Abstract:
The new EU Transport Transposition Data Set 1957-2004 demonstrates that only 39% of the transport acquis was transposed in time. The average transposition time was at least 32 weeks (8 months) too late, varying between just a couple of days to 333 weeks (6.5 years) varying significantly between member states. Drawing systematically from existing literature this paper tested three sets of variables quantitatively explaining why member states do not transpose EU directives in time: European level, the national-level and institutionalist variables. The new data set representing the full population of the EU transport acquis and the national transposition instruments respectively confirms existing scholarly results, but also offer new findings. The logistic models indicate that the degree of complexity of EU directives, i.e. the number of recitals of directives abused as a second kind of law-making slows down the transposition process as well as national legal instruments that include a lot of de facto actors. Furthermore, the shorter the transposition time set in the directive, the more delayed the transposition process.
INTRODUCTION:
Lately, most of the member states are seriously concerned about the increased transposition deficit in the European Union – its causes and consequences. As recognized in the recent report by Wim Kok, progress in building a dynamic and inclusive Europe at both a national and European level has been too slow. The strong performance of some has been offset by economic malaise in others. GDP per head for the EU as a whole is still only around 70% of that in the US (the same level as 30 years ago). Overall employment rates are lower here than in the US. To this we can add to two factors – global competition and an ageing population – which are more apparent today than five years ago when Lisbon was launched. To boost the performance of the EU economy, the Commission calls for sound economic foundations and structural reforms that ‘can open markets and deliver stronger productivity growth, lift R&D, foster innovation and investment, raise employment, reduce regional inequality, lower poverty and curb environmental damage’ (Barroso, 2005).
Effective timely and correct transposition of internal market legislation is the first action point that falls under the Lisbon action plan incorporating EU Lisbon programme and recommendations for actions to member states for inclusion in their national Lisbon programmes (COM, 2005). Late and incorrect transposition and application of Internal Market legislation causes legal uncertainty, undermines the confidence of citizens and business in the exercise of their rights and undermines the day-to-day working of the Internal Market. But, why do member states still lag behind transposing Internal Market directives?
With regard to transposition, directives are of particular interest. They are not directly applicable at the national level, but have to be incorporated into national law first. Therefore, the focus of this paper lies on the transposition of European directives.

Following previous scholars’ efforts in compiling reliable data on non-transposition in the EU in a remarkable way¹, first, I review the rich scholarly discussion on implementation and transposition in the EU. Then, I present the new data set, which covers the full population of all EU transport directives from 1957 to 2004 and the national implementing instruments of five member states respectively and underline its value-added compared to already existing ones. Then, in a first step of analysis, this study demonstrates that the EU has a considerable transposition problem varying between member states and different modes of transport. To explain this transposition pattern, I look at comparativist politics and international relations literature alike. I identify three categories of explanatory factors in the compliance, Europeanization, implementation and transposition literature: institutionalist, the European level and the national level variables and discuss their operationalization. In a second step of analysis, then, I run several logistic regression models and discuss their results which confirm, challenge and extent existing arguments in the literature. Finally, I conclude with some comments on the implications for future research.

**REVIEW OF THE EMPIRICAL LITERATURE**

A considerable part of the Europeanization literature deals with member states’ adaptation to EU policies, or more specifically the national transposition and implementation of EU legislation and the Commission’s and European Court of Justice’s role in understanding the impact of non-transposition (Mendrinou, 1996;
Tallberg, 2002). In this context, scholars have turned their attention to the patterns of adjustment to European policies, and in particular to the national implementation of EU law.

This literature is a mixture of studies that offer potential theoretical explanations for the extent to which ‘Europeanization’ occurs (Scharpf, 1996; Dimitrova and Steunenberg, 2000; Börzel and Risse, 2003). Interestingly, qualitative research has been the dominant design to develop and test explanatory factors for the implementation deficit in member states and particular policy sectors. Some emphasis is found on empirical studies of environmental, social and transport policies (Héritier, 2001; Ostner and Lewis, 1995; Eichner, 1995; Knill and Lenschow, 1998; Knill and Lehmkuhl, 1999; Haverland, 1999; 2000; 2001). Outstanding here is the work by Falkner et al (2004; forthcoming) who conducted numerous in-depth interviews for six directives in the 15 member states. Their major finding is that national preferences and ideology is important for the implementation performance of many countries. They come up with four facilitating factors with a typology describing ‘three worlds of compliance’: types of democracies, corporatism, culture of law-abidingness and efficient administrations devoted to public transparency and a protestant work ethic.

Quantitative research on the implementation of EU law, however, is still in its infancy. Börzel (2001) argues that we simply have no reliable data that can show us that the EU suffers from a serious compliance deficit which is claimed by the Commission and scholars alike. Lampinen and Uusikyla (1998) show that critical mass opinion towards the EU did not have much to do with implementation behavior. The same holds for the role of key interest organizations. Member states traditionally labeled as corporatist did not succeed better than non-corporatist ones. This may be explained by the fact that in corporatist countries powerful labor union can easily
block certain European directives and thus cause many problems in the transposition and implementation process. The fact that employment and social policy, agriculture, fishing, energy and transport (all sectors with strong meso-corporatist structures) were policy areas with relatively low implementation scores confirms the hunch that interest groups are the important actors in national bargaining over compliance with EU law. They do not include Austria, Finland and Sweden, however, and only refer to the very unreliable data provided by Commission’s scoreboards (see also Bergman, 2000).

Sverdrup’s work (2002) represents recent efforts by scholars (Börzel, 2000; Jonsson and Tallberg, 1998; Tallberg, 1999) to collect data on infringement proceedings, which has resulted in large N data sets in order to come up with more reliable data on compliance. In addition, Sverdrup takes the Nordic countries as a focus and points at a ‘Nordic model’ of good compliance culture. He argues that a culture of compliance and of compromise, together with transparency and organization of the administration, are powerful factors explaining a member country’s implementation performance. All these factors are found to be superior in the Nordic countries.

Mbaye (2001) broadens the horizon by drawing systematically from the literature on compliance in IR, EU studies and American federalism. She demonstrates that variables from a broader set of literature are important in explaining compliance. Relying on infringement data from 1972 to 1993, she argues that cases of non-compliance in the EU rise with bargaining power in the Council, length of membership, and regional autonomy. Fewer cases are associated with rising bureaucratic efficiency. Unfortunately, however, Greece has dropped out of her analysis because the data on veto players for Greece are unavailable.
More recent work has moved away from the infringement data set. Mastenbroek (2003) came up with a new data base on non-transposition. She constructed a data base containing all EC and Euratom directives enacted from 1995 to 1998 for the Netherlands. For all 229 directives she consulted overviews by the Ministry of Foreign Affairs, a list of measures notified to the Commission by the Dutch government and a data base compiled by the TMC Asser Institute (Mastenbroek, 2003) to gather information on the Dutch transposing measures. She demonstrates that almost 60 per cent of the directives are transposed late. The most important factor here is the types of legal instruments used and the ministry that takes the lead in the transposition process. Moreover, EU decision-making procedure as well as the goodness of fit shows considerable explanatory power.

EU 1957 – 2004 TRANSPORT TRANSPOSITION DATA SET:

*Policy field selection:*

It is impossible to analyze all European policy fields in which directives are issued in the context of the proposed study. Since I focus on the transposition of directives, I will not consider areas in which the EU primarily issues regulations, such as in the field of cohesion policy and the common agricultural policy. Some EU policies are directed towards specific economic sectors. A few such policies – covering coal and steel, atomic energy, agriculture and transport – were explicitly provided for in the Founding Treaties (Nugent, 2003: 320). A classic way of distinguishing between policy types is in terms of regulatory, redistributive and distributive policies (Lowi, 1964). EU policies, however, have a strong regulatory emphasis (Nugent, 2003: 324). Majone (1992; 1994; 1996) even argues that the EU can be thought of as being a regulatory state.
The policy area selected for the study was guided by three considerations: First, does the policy area in question fit well into the dominant regulatory category? Secondly, is there sufficient empirical research available on the European policy process in this area to analyze the research question of interest here? And third, to be able to produce empirical regularities for research on transposition of EU directives and to apply quantitative techniques to analyze the delay of transposition, we need to have areas with a sufficiently large number of cases and sufficient variety between the cases. This reduces the available sectors to the larger ones, including utility regulation, forestry, social policy, veterinary checks, environment, food and transport legislation (Transposition Group program proposal, 2002). On the basis of these three criteria, transport has been selected within the category of market-making policy. Whilst the examination of this policy area does not attempt to cover the entire and extended range of European policies, and is not based on a representative sample of European policy measures, it does identify and stress those systematic aspects of policy considered to be heuristically significant for the current analysis and simultaneously offers insights into an important area of European policy-making.

*Transport transposition data set:*

This newly gathered transport transposition data set includes information on the transposition deficit for all 106 directives of the transport acquis from 1957 to 2004. It is not a sample but the population. Information on the directives are taken from the official legal database of the European Union - Celex (Communitatis Europeae Lex).
which covers all Community legislation, preparatory acts, references to national implementing measures, case-law of the ECJ and parliamentary questions.²

Figure 1 shows that road and shipping directives count for almost two-third of the transport acquis, whereas air and rail represent 12% each, general framework directives 8% and inland waterway 4% respectively.

Celex also proxies for the interaction between Community law and national law by providing publication references to Member States’ national provisions enacting Community directives. Directives are not directly applicable; as a result they have to be transposed into national law.

This study opted for five member states: Germany, Spain, the Netherlands, the UK and Greece. They were selected to cover most of the important dimensions of variation among the member states: large and small, founding members and non-founding members. Here institutional aspects of the political systems of the member states play a role, since they are part of the explanatory factors identified in the next section. I aim to contrast institutional settings in order to text the explanations of differences in delay identified later on.

_Missing values:_

Almost 80% of all national implementing measures for Germany, Spain, the Netherlands, the UK and Greece have been reported in Celex. However, the official legal database of the European Union is not the only accessible source to report

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national implementing measures. And apparently, Schulz and König (2000) show that Celex is biased as to the period before 1984. Each member state, however, has its internal database to control for timely and correct transposition of EU directives. These databases, though, are intended as means for national coordination and are normally not open to public. Nevertheless, they are regularly updated. Whenever an implementing measure of a directive is agreed upon and has passed all institutional hurdles it will be recorded in the database. But member states often fail to issue the required national legislation although already published in their legislative journals. The Commission, then, considers them to be delayed. In order to control for this day-to-day problematic, I contacted each Transport Ministry in the five Member States and received a full list from their national transposition databases dating back to the very first directive of the transport acquis. I compared them with the information from Celex. Interestingly, 80% of the so often referred to ‘unreliable’ data matched with the national data. And in only 20% of the cases I added additional information on the national implementing instrument derived from the national data bases. There was no biased lack of information worth mentioning. Additional national information was added for all the modes of transport and each and every member state.

Taking the first national implementing measure for each transport directive, this led to an average rate of completeness for all 516 national implementing measures of 68% (340). However, there is cross-national variation. Whereas all member states score by far above 50%, the range between Greece (57%) and Spain (80%) is considerable. Greece and the UK score below 60%, whereas in the case of Germany only 24% of the data on national implementing measures is missing (Netherlands 33% respectively).
IS THERE A TRANSPOSITION DEFICIT IN THE EU?

Non-transposition of EU directives can be caused by two problems: delayed transposition and/or incorrect transposition. This study focuses, first, on the timeliness of the transposition process and asks whether Europe has a transposition problem or not.

Based on the transport data set this paper identifies a considerable transposition deficit. Figure 2 presents the delays in weeks for the 340 national implementing measures.

[Figure 2 about here]

A negative delay, as indicated on the horizontal axis of the figure, indicates that a national implementing instrument was adopted before the official deadline set by the Union. The figures show that only 39% of the transport directives (41 of 106 directives) were transposed in time and 61% were too late. The average transposition time in the transport sector was at least 32 weeks (8 months) too late. In addition, these delays vary between just a few days to up to 333 weeks (6.5 years). So the transport sector faces serious cases of non-compliance, where member states have refused to comply with EU laws for more than 6 years. This confirms Conant’s (2002) findings, in which she uncovers significant variation between both member states and policy areas and delays of even more than 10 years.

The transport data set also reveals that transposition in the field of transport varies considerably between member states. Table 1 displays the national differences in transposition delays.

[Table 1 about here]
Whereas Spain has an average transposition delay of 10 weeks, Greece implementing instruments were on average 60 weeks delayed. Here, table 1 divides the five member states in three clusters with Spain and Germany performing best, having an average transposition delay of less than 20 weeks. UK and the Netherlands performance range around 30 weeks delay. Greece represents a group of its own performing worst among the five member states with an average transposition delay of 60 weeks.

The independent sample t-tests for the five member states indicate that the groups differ significantly in their average level of the dependent variable. Table 2 displays that Spain (2.5) and Greece (15) differ significantly from all other member states, whereas the means of Germany (4.5), the UK (7) and the Netherlands (8) seem to differ randomly.

[Table 2 about here]

Berlin, Madrid, London, Den Hague, Athens – Europe has a transposition problem. In order to address the first action point that falls under the Lisbon action plan incorporating the EU Lisbon programme effective timely transposition of internal market legislation is crucial. Why to member states still lack behind transposing EU law?

DETERMINANTS OF TRANSPOSITION DELAY

The study of the European Union stands ambiguously between the fields of International relations and comparative politics. The EU stands as a unique institution, and therefore, trying to explain its features in terms of only comparativist or international relations theories does it an injustice. The institutional turn in EU studies
has rendered EU studies more integral to the broader concerns of the discipline and has permitted EU studies to contribute in kind. The EU literature has gone farthest in erasing the boundaries between the fields of IR and CP. This erosion of disciplinary boundaries might be the most lasting contribution of EU studies to political science (Jupille and Caporaso, 1999: 441). Arguing that scholars need to consider both theories as interrelated in order to get a clearer picture of the transposition problematic (Hurrell and Menon, 1996), I draw systematically from the literature on compliance with EU Law, implementation and transposition processes and identifies three categories of variables that explain how much time member states need to transpose transport directives: EU level variables, national level variables and institutional variables.

**EU LEVEL VARIABLES:**

There is one explanatory category on the EU level that account for the transposition delay: Characteristics of the European directive.

**Characteristics of European directive:**

Four features of the European directive could cause transposition delay: *Nature of the directive, complexity of directive*, the *deadline* set in the directive and the *decade* in which the directive was agreed upon.

*New or modifying directive:*

Hoppe and Otting (1998) argue that the character of the directives determines the speed of transposition. *Amendments* usually are technical in nature, whereas *new* directives introduce a new topic of legislation. Sometimes obligations arising from a
directive are ambiguous which give rise to disputes between various actors with different interests like ministries, departments, civil servants.

Nature of directive: The transposition delay is greater for 'new' directives than for amendments.

Information on the character of the directives is extracted from the titles and texts of the directives that can be found in CELEX, the EU’s legal database: (NEW).

Complexity of directive:

In principle directives should specify in the words of article 249 of the Treaty ‘the result to be achieved’ but leave ‘to the national authorities the choice of form and methods’. The trend over the last decade has been for directives to become more detailed to the point where they could be regulations. Bellis (2003: 3-12) argues that because of the definitions, specified conditions and specified services were extremely detailed and obviously intended to be applicable in their own terms in all Member States they were constrained to copy them out in the implementing legislation rather than try to interpret them and translate them in different terms which were likely to turn out to be wrong.

Complexity of directive: The more detailed a directive is, the more likely its transposition process is to be delayed.
To test for the detail of a directive I take a closer look at three components: the recitals of directives, the number of articles listed in the directive and the number of pages of the directive.

Recitals are so specific they have become almost a ‘third kind of law-making’ (Bellis, 2003: 13). They are meant to state the purpose of the directive and to describe each of the main provisions of the directive. They are sometimes used by the Member States to insert provisions which they have failed to get into the text and by the Commission to insert normative provisions which have not attracted agreement. Bellis (2003: 13) retells the story that a directive which had about 16 substantive articles but finished up with 64 recitals. In the transposition data set the number of articles that fall under the recitals varies between 1 (31980L0049) to 50 (32001L0014): (RECITALS). Next to the number of recitals, I counted the number of articles for each directive (ARTINUMB) and the number of pages of each directive (PAGNUMB).

**Deadline**

The time guaranteed for transposition by the directive could also have an effect on the speed of transposition. Highly detailed and complex directives, which are claimed to be transposed slowly (Ciavarini Azzi, 2000: 56) grant more time for transposition than fairly straightforward directives - particularly if decisions of a technical nature are decided in implementation committees after the directive has been agreed. Many costs can be minimized if sufficient time is allowed, e.g. changes to labeling requirements should allow sufficient time to use up existing stocks.

**Deadline: The more time a member state has to transpose a directive, the less likely is a transposition delay.**
This variable was calculated on the basis of the deadline set in the directive.

Information is drawn from Celex: (TRANSWE1).

*Decision-making procedure:*

Since all transport legislation falls under QMV, the crux may lie in the decision-making procedures. Directives are enacted by the Council, the Council and the EP or the Commission. Mastenbroek (2003) argues that politically very sensitive issues are unlikely to be delegated to the Commission level: (INSTIT).

*Decision-making procedure: Commission directives are transposed faster than either Council or Council and EP directives.*

Information on the procedures is provided on the directives’ texts. Every single directive refers to it in the headings.

*Decade*

The number of directives set by the Council differs considerably over the last decade. At the same time, politicians and scholars alike are concerned about a growing transposition deficit in the EU. The argument here is as follows: With an ever growing amount of EU legislation over the last decades, more and more directives are waiting to be transposed; hence member states have increasing difficulties to address the steadily growing legislative workload and fail to transpose them in time.
Decade: The more recent a directive is agreed upon in the Council, the probability of a transposition delay increases.

To test this hypothesis, this study classifies the time from 1957 to 2004 in different periods where significant changes in the amount of EU legislation took place. Information here is taken from Wessels and Maurer (2003) and the very capable evaluations of EU transport history by Stevens (2004): (DECADADO).

NATIONAL LEVEL VARIABLES

Reviewing the comparative politics literature on potential and powerful explanatory variables, another category of variables on the national level can be identified:

National implementing measure.

National implementing measure:

In the implementation literature, one can identify three potential features of national implementing measure that could cause delays in the transposition process: type of the legal instrument, number of legal instruments and the number of ministries involved.

Type of legal instrument:

Member states transpose EU directives by using national implementing measures. The types of legal instruments differ. Depending on administrative or ministerial traditions one legal instrument is preferred to the other. Interestingly, these different legal types can be more or less time consuming depending on the actors involved. Mastenbroek (2003) and Bekkers et al (1995: 412) argue that a Dutch
Ministerial Order is faster than statutes and Orders in Council, because consultation of advisory boards is very rare and nor the Council of State, and Parliament does not need to be heard.

*Type of legal instrument: The fewer actors involved in the making of a legal instrument, the faster the transposition process.*

Information on the legal instruments for all member states is drawn from the list of measures notified to the Commission, Celex, and the national legal databases. I constructed a variable with four categories for all national implementing measures according to the number of actors involved: (LEGALINS)

*Number of legal instruments:*

Another important variable which explains transposition delay is the number of legal instruments required for full transposition. Transposition problems arise if many implementing measures need to be transposed (Ciavarini Azzi, 2000: 56).

*Number of legal instruments: The more national implementing measures used to be transposed, the more likely transposition delays.*

Information on the exact number of legal instruments is problematic to gather since it is impossible to predict it if a national implementing measure is still following. However, the information from Celex, personally verified by the data provided in the national databases guarantee the best proxy to test for this intuitive hypothesis: (INSTRUM).
Number of ministries involved:

Mastenbroek (2003) shows that directives often fall between the jurisdictions of more than one ministry, resulting in communication and coordination problems, conflicts of interest, and competence issues, that may cause differences in speed. Differences of tradition, structures and culture in the transposition process within the ministries may delay the transposition process (Dimitrakopoulos, 2001: 616).

Number of Ministries involved: The more ministries that are involved in the transposition process, the more likely transposition delay.

Information on the number of ministries involved is taken from the national implementing measures themselves. Alongside the lead ministry in the transposition process, all other ministries involved in the transposition process normally sign the legal instrument: (NUMBMINI).

GOODNESS OF FIT:

In the comparative politics literature on implementation, Knill and Lenschow (1998: 596) refined the notion that the lower the fit between domestic-level and European-level processes, policies and institutions, the higher the costs of adaptation for the member state. Börzel and Risse (2003) identify misfit as a necessary, but not a sufficient condition for complete implementation. Transposition speed may be a function of the costs of policy-makers, administrators and regulated parties. The fewer the changes in the existing legal texts and in the administrative application procedures
and the behavior of actors of the addressees, the fewer the difficulties there will be with a timely transposition. In this regard, the notion of double-banking is crucial. Double-banking is when European legislation covers the same ground as existing domestic legislation, though possibly in different ways and to a varying extent. The term ‘ground’ has to be interpreted widely and includes the areas of risk the legislation seeks to provide for, the areas of activity the legislation impacts upon and the nature of the control.

*Goodness of fit: The higher the goodness of fit, the smaller the transposition delay.*

This argument is difficult to measure for a large n-sample (n=340). Drawing on Mastenbroek (2003), this study uses a proxy that distinguishes between two situations: transposition into a completely new national implementing measure versus transposition through modification of an existing national legal instrument. I assume that amendments will display a higher fit with the national legislation, whereas in cases of a completely new legal instrument, the fit will be lower (NEW1). Moreover, this study tests for already existing national legislation that lies within the scope of the new European directive (OLD). Information here was gathered from the texts of the legal instruments in question and Celex.

**INSTITUTIONALIST VARIABLES:**

Also in IR, theorists differ in their identification of the causes or reasons why state might transpose in time or not. In IR, the most prominent contemporary efforts involve realist and neo-realist efforts focusing on power-based factors. Here, transposition is a direct function of the extent to which the state’s territorial integrity
is potentially at risk. Realists regard states as unitary rational actors, whose behavior and choices may be understood in terms of the array of incentives and choices available to the states. Transposition may be the outcome of conscious decisions. Bargaining strategy and the need to satisfy coalition partners or other veto players and corporatism may affect transposition deficit. Hence, rationalists view transposition as a state choice.

Then, there is social constructivism and ‘knowledge based’ transposition (Haas, 1998). As international politics become increasingly complex and uncertain, social constructivists argue that it becomes far-fetched to assume that states are capable of clearly anticipating how national welfare will be affected by policy choice at home and in conjunction with others. Constructivists assume that states are incapable of searching for new information each time a decision is demanded, and that they satisfice and rely on prior cognitive frames to understand how national interests are likely to be affected by any particular decision. The principal mechanism by which such ideas are developed is by transnational networks of policy professionals who share common values and causal understandings called epistemic communities.

Third, there is the management school. While all states may which to transpose swiftly and correctly, not all are capable. Limiting factors here associated with transposition are political and technical factors. Transposition is a direct function of the supply of resources, i.e. administrative constraints. Structural restriction on the actions of the administration implementing EU policies can produce transposition delay. Chayes and Chayes argue that ‘noncompliance is not necessarily, perhaps not even usually, the result of deliberate defiance of the legal standard’ (Chayes and Chayes, 1991: 280). They define state capacity as the extent to
which administrations are able to make choices. In essence, these limitations produce conditions in which management of transposition is problematic.

In the following I shortly present a handful control variables often tested for in the compliance literature of IR:

Fearon (1998) argues that studies of compliance ought to begin with the negotiation of the agreement that is to be enforced. Governments that must satisfy many coalition partners and other veto players will not act as decisively or efficiently. This study differentiates the veto player argument between two different variables: 

Coalition politics and partisan effects on public policy.

Coalition politics:

Governments that have to satisfy many coalition partners and other veto players will not always act with speed and efficiency. Haverland (1999) suggests that veto players shape both the speed and the quality of implementation of EU law. Veto players in large numbers result in slower speed and therefore higher transposition delays (Franchino, 2004). Coalition politics slow down the transposition process. In the German case, however, Brinkmann (2000) argues that federalism is without any significant effect on the implementation record of Germany.

Coalition politics: The higher the number of institutional veto players, the greater the delay in transposing EU law.

This study uses Tsebelis’ data on veto points (2001) to test the veto player argument (VETOTSEB)³ and the veto player index by Schmidt (1996) (VETOSCHM).
Partisan effects on public policy

In the context of timely transposition of EU directives, Treib (2003) demonstrates the importance of domestic party politics. Schmidt (1996) argues that the extent to which parties influence public policy is to a significant extent contingent upon the type of democracy and countermajoritarian institutional constraints of central state government. Large partisan effects typify majoritarian democracies and states, in which the legislature and the executive are ‘sovereign’.

Partisan effects: The more party politics affect public policy or the more majoritarian the political institutions, the slower the national transposition process.

Member states differ in the degree of institutional semi-sovereignty of the legislature and executive. The degree of semi-sovereignty or, in the words of Colomer (1995), the patterns of ‘institutional pluralism’, influence the scope for action of the incumbent party to a significant extent. The extent to which countermajoritarian semi-sovereign state structures, or countermajoritarian institutional pluralism, circumscribe the room to manoeuvre available to government is amenable to more precise measurement. Lijphart’s federalism-unitarism indicator is a basic work in this tradition (1999) (FEDUNITA). Moreover, Colomer’s index (1995; 2002) casts light on deep-seated institutional differences and countermajoritarian constraints of central state governments. The room of manoeuvre available to central government is large in countries in which the legislature and the executive are ‘sovereign’, such as France, Sweden, the UK and the Netherlands (Schmidt, 1996: 171) (PLURALIS). And last
but not least, I use the index of constitutional structures (Huber et al, 1993) (CONSTITU). 5

_Corporatism:_

Interest groups are important in the transposition process of European policies. Duina (1997) claims that the time of transposition of EU directives in the member states depends on the fit between the directive and the organization of interest groups. The role of interest groups in the member states refer to the patterns of interest intermediation (Falkner, 2000). Neo-corporatism (Lehmbruch, 1984) describes a cooperative relationship between government and interest groups, a constellation which is necessary for stability and predictability when EU law is transposed. Therefore, corporatist arrangements increase the stability and degree of institutionalization of policy networks at the national level and set more rigid rules for interorganizational bargaining (Streek, 1991) which may delay the transposition process. Lampinen and Uusikylä argue that high levels of corporatism, which drastically reduces the number of veto players, result in lower transposition deficits. ‘Corporatist arrangements increase the stability and degree of institutionalization of policy networks a the national level’(Lampinen and Uusikylä, 1998: 239). A close and cooperative arrangement between the state and interest groups improves transposition.

_Corporatism: A high degree of corporatism, slows down the transposition process._

This study relies on work by Kenworthy (2003) on quantitative indicators of corporatism, which measures the actual appearance of collective bargaining systems and the significance of interest organizations in society and in the political system.
Based on the first quantitative measures of corporatism by Schmitter (1982) and Lehmbruch (1984), the Traxler-Blaschke-Kittel scores appear to be the most suitable for this research. It is recently developed indicator about interest group organization, wage setting arrangements, and participation by unions in policy making and varies over time. TBK is one of the few indicators for corporatism that is measured beyond the early 1990s (TBKMP). Moreover, I take Armingeon’s measure (2002) for corporatism (1960-2000) which is partly based on the data by Lijphart (1999: 313-314) and Siaroff (1999) (COOPARMI).

Some states may also lack the political will to transpose. The degree of political will necessary to transpose may well vary by the anticipated degree of domestic resistance, due in part to the identity, number and influence of the actors who will be to change their behavior (Haas, 1998: 19).

The attitude towards the EU may determine the transposition process in member states. Since politicians often make policy choices that secure their re-election, we can assume that the lower the overall mass support for the country’s membership in the EU, the higher the probability that a member state will face difficulties in transposing European directives (Lampinen and Uusikyla, 1998: 239).

*EU public support: The higher the overall support for the country’s EU membership, the faster the transposition process.*

To operationalize EU support in member states, this study relies on 1974-2004 Eurobarometer data that reflects the overall satisfaction to the EU among citizens in the member states. This data has been used widely for voter preferences (Eichenberg,
1999), public support for the EU (Gabel 1998; Gabel and Palmer, 1995) and
government policy preferences (Schneider, 1995; Konig and Hug, 2000). This study
uses one question of the core set asked since 1974 by independent polling agencies in
the various EU member states: ‘Do you see your country’s membership of the Union
as a “good thing”?’. Missing values (7 in total) were calculated by taking the means of
the numbers for the proceeding and following year: (EUATTITU).

The design of the institution itself and the actions of elites in adapting to that
institution will have an impact on the implementation of the laws produced by it
(Mbaye, 2001). Mitchell (1994) argues that the design of the international regime
influences implementation. The design of the EU and the changes in that design can
be expected to affect compliance. The introduction of qualified majority voting
(QMV) in the Council of Ministers in 1987 with the SEE and the indirectly repeal of
the Luxembourg Compromise may lead to transposition delay (Mbaye, 2001: 63), as
member states may be asked to transpose and implement policies on which they did
not agree.

Voting rule: With the introduction of QMV, the transposition process got more
and more delayed.

To test the Luxembourg Compromise notion which is heavily rejected by Golub
(1999) this paper uses a dummy for the pre-SEE period and the post-SEE period.
Information on the decision-making procedure is derived from the titles of the
directives which can be found in Celex: (INSTITUT).
Another argument that is often found in the compliance literature is the level of corruption. States with systematic corruption should have higher levels of transposition delay.

*Level of corruption:*

Corruption in the public sector and in the administration can cause delays in transposition or even non-transposition. Yet we know little about the possible role of different political institutional arrangements on political corruption (Gerring and Thacker, 2004). Systematic patronage positions produce systems in which tasks are accomplished only when bureaucrats have a personal incentive to get things done. If transposition does not produce personal incentives for the civil servant, delays in transposition can result. Corrupt member states should therefore transpose less effectively and slower respectively.

*Corruption: The higher the level of corruption in a member state, the slower the transposition process.*

The International Center for Corruption Research (2004) provides the TI-corruption perceptions index, a comparative assessment of country’s integrity performance, alongside with related academic research on corruption: (CORRUPTI).

**Summary: Predicted Results**

Table 3 summarizes the predicted effects of the variables drawing from the compliance literature in IR and the implementation and transposition literature in comparative politics.

[Table 3 about here]
First, conflict prone member states with a low degree of corporatism and a high number of coalitional and partisan veto players have difficulties with timely transposition of EU legislation. Transposition delay is caused by bargained agreement far from the member state’s preferences, so by the introduction of QMV in the Council of Ministers in 1987 with the SEE. A sceptical public attitude towards the EU may hamper fast transposition such as a low fit between existing national legislation and the EU directive. And member states with a higher level of corruption are more prone towards delays. Then, member states have more difficulties to transpose ‘new’, detailed and complex directives which are enacted by either the Council or the Council and the EP without sufficient time for transposition in a period with a considerable amount of directives already waiting for transposition. Last but not least, the type of legal instrument determines the speed of the transposition process. The more actors involved and the higher the number of national legal instruments to be adopted, the slower the transposition of the EU directive.

**ANALYSIS**

Before I begin discussing the optimal statistical model for the determination of transposition delays in the member states, I would like to draw the reader’s attention to the following: Multicollinearity in regression, is signaled by very large standard errors for regression coefficients. I checked for it in Table 4:

[Table 4 about here]

When multicollinearity is present, none of the regression coefficients may be significant because of the large size of standard errors. This study dropped four variables (VETOTSEB, TBKMP, FEDUNITA, PLURALIS) because of a
multicollinearity problem. The correlations between them range between 0.6 and 0.99 and would have made any statistical analysis superfluous. Table 5 summarizes the descriptive statistics for all variables included in the data set.

[Table 5 about here]

**Applied method:**

Normally, this study is predestinated to apply a hazard rate model to test the hypotheses about delay in the transposition process of EU directives. One of the great advantages of event history over standard ordinary least-squares (OLS) regression is its ability to handle what is referred to as censoring (Golub, 1999: 747). A duration model allowed Mastenbroek (2003), for example, to treat the transpositions as right-censored and avoid selection bias by eliminating directives on which the member states have taken no final action. This is obviously superior to alternative models such as regression analysis or probit, where information on right-censored nominations would be lost.

To specify the baseline hazard rate, however, is a very time-consuming and cumbersome endeavor, which involves speculation about the effect of the passage of time on the probability that an event will occur. Especially with time-varying covariates the calculation of the survival functions is quite complicated, because one needs to specify a path or trajectory for each variable.

Having this in mind and a few time-varying variables in the transposition data set, I checked for the likely amount of directives eliminated by a potential logit model. This research would lose only 5% of its complete information. So, for the purpose of this study, I opted for a logit analysis as the estimation technique. The dependent variable is ‘delayed transposition’, coded 0 (non-delayed) and 1 (delayed), not the length of delay (Mastenbroek, 2003). The group of non-delayed national instruments
(136) is large enough compared to the number of delayed national instruments (204). There are enough observations in each group to produce a reliable estimate of the probability of an observation. No problems of disproportionate sampling will emerge (Wooldrige, 2000).

RESULTS:
In the following, I discuss the results for each group of mostly time-varying variables. Table 5 displays the determinants of transposition delay for transport directives adopted from 1957 to 2004.

[Table 6 about here]

European level variables:
NEW is a positive determinant (BIC=2) and confirms Hoppe and Otting’s argument (1998) that the character of a directive determines the speed of transposition. Directives that introduce a new topic of legislation slow down the process. The complexity of EU directives hampers also the timely transposition. The number of recitals is highly significant and according to the BIC a strong determinant of transposition delay. In addition, is the coefficient for the number of pages of a directive significant too. Moreover, the time set in the directives for transposition matters too. TRANSWE1 is significant on the .01 level and confirms that a limited transposition time set in the directive causes problems for a timely transposition. Mastenbroek’s notion (2003) that Commission directives are faster transposed than Council or Council and EP directives is reflected in the data set, although rather weak. The same holds for DECADADO, which is significant on the .05 level indicating with more legislation wait for transposition in a given period the more likely are delays.
National level variables:

LEGALSINS is the strongest determinant of transposition delay in the data set with a BIC of over 10. The selection of the type of the national legal instrument, whether law, decree, regulation or circulair, affects the speed of the transposition process significantly. The more actors involved in the legal procedure, the slower the transposition. Number of legal instruments and the ministries involved, however, seem to play a minor role. Whereas INSTRU is significant on the .05 level, both variables suffer from non-variance over the different cases in the data set. The mean of INSTRU is only 1.44, and 1.14 for NUMBMINI respectively, which indicates that these variables may matter in different policy sectors. But obviously, in the transport sector, hardly more than one ministry is ever involved in the transposition process, and normally EU directives are transposed with just one national legal measure.

Institutional variables:

An increasing stability and degree of institutionalization of policy networks at the national level do not affect the speed of transposition, nor play partisan effects strongly. Governments, which have to satisfy a bigger number of coalitional veto players, however, have significant difficulties in transposing EU directives in time. VETOSCHM is significant on the .01 level and positive (BIC=2). The higher the number of institutional veto players, the greater the delay.

The results of INSTITUT are inconclusive, which probably rather favors Golub’s (1999) rejection of the QMV myth. The introduction of the QMV in 1987 with the SEA does not need to have a significant impact in either way. Overall public support in a member state towards the EU does not have any important effect.
Corruption, however, is a significant variable and causes delays. Member states with higher levels of corruption seem to be less effective, reluctant and slower in transposing EU directives.

Another attempt to rescue the goodness-of-fit notion in the Europeanization literature fails. The EU transposition data suggests that the effort of changes in existing legal texts and administrative application procedures and the behavior of actor or the addressees, are not of any help in explaining transposition deficit.

DISCUSSION
Transport policy may differ in economic, numeric and organizational terms from other industrial sectors, but is worthy of special attention and crucial for the achievement of the ambitious Lisbon goals for the following reasons: First, transport is a major factor in economic competitiveness and employment. A modern infrastructure is an important competitiveness in many enterprise decisions, affecting the economic and social attractiveness of locations. Transport is a major industry by whatever criteria it is measured: investment, employment, etc. The capital investment is huge, and a high percentage of workers are employed in transport services, accounting for 7% of the Community’s GNP, 7% of total employment, 40% of Member States investment and 30% of Community energy consumption. Demand, particularly in intra-Community traffic, has grown more or less constantly for the last 20 years, by 2.3% a year for goods and 3.1% for passengers (European Commission, 2004). National transport policies and general national economic policies go hand in hand. Second, whereas it is an indispensable ancillary activity to other industrial sectors it also covers several modes - road, railway, inland waterway, sea and air - most of them competing with each other. Third, transport is an industry with public
service obligations, where governments often intervene by obliging certain services to be provided but also by controlling the tariffs. Railways in particular are used as an instrument of economic policy where public financing of the infrastructure is very common.

In line with the findings by Mastenbroek (2003), the EU Transport Transposition Data Set 1957-2004 demonstrates, however, that only 39% of the transport acquis were transposed in time. The average transposition time was at least 32 weeks (8 months) too late, varying between just a couple of days to 333 weeks (6.5 years). The EU faces a serious problem of delayed transposition, where member states have refused to a different extent to transpose EU obligations for more than six years. Whereas Spain has an average transposition delay of 10 weeks, Greece national legal instruments were on average 60 weeks delayed.

The question to be addressed here is then: Why do member states lack behind transposing crucial Internal Market directives? This study identified a handful of determinants explaining delay in the transposition process. Drawing systematically from the compliance literature in IR, implementation and transposition literature in Comparative Politics, this paper tested three sets of variables: the European level, the national-levels and controlled for the institutionalist-level:

On the European level the following holds true: Complexity of EU directives matters. Recitals misused by the member states or the Commission to add a number of points that could have not agreed upon during the negotiations hampers a swift transposition. This uploading of the recitals increases complexity, which, then, slows down the transposition process. Moreover, new directives that introduce a new topic of legislation need more time to be fully transposed by the member states. In periods
of high legislative output transposition delays seem inevitable. And a short transposition time set in the directive itself increases further problems with timely transposition. On the national level, the data shows that already existing legislation in the policy area does not guarantee smooth and timely transposition. The choice of national legal instrument, however, affects significantly the final speed of the transposition process, which is in line with Mastenbroek (2003). The fewer actors involved in the making of the legal measure, the faster the transposition process. This study also confirms Lampinen and Uusikyla (1998) and Mbaye (2001) when it comes to the level of corruption. Systematic patronage reduces personal incentives to get things done, which can easily result in transposition deficit. The findings also confirm that a considerable number of de jure veto players harm timely transposition.

CONCLUSION
The policy area selected for the study was guided by three considerations: First, does the policy area in question fit well into the dominant regulatory category? Secondly, is there sufficient empirical research available on the European policy process in this area to analyze the research question of interest here? And third, to be able to produce empirical regularities for research on transposition of EU directives and to apply quantitative techniques to analyze the delay of transposition, we need have areas with a sufficiently large number of cases and sufficient variety between the cases. Whilst the examination of this policy area does not attempt to cover the entire and extended range of European policies, and is not based on a representative sample of European policy measures, but represents the full population of the EU transposition acquis, it does identify and stress those systematic aspects of policy considered to be
heuristically significant for the current analysis and simultaneously offers insights into an important area of European policy-making.

The empirical findings are compatible with studies covering several other EU member states and policy areas. The new transport transposition data base covering 1956 to 2004 is sufficient for the purpose of testing theoretically derived hypotheses.

What are the implications of these findings?

This study is a first cut at a quantitative explanation of transposition deficit in the EU. In a second step, the focus could shift towards a more detailed case oriented comparative research. The results reveal that we are in need of better measurements. Here, the answer could lie in policy-specific measurements. Focusing, for example, on the subsections of the transport policy field, tables 7 and 8 show that there is significant variation.

[Table 6 and 7 about here]

Tables 6 and 7 display that shipping and general transport directives perform best. Their average delay strikes 20 weeks or less. Air directives, on the other hand, with the lowest guaranteed transposition time set in the directives are one year delayed. Road and rail directives range in between with 8 and 9 months of delay. Inland waterways directives take the most time. Here, the average transposition delay is 27 months (2.25 years).

While the results of the analysis are robust to the inclusion of other variables, further research should investigate interactive effects between policy-specific political and administrative variables. Tables 7 and 8 indicate that policy matters. How it does, we do not yet know.
NOTES:

I would like to thank in particular Frank Häge and Dimiter Toshkov, Tanja Börzel, Thomas Risse and Amy Verdun for their encouraging support while I conducted this research and for their comments on earlier versions of the study. I would also like to thank the research group associated with the ‘Analysing EU Policies: The Transposition of Directives’ program, including Bernard Steunenberg, Kees van Kersbergen, Frans van Waarden, Antoaneta Dimitrova, Markus Haverland, Ellen Mastenbroek, Mark Rhinard, Sara Berglund, Ieva Gange and Marleen Romeijn. Funding for this research was generously provided by the Netherlands Organisation for Scientific Research.

1 The transport data set is part of the Transposition Group database which is organized into four different datasets including transport, food, energy and telecommunication and social policy and hosted at Leiden University, Utrecht University, and the Free University of Amsterdam (www.transposition.fsw.leidenuniv.nl).

2 Under the Jenkins Presidency, the Commission pursued a more rigorous policy of enforcement from the late 1970s. CELEX gradually grew into an interinstitutional information source. Celex aims to reflect, among other things, to reflect some aspects of the interaction between Community law and national law by providing publication references to Member States’ national provisions enacting Community directives. The creation of a directive in the database is systematically followed by the addition of the corresponding document. Each Member State is responsible for supplying references to its own implementing legislation to the Commission. Schulz and König (2000) bias before 1984…..Note: Grace Hudson, University of Bradford NEW TECHNIQUE!!!
3 Note that the number of directives to be transposed differ between the member states: The Netherlands, Germany and UK (106), Greece (102) and Spain (96).

4 Besides, there is also variation between the different modes of transport. Rail, air, road and shipping, representing 88% of all cases are equally covered by the data set, ranging from 58% to 73%, whereas national implementing measures can only be recorded for 37% of all 19 waterway cases.

5 Mastenbroek tested for complexity by counting the page numbers of the EU directives. However, she did not find any significant results.

6 For the missing Greek figures, I am grateful to Frank Hage who provided me with the data.

7 Event history analysis has recently made inroads into European studies (Golub, 1999; Schulz and König, 2000; Schimmelfennig, 2002; Mastenbroek, 2003) and beyond (Box-Steffensmeier, Reiter and Zorn, 2003; Collier, Hoeffler and Soderbom, 2004; Fearon, 2004).

TABLES:

Table 1. National differences in transposition delays

<table>
<thead>
<tr>
<th>Member State</th>
<th>Spain</th>
<th>Germany</th>
<th>UK</th>
<th>The Netherlands</th>
<th>Greece</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average transposition delay in months (weeks)</td>
<td>2.5 (10)</td>
<td>4.5 (18)</td>
<td>7 (27)</td>
<td>8 (31)</td>
<td>15 (60)</td>
</tr>
</tbody>
</table>

Source: Own data.

Table 2. Test of similarity of means: National differences in transposition delays

<table>
<thead>
<tr>
<th></th>
<th>Spain</th>
<th>Germany</th>
<th>UK</th>
<th>Netherlands</th>
<th>Greece</th>
</tr>
</thead>
</table>

36
Spain | 1 |
---|---|
Germany | ** | 1 |
UK | ** | 1 |
Netherlands | *** | * | 1 |
Greece | *** | * | * | 1 |

Source: Own data. * = p<0.1; ** = p< 0.05; *** = p< 0.01

Table 3. Predicted effects of the independent variables on the speed of transposition.

<table>
<thead>
<tr>
<th>Rationalist perspective</th>
<th>Social constructivist perspective</th>
<th>Management school</th>
<th>Goodness of fit argument</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veto player</td>
<td>Voting rule</td>
<td>Administrative constraints</td>
<td>high (+); low (-)</td>
</tr>
<tr>
<td>Coalition politics</td>
<td>Attitude towards the EU</td>
<td>Level of corruption</td>
<td>high (-); low (+)</td>
</tr>
<tr>
<td>Partisan effects on public policy</td>
<td>(-)</td>
<td>(-)</td>
<td>(-)</td>
</tr>
<tr>
<td>Corporatism</td>
<td>high degree (-)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(-)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social constructivist perspective</td>
<td>(-)</td>
<td>pro-European (+)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>high (-); low (+)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Management school</td>
<td>Goodness of fit argument</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative constraints</td>
<td></td>
<td></td>
<td>high (+); low (-)</td>
</tr>
</tbody>
</table>


### EU LEVEL VARIABLES

*European directive*
- **Nature of directive**
  - New (-); Amendment (+)  
- **Complexity of directive**
  - Number of recitals  
  - Number of pages  
  - Number of articles  
  - (-)  
- **Deadline**
- **Decision-making rule**
  - more (+); less (-)  
  - Commission (+), Council (-), Parliament (-)  
- **Decade**
  - (-)

### NATIONAL LEVEL VARIABLES

*National implementing measure*
- **Type of legal instrument**
  - Law > Decree > Regulation > Circular  
- **Number of legal instruments**  
  - (-)  
- **Number of ministries involved**  
  - (-)

---

**Table 4: Correlation Matrix of Main Variables:**

<table>
<thead>
<tr>
<th></th>
<th>new</th>
<th>recitals</th>
<th>transwel</th>
<th>instit</th>
<th>decadado</th>
<th>institut</th>
<th>legalins</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>new</strong></td>
<td>1.0000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>recitals</strong></td>
<td>-0.0202</td>
<td>1.0000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>transwel</strong></td>
<td>-0.0004</td>
<td>0.1470**</td>
<td>1.0000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>instit</strong></td>
<td>-0.2260***</td>
<td>0.2803***</td>
<td>0.2472***</td>
<td>1.0000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>decadado</strong></td>
<td>0.5164***</td>
<td>0.0349*</td>
<td>0.0329</td>
<td>-0.0064</td>
<td>1.0000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>institut</strong></td>
<td>-0.5225***</td>
<td>-0.1040**</td>
<td>0.0018</td>
<td>0.0545</td>
<td>-0.5342***</td>
<td>1.0000</td>
<td></td>
</tr>
<tr>
<td><strong>legalins</strong></td>
<td>-0.0479</td>
<td>-0.2092***</td>
<td>-0.0365</td>
<td>-0.0003</td>
<td>-0.0297</td>
<td>0.0894*</td>
<td>1.0000</td>
</tr>
<tr>
<td><strong>instru</strong></td>
<td>-0.0670</td>
<td>0.0967*</td>
<td>0.1298*</td>
<td>0.0290</td>
<td>-0.1854**</td>
<td>0.0820</td>
<td>-0.1025</td>
</tr>
<tr>
<td><strong>numbmini</strong></td>
<td>-0.0229</td>
<td>0.0514</td>
<td>-0.0975</td>
<td>0.0054</td>
<td>-0.0797</td>
<td>0.0493</td>
<td>-0.0104</td>
</tr>
<tr>
<td><strong>corrupti</strong></td>
<td>-0.0175</td>
<td>0.0225</td>
<td>0.0447</td>
<td>-0.0098</td>
<td>0.0576</td>
<td>0.0317</td>
<td>0.1647**</td>
</tr>
<tr>
<td>euattitu</td>
<td>-0.0605</td>
<td>-0.0168</td>
<td>0.0129</td>
<td>0.0359</td>
<td>-0.1024*</td>
<td>0.0430</td>
<td>-0.1871***</td>
</tr>
<tr>
<td>new1</td>
<td>-0.0288</td>
<td>-0.1051</td>
<td>0.0308</td>
<td>-0.0274</td>
<td>0.0612</td>
<td>-0.0090</td>
<td>0.1244*</td>
</tr>
<tr>
<td>old</td>
<td>0.2359***</td>
<td>-0.0074</td>
<td>0.1349*</td>
<td>-0.0583</td>
<td>0.1879***</td>
<td>-0.1225*</td>
<td>-0.1078*</td>
</tr>
<tr>
<td>cooparmi</td>
<td>-0.0522</td>
<td>-0.0157</td>
<td>-0.0082</td>
<td>0.0148</td>
<td>-0.0551</td>
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<tr>
<td>vetoschm</td>
<td>-0.0332</td>
<td>0.0047</td>
<td>-0.0001</td>
<td>0.0274</td>
<td>-0.0127</td>
<td>0.0453</td>
<td>-0.1553**</td>
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<tr>
<td>constitu</td>
<td>-0.0343</td>
<td>-0.0219</td>
<td>0.0005</td>
<td>0.0286</td>
<td>-0.0530</td>
<td>0.0396</td>
<td>0.1443**</td>
</tr>
<tr>
<td>pagnumb</td>
<td>0.0563</td>
<td>0.1923***</td>
<td>0.1112</td>
<td>0.0397</td>
<td>-0.0273</td>
<td>-0.0537</td>
<td>-0.0811</td>
</tr>
<tr>
<td>articnumb</td>
<td>-0.0127</td>
<td>0.5470***</td>
<td>0.4057***</td>
<td>0.3709***</td>
<td>0.1089**</td>
<td>-0.0855</td>
<td>-0.2171**</td>
</tr>
</tbody>
</table>

Notes: Coefficients based on standardized variables; N= 512. Notes: * significant at the p< .05 level  ** significant at the p< 0.01 level  *** significant at the p< 0.001 level. Standard errors in parantheses. (All two-sided). Source : EU transport trasposition data set 1957-2004.

| instru     | 1.0000          |
| numbmini   | -0.0129         | 1.0000         |
| Corrupti   | 0.1384*         | -0.1664**      | 1.0000         |
| euattitu   | -0.0601*        | 0.0845         | -0.1278**      | 1.0000         |
| New1       | -0.0256         | -0.0899        | 0.1590**       | -0.0351        | 1.0000         |
| Old        | -0.0612         | 0.0441         | -0.0763*       | 0.0638         | 0.0435         | 1.0000         |
| cooparmi   | 0.0399          | -0.0768        | 0.5071***      | 0.2794***      | 0.1567***      | -0.1204***     | 1.0000         |
| vetoschm   | -0.0710*        | -0.0968        | 0.2337***      | 0.4492***      | 0.1327***      | -0.0588*       | 0.7805***      |
| Constitu   | 0.0211          | -0.1088        | 0.3924***      | -0.4715***     | 0.2457***      | 0.0056         | 0.4584***      |
| Pagnumb    | -0.0403         | 0.2514***      | 0.0229         | -0.0503        | -0.0230        | -0.0097        | 0.0274         |
| articnumb  | 0.0931*         | 0.0337         | 0.0444         | -0.0292        | -0.1225        | 0.0141         | 0.0279         |

Notes: Coefficients based on standardized variables; N= 512. Notes: * significant at the p< .05 level  ** significant at the p< 0.01 level  *** significant at the p< 0.001 level. Standard errors in parantheses. (All two-sided). Source : EU transport trasposition data set 1957-2004.
Table 5. Descriptive statistics:

<table>
<thead>
<tr>
<th></th>
<th>New</th>
<th>Recitals</th>
<th>Transwel</th>
<th>Instit</th>
<th>Decadado</th>
<th>Institut</th>
<th>Legalins</th>
<th>Instru</th>
<th>Numbmini</th>
<th>Corrupti</th>
<th>Artienumb</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Obs.</strong></td>
<td>518</td>
<td>518</td>
<td>518</td>
<td>518</td>
<td>518</td>
<td>346</td>
<td>387</td>
<td>342</td>
<td>518</td>
<td>518</td>
<td>518</td>
</tr>
<tr>
<td><strong>Mean</strong></td>
<td>1.86</td>
<td>11.38</td>
<td>54.76</td>
<td>1.93</td>
<td>5.64</td>
<td>0.09</td>
<td>2.58</td>
<td>1.44</td>
<td>1.14</td>
<td>7.27</td>
<td>9.80</td>
</tr>
<tr>
<td><strong>Min</strong></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>4.04</td>
<td>3</td>
</tr>
<tr>
<td><strong>Max</strong></td>
<td>3</td>
<td>50</td>
<td>183.6</td>
<td>3</td>
<td>7</td>
<td>1</td>
<td>4</td>
<td>14</td>
<td>8</td>
<td>9.08</td>
<td>219</td>
</tr>
</tbody>
</table>

|               | Euattitu  | New1       | Old       | Cooparmi | Vetotseb | Vetoschm  | Fedunita  | Pluralis | Constitu | Pagnub   |
|---------------|-----------|------------|-----------|----------|----------|-----------|-----------|----------|----------|----------|-----------|
| **Obs.**      | 513       | 340        | 403       | 518      | 439      | 518       | 518       | 518      | 518      | 518      | 518       |
| **Mean**      | 55.71     | 1.44       | 1.85      | 2.81     | 1.52     | 5.19      | 0.07      | 1.99     | 2.22     | 24.87    |
| **Min**       | 24        | 1          | 1         | 1.81     | 1        | 2         | -1.79     | 0        | 0        | 1        |
| **Max**       | 88        | 2          | 2         | 4.69     | 3        | 8         | 1.4       | 4        | 5        | 929      |
Table 5. Determinants of transposition speed, 1957-2004

<table>
<thead>
<tr>
<th>Variables</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>BIC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EU LEVEL VARIABLES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>European directive</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nature of directive</td>
<td>-0.99*</td>
<td></td>
<td>-1.60**</td>
<td></td>
<td>2 (positive)</td>
</tr>
<tr>
<td>Complexity of directive</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Number of recitals</td>
<td>0.11***</td>
<td>0.10***</td>
<td></td>
<td></td>
<td>8 (strong)</td>
</tr>
<tr>
<td>Number of pages</td>
<td>-0.01</td>
<td>-0.01*</td>
<td>-0.02</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of articles</td>
<td>-0.01</td>
<td>-0.01*</td>
<td>-0.02</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deadline</td>
<td>-0.01**</td>
<td>-0.01*</td>
<td>-0.02</td>
<td></td>
<td></td>
</tr>
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<td>Decision-making rule</td>
<td>-0.01</td>
<td>0.10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decade</td>
<td>-0.39**</td>
<td>-0.43**</td>
<td></td>
<td></td>
<td>1 (weak)</td>
</tr>
<tr>
<td><strong>NATIONAL LEVEL VARIABLES</strong></td>
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<td></td>
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<tr>
<td>National implementing measure</td>
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<tr>
<td>Type of legal instrument</td>
<td>-0.78***</td>
<td>-0.84***</td>
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<td></td>
<td>10 (very strong)</td>
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<tr>
<td>Number of legal instruments</td>
<td>0.45**</td>
<td>0.32*</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Number of ministries involved</td>
<td>0.75*</td>
<td>0.62</td>
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<tr>
<td>Goodness of fit argument</td>
<td>0.23</td>
<td>0.87*</td>
<td>0.13</td>
<td>0.86</td>
<td></td>
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<tr>
<td></td>
<td>(0.37)</td>
<td>(0.45)</td>
<td>(0.39)</td>
<td>(0.53)</td>
<td></td>
</tr>
<tr>
<td><strong>CONTROL VARIABLES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veto player</td>
<td>-0.25**</td>
<td></td>
<td>-0.33**</td>
<td></td>
<td>2 (positive)</td>
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<tr>
<td>Coalition politics</td>
<td>0.07</td>
<td></td>
<td>0.08</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partisan effects on public policy</td>
<td>0.34</td>
<td></td>
<td>0.41</td>
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</tr>
<tr>
<td>Constitu</td>
<td>(0.11)</td>
<td></td>
<td>(0.31)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corporatism</td>
<td>0.07</td>
<td></td>
<td>0.01</td>
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<td></td>
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<tr>
<td>(0.26)</td>
<td></td>
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<tr>
<td>Voting rule</td>
<td>0.79*</td>
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<td>-0.87</td>
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<td></td>
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<tr>
<td>(0.44)</td>
<td></td>
<td></td>
<td>(0.80)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative constraints</td>
<td>-0.23**</td>
<td></td>
<td>-0.31**</td>
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</tr>
<tr>
<td>Level of corruption</td>
<td>(0.12)</td>
<td></td>
<td>(0.14)</td>
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<tr>
<td>N</td>
<td>338</td>
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<td>Prob&gt;chi2</td>
<td>0.0005</td>
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<td>0.0000</td>
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<tr>
<td>Pseudo R2</td>
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<td>0.0004</td>
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<td>Correctly classified</td>
<td>60.06</td>
<td></td>
<td>69.53</td>
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<td>Log-likelihood</td>
<td>-217.59615</td>
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<td>-192.77714</td>
<td>-195.9018</td>
<td>-160.81373</td>
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<td></td>
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</tr>
<tr>
<td>Notes: * significant at the p&lt; .05 level ** significant at the p&lt; 0.01 level *** significant at the p&lt; 0.001 level. Standard errors in parentheses. (All two-sided). Source : EU transport trasposition data set 1957-2004.</td>
<td></td>
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### Table 6. Different transposition delays of modes in months (weeks):

<table>
<thead>
<tr>
<th>Transport mode</th>
<th>Transport general</th>
<th>Shipping</th>
<th>Road</th>
<th>Rail</th>
<th>Air</th>
<th>Inland waterways</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average transposition delay in months (weeks)</td>
<td>- 4 (-17)</td>
<td>5 (20)</td>
<td>7.5 (31)</td>
<td>9.5 (38)</td>
<td>12 (49)</td>
<td>27 (109)</td>
</tr>
</tbody>
</table>

Source: Own data.

### Table 7. Test of similarity of means: Differences of modes of transport in transposition delays

<table>
<thead>
<tr>
<th></th>
<th>Transport general</th>
<th>Shipping</th>
<th>Road</th>
<th>Rail</th>
<th>Air</th>
<th>Inland waterway</th>
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<tr>
<td>Transport general</td>
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<td>Shipping</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td>***</td>
<td>***</td>
<td>1</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Rail</td>
<td>**</td>
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<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air</td>
<td>***</td>
<td>***</td>
<td>1</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Inland waterway</td>
<td>***</td>
<td>***</td>
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<td></td>
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</tr>
</tbody>
</table>

Source: Own data. * = p<0.1; ** = p< 0.05; *** = p< 0.01
FIGURES:

Figure 1. Composition of EU transport directives in percentage.

![Composition of EU transport directives in percentage](image)

Source: Own data.

Figure 2. Transposition of transport directives in Germany, Greece, Spain, The Netherlands and UK: delay in weeks

![Transposition of transport directives in Germany, Greece, Spain, The Netherlands and UK: delay in weeks](image)

Source: Own data.
REFERENCES:


Bursens, Peter. (2002). Why Denmark and Belgium have different implementation records: On transposition laggards and leaders in the EU. *Scandinavian Political Studies* 25(2): 173-95.


