



COMPLIANCE AFTER CONDITIONALITY: WHY ARE THE EUROPEAN UNION'S NEW MEMBER STATES SO GOOD?

Ulrich Sedelmeier

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Abstract

The good compliance record of the European Union's post-communist new member states presents a puzzle for dominant approaches in the literature. This paper identifies two possible explanations for how the process of pre-accession conditionality can foster compliance after accession is achieved. The first explanation is that the then candidate countries created specialized administrative capacities for the implementation of EU legislation in preparation for EU membership. These specific capacities might be able to compensate for the otherwise generally weak public administration in the new members. Second, the process of pre-accession conditionality socialized the candidate countries into perceiving a link between compliance with the EU's rules and appropriate behavior of good community members. Positive government attitudes towards European integration may therefore lead to better compliance in these new member states, while in the old member states the perception of a link between compliance and good membership is much weaker. Since the logic of these arguments suggests a differential impact of similar factors in old and new member states, I conduct a two-step fuzzy-set Qualitative Comparative Analysis of compliance in both groups of member states. The results suggest that the two legacies of pre-accession conditionality continue to affect compliance in the new member states even after accession has been achieved.

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1. Introduction

States' compliance with their international commitments is a central question for international cooperation. In the absence of centralized hierarchical enforcement, under what conditions do states comply with international agreements? This paper addresses a subset of this broader debate: what explains compliance patterns of *new* members of an international organization? It studies this question by analyzing a specific case – compliance with European Union (EU) law in the countries that joined the EU in 2004. This case allows us to investigate a highly salient question with regard to new members' compliance: does it affect compliance after accession if an international organization has made membership conditional on a prospective member's adoption of its rules prior to accession? In other words, does the use of pre-accession conditionality by an international institution have a positive impact on post-accession compliance by the new members? And if so, through which mechanisms does conditionality achieve such a lasting impact?

The post-accession compliance record of the new members that joined the EU in 2004 appears puzzling. As I will elaborate below, dominant explanations for states' compliance with international rules suggest that the conditions for compliance in these countries are generally much less favorable than in the old member states. Yet data on infringements of EU law show that – rather than lagging behind the old member states – the great majority of the new members outperform virtually all of the old members. This paper analyzes whether the experience of pre-accession conditionality – which is specific to the countries that joined from 2004 – can explain their unexpectedly good compliance. I identify two key explanations for how conditionality can foster compliance after accession. The first explanation is that the then candidate countries created specialized administrative capacities in order to meet the EU's demand to implement vast amounts of EU legislation prior to accession. These specific capacities might be able to compensate for the otherwise generally weak public administration in the new members. Second, the pre-accession conditionality process has socialized the then candidate countries into perceiving a link between compliance with the EU's rules and appropriate behavior of good community members. Positive government attitudes towards European integration may therefore lead to better compliance in the new member states, while in the old member states the perception of a link between compliance and good membership is much weaker.

Since the logic of the hypotheses derived from these two explanations suggests that two key factors identified in the compliance literature – administrative capacities and legitimacy – affect compliance differently in old and new member states, I conduct separate analyses of compliance for these two groups. The paper draws on general theories of compliance with international institutions to identify pertinent explanatory factors. The first set of factors concern states' preferences with regard to compliance: state power, membership benefits, and government attitudes towards European integration. The second set of explanatory factors concern domestic political constraints that states have to overcome if they choose to comply with international rules: administrative capacities, domestic veto players, and domestic cultures of law observance. The paper uses the distinction between theories that focus on state preferences and on domestic constraints to conduct a two-step fuzzy-set Qualitative Comparative Analysis (fsQCA) to explain cross-national variation in the old and new EU member states after the 2004 enlargement. The results suggest that three explanatory factors operate differently in the two groups, two of which – attitudes towards European

integration and administrative capacities – support the paper’s explanation for why compliance in the new member states is better than expected. The surprisingly good compliance of the EU’s new member states, thus, results from two legacies of pre-accession conditionality that continue to affect compliance positively after accession.

2. The puzzle: good post-accession compliance in the EU’s new member states

Is there anything particularly surprising if new members of an international organization have a better compliance record than more long-standing members? Rationalist approaches to compliance would generally suggest that this is precisely what we should expect. International cooperation relies on the mutual trust that other states will play by the agreed rules and resist the temptation to cheat for short-term gains (Keohane 1984). New members of an international organization are then under exceptional pressure to establish a reputation as trustworthy cooperative partners (Shihata 1965; Simmons 1998: 81). Yet, even if we generally expect new members to make particularly strenuous efforts to establish a good compliance record, the EU’s post-communist new members should be a hard case for compliance.

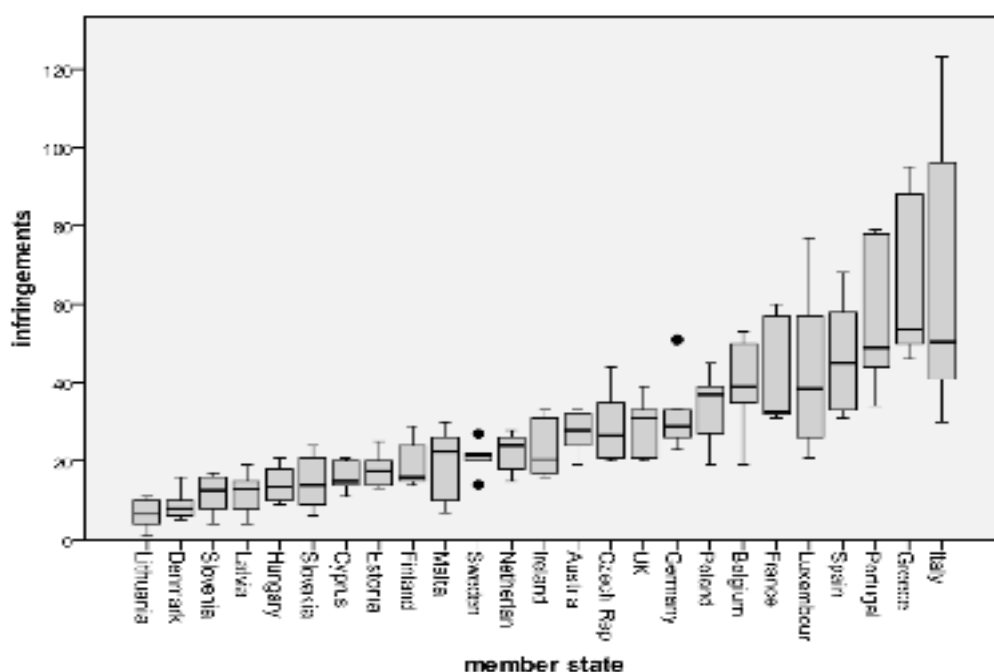
A cursory glance at pertinent compliance theories and at the literature on the EU’s pre-accession conditionality in post-communist Europe suggests that the conditions for compliance in these new members are generally less favorable than in the old members. The ‘enforcement school’ to compliance with international institutions emphasizes as a key explanatory factor the adjustment costs that international rules impose on domestic actors (see e.g. Fearon 1998; Tallberg 2002: 611-12). The costs of compliance should be generally higher for the new member states than the old member states. The post-communist transformation created high adjustment pressures in view of the significant misfit between planned economies and the rules of the EU’s internal market. As the new members did not participate in the creation of EU law, they had no opportunity to reduce these domestic adjustment costs. Moreover, since the new member states are generally much poorer than the older members, the costs of compliance are particularly onerous. Non-compliance then results from domestic actors’ attempts to avoid the high costs of compliance.

The ‘management school’ focuses on administrative capacity limitations as a source of compliance problems (see e.g. Chayes and Chayes 1993; Simmons 1998: 83; Tallberg 2002: 613-14). From this perspective, the conditions in the new members are also highly unfavorable. The post-communist transition involved building the necessary administrative capacities to apply and enforce EU law from scratch; and these capacities generally lag behind the older member states.

Finally, studies of the EU’s pre-accession influence on the then candidate countries emphasize the importance of the conditional membership incentive for their compliance with the EU’s demands (Grabbe 2006; Jacoby 2004; Kelley 2004; Kubicek 2003; Schimmelfennig and Sedelmeier 2004, 2005a; Vachudova 2005). Yet, obtaining accession changes the incentive structure for new members. The sanctions for non-compliance at the disposal of EU institutions are no longer as powerful as the threat of withholding membership altogether. The changing incentive structure after accession could then be expected to have a negative effect on the compliance of new members.

Yet, in contrast to these negative expectations, post-accession compliance in the new members has been surprisingly good. Figure 1 (below) shows the annual infringement decisions taken by the European Commission under Article 258 TFEU (ex-226 TEU) against each member state from January 2005 to December 2010 (combined number of Reasoned Opinions and referrals to the European Court of Justice, ECJ).¹ The great majority of new members outperformed virtually all of the older members. The Czech Republic and Poland lag behind the other new members, but still perform better than the old members on average. This surprisingly good performance of the new member states is not merely a short-term phenomenon that masks much less positive long-term trends. Descriptive statistics suggest that neither the sunk costs of pre-accession adjustments, nor the temporary special safeguard clause in the accession treaty can explain the new members' good compliance record (Sedelmeier 2012).

Figure 1: Annual infringements by EU member states (combined Reasoned Opinions and referrals to the ECJ), 2005-2010



Source: Own compilation from irregular publications of infringement decisions on the website of the Commission's Secretariat General.²

- 1 The types of infringements include the late or incorrect transposition of directives, and the deficient application of legislation. Including both Reasoned Opinions and referrals to the ECJ implies that persistent serious infringement cases are weighed more heavily than those that are closed after a Reasoned Opinion. The figure excludes infringements in 2004 (rather than starting on 1 May 2004, the accession date of the new members) to avoid a possible bias in favor of the new members, given the lead-time for infringement procedures to reach the stage of the Reasoned Opinion. The analysis excludes Bulgaria and Romania (that joined in January 2007) as well as Croatia (accession in July 2013) due to the shorter observation period.
- 2 The website of the Commission's Secretariat General publishes the Commission's decisions in infringement cases soon after these have been taken. The Commission also publishes similar data in Annual Reports towards the end of the following year. They also appear to underreport the number of Reasoned Opinions and ECJ referrals compared to the updates on the website.

3. Hypotheses: effects of pre-accession conditionality on post-accession compliance in the new member states

What are distinctive characteristics of the EU's post-communist new members that create favorable conditions for compliance? I suggest that the process of pre-accession conditionality these countries underwent as candidates had two – possibly complementary – key effects on the then candidate countries that might be conducive to good post-accession compliance. The first explanation is in line with rationalist management approaches to compliance. It concerns the creation of specific administrative capacities to implement EU law. The second explanation draws on constructivist approaches to compliance and emphasizes the importance of conditionality as a socialization process.

3.1. Administrative capacity building through pre-accession conditionality

Although general administrative capacities are generally much lower in the new members than in the old members, a focus on general administrative capacities might be misleading when assessing capacity in the new members. Despite generally weak public administrations, the establishment of narrower and specific capacities for the implementation of EU law may determine the new member states' ability to comply (see also Sedelmeier 2008: 20-21). Indeed, the literature on pre-accession alignment suggests that, in contrast to generally low administrative capacities, the then candidate countries have overall created strong capacities with regard to the specific requirements of coordinating the implementation of EU law.

Pre-accession conditionality has put pressure on the then candidates to create special administrative mechanisms in order to transpose the vast amount of EU law within a short period of time. Sadurski (2006) suggests that precisely the inefficiency of parliamentary and administrative institutions in the post-communist countries led the executive to centralize the policy process for the implementation of EU law and to use fast-track procedures to by-pass parliament. Zubek (2011) shows that all three of the new member states that he studied in depth created centralized mechanisms within the core executive for tracking EU-related legislative commitments, monitoring progress and reviewing the quality of transposition. Dimitrova and Toshkov (2009: 2) suggest that the candidate countries developed “sophisticated EU co-ordination mechanisms which often included levels of coordination and political attention unseen in the ‘older’ member states”. They find that variation in the specific organizational procedures put in place by the new members to coordinate the implementation of EU law affect their performance with regard to the transposition of EU directives as long as they focus on technical, rather than politicized issues.

Earlier studies have found that the parts of the executive dealing with EU accession present ‘islands of excellence’ within otherwise rather weak public administrations (Goetz 2001). More specifically, Verheijen (2007: 25-27) notes a strong qualitative difference between the general administrative coordination practices in the policy process and the much more advanced coordination processes that are specific to European integration. He suggests that for those new members that score highest for their European integration coordination processes, these mechanisms are on a par with the more general administrative coordination mechanisms in advanced old member states.

In sum, these insights suggest that the process of pre-accession conditionality left the new member states with institutional legacies that are conducive to post-accession compliance. The institutional investment in administrative and legislative capacities for the implementation of EU law has created a very specific administrative capacity that compensates for their otherwise generally weak administrations. After accession, some of these specific capacities have been scaled back to varying degrees (Verheijen 2007: 25; Zubek 2011). But to the extent that they have not been dismantled, these highly *specific* administrative capacities create favorable conditions for compliance in the new member states even if their *general* administrative capacities lag far behind the older member states. On the basis of these considerations, we can, thus, formulate the following hypotheses.

H1: The higher a country's capacities to coordinate the implementation of EU law in new member states, the better their compliance.

H1a: While for old member states general administrative efficiency is a good indicator of the administrative capacities affecting their compliance with EU law, in the new member states specific EU-coordination capacities are a better indicator.

If these hypotheses are correct, we should expect that measures of specific EU coordination capacities, rather than general administrative capacities, shape compliance, while in older member states general administrative capacities should be a good indicator of how capacities shape compliance. In principle, two different indicators should then capture the impact of capacity in the two groups of members – old and new member states.

3.2. Socialization through pre-accession monitoring

Another impact that the experience of pre-accession conditionality had on the new member states is not material, but social. The process of conditionality, and in particular the subjection to regular monitoring over many years, is also a socialization process for candidate countries and new members. This socialization process is characterized by a constant assessment of a country's compliance with EU conditions as well as the experience of being rewarded for good compliance with progress on the path to accession. Socialization through conditionality does not imply that the candidate countries perceived the conditionality process as positive and legitimate. On the contrary, the top-down nature of the process attracted much criticism and created much resentment. Nonetheless, it is possible that the experience instilled in the candidate countries the belief that good compliance is closely associated with being a credible candidate that is deserving of membership (Sedelmeier 2008: 821-22).

The Commission's annual monitoring reports induced a competition among the then candidates that focused on their position in the compliance league. Through monitoring they were continuously exposed to the notion that compliance with the EU's obligation was the key criterion for being recognized as viable and valued member states. By the same token, these countries would conceive a link between compliance and good citizenship after their accession. To the extent that the new members internalized this notion, they can be expected to consider good compliance as 'appropriate behavior'.

How can we test this proposition? The argument about socialization entails two conjectures that might allow us to test its impact on compliance. First, although the notion of conditionality as a socialization process should apply fairly uniformly across the candidate countries that underwent this experience, it can still account for variation in compliance across the new member states. Perceiving a link between compliance and being a good member does not uniformly favor compliance. We would expect only those members that have positive attitudes towards the EU and normatively identify with European integration, to aspire to be ‘good community members’. Only those new members are, hence, likely to endeavor to comply with EU law and to be shamed by bad compliance records. Second, while conditionality might have socialized the new members into perceiving a link between compliance and good membership, such a link should be much less salient in the older member states that were not subject to conditionality. The latter might not see a contradiction between a poor compliance record and considering themselves ‘good citizens’ of the EU. Considering that socialization into the link between good citizenship and compliance should only matter for new members, and that it should only have a positive impact on those new members that aspire to be good citizens, implies that there is an observable indicator that allows us to assess the impact of socialization: positive attitudes toward European integration should increase the likelihood of compliance in the new member states, but not (necessarily) in the old member states. In other words, while such attitudes may not matter for the old members, they should do so for new members. We should be able to reject the hypothesis if these attitudes have no impact in the new members. If they matter in both groups, the findings are indeterminate, while a finding of an impact in the new but not in the old member state should strengthen the plausibility of the hypothesis.

H2: The more the attitudes towards European integration are positive, the better the compliance among the new member states.

H2a: Attitudes towards European integration have an impact on compliance in the new member states, but not in the old member states.

4. Theories of compliance with international institutions: instrumental reputation, legitimacy, and domestic constraints

This paper examines these hypotheses in combination with other key explanations advanced in the study of compliance with international institutions. This section presents an overview of the key explanations included in the analysis and how they relate to the key hypotheses discussed above, before discussing the paper’s choice for research design and method of analysis.

The International Relations literature on states’ compliance with international rules can be grouped into three broad approaches that respectively focus on states’ cost-benefit calculations, the perceived legitimacy of the international institution, and domestic constraints on compliance (see also Börzel et al. 2010, Underdal 1998). The first two approaches focus on governments’ preferences but are distinguished by a rationalist instrumental logic of action (cost-benefit calculation) versus a constructivist logic of appropriateness (legitimacy). The third approach (domestic constraints) differs from the first two by focusing on

involuntary sources of non-compliance at the domestic level. While most studies only draw on rationalist approaches to identify constraints on governments' ability to comply (administrative capacity and veto players), we can also distinguish a constructivist variant of approaches focused on domestic constraints (culture of law observance).

4.1. Instrumental reputation: state power and membership benefits

The rationalist approach to state preferences with regard to compliance is in line with the above-mentioned 'enforcement' school of compliance (Fearon 1998; Tallberg 2002: 611-12; Underdal 1998: 7-12; Börzel et al. 2010: 1367-8). Governments' decisions whether or not to comply involve cost-benefit calculations. For international rules entail domestic adjustment costs for governments; either directly or indirectly by requiring adjustments from important domestic constituencies. The benefits of non-compliance are the avoidance of such costs. The costs of non-compliance depend on the likelihood of detection, and they entail both direct material costs through sanctions the international institution can impose, as well as – crucially – damage to a state's reputation. From this perspective, reputation has an instrumental value and material consequences. Mutually beneficial cooperation is based on the reciprocal trust that the other states will resist the temptation to cheat for short-term gains. Since, ultimately, the only effective sanction available against non-compliant states is the possibility to cease cooperation with them, it is the threat of having to forego the future benefits from cooperation that makes states keen to retain a reputation as a trustworthy cooperation partner (Keohane 1984; Guzman 2008). It is in this sense that international agreements are self-enforcing: states' long-term self-interest in maintaining cooperation explains why they might forego the short-term benefits of non-compliance.

It is difficult to identify an appropriate indicator of cross-national variation in the costs of compliance with EU law in general (as opposed to the adjustment costs for specific rules, or in a particular economic sector).³ Given the difficulties to operationalize country-specific compliance costs, the analysis can instead focus on the other side of the equation in states' cost-benefit calculations: the benefits of compliance. Compliance with EU rules is the price that member states pay to reap the benefits of EU membership. Membership benefits come in two main forms: the benefits arising from free trade in the internal market and direct transfers from the EU budget, e.g. through the regional policy or the Common Agricultural Policy. Those states that benefit more from EU membership are more likely to be prepared to bear the costs of compliance than those for which membership benefits are less salient. By the same token, the higher the membership benefits, the more a country should be concerned about reputational damage that may risk the continued receiving of these benefits. Member states may not have to fear expulsion as a consequence of poor compliance, but it damages the states' membership benefits by undermining mutual trust in the functioning of the EU's internal market more generally. Moreover, the loss of reputational capital may be detrimental to states' ability to influence decision-making, which helps them to maintain membership

3 Of course, as mentioned above, adjustment costs for new members that did not participate in rule-making can be expected to be higher (but this distinction does not capture variation among both new and old members). In general, adjustment costs could be considered higher for poorer countries, but wealth (expressed in GDP/capita) is a rather crude proxy for country-specific adjustment costs (and usually co-varies with indicators of administrative efficiency).

benefits in the future. Perkins and Neumayer (2007a) find that dependence on intra-EU trade is generally positively associated with compliance in the EU, but, contrary to expectations, net fiscal transfers have an adverse effect on compliance. Levitz and Pop-Eleches (2010) suggest that the new members' greater trade dependence on the EU after accession is among the factors that prevent a backsliding with regard to democratic reforms, while Knill and Tosun (2009) find that trade with the EU is one of the factors that explain variation in the transposition performance of the new members.

Apart from the benefits of membership, *state power* is another key factor that may account for differences in states' vulnerability to the reputational damage that non-compliance causes (Börzel et al. 2010). Power does not matter as an indicator of a state's sensitivity to financial sanctions imposed by the ECJ, since the fines are calculated according to a country's ability to pay. Instead, the argument by Börzel et al. about the significance of state power is primarily reputational (see also Perkins and Neumayer 2007b: 22-3). Powerful states that are often pivotal to the outcome of EU decision-making under qualified majority voting (QMV) are less concerned about their reputation than weaker states. In this sense, Börzel et al. find that the states' 'power of recalcitrance' is a highly significant explanation of their decision to infringe EU law (see also Mbaye 2001: 274).

4.2. *Legitimacy: attitudes towards the European integration*

Constructivist approaches suggest that compliance with international institutions does not simply depend on the material costs and constraints that governments face, but also on the perceived legitimacy of the rule-setting institution (Franck 1990; Checkel 2001; Schimmelfennig and Sedelmeier 2005b: 18-20; Underdal 1998: 20-3; Börzel et al. 2010: 1370-1). It is difficult to identify a suitable quantifiable indicator for such legitimacy. Favorable attitudes towards European integration among political parties and publics might be the best available indicator, although they can also stem from perceived material benefits (note, however, that attitudes of government parties do not correlate with indicators of membership benefit such as trade dependence on, or financial transfers from, the EU). Börzel et al. (2010: 1380-1) do not find that 'legitimacy' (measured as public support for EU membership) increases compliance. In fact, if anything, they find an inverse relationship between public support for European integration and compliance (see also e.g. Mbaye 2001: 276). On the other hand, Perkins and Neumayer (2007b: 31) do find that public approval of the EU positively affects compliance with EU environmental policy. Moreover, the use of support for EU membership among government parties as a different indicator also shows mixed results. While Toshkov (2008: 397) finds evidence that it is beneficial for timely transposition of a random sample of 119 directives in the new members, it does not seem to matter in Linos' (2007: 563) analysis of EU social policy.

With regard to the specific focus of this paper, the legitimacy hypothesis differs from the socialization hypotheses H2/H2a discussed above in that the latter would only expect the EU's perceived legitimacy to have a (positive) impact in the new member states that underwent the process of accession conditionality, but not necessarily in the old member states.

4.3. Domestic constraints: administrative, political, and cultural constraints on compliance

Another set of arguments focus on domestic politics in order to explain compliance with internal rules. We need to distinguish these domestic explanations from those that focus on domestic litigation in national courts as a strategy for the beneficiaries of international law to ensure state compliance (Simmons 2009; Börzel 2006). Non-compliance that is addressed through the national legal system is not included in the infringement data, which consists of infringement cases pursued by the European Commission, either as the result of decentralized complaints raised, e.g. by private actors in the member states, or more centralized own investigations and failures of member states to report the transposition of EU legislation.

The 'management school' to international compliance suggests that non-compliance with international institutions might not be the result of governments' deliberate choice (Chayes and Chayes 1993, Tallberg 2002: 613-14; Underdal 1998: 12-20; Börzel et al. 2010: 1369-70). Even if government preferences – whether material or legitimacy-driven – are favorable to compliance, involuntary non-compliance can result from various constraints at the domestic level. One source of such constraints are administrative capacities. Börzel et al. (2010) find that these matter for compliance in the EU (see also e.g. Linos 2007: 563; Mbaye 2001: 274; Siedentopf and Ziller 1988), especially in combination with 'power'. Studies focused specifically on compliance in the new member states prior to, or soon after, accession also find support for explanations focused on *administrative* capacity (Hille and Knill 2006; Knill and Tosun 2009; Toshkov 2008, 2009). With regard to the specific focus of this paper, hypothesis H1 differs from the expectations of the management school with regard to administrative capacities in that H1 would expect *general* administrative capacities only to affect the impact of capacity in the old member states. In the new member states, H1 expects that the more *specific* administrative capacities required for coordinating EU affairs are a more appropriate indicator of the existence of capacity constraints.

If national governments want to comply with international institutions, they are not only constrained by the capacity of their public administration. Domestic political constraints also emanate from the national political system that structures decision-making. Veto players who incur costs through compliance can thwart government attempts to pass legislation implementing international commitments. At the same time, and somewhat counter-intuitively, such political constraints can be beneficial for compliance. If governments are under greater pressure at the negotiation stage to seek compromises in order to generate a domestic consensus, domestic opposition is less problematic at the implementation stage. More generally, domestic constraints through multiple veto players and coalition politics can induce a consensual political culture (Lijphart 1999). Although Boerzel et al. (2010) do not find any empirical support for the relevance of this factor (see also Mbaye 2001: 274), Linos (2007: 563) finds a negative impact in the case of social policy, while Hille and Knill (2006) find that in candidate countries prior to accession it is conducive to compliance, rather than an obstacle.

Domestic constraints and enabling conditions for compliance do not only relate to material factors. Constructivist approaches draw attention to domestic cultures of law-observance as a key factor for compliance with international rules (Börzel et al. 2010: 1370). While the large-n qualitative study of EU social

policy by Falkner et al. (2005: 329) suggests that a ‘culture of law observance’ is crucial for compliance (and may override domestic political constraints), Börzel et al. (2010: 1380) find no support for the argument. Table 1 (below) summarizes this classification of approaches to compliance and the key explanatory factors derived from them.

Table 1: Classification of explanations for compliance

	Rationalism	Constructivism
Government preferences	State power; Membership benefits	Legitimacy of/attitudes towards the EU
Domestic constraints	Administrative capacities; Veto players	Culture of law observance

Source: Author.

5. Research design and method: fuzzy-set Qualitative Comparative Analysis

In order to analyze the explanatory power of these two factors, the paper splits the sample of the EU member states to conduct separate analyses of compliance in the ten new member states that joined in 2004 (EU10) and in the 15 old member states (EU15). The reason for doing so is that the two hypotheses suggest that general factors used in the study of compliance with international institutions have different effects in the two groups. With regard to administrative capacities that affect compliance, the argument suggests that measurements of a country’s general administrative capacity are a good indicator in the old member states, but not in the new member states. Instead, an indicator of these countries’ specific capacities for the coordination of the implementation of EU law should capture this factor much better. With regard to support for European integration, the socialization hypothesis expects these attitudes to matter in the new member states, but not (necessarily) on the old member states.

In order to conduct the analyses, this paper uses fuzzy-set Qualitative Comparative Analysis (fsQCA) (Ragin 2008). The choice of method responds both to limitations in the data and to substantive considerations. A limitation of the data is that we only have a single data point for the indicator for the specific administrative capacities related to the coordination of EU affairs and the implementation of EU law (Verheijen 2007: 26) (and only for the new member states). I therefore use individual member states as the unit of analysis (averaging data for independent and dependent variables of a five-year period). FsQCA allows us to conduct a systematic analysis of the resulting medium n of 25 cases, split into samples of 15 and ten old and new member states respectively.

Apart from necessity, resulting from data limitations, what makes fsQCA particularly promising as a technique for explaining compliance with EU law is that it is particularly well equipped to analyze causal complexity and equifinality (Ragin 2008; Schneider and Wagemann 2012). Its ability to capture the causal

effects of combinations of explanatory factors and the possibility that more than one causal path leads to the outcome is particularly valuable in view of the state of the compliance literature. The study of compliance in the EU has moved increasingly towards large-n studies using sophisticated quantitative techniques (for overviews, see Mastenbroek 2005; Treib 2014). Yet the results are still somewhat inconclusive about what factors explain cross-country variation (especially at the aggregate level of the entire population of EU law and member states). The literature has identified a wide range of (country-, sector- or legislation-specific) explanatory factors for cross-country compliance patterns, but while some are found to be relevant in some analyses, the findings are not consistent across different studies.

The lack of consensus about the (ir)relevance of particular factors might be an indication of the limitations of monocausal explanations of compliance. The obvious example for the need to consider configurational explanations is that a government might seek to comply – either because as a weak state it feels under (reputational) pressure to do so or because it perceives the EU as legitimate – but it may only achieve compliance in states that also have sufficient administrative capacities or do not face political constraints (or both). Another example is that powerful states (or states with low membership benefits) might, nonetheless, comply if they perceive the EU as legitimate (see also Börzel et al. 2010: 1371-2). Likewise, weak states might also infringe EU law if their benefits from EU membership are low.

Indeed, qualitative case studies and analyses of specific directives often point to the importance of combinations of explanatory conditions – for example that party political preferences only matter in combination with a specific domestic compliance culture (Falkner et al. 2005), a combination of government preferences and administrative capacities (Toshkov 2009), or that high administrative capacities do not matter with regard to politically highly salient legislation (Dimitrova and Toshkov 2009). By contrast, studies of compliance with the entirety of EU law across all member states have been slow to include complex causation. The study by Börzel et al. (2010) is path-breaking precisely through its analysis of interaction effects between their three main explanatory factors in a quantitative analysis. Still, there are inherent difficulties for regression analyses. Modeling of interactions between more than two variables is rare since these are difficult to interpret. The ability of fsQCA to capture complex combinatorial causation, including an identification of (combinations of factors that are) necessary and sufficient conditions, is therefore highly promising for the study of compliance.

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 in the literature, the ability of fsQCA to grasp asymmetrical causation – that different (combinations of) factors might explain compliance and non-compliance respectively – should be an advantage.

A drawback for the use of fsQCA to explain compliance at the country level is that the unit of analysis are states (and their compliance record), although the underlying unit of analysis (i.e. the actual ‘cases’, each of which can have ‘compliance’ or ‘non-compliance’ as its outcome) are individual pieces of legislation that a country has to comply with (and thus presents a ‘violative opportunity’ (Börzel 2003)). Due to its focus on the aggregate number of actual infringements per country, the analysis loses much of the qualitative case study characteristics that fsQCA values. Usually conducting fsQCA is only the first step of the analysis, after

which the researcher should go back to the cases in order to assess the results in a qualitative analysis of causation in specific cases. Yet, assessing the causal role of the country-specific results through in-depth qualitative case studies is difficult in view of the aggregate nature of the unit of analysis.

5.1. Operationalizing the outcome: compliance and non-compliance

The outcome to be explained are the cross-national differences in the level of compliance. Compliance is measured on the basis of the aggregate number of Reasoned Opinions and ECJ referrals for each member state between 2005 and 2010, as presented in Figure 1 (I exclude Romania and Bulgaria, as well as Croatia, due to the shorter observation period since these countries only joined the EU in 2007 and 2013 respectively).⁴ The data include all three types of infringements of EU law – non-transposition into national law, incorrect transposition, and deficient application of (correctly transposed) legislation.

The paper assigns to the member states different fuzzy scores that indicate the extent to which they have membership in the set of ‘compliant member states’. These scores are directly calibrated, using three qualitative anchors that indicate when a case is ‘fully in’ the set of cases sharing the outcome (fuzzy score 0.95), ‘fully out’ (fuzzy score 0.05), and the cross-over point (fuzzy score 0.5) at which there is maximum ambiguity as to whether a case is more in or out of the target set. Degrees of membership of the various cases in the different sets are then calibrated using the fsQCA software package (Ragin et al. 2007). Since this paper splits the sample of EU member states and conducts separate analyses of compliance in the old member states (EU15) and the new members (EU10), I calibrate separate fuzzy scores for compliance for each group using cluster analysis. Separate scores ensure sufficient variation with regard to the outcome (compliance) in each group. Using cluster analysis to calibrating the scores for the full sample of EU member states would lead to the inclusion of most of the new members in the set of ‘good compliance’. The resulting scores would then be insufficiently sensitive to the variation among the new member states, which a separate analysis should aim to capture.

Although fsQCA should base its calibration on criteria that are external to the sample, such an external standard is difficult to identify for the outcome in this case. While it is certainly possible for researchers to agree on a general threshold, e.g. of GDP/capita for a country to be considered ‘developed’, there is no generally accepted standard with regard to the number of Reasoned Opinions and ECJ referrals during a given period that would designate a state as ‘compliant’ with EU law. I therefore use cluster analysis in the TOSMANA software package (Cronqvist 2011) and natural breaks in the data to identify the three thresholds. This reliance on sample-specific measures means that the outcome set is more accurately described as the set of ‘compliance leaders in the enlarged EU’ (during the observation period), rather than presenting an absolute standard of ‘countries that comply with international/EU law’ more generally. Annex 1 presents the thresholds used to calibrate the outcome and explanatory conditions, as well as further detail on the data sources used.

4 I use the period 2005-2010 (2004-2009 for the explanatory factors to account for the time lag to prepare for timely and correct transposition) rather than up to 2015, since this six-year period makes it easier to justify the use of average scores over this period: the explanatory factors included in the analysis do not change very strongly over time. This period also does not move too far from the year (2007) for which we have data with regard to the new members’ specific administrative capacities for the coordination of EU affairs.

5.2. Explanatory conditions

Since the relevant cases, or the units of analysis, are member states, not country years, I generally average annual data for the explanatory conditions over the period 2004-2009. The difference to the observation period for the outcome (2005-2010) accounts for the time-lag between detecting infringements and sending a Reasoned Opinion, and for the lead-time required to prepare for the implementation of new legislation (i.e. whether infringements emerge in a given year often depends on the constellation of domestic conditions during the previous year).

As an indicator of *state power* (POWER), this paper uses the number of weighted votes that a member state has under qualified majority voting (QMV) to calibrate whether a member state belongs to the group of powerful states. With regard to membership benefits, *dependence on intra-EU trade* (TRDP) is calculated as the value of exports to and imports from the EU (as reported by the IMF Direction of Trade Statistics) as a percentage of GDP (based on the World Bank's World Development Indicators). *Net transfers* (TRNSF) from the EU budget per capita are calculated from data by the European Commission (2010: 79-84) and Eurostat (for population data).

As an indicator for *attitudes towards European integration* (GOVSPP), I focus on the attitudes of national governments. In doing so, I focus on governments rather than public opinion data, since the socialization argument should apply more strongly to political elites than to the general public. I capture government attitudes through the preferences of government parties, weighted by a party's share of the seats held by government parties in parliament. The data on party positions towards European integration are drawn from the Chapel Hill Expert Survey 2006 (Hooghe et al. 2010). Since this dataset does not include Luxembourg, Malta and Cyprus, I adapt the data for these three countries from Benoit and Laver (2006).

To assess a state's general *administrative capacity* (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. As described in the World Bank's list of governance indicators, 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".⁵ As explained above, I use this indicator for administrative capacity only for the analysis of the old member states, while using a different indicator for the new member states that, I believe, better captures the relevant capacities in these countries. As an indicator of the more specific capacities to coordinate the implementation of EU law (EUCOORD), I use the scores that Verheijen (2007: 26) provides for the institutional mechanisms for the coordination of EU affairs .

To operationalize *political constraints* (CONSTR) through veto players, I use the indicator for 'checks' in the World Bank database on Political Institutions (Keefer and Stasavage 2003). I use a composite indicator for *domestic cultures of law-observance* (LAWOBS), drawing on answers to two separate questions in the European Social Survey (2004, 2006, 2008). The first question concerns the trust in the legal system, and

⁵ available at <http://info.worldbank.org/governance/wgi/index.aspx#faq>, accessed 5 May 2016.

the other one asks whether one should always obey the law. The fuzzy scores are calibrated separately, but I combine them with a logical 'AND' for an aggregate score of law observance, meaning that the lower of the two scores determines the score for the combined indicator 'law-observance'. The rationale for doing so is that I assume that in order for a country to be in the set of member states that are characterized by a strong culture of law-observance, there should be high levels of both trust in the legal system and the believe that one should always obey the law.

6. Analysis and findings

6.1. *The two-step fsQCA approach*

The large number of potentially relevant explanatory conditions is a problem when examining a medium number of cases (especially once the sample is split into separate analyses of old and new member states), and even more so when the analysis aims to capture complex configurational causation. Seven explanatory conditions generate 128 (2⁷) logically possible combinations of dichotomously coded conditions. The analysis would therefore lead to a large number of 'logical remainders' of possible combinations that are empirically unobserved in the sample of cases. If we do not want to exclude any of the explanatory conditions a priori from the analysis, fsQCA offers strategies how to reduce, first, the number of these logical remainders, and then how to treat these remainders in the analysis.

FsQCA offers three possible approaches for how do deal with logical remainders explicitly in the analysis (Ragin 2008: 147-57), which differ in their use of counterfactuals. The most conservative approach does not make any simplifying assumptions about cases that are empirically unobserved. It leads to the most complex results by coding the outcome as absent for all unobserved combinations of conditions. The most parsimonious solution is to code the outcome of unobserved combinations as either absent or present such as to allow the researcher to minimize solution terms as much as possible. The intermediate solution is to use only 'easy' counterfactuals (on the basis of existing theoretical and empirical knowledge) if these lead to less complex results.

In order to reduce the number of logically possible remainders, Schneider and Wagemann (2006) have pioneered a two-step approach that allows fsQCA to draw manageable, but nevertheless theoretically subtle inferences, despite the limited diversity of empirically observed cases and a large number of explanatory conditions. To explain the consolidation of democracy, their approach distinguishes between two types of explanatory conditions – 'remote' conditions that concern the structural context in which democratic transition takes place, and 'proximate' conditions that concern institutional choices about the political system and that are more easily amenable to decision-makers' choices. The first step of the analysis only includes the 'remote' conditions. The solution terms emerging from this first step are then analyzed in a second step in combination with the 'proximate' conditions. In other words, the analysis first identifies 'outcome-enabling conditions' under which the outcome is likely to occur, and then the specific (combinations of) proximate conditions within these structural contexts that jointly result in the outcome.

The two-step approach, thus, allows us to avoid overly complex results (by using theoretical reasoning to exclude certain logically possible combinations of factors from the outset) while it maintains fsQCA’s ability to capture causally complex explanations.

Drawing on Schneider and Wagemann’s (2006, 2012) approach, this paper distinguishes between two different types of conditions: those that affect governments’ preferences whether to comply with international rules, and those determining the domestic constraints that may help or hinder governments’ pursuit of compliance if they choose to do so. Table 2 presents the distinction of explanatory conditions for this two-step analysis. This application of the two-step fsQCA approach to compliance differs from Schneider and Wagemann’s (2006, 2012), which involves an explicit theory on how different combinations of remote and proximate conditions lead to the consolidation of democracy (namely a dispersion of power), and where no given remote or proximate condition is, as such, favorable or unfavorable for the outcome, but may lead to it in the ‘right’ combination. The distinction between ‘preference’ conditions and ‘domestic’ conditions implies that specific factors in each group of conditions may well always be (un)favorable. Moreover, rather than expecting compliance will necessarily depend on particular combinations of preferences and domestic constraints, it may well be the case that either specific (combinations) of preference conditions or domestic conditions determine (non)compliance while the other set of factors is irrelevant.

Table 2: Distinction of explanatory factors for two-step analysis

	Rationalism	Constructivism
1st step: government preferences	POWER, TRDP, TRNSF	GOVSUPP
2nd step: domestic constraints	CAPACITY/EUCOOR, CONSTR	LAWOBS

Source: Author.

6.2. Explanation for (non)compliance in the 10 new member states

The first step of the analysis for the new member states (EU10) includes only those conditions that affect governments’ preferences (POWER, TRDP, TRNSF, GOVSPP). Since this first step is intended to identify those preference conditions that are compliance-enabling, it uses the parsimonious solution. In other words, it makes counterfactual arguments about the outcome of unobserved cases in such a way that these always result in a less complex solution. The analysis of ‘preference conditions’ leads to the following solution for the EU10 (uppercase denotes the presence, and lowercase the absence, of a condition; * is a logical ‘AND’ and + a logical ‘OR’):

COMPLIANCE (EU10) --> power * GOVSUPP

compliance (EU10) --> POWER + govsupp

Thus, the compliance-enabling preference conditions are that a state is weak and has a government that supports European integration (solution consistency 0.77; coverage 0.94; see Annex 2 for detailed results). Conversely, either strong states or states whose governments do not support European integration are more likely not to comply (solution consistency 0.98, coverage 0.52). The conditions that relate to membership benefits are redundant. This preliminary result is certainly plausible, although the kind of theoretical synthesis that it suggests is not obvious. A more obvious combination of power-based and legitimacy-based compliance theories would be that powerful states only resort to non-compliance if their governments do not support European integration (while supportive governments comply even if they did not have to fear the reputational costs), or that both state weakness and government support for European integration are equifinal paths to compliance. Yet, the above result suggests that neither is a sufficient condition on its own. Governments appear to care at the same time both instrumentally about their reputation and about acting appropriately. Taken by itself, neither explanatory condition is fully sufficient to lead to compliance, which thus requires simultaneously strategic and normative motivation.

The second step analyzes these solution terms in combination with the conditions that affect domestic constraints on compliance (EUCOORD, CONSTR, LAWOB). Since the analysis now seeks precise formulations of causal solution paths, it only uses 'easy' counterfactual arguments about the outcome of unobserved cases. Such a counterfactual argument is 'easy' if the unobserved case differs from an observed case (that leads to the same outcome) only with regard to condition(s) for which our theoretical and empirical knowledge suggests that its setting in the unobserved case is conducive to this outcome. The analysis leads to the following paths to (non)compliance:

COMPLIANCE (EU10) --> power * GOVSUPP * (EUCOORD + constr)

compliance (EU10) --> eucoord * lawobs

Thus, there are two possible causal paths to compliance among the new members (solution consistency 0.87, coverage 0.88). Both paths share the conditions that these states are weak and have governments that support European integration. These preference conditions need to be combined with one of two domestic context conditions to lead to compliance: either with strong mechanisms for the coordination of EU affairs, or the absence of political constraints through veto players. For non-compliance, the conditions affecting government preferences are irrelevant. A weak mechanism for the coordination of EU affairs in combination with the absence of a domestic culture of law observance leads to non-compliance (consistency 0.81, coverage 0.81).

6.3. Explanation for (non)compliance in the 15 old member states

The first step of the analysis for the EU15 leads to one causal path for those preference conditions that enable compliance:

COMPLIANCE (EU15) --> power * trnsf

compliance (EU15) --> POWER + TRNSF

Thus, weak states that do not receive net transfers from the EU budget appear more likely to comply with EU law (consistency 0.99, coverage 0.54). Conversely, non-compliance becomes more likely either if states are powerful, or if they receive net transfers (consistency 0.68, coverage: 0.99). The role of state power fits with the findings by Börzel et al. (2010), but the impact of budget transfers – although consistent with the (counterintuitive) finding by Perkins and Neumayer (2007a) – makes it difficult to find a plausible explanation for these causal paths. In any case, these solution terms disappear after the second step in which each of them is analyzed in combination with the conditions affecting the domestic context (CAPACITY, CONSTR, LAWOBS):

COMPLIANCE (EU15) --> CAPACITY

compliance (EU15) --> capacity * constr

Thus, in the old member states, compliance with EU law requires states only to have high administrative capacities (consistency 0.80, coverage 0.97). Conditions that affect state preferences do not appear relevant for (non)compliance. Thus, in contrast to the findings by Börzel et al. (2010), this result suggests that administrative capacities are a necessary and sufficient condition, rather than leading only to compliance if combined with a lack of state power. The result for non-compliance is also a single path, but consists of two domestic conditions: states that, firstly, lack administrative capacities and, secondly, do not face domestic political constraints (consistency 0.99, coverage: 0.66). This combination suggests that domestic political constraints have to be interpreted as beneficial for compliance by fostering a consensual political culture. Although they are not necessary for compliance, their absence – when combined with unfavorable administrative capacities – leads to non-compliance.

6.4. Different effects of specific explanatory factors on compliance in old and new members

Apart from the general differences in the explanatory paths in the old and new members, three differences stand out with regard to the differential impact of particular factors in the two groups. The first factor that affects compliance in different ways in the two groups is unrelated to the two main hypotheses about the impact of pre-accession conditionality. While in the old member states the absence of domestic political constraints is a necessary part of the causal recipe for *non-compliance*, for the new member states, their absence is part of a sufficient combination for *compliance*. This result suggests that in the old member states constraints in the political system induce consensual politics that remove domestic obstacles to compliance, while in the new members constraints lead to blockages that are detrimental to a proper implementation of EU law. While this finding neither confirms nor contradicts the main hypotheses, it still raises the question how these differences can be explained. One plausible explanation is that the new post-communist political systems tend more towards polarized politics than those in Western Europe. Multiple veto players and checks and balances would then foster a more consensual political culture that is beneficial to compliance in Western Europe, while in the post-communist new members they lead to mutual blockages in the political process that cause compliance problems.

The second result confirms hypotheses H1 and H1a about the role of administrative capacities. While for old member states administrative capacities are a necessary and sufficient condition for compliance, for the new member states more specific capacities to coordinate EU affairs are important. Although the general capacities are usually rather low, strong capacities with regard to the requirements for the administrative coordination of the implementation of EU law can lead to compliance (in combination with other favorable conditions, namely a lack of state power and government support for EU membership). Conversely, the absence of such specific administrative capacities to coordinate EU affairs is a necessary condition for non-compliance.

The results also confirm hypotheses H2 and H2a about the impact of conditionality as a socialization process that forged among political elites in the new members the notion that compliance with EU law is linked to being a 'good community member'. For the new member states favorable government attitudes towards European integration are a necessary part of both causal paths to compliance. In other words, only those governments (in the new member states) that care about being good members comply with EU law. By contrast, government attitudes towards the EU are irrelevant for compliance in the old members. Since governments in the old members were not socialized into considering good compliance as 'appropriate behavior' for 'good' member states, they do not see a contradiction between a poor compliance record and considering themselves 'good citizens' in the EU.

7. Conclusion

The good post-accession compliance of the states that joined the EU in 2004 is puzzling. It appears at odds with the dominant explanations of compliance with international rules. This paper has therefore analyzed whether the experience of pre-accession conditionality can explain this unexpectedly good performance. It identifies two main effects that conditionality had on the new member states and that may continue to have a positive impact on compliance after accession. The first factor is the creation of highly specialized administrative capacities that are required to implement large amounts of EU legislation during a short period of time. Such specific capacities can help the new member states achieve compliance, even if their more general administrative capacities are weak. The second factor is the socialization process that the new member states underwent through the experience of pre-accession conditionality. The experience of regular assessment and monitoring of compliance, and of the link between progress with compliance and progress towards membership, instilled in the political elites of these countries the belief that compliance is linked to being a good EU member. This link does not in itself uniformly lead to good compliance in all states that experienced conditionality: the perception of such a link only favors compliance if a government cares about being considered a good member state. By contrast, for Eurosceptic governments, socialization through conditionality does not lead to better compliance.

This paper has analyzed these two explanations through a two-step fuzzy-set Qualitative Comparative Analysis of a number of explanatory conditions identified by the main approaches to compliance with international institutions. In the first step the analysis included those explanatory factors that determine

government preferences for compliance: state power as an indicator of vulnerability for reputational concerns, dependence on intra-EU and budgetary receipts as different types of membership benefits; and government attitudes towards European integration as an indicator of whether they perceive the EU as legitimate. In the second step, the analysis included the explanatory factors that determine the domestic constraints governments face if they chose to comply with EU law: administrative capacities, veto players, and cultures of law-observance. Since the logic of the two explanations about how conditionality affects pre-accession compliance suggests that two factors – administrative capacities and attitudes towards European integration – affect compliance differently in the old and new member states, the paper conducted separate analyses of compliance in these groups.

The results of the analysis are that in the old member states, conditions that affect state preferences are irrelevant for compliance (in contrast to leading explanations that emphasize the importance of state power, or of membership benefits): administrative capacities are a necessary and sufficient condition for compliance, while non-compliance results from a combination of a lack of administrative capacities with the absence of veto-players. The explanation for compliance in the new members is more complex. Two equifinal paths lead to compliance: weak states with governments supportive of European integration, in combination with either an efficient mechanism to coordinate EU affairs, or a lack of domestic veto players. Non-compliance is independent of government preferences but is a consequence of domestic constraints: it results from the lack of efficient coordination of EU affairs in combination with an absence of a domestic culture of law-observance.

Apart from identifying different explanations of compliance in old and new members, the results suggest three key differences with regard to how particular factors influence (non)compliance; two of which speak directly to the hypothesized impact of pre-accession conditionality on compliance. First, for the old member states, the absence of domestic political constraints is conducive to non-compliance, while in the new members it is conducive to compliance. These differences in the impact of veto players suggests that in the old member states strong checks on government autonomy are more likely to lead to the emergence of a consensual political culture, which, in turn, facilitates compliance, while polarization in the post-communist political systems generally tends to be much stronger. A higher number of veto players does not facilitate the emergence of consensus democracies, but rather leads to mutual obstructions that are detrimental to compliance with international rules.

The differences in the impact of veto players do not explain why the new members comply better with EU law than the old members. The other two factors that appear to have different effects in the two groups of member states can provide such an explanation; they are in line with the two hypotheses about how the experience of conditionality prior to accession contributes positively to compliance even after conditionality has expired.

Firstly, the results confirm that in the new member states, the very specific capacities to coordinate EU affairs matter. Such specific EU coordination structures are a result of pre-accession conditionality, since the pressure to transpose large amounts of EU legislation in a fairly short time period has forced the new

members to invest heavily in such capacities. If these specific administrative capacities are strong, compliance is possible even if the general effectiveness of the public administration is otherwise low. Although a few of the new members have started to dismantle some of these capacities, the remaining strengths compensate for the absence of more general administrative effectiveness.

Secondly, the beneficial impact of positive government attitudes in the new members on compliance (in contrast to the old members) provides evidence for the argument that pre-accession conditionality is a socialization process in which government elites in then candidate countries internalize that compliance is appropriate behavior for 'worthy community members'. By contrast, governments in the old member states are less likely to think of their bad compliance record as a sign of 'bad citizenship'. The internalization of such a link does not automatically make all new members comply well. For instance, governments that do not support European integration are not concerned about being bad citizens. But to the extent that they do support European integration – as the governments of most new members do – they are more likely to comply well, while this attitude does not have such a positive impact on compliance in the old members.

In sum, certain legacies of pre-accession compliance may explain the positive compliance record of the new members: the building-up of specific capacities for the implementation of EU law and the perceived link between compliance and good community citizenship. While these factors make good post-accession compliance not merely a short-term phenomenon, they are vulnerable to erosion in the long run. Investments in administrative structures can be dismantled as political priorities shift (and, indeed, this has started to happen in some new members) and the perception of a normative value of compliance can wane with an increasing realization that most other member states do not strive equally to perform well.

8. Appendix

Annex 1: Thresholds for qualitative anchors for direct method of calibration of fuzzy scores (fs)

Condition (outcome)	Data for qualitative anchor	fs>0.95 when	fs>0.5 when	fs<0.05 when
COMPL(EU25)	<i>Infringements (2005-10)</i>	<60	>220	>330
COMPL(EU15)	<i>Infringements (2005-10)</i>	<100	>210	>320
COMPL(EU10)	<i>Infringements (2005-10)</i>	<50	>100	>200
POWER	Number of votes in QMV	>28	>15	<5
TRDP	Intra-EU trade/GDP	>0.75	>0.5	<0.25
TRNSF	Net receipts from EU budget/capita (EUR)	>150	>0	<-150
GOVSPP	Government parties' support for European integration, weighted by their share of parliamentary seats of government parties	>5.5	>4.5	<2.49
CAPACITY	Government effectiveness (quality of public services and the civil service, etc.)	>2	>1.4	<0.7
EUCOOR	Administrative capacities for the coordination of EU affairs [^] >6	>6	>4.5	<2
CONSTR	Veto players (checks)	>5.5	>4.25	<2.5
LAWOBS	Trust in the legal system AND Need to abide the law	>7 <2	>5 <3	<3 >4

Annex 2: Detailed results of fsQCA

2.1. Analysis: compliance EU10

Step 1: preference conditions

frequency cutoff: 1.000000

consistency cutoff: 0.780034

	raw	unique	
---	coverage	coverage	consistency
--- PARSIMONIOUS SOLUTION ---			
~power*govsupp	0.944345	0.944345	0.769006
solution coverage: 0.944345			
solution consistency: 0.769006			

--- COMPLEX & INTERMEDIATE SOLUTION			
~power*trnsfs*govsupp	0.924596	0.924596	0.785061
solution coverage: 0.924596			s o l u -
solution consistency: 0.785061			s o l u -

Step 2: domestic constraint conditions

in combination with result for preference conditions (~power*govsupp)

consistency cutoff: 0.937500

--- INTERMEDIATE SOLUTION ---			
(~power * GOVSUPP)*~constr	0.557235	0.112311	0.845902
(~power * GOVSUPP)*eucoord	0.766739	0.321814	0.956873
solution coverage: 0.879050			
solution consistency: 0.871520			

--- COMPLEX SOLUTION ---			
(~power * GOVSUPP)*~lawobs*~constr	0.557235	0.112311	0.966292
(~power * GOVSUPP)*eucoord~lawobs	0.762419	0.317495	0.991573
solution coverage: 0.874730			
solution consistency: 0.978261			

--- PARSIMONIOUS SOLUTION ---			
eucoord	0.777538	0.332613	0.871671
(~power * GOVSUPP)*~constr	0.557235	0.112311	0.845902
solution coverage: 0.889849			
solution consistency: 0.809430			

2.2. Analysis: non-compliance EU10*Step 1: preference conditions*

consistency cutoff: 0.965753

--- PARSIMONIOUS & INTERMEDIATE SOLUTION---

~govsupp	0.252822	0.108352	1.000000
power	0.410835	0.266366	0.973262
solution coverage:	0.519187		
solution consistency:	0.978723		

--- COMPLEX SOLUTION ---

~power*trdp*trnsfs*~govsupp	0.205418	0.088036	1.000000
power*trdp*trnsfs*gvsupp	0.318284	0.200903	0.965753
solution coverage:	0.406321		
solution consistency:	0.972973		

Step 2: domestic constraint conditions

in combination with result for preference conditions (POWER + ~govsupp); two analyses, in combination with POWER, one in combination with ~govsupp)

*in combination with ~govsupp:*consistency cutoff: **0.784038****--- INTERMEDIATE SOLUTION ---**

~lawobs*~eucoord	0.810089	0.810089	0.812500
solution coverage:	0.810089		
solution consistency:	0.812500		

--- COMPLEX SOLUTION ---

~(~govsupp)*~eucoord*~lawobs	0.706231	0.210683	0.795987
~eucoord*~lawobs*constr	0.599407	0.103858	0.814516

solution coverage: 0.810089

solution consistency: 0.817365

--- PARSIMONIOUS SOLUTION ---

~eucoord	0.842730	0.842730	0.733850
solution coverage:	0.842730		
solution consistency:	0.733850		

In combination with POWER:

consistency cutoff: **0.773399**

--- INTERMEDIATE SOLUTION ---

~eucoord*~lawobs	0.810089	0.810089	0.812500
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solution coverage: 0.810089
solution consistency: 0.812500

--- COMPLEX SOLUTION ---

~constr*~lawobs*~eucoord	0.528190	0.163205	0.972678
~power*~lawobs*~eucoord	0.599407	0.234421	0.762264

solution coverage: 0.762611
solution consistency: 0.803125

--- PARSIMONIOUS SOLUTION ---

~eucoord	0.842730	0.842730	0.733850
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solution coverage: 0.842730
solution consistency: 0.733850

2.3. Analysis: compliance EU15

Step 1: preference conditions

--- PARSIMONIOUS SOLUTION ---

consistency cutoff: 0.988281

~power*~trnsfs	0.544980	0.544980	0.992874
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solution coverage: 0.544980
solution consistency: 0.992874

--- COMPLEX SOLUTION ---

~power*~trnsfs*govsupp	0.544980	0.544980	0.992874
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solution coverage: 0.544980
solution consistency: 0.992874

--- INTERMEDIATE SOLUTION ---

govsupp*~trnsfs~power	0.544980	0.544980	0.992874	solu-
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sion coverage: 0.544980
sion consistency: 0.992874

Step 2: domestic constraint conditions

in combination with result for preference conditions (**~power *~ trnsf**)

INTERMEDIATE & PARSIMONIOUS SOLUTION

consistency cutoff: 0.734870

capacity	0.973924	0.973924	0.797225
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solution coverage: 0.973924

solution consistency: 0.797225

--- COMPLEX SOLUTION ---

$\sim(\sim\text{power}*\sim\text{trnsf})*\text{capacity}$	0.538462	0.046936	0.696459
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capacity*lawobs	0.878748	0.387223	0.839352
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solution coverage: 0.925685

solution consistency: 0.796857

2.4. Analysis: non-compliance EU15*Step 1: preference conditions*

--- PARSIMONIOUS SOLUTION ---

consistency cutoff: **0.703601**

power	0.641200	0.242838	0.707831
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trnsfs	0.753070	0.354707	0.773109
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solution coverage: 0.995907

solution consistency: 0.676552

--- COMPLEX SOLUTION ---

power* \sim trdp*govsupp	0.533424	0.365621	0.741935
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\sim power*trnsfs*govsupp	0.492497	0.324693	0.738241	s o l u -
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solution coverage: 0.858117

solution consistency: 0.709932

--- INTERMEDIATE SOLUTION ---

trnsfs	0.753070	0.398363	0.773109
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\sim trdp*power	0.582537	0.227831	0.750439
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solution coverage: 0.980900

solution consistency: 0.707677

Step 2: domestic constraint conditions

in combination with result for preference conditions (POWER + TRNSF)

in combination with POWER

--- INTERMEDIATE SOLUTION ---

consistency cutoff: **0.994286**

~constr*~capacity	0.663029	0.663029	0.997947
solution coverage: 0.663029			
solution consistency: 0.997947			

--- COMPLEX SOLUTION ---

~capacity*~constr*~lawobs	0.549795	0.246930	0.997525
~power*~capacity*~constr	0.336971	0.034106	0.995968
solution coverage: 0.583902			
solution consistency: 0.997669			

--- PARSIMONIOUS SOLUTION ---

~capacity	0.740791	0.740791	0.964476
solution coverage: 0.740791			
solution consistency: 0.964476			

in combination with TRNSF

--- INTERMEDIATE SOLUTION ---

consistency cutoff: **0.994709**
Assumptions: ~trnsf (absent)

~constr*~capacity	0.663029	0.663029	0.997947
solution coverage: 0.663029			
solution consistency: 0.997947			

--- COMPLEX SOLUTION ---

~capacity*~constr*~lawobs	0.549795	0.075034	0.997525
trnsfs*~capacity*~constr	0.540246	0.065484	0.997481
solution coverage: 0.615280			
solution consistency: 0.997788			

--- PARSIMONIOUS SOLUTION ---

~capacity	0.740791	0.740791	0.964476
solution coverage: 0.740791			
solution consistency: 0.964476			

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