates to develop such capacities, and to the extent that they have not been dismantled after accession, they can lead to compliance despite otherwise weaker administrative capacities more generally.

With regard to government support for European integration, the positive link in the new member states suggest that the experience of regular monitoring and assessment by the Commission during the process of pre-accession conditionality indeed might have socialised the new members to conceive of good compliance with EU law as appropriate behaviour for valued members. The extent to which governments in new members aspire to be perceived as good members should then be much more likely to lead to efforts to comply with EU law than in the old members, which are less inclined to make the link between compliance and appropriate behaviour of good community members.

Appendix: Truth table solutions

--- TRUTH TABLE SOLUTION ---

Model: **COMPL** = f(POWER, CAPA, GVT_SUPP, CHECKS)

frequency cutoff: 1.000000

consistency cutoff: 0.928571

Assumptions: -

	raw coverage	unique coverage	consistency
capa*gvt_supp*CHECKS +	0.301587	0.095238	0.950000
power*GVT_SUPP*CHECKS	0.650793	0.444444	0.911111
solution coverage: 0.746032			
solution consistency: 0.903846			

TRUTH TABLE SOLUTION ---

Model: **~COMPL** = f(POWER, CAPA, GVT_SUPP, CHECKS)

frequency cutoff: 1.000000

consistency cutoff: 0.866667

Assumptions: -

	raw coverage	unique coverage	consistency
POWER*capa*GVT_SUPP +	0.595745	0.085106	0.933333
POWER*capa*CHECKS	0.510638	0.000000	0.888889

solution coverage: 0.595745

solution consistency: 0.903226

--- TRUTH TABLE SOLUTION ---

Model: **COMPL** = f(POWER, CAPA, GVT_SUPP, CHECKS, **POST-COND**)

frequency cutoff: 1.000000

consistency cutoff: 0.916667

	raw coverage	unique coverage	consistency
power*capa*GVT_SUPP*POST-COND	0.365079	0.222222	1.000000
capa*gvt_supp*CHECKS*POST-COND	0.190476	0.047619	1.000000
power*CAPA*GVT_SUPP*CHECKS*post-cond	0.349206	0.349206	0.916667

solution coverage: 0.761905

solution consistency: 0.960000

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