

**Europeanization of Policy and Politics:
Changing the Social Dimension in Southern Europe?**

by

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Draft, comments welcome!

1 Introduction

This paper presents results of a collaborative research project¹ looking from a comparative perspective at the implementation of EU² social policy Directives in the EU 15. While our general theoretical arguments on compliance with EU law and Europeanization³ have been presented elsewhere (Falkner/Treib/Hartlapp/Leiber 2005), this paper seeks to summarize our findings and deepen the analysis related to a particular group of Member States that is often treated as a homogenous country cluster: the Southern European states.

Generally, the study of Europeanization in Southern Europe is still an almost neglected research field compared to Western or Northern European Member States. The growing literature on the impact of EU Directives on Member States provides for a range of explanatory factors positively or negatively influencing timeliness and correctness of implementation, but case studies are often limited to a specific geographical area. Our knowledge of implementation success or failure in the Southern European countries of Portugal, Spain, Italy and Greece is comparatively small.⁴

Older work does not comprise Portugal and Spain (their later accession date did not justify ample implementation studies at this stage Siedentopf/Ziller 1988) and empirical evidence from Portugal or Greece is still very rare even in more recent volumes. In addition to difficult literature access for non-natives, cultural communication hindrances might also be conducive to explaining the rather reserved position of many scholars vis-à-vis these countries (see Hooghe 2001:49). Nevertheless, in recent years, research interest has increased with respect to specific policy fields, most prominently environmental issues (Kazakos 1999; Börzel 2000b; Heinelt/Malek/Smith/Töller 2001; Koutalakis 2004) or regional policy (Tömmel 1994; Tondl 1998). When it comes to the area of social policy we find scholarly attention directed to the

¹ Our special acknowledgements, thus, go to Gerda Falkner, who headed the collaborative project, and our former colleague Oliver Treib. Further information and results can be found at <http://www.mpi-fg-koeln.mpg.de/social-europe/>.

² We shall refer to the more general notion "EU" (European Union) in many places since this has become a common term in everyday usage. We are aware that in a strict sense, when we look into issues connected to the "first pillar" of the European Union, the more specific notion 'EC' (European Community) would be more accurate.

³ Europeanization has been one of the central concepts of EU studies in the last years and there are many different understandings of the term (e.g. Featherstone/Radaelli 2003). Within the literature on Europeanization scholars have developed a more narrow interest in the domestic impact of European policies, as witnessed by the national implementation of European policy measures such as Directives or Regulations. Here (e.g. Ladrech 1994) Europeanization means the reactions in domestic systems to top-down influences from the EU-level. This is also the focus adopted in our paper.

⁴ We are aware that there are some authors who question Italy belonging to the Southern European Member States (e.g. Castles 1995; but see Obinger/Wagschal 2001).

possible influence of the EU on welfare state transformation (e.g. Rhodes 1997a; Axt 1997:36-41; Guillen/Palier 2004) or Europeanization through the Open Method of Coordination (e.g. Gonzáles-Calvet 2002; Ferrera/Sacchi 2005). Encompassing studies on the transposition and application of European social policy Directives in the Southern Member States remain a research desideratum (but see Linos forthcoming, for a quantitative data analysis).

If studied, the Southern countries are often treated as a uniform group. By some authors a particular “Southern problem” (Pridham/Cini 1994; Börzel 2003) or a “disease’ called ‘Mediterranean Syndrome’” (La Spina/Sciortino 1993:219-222) of the EU is stated.⁵ Even carefully designed and differentiated analyses emphasize that they share many features in common such as an experience of authoritarianism followed by economic backwardness, relatively important agricultural sectors with a north-south divide and a clerical-anticlerical cleavage (Lijphart/Bruneau/Nikiforos Diamandouros 1988:7-8). From this perspective of relative homogeneity one might expect the Southern European countries to perform alike with respect to timely and correct implementation of EU policies. Furthermore, following the literature on “Southern laggards” (Colchester/Buchan 1990:141; also Börzel 2000b) and data from the European Commission on infringement procedures initiated for non-compliance with EU legislation (e.g. Commission of the European Communities 2004:Table 2.2 Annex) we should expect that their performance is overall worse than the implementation performance of Northern EU Member States. But can these claims on homogeneity and backwardness be confirmed on a systematic basis?

In this paper, we will argue that Southern Member States do not implement EU legislation systematically any worse than Northern Member States. And we will provide new empirical findings on why they are more different than alike when it comes to explaining the implementation of EU social policy Directives. To this aim the paper presents the results of the collaborative research project introduced above, analyzing from a comparative perspective the national transposition, enforcement and application of six EU labour law Directives in all 15 Member States. With regard to implementation⁶, Directives are of particular interest. They are not directly applicable at the national level (as Regulations are), but have to be incorporated into national law first. We chose the six most important labour law Directives

⁵ While the term seems to exclude Portugal for geographical reasons, the country is often included in these analyses.

⁶ Implementation is understood as the process of, first, taking European regulations over to the national level (transposition phase) and, second, applying these rules at the ground level. Non-compliance can occur in both phases and can be due to either late or incorrect implementation.

from the 90s regulating national issues, hence EU labour law that actually alters pre-existing national rules.⁷ They concern written information on contractual employment conditions (91/533/EEC); parental leave (96/34/EC); working time (93/104/EC); and the protection of pregnant (92/85/EEC), young (94/33/EC) and part-time workers (97/81/EC). For this paper we will focus on four of the EU 15 countries: Portugal (P), Spain (E), Italy (I), and Greece (GR). Comparing these countries to the other 11 Member States seems particularly beneficial since it can give an answer whether there is something specific to the performance of Southern Member States countries when implementing EU Directives. At the same time the four countries present “a particularly inviting set of cases for comparative analysis” (Lijphart/Bruneau/Nikiforos Diamandouros 1988:7) from a most similar systems perspective (Przeworski/Teune 1985:33). Thus, comparison among the four Southern Member States allows explaining within group variation.

A large number of interviews have been conducted with experts from the administrations, interest groups and labour inspections in all Member States.⁸ We collected material on the pre-existing national standards (in order to assess the potential impact of the new European Directives), on the adaptation process (to learn about actors interests and why non-compliance took place), and on the national experts' views as to the changes induced by the EU. We analysed primary and secondary literature, including legal texts, parliamentary documents and reports at both European and national level. On the basis of these materials we assessed implementation success or failure on a case by case basis. In addition we traced the origin of implementation problems. Which factors lead to better or worse compliance with EU law? Do these factors hold across the Southern countries and Directives?

On this basis, the paper draws conclusions on the domestic impact of European social policy. In doing so we pursue the following purposes: to assess the actual effects of EU policy on social policy in Southern European; to measure and explain factual implementation success and failure of EU social policy in the four countries, and to ask whether the group is as homogenous as considered. In addition to outcomes and explanations of implementation, the paper is also interested in studying emerging patterns of Europeanization of politics in the Southern Member States. As we will show, Directives and their implementation are not only

⁷ Genuinely supranational topics such as the Directives on European Works Councils were discarded from our sample because we wanted to study areas where EU regulation (at least partly) supersedes national regulation. Only such examples allow earlier domestic standards to be compared with new EU standards. We also discarded Directives that only updated or reform older ones.

⁸ In order to preserve the anonymity, we will refer to them as “interview P (for Portugal) 1”, “interview I (for Italy) 2” etc.

of interest in respect of the *policy* changes they cause in the Member States. They are also of relevance as regards their effect on *politics*. Due to restrictions of space in the paper, these findings, however, can only be provided on the basis of particular interesting case study examples concerning on the one hand interaction patterns between the social partners and the state, as well as the national enforcement structures in the field of labour law regulation.

Our paper is organized as follows. First, we present three strands of literature that would make us expect a negative impact on timely and correct implementation in Southern Europe. Second, we provide empirical evidence that questions the validity of these arguments. Third, we look at Europeanization concerning the politics dimension in the four countries. Finally, we discuss the insights into theoretical as well as empirical aspects derived from our study.

2 Why expect an implementation problem in Southern Europe?

Given the relative consensus on a Southern European implementation deficit, in the following we will discuss three schools of thought why we should expect Southern Member States to perform less well when it comes to implementation of EU policies. The first concerns the assumption that timely and correct implementation is a function of low misfit, understood as the high compatibility between prior national regulation and the European standards. The second is more closely related to the characteristics of the political and administrative political system, while the third finally puts the civil society and societal interest groups at the centre.

2.1 Misfit-based arguments

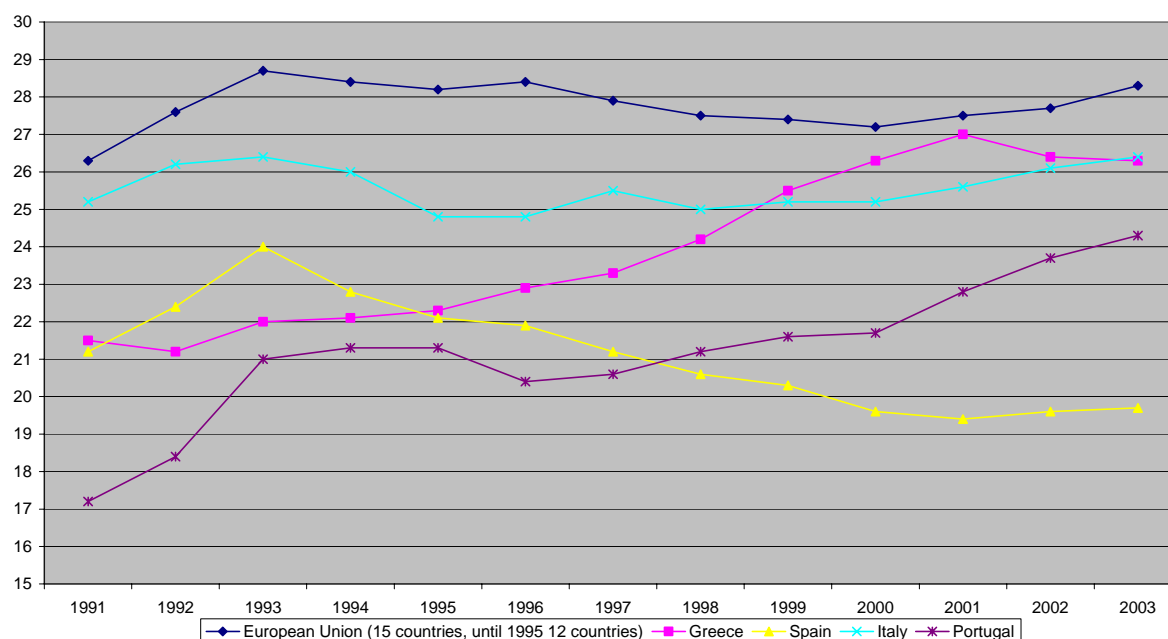
Focusing mainly on environmental policy, many scholars have pointed to the degree of fit or misfit between European rules and existing institutional and regulatory traditions as one of the central factors determining implementation performance (see e.g. Duina 1999; Knill/Lenschow 1998).⁹ While some have stressed the importance of institutional fit or misfit, i.e. the degree of compatibility or incompatibility between European policies and national administrative structures and traditions (Knill 2001; Knill/Lenschow 2001), others have directed attention to policy fit or misfit, i.e. the match or mismatch between EC measures and domestic policy instruments, standards and problem-solving approaches (e.g. Börzel 2000b,

⁹ The approach ultimately rests on historical and/or sociological institutionalist assumptions about the “stickiness” of deeply entrenched national policy traditions and administrative routines which poses great obstacles to reforms aiming to alter these arrangements (see e.g. March/Olsen 1989; Thelen 1999; Pierson 2000a).

a). Seen from this angle, European policies face deeply rooted institutional and regulatory structures. If both fit together, that is if adaptational pressure is low, implementation should be a smooth and unproblematic process easily accomplished within the given time limits. If European policies do not match existing traditions, however, implementation should be highly contested, leading to considerable delays, and involving a high risk of total failure. Meanwhile, the misfit approach has been refined by several authors. According to this literature, in order to explain national adaptations to EU incentives, additional “mediating factors“ have to be taken into account – as, for example, the low number of veto points (see Haverland 2000; Giuliani 2003), the decision making culture, pressure by supportive interest groups, or processes of elite learning (e.g. Risse/Green Cowles/Caporaso 2001).¹⁰ However, even in this literature misfit is still considered a “necessary” – and, thus, crucial – “condition“ for domestic change (Börzel/Risse 2000:5).

One characteristic in which the Southern Member States are considered to be similar is their comparatively lower level of social protection. From a general perspective the Southern European welfare states have been characterised as rudimentary (Leibfried 1993) or inadequate (for Greece: Symeonidou 1997:67; embracing all Southern countries: Ferrera 2005:4-6; critical on the negative assessment: Guillén/Matsaganis 2000:120). For the period studied Southern Member States started off with expenditure on social protection well below the EU average (figure 1, see also Rhodes 1997b:12) and this picture continues until today. Moreover for the time span of interest here unemployment rates have been above the EU 15 average in Spain, Italy and Greece (except for 1993 and 1994) with Portugal being the only exemption (EUROSTAT). Linking these stylized facts on the low level of social protection in the Southern Member States to the logic of the misfit literature, it could be expected that these countries face greater adaptation pressure.

¹⁰ For a critical evaluation of the extended misfit centred approach, cf. e.g. Radaelli (1999:44-46).

Figure 1: Total expenditure on social protection (as percentage of GDP)

* Values for EU 15 2002 and 2003 as well as for Spain 2003 are estimated.
 Values for EU 15 and Spain 2001, Spain and Italy 2002 as well as Greece, Portugal and Italy 2003 are provisional.

Source: EUROSTAT

Since our argument is more specifically about labour, law we want to substantiate the expectations derived from the literature with reference to Majone (1993). A low level of protection in regulation related to the workplace and hence to production costs provided Southern Member States with a competitive advantage vis-à-vis Northern countries. Hence they should have a greater interest in keeping the status quo. Therefore, one could expect correct and timely implementation to be seriously hampered.

2.2 Arguments based on a weak administrative and inefficient political system

In the context of early studies on the implementation of European Directives, it has been argued that many transposition problems were caused by administrative co-ordination problems or by long-drawn-out legislative procedures (e.g. Mény 1988:297; Van den Bossche 1996:380-382). The literature suggests that the perceived compliance problem of the Southern Member States can be attributed to a greater presence of these factors in endemic characteristics of Southern socio-political institutions.

In all Member States in the administrative sphere compliance problems can be caused by a lack of technical *expertise and resources* as well as *fragmentation and ineffective coordination* of different actors. Here Sotiropoulos (2004:405) argues that the bureaucracies of Portugal, Spain, Italy and Greece can be set apart from other West European bureaucracies

because of specific, interrelated characteristics: “extended politicisation of the top administrative ranks; enduring patronage patterns in recruitment to the public sector; uneven distribution of human resources; formalism and legalism”. Moreover, La Spina and Sciortino (1993:219-221) identify the lack of an indigenous bureaucratic tradition (exemption: Spain) (similarly Pridham/Cini 1994:264). According to this characterization both a lack of resources and ineffective coordination should be greater in Southern Europe and lead to systematic deficits in transposition.

Extending our perspective beyond transposition to application the “[c]hronic weakness of control and enforcement bodies, across all the Mediterranean countries [...] seriously underfinanced, ill-equipped professionally, and unevenly distributed across the country” (La Spina/Sciortino 1993:225; similarly Pridham/Cini 1994:268) should hinder correct implementation. At the same time the generally great gap between legislation and practice (Spanou 1998:474) in these countries should require even more efficient supervision and control to guarantee as similar level of compliance with EU labour law standards as in the other Member States.

In *political processes* involving parliament and possible other legislative actors a re-active policy style (La Spina/Sciortino 1993:227) and party-dominance typical for Southern countries can impede the timely and correct enactment of implementation (Rhodes 1997b:15). While most of these assessments are based on in depth studies of environmental policies the general nature of political structures and processes predicts similar effects for other policy fields. Contrary to this approach some authors have stressed that the ineffective implementation of EU Directives can not be explained through typically Southern European patterns of reactive policy style, patronage and clientelism. Here implementation effectiveness is expected to vary within one country with respect to different sectors (Koutalakis 2002:2) and the mobilization of domestic actors is thought to have great explanatory value (Börzel 2000b).

2.3 Arguments based on the link between implementation and societal interest groups

So far, the literature in the field of EU environmental policy in particular has drawn attention to the role of societal or non-state actors in implementation in Southern Europe. At a more general level La Spina/Sciortino (1993) identified a weak “civic culture” (i.e. social norms and relationships that allow for cooperative and compliance behaviour) as one important aspect of the “Mediterranean Syndrome” potentially hindering compliance. As Koutalakis

(2002; Koutalakis 2004 with further references to the literature) points out, the bad implementation performance of environmental standards in Southern Europe is also often explained by limited capacities of civil societal actors to mobilize and engage for environmental protection. However, he agrees in accordance with other, mainly Greek, scholars that “the degree of social mobilization is not necessarily lower in the South than in the North, it takes different forms, which tend to be less effective in overcoming the resistance of public and private actors to comply with EU policies” (Koutalakis 2002:1). He also does not see the Southern members as a homogenous group and stresses divergent patterns of societal activism when looking at the examples of Greece and Italy.

From the perspective of the so called “bottom-up approach” in traditional implementation theory (for an overview of the literature cf. Falkner/Treib/Hartlapp/Leiber 2005:14-16) far-reaching involvement of the relevant actors in the decision making-process leads to a better application of the rules “on the ground”. Thus, in Member States where the involvement of these actors and societal target-groups is weak, implementation problems are to be expected. Apart from that, as yet not much attention has been paid to the role of interest groups in the transposition of EU Directives. In particular, no real knowledge has been acquired of the *direction* of the effects exerted by interest group involvement. Some authors argue that interest groups and other societal organisations might serve as a “pull” factor by exerting pressure on reluctant public administrations to fulfil EU requirements (Koutalakis 2002:3; Börzel 2003:36). Others stress their potential blocking power, which may, however, be overcome by “a decisional tradition capable of surmounting formal and factual veto points by way of consensual tripartite decision-making” (Héritier 2001a:44; similarly Lampinen/Uusikylä 1998). Interest groups – even in countries with very strong corporatist traditions such as Austria or the Scandinavian Member States – do not possess *formal* veto power in the transposition process. Nevertheless, they can be “powerful players” (Strøm 2003) who may exert influence in political decision processes. In view of these diverging interpretations in the literature, our empirical material *on the social policy/labour law field* is able to shed new light on the role of organised interests in the implementation of EU Directives, and on the question whether there are particular Southern problems or patterns. The field of labour law is a particularly good area for such a study since trade unions and employers’ organisations (the social partners) play an important role in many countries, even though, at the same time, there are important differences in the way these interest groups are involved in the policy-making process.

3 Findings on the implementation of social policy in Southern Europe

In the following we will present results on the implementation success or failure for six Directives in 4 Member States, hence in 24 cases. Providing knowledge enhancing comparisons among the four countries as well as to the other 11 Member States, we will show that Southern Europe cannot be expected to be systematically less compliant on the grounds of the above assumptions.

3.1 Adaptation requirements

As a starting point for testing the misfit hypothesis in the collaborative project we carefully and comparatively assessed the fit between prior national legislation and the standards of the EU Directives studied. Policy misfit can be of either a quantitative or qualitative nature. In other words, it can relate to a gradual difference (e.g. two months of parental leave instead of three as a minimum) or to a matter of principle (e.g. there is no individual right to parental leave but the entitlement is restricted to mothers only). Having assessed the legal misfit, we calculated a kind of discount in case the practical significance of a legal innovation was comparatively lower. For example, a new right may not have been enshrined in domestic law, but it may have related to a large part of the workforce through collective agreements. Furthermore, we included in the concept of legal misfit an evaluation of the scope of application. In other words, we looked at the coverage of any newly attributed right. The importance of such a right may, in some cases, seem very important, but may then be seriously limited by a narrow scope of application (e.g. when all atypical workers or important sectors of the economy are excluded).

We assigned a high degree of legal misfit if there were completely new legal rules, far-reaching gradual changes and/or important qualitative innovations. Each of them lead to a high degree of policy misfit in our system under the condition that all or a significant number of workers are affected and that there is no essential limitation on the level of practical significance. Otherwise, only a medium (or even low) degree of policy misfit will result in our classification. A similar logic is applied to medium and low degrees of legal misfit. Another crucial element of our estimation of misfit caused by EU regulation is economic cost. In the field of labour law these costs accrue to private and public employers and sometimes to the social security system, too. Aggregating the policy misfit and economic costs dimensions

our values for total misfit consist of the highest parameter values in one of the subcategories (for further details on the operationalization see Falkner/Treib/Hartlapp/Leiber 2005:27-32).

Table 1 provides an overview of the results regarding the overall misfit between the European Directives and the pre-existing rules in the Southern Member States. What we see is that the Directives studied here did not create high policy misfit in any of the Southern European cases. When compared to the other EU 15 Member States none of them is amongst the countries where the EU policies required particularly great changes (altogether, we assigned high misfit in 11 out of the 90 cases studied in the EU 15).

Table 1: Degree of overall misfit in the Southern Member States (compared to EU 15)

Directive	P (misfit score)	E (misfit score)	I (misfit score)	GR (misfit score)	Average misfit scores Southern States	Average misfit scores EU 15
Employment Contract Information (91/533/EEC)	Medium (2)	Low (1)	Low (1)	Medium (2)	1.5	1.2
Pregnant Workers (92/85/EEC)	Medium (2)	Low (1)	Medium (2)	Medium (2)	1.75	1.7
Working time (93/104/EC)	Medium (2)	Low (1)	Medium (2)	Low (1)	1.5	1.8
Young workers (94/33/EC)	Medium (2)	Low (1)	Low (1)	Low (1)	1.25	1.3
Parental leave (96/34/EC)	Low (1)	Low (1)	Medium (2)	Medium (2)	1.5	1.9
Part-time work (97/81/EC)	Medium (2)	Low (1)	Medium (2)	Low (1)	1.5	1.6
Average misfit scores total	1.8	1.0	1.7	1.5	1.5	1.6

Source: Falkner/Treib/Hartlapp/Leiber (2005)

Scores for different degrees of misfit: none = 0, low =1; medium = 2; high = 3, note that in this selection no country scored 0 or 3

In order to compare overall misfit on a country and Directive basis we calculated 0 points for each Directive without misfit, 1 point for each Directive with small misfit, 2 points for each Directive with medium sized misfit, and 3 points for each Directive with high misfit. Within the Southern group Portugal had to conduct relatively most changes, ending up with an average misfit score of 1.8. Italy (1.7) is situated closely to Portugal followed by Greece (1.5). Spain scored lowest in the misfit dimension (1.0). Comparing all 15 Member States, Spain and Greece remained below the EU average (1.6), while Portugal and Italy lay above.

When looking at the implementation of individual Directives in our four countries, the Young Workers Directive was the one that generated fewest misfit (1.25), followed by the Employment Contract, Working Time, Parental Leave and Part-time Work Directives (each 1.5). Finally, the Pregnant Workers Directive was the only one that required medium changes in three countries with an average score of 1.75. Setting these findings into perspective with the degree of misfit in all 15 Member States (table 1, right column), we find that it was the Employment Contract Information Directive that generated fewest overall misfit, followed by the Young Workers, Part-time, Pregnant Workers, Working Time, and finally Parental Leave.

Thus, what we actually see here is that Southern European labour law prior to the implementation of EU social policy Directives was – at least with respect to the supranational standards studied here – not below the EU average. This finding is supported by a literature strand emphasising the segmented and polarized nature of the Southern European employment regimes.¹¹ They are „(h)ighly protective (...) in the core sectors of the economy“ (Ferrera 2005:5), “suffer from serious imbalances that cause inequities and inefficiencies” (Guillén/Matsaganis 2000:120) and show a paternalistic approach towards vulnerable groups (Lessenich 1995). Both young workers and pregnant workers belong to the groups that are rather protected by labour law in Southern European countries. Hence it comes as no surprise that misfit in the case of the Young Workers Directive remained below the EU average. However in this context a second aspects needs to be highlighted. One may ask why then did the EU Directive on pregnant workers, a similarly vulnerable group, generated relatively greater misfit? A thorough analysis of the standards in the EU Directive and prior national regulation show that the EU standards took great care not to disadvantage pregnant workers on the labour market, while a typically paternalistic employment regime would weight protection of pregnant workers greater. The ambiguous nature of the Directive caused implementation difficulties in many Member States. In the case of the Southern Member States highly protective prior regulation aggravated this problem. Thus even a high level of labour law regulation can create great misfit if at odds with the ideological reasoning of the EU Directive.

In sum, we can see that the overall misfit is far from being particularly great in the Southern European countries – it is below EU-average. We also assessed significant differences

¹¹ Segmentation and polarization, however, does not give evidence as regards the general level of protection.

between the Southern countries, especially when looking at Spain with its low adaptation requirements compared to the rest of the group and to the EU 15 average.

3.2 Implementation performance in Southern Europe

The next step of our analysis turns to implementation success. As a first step we compared across countries the *average delays until essentially correct legal transposition* – meaning a successful fulfilment of most requirements, with only minor details missing or incorrect – of the six Directives (table 2). This category was chosen to avoid a distorted picture of a countries' performance based on very small implementation deficiencies.¹²

Table 2: Total delays until essentially correct transposition (in months after deadline)

Directive	P	E	I	GR	Average Southern States	Average EU 15
Employment Contract Information (91/533/EEC)	6	62	47	12	31,8	28,6
Pregnant Workers (92/85/EEC)	102.5	102.5	102.5	100	101,9	64,6
Working Time (93/104/EC)	78	0	77	77	58	51,1
Young Workers (94/33/EC)	57.5	0	37.5	21	29	35,6
Parental Leave (96/34/EC)	18	17	26	57	29,5	20,6
Part-time Work (97/81/EC)	39.5	14	2.5	0	14	8,2
Average	50,3	32,6	48,8	44,5	44	34,8

Source: Falkner/Treib/Hartlapp/Leiber (2005)

A first important finding is that generally the discipline of the Member States in the EU 15 in implementing the labour law Directives was very weak. On average they were on delay of almost three years (34,8 months) from the deadlines foreseen until essentially correct transposition was reached.¹³ Thus, generally there is a considerable compliance gap in EU (social) policy.

A second finding is that the delays in total in Italy, Portugal, and Greece are situated clearly above the EU 15 average. Thus they contributed to the gap to a considerable degree. Only

¹² In contrast “completely correct transposition” refers to full compliance with all adaptation requirements in the transposition stage and notification of the relevant laws to the European Commission. Cut-off date for the study was 30 April 2003.

¹³ The delay until the transposition was *completely* correct was even worse, cf. Falkner/Treib/Hartlapp/Leiber (2005:68, 89, 112, 135,153, 173).

Spain performed much better. However, it needs to be mentioned that the Southern countries are by no means the only countries with significant delays. The EU average is lowered above all by the overall good transposition records of the Scandinavian countries. On the other hand, the list of "misbehaving" countries according to our data is headed by France, and then followed by Portugal, Italy, Greece, Belgium, and Luxembourg, ranking from the second to the sixth position. On the other hand, Spain is placed on position 11 of 15 and thus a rather good complier. Hence, on the basis of this data there are no grounds on which to justify the above mentioned assumptions on a typically (in particular not exclusively) Southern European implementation deficit.

When looking at individual Directives the gap in average delays between Southern Member States and EU 15 is most eye catching for the Pregnant Workers Directive. We can see that this Directive caused major implementation problems across all the Southern Member States. In the four Southern countries (but also in others, like e.g. Austria, France, or Luxembourg Falkner/Treib/Hartlapp/Leiber 2005:81-88) protection of pregnant women was originally based on a system of "complete prohibitions", as opposed to a system of "individual risk assessments", which is foreseen by the Directive (see already section 3.1). This primarily concerned night work and certain types of occupations considered dangerous for pregnant workers' health and safety. The European Commission alongside ECJ equal treatment case law interpreted the Directive in a manner that women's equal labour market participation has to be protected as far as possible. Therefore, general work prohibitions for (pregnant) women are considered not in line with the Directive; protection has to be based on individual risk assessments. In many of these cases, national governments openly refused to adapt to the Directive's standard, because they considered their existing policy models superior and more protective. This has caused long implementation delays.

So far, we have presented our results regarding the stage of legal transposition of EU rules. The implementation of rules, however, goes beyond that. For implementation including proper application of Directives in the EU multi-level system, *monitoring and enforcement at the national level* are of encompassing importance to ensure that EU standards do not remain paper tigers. "(If it is accepted that the main challenge is not to rewrite legal texts but to change and improve the actual working of public administrations (Ziller 1998:138), we need to observe that there may be important differences in the resources needed to win the battles over texts and formal arrangements and winning battles over behavioural practice, results and

administrative identities and cultures” (Olsen 2002). How successful are monitoring and enforcement structures in the Southern Member States?

An effective enforcement policy is one (of several) determinants of good compliance with EU law and here Southern European indeed show systematic weaknesses (Hartlapp 2005, chapter 5.10; Falkner/Treib/Hartlapp/Leiber 2005:271-276). In Spain, uneven and overlapping competences of central enforcement authorities and the labour inspectorates in the autonomous regions, often working against each other, impede an optimal use of the limited resources (Interviews E3 and E5). Yet impediments to efficient enforcement carry more weight in the other Southern Member States. In Greece, for most of the 1990s, the decentralised labour inspectorates were attached to the local prefectures. Common data collection or evaluation of problems was lacking. The system as a whole was neither co-ordinated, nor could it react adequately to the most common compliance problems (Interview GR8).¹⁴ In Italy, the existence of a whole range of actors (USL, ministerial health service, ISPESL, INAIL, ASLE) means that the co-ordination efforts of the inspection activities are cumbersome. Against this background, quick interventions geared towards specific situations are impossible, and diverging institutional interests and methodological approaches further paralyse the enforcement system (Interview I11). Moreover in Portugal the number of inspectors calculated as a ratio for 100.000 dependent workers is below the EU average of 12.56. But even a high number of inspectors does not guarantee that resources are used efficiently. Even though, in 2000, Greece shared with Denmark the highest ratio of labour inspectors of all 15 Member States, many of the inspectors had not (yet) been properly trained (Koniaris 2002:68; EIRR 1999:25-26). Thus the resources actually used for inspections are insufficient. Interestingly, however, over time the relative ineffectiveness of the Southern Member States has led to an indirect intervention of the EU on national administrative systems. We will come back to these development in section 4 when it comes to the Europeanization of politics in Southern Europe.

To sum up, implementation performance measured as timely and correct transposition as well as the ability to enforce the application of EU standards is on average weaker than the average implementation performance in the EU 15. However, significant inter-group differences exist. In the following section we will try to give explanations for this finding.

¹⁴ Note that in 1999 the Greek system of labour inspection was re-centralised. Although the system has still many shortcomings, its co-ordination and steering capacities have improved since then.

3.3 How to explain the transposition performance: Southern European patterns?

In this paper we have referred to three strands of literature generally assumed to have explanatory value when it comes to (Southern) Member States' performance in EU policy implementation: misfit, weak administrative and inefficient political systems and the link between implementation and civil society. In this section we will discuss the relevance of these three arguments for our cases.¹⁵ In doing so we will critically assess where and how we see typically 'Southern' patterns when it comes to implementation processes, actors and institutions involved.

With respect to the first set of arguments we have shown that although Southern Member States display a lower average misfit score than the EU 15 their total delays until essentially correct transposition is greater. Looking at inter group differences Spain shows not only the best performance but also had the smallest adaptation requirements. This seems to support the misfit argument at first sight. However, evidence from Greece points in the opposite direction (the misfit score is situated below EU 15 average, but Greece shows substantially greater delays). Beyond this empirical finding contradicting the misfit hypothesis, we have argued for a rejection of the misfit argument on theoretical grounds (including empirical results for the EU 15) also elsewhere (Falkner/Treib/Hartlapp/Leiber 2005:289-294). Especially, the claim that small misfit was a reliable indication for smooth implementation could be completely falsified. Thus, the degree of misfit does not seem to have great value in explaining implementation success or failure nor do we see a typical Southern pattern emerge in this respect.

It has also been argued in the literature that transposition may be delayed because the administrative system lacks adequate expertise and resources with the result that the necessary work cannot be done in time. Contrary to the above expectations we found this factor to be even of slightly lesser relevance in explaining implementation deficits in Southern European Countries, than in the other Member States. A shortage of administrative resources did play a certain role in five cases out of 24 for the Southern States (all Directives apart from Part-time Work and Parental Leave in Greece plus the Working Time Directive in Portugal). In the EU it was 21 out of 90 cases comprising above all transposition procedures in Luxembourg,

¹⁵ For reasons of space we can not discuss the relevance of other factors that are less clearly linked to the three literature strands emphasised in this paper. But see Falkner/Treib/Hartlapp/Leiber (2005, chapter 12) for a discussion of the explanatory power of "opposition through the backdoor", domestic agency loss and unintended consequences, consultation of relevant actors in the upstream phase, clear drafting of directives, power of veto players, as well as party political ideology.

Ireland, the UK, and Belgium. However a structural deficit of resources leading to administrative bottlenecks was only observed in the Greek ministry unit responsible for health and safety at work.

In terms of implementation problems caused by administrative *co-ordination problems*, our case studies have revealed some instances of this pattern. Responsibility for transposition is indeed frequently divided between different administrative units, especially in the case of the Working Time, Young Workers and Pregnant Workers Directives which encompass both general employment rights as well as health and safety provisions. It is true that in these cases the likelihood of delays due to administrative overload increases since multiple administrative units come into play. In Italy, the Employment Contract Information and Pregnant Workers Directives were clear examples of delayed transposition due to administrative failure. Although the required adaptations did not provoke great interest or conflicts among political actors, it took more than two years in the case of the Pregnant Workers Directive and almost four years with the Employment Contract Directive until the first transposition decrees were adopted. This is all the more astonishing since Italy is the only Southern Member State which has a relatively powerful watchdog unit with ample resources and with direct access to the hierarchical powers of the head of government (Dipartimento per il coordinamento delle politiche comunitarie, Gallo/Hanny 2003).¹⁶ Similarly parts of the incorrect transposition of the Pregnant Workers Directive in Greece are caused by conflicts between the Ministry for Social Affairs and the Ministry of Defence (Interview GR1, cf Spanou 2000:165). And the significantly late transposition of the Young Workers Directive in Greece was in part due to the need to co-ordinate the positions of two separate administrative units. In sum, even though genuine co-ordination problems occurred only very infrequently they seem to occur more often in the here studied Member States.¹⁷

A very interesting finding concerns the choice of the transposition instrument. Long parliamentary procedures are often considered to be a major impediment to timely implementation. Is this typically the case in Southern Europe? Southern Member States were significantly more likely to transpose the studied EU Directives by fast-track delegated legislation without, or with only limited, parliamentary involvement. Of the 55 cases

¹⁶ Some authors have argued that the transposition performance of Member States could be improved by the creation of effective administrative watchdog units, which would ensure that the individual ministries fulfil their duties arising from EU Directives (Szukala 2002). Based on institutional parameters such as the number of personnel working for these units and their hierarchical position within the administration, one could expect Member States with large and resourceful supervisory bodies that are directly subordinate to the head of government to perform best, while countries without such structures, or with only weak ones, would fare worse.

¹⁷ All together there have been eight instances in the EU 15 whereof four stem from the Southern Member States.

transposed in a long procedure with parliamentary involvement only 11 stem from the Southern Member States (20%), while they account for 10 out of 17 cases transposed by fast-track delegated legislation (59%).¹⁸ At first sight, this points to a specific Southern transposition pattern. However, the following reservations have to be made.

First, even here inter-group differences are visible. Greece and Italy made use of decrees most regularly. Portugal typically adheres to this pattern but did not in our sample of Directives. An election manifesto of the ruling minority *Partido Socialista* had been to negotiate transposition of most of these Directives in the frame of broader social dialogue (*Acordo de Concertação Estratégia 1996-1999*). Here successful agreements came to the fore in form of legislation (Hartlapp 2005:147-148). Finally, in Spain most of the implementation processes studied here were linked to national reform issues and thus adopted jointly with national legislative proposals.

Second, the pattern does not allow for predictions on implementation success or failure. There are three cases in our sample in which transposition was accomplished swiftly despite the fact that the required changes had to be enacted on the basis of the regular legislative procedure which entailed extensive parliamentary involvement (Working Time and Young Workers Directive Spain, Part-time Work Directive in Greece).¹⁹ Obviously, domestic parliamentary procedures are not so protracted as to make it impossible for countries to fulfil their duties within the already rather generous time limits of two or three years.

At the same time we observed five cases where the incorporation phase was concluded with more than two years delay, even though transposition was carried out by fast-track delegated legislation.²⁰ If governments or administrations simply remain inactive for several years before they actually begin transposing a Directive, as was often the case in Greece, the potential advantages of fast-track decrees are more than offset by such inertia. Moreover, if the government does not possess the wide-ranging competences to enact legislative decrees from the outset (as is the case in Greece Anastopoulos 1988:236-241), but delegation from parliament to government has to be carried out for each Directive, this can cause serious delays as well. Several Italian cases illustrate this point. Some observers had expected that

¹⁸ The cases do not add up to a total of 90 because in some cases (15) the transposition was composed of two different pieces of regulation. That made it impossible to assign the case solely to either category. In a further three cases no transposition process took place.

¹⁹ For a total of 15 Member States and 55 cases of transposition via legislation there are 19 cases of timely transposition.

²⁰ These cases are the implementation of the Employment Contract Information Directive in Italy, the Pregnant Workers Directive in Greece and Italy, the Working Time Directive in Greece and the Young Workers Directive in Italy. When we look at all 15 Member States the number of this type of cases increases to nine.

Italy's serious transposition problems would be solved by the invention of the *legge comunitaria* in the early 1990s, an annual law which was intended to transpose all EU Directives still to be implemented once a year or to enable the government to do so in the form of fast-track delegated legislation (see e.g. Ciavarini Azzi 2000; Fabbrini/Donà 2003). In practice, however, it transpired that, since the early 1990s, several of these summary laws could not be passed by parliament because of the general political instability involving coalition crises and frequent changes of government, or because of actual conflicts over the exact scope of delegation and the content of the specifications to be given to the government along with the competency to enact implementing decrees.

Coming back to the third strand of literature linking implementation performance to the involvement of societal interest groups, our empirical results on the EU 15 indicated that the social partners in a considerable number of cases proved to be "powerful players" in the sense that they contributed to *transposition* delays. In a few cases, they even caused the enactment of flawed transposition measures. In these – comparatively few – examples, a flawed transposition measure was enacted in order to respect the interests of a particular social partner organisation (mostly from the employers' side). This shows that social partners do play an important role in the transposition of Directives. Governments, even if they are institutionally empowered to act unilaterally, often simply do not want to decide on how to transpose a particular Directive without having first tried to find an agreement with one or both sides of industry. Rather than running the risk of negative publicity and possible electoral losses due to interest group mobilisation, governments frequently prefer the threat of a European infringement procedure as the corollary of delayed or even incorrect transposition.

However, as our results show, the impact of the social partners did not systematically depend on the form of their involvement, i.e. on no or negligible involvement, consultation, concertation, complementary legislation, and social partner autonomy (for the operationalization see Falkner/Treib/Hartlapp/Leiber 2005:235-236). This leaves us with the conclusion that neither weak nor strong social partner involvement does *necessarily* harm transposition processes as the civil-society literature on the role of societal actors in implementation seems to imply for Southern Europe. Rather, it very much depends on the *governments'* will and priorities for compliance with EU law. In this sense, also for the Southern countries we found that the (non-)involvement of the social partners, neither during the upstream phase (negotiation of the Directive at EU level) nor during the downstream

phase (transposition) did have a systematic influence on the countries transposition performance.

It is yet another question, whether the social partners' involvement has any influence on the actual *application* of the Directives' standards after they have been incorporated into national law. This could not be studied in depth during in the project. However, we have found indications that even intensive (corporatist) involvement (like e.g. in Austria or the Scandinavian countries) of the social partners during the negotiation and transposition of the Directives is surely not a sufficient condition for proper application of the rules at the ground level. At times it was even indicated that the search for a corporatist compromise lead to particularly vague legal texts, thus, impeding proper application (for further details see [Leiber, 2005 #2640:212-213]. Thus, in those Southern States, where such corporatist deals are rare, solutions may on the one hand lack a sufficient connection to the addressees of the rules, but on the other hand they may profit from clearer rules. However, further research is needed to verify this assumption.

Overall, the results presented so far leave us with no clearly overriding factor which determines the compliance performance of Southern Member States. We also found no strict geographical patterning distinguishing between South and North when it comes to the causal chains elaborated by existing theories. Similarly our systematic testing of a broad range of factors discussed in the literature did not bring out an overriding explanatory factor for the EU 15 either. What we identified instead as a major reference point for explaining the national implementation records was a typical *national culture of digesting adaptation requirements*. In the empirical field of EU social policy three "worlds of compliance" (i.e. clusters of countries) were detected, each depicting a specific ideal-typical pattern of reacting to EU-induced adaptation requirements: a "world of law observance", a „world of domestic politics“, and a „world of neglect“ (for details see Falkner/Treib/Hartlapp/Leiber 2005, chapter 15). It is important to stress that these three types do not refer to implementation outcomes, but to typical modes of dealing with implementation responsibilities.²¹

Very briefly, in the "world of law observance" supported of a national "compliance culture"²², the importance of compliance with EU law is a very highly valued goal, typically overriding domestic obstacles and concerns. Therefore, even in cases of conflicting national interest,

²¹ This means, that e.g. implementation results in countries belonging to the "world of domestic politics or neglect" do not always have to be worse than in the "world of law observance".

²² For details on this self-reinforcing socio-political mechanism cf. Falkner/Treib/Hartlapp/Leiber (2005, chapter 15). For elaborating on the issue of a particular "Nordic model" of good compliance culture see also Sverdrup (2002).

transposition typically takes place timely and correctly, enforcement and application can be considered sufficient. In the “world of domestic politics”, compliance with EU law is only one goal among others. In the respective countries successful implementation can be expected as long as the requirements are not in conflict with national preferences of the government and/or major interest groups. In the “world of neglect” compliance with EU law is not a goal per se, which means that even without any major national obstacles or conflicts, non-compliance is rather the rule than an exception and implementation typically takes place late and only formally.

The four countries studied in depth in this paper belong to different worlds of compliance. In Portugal and Greece neglect can be shown at the stages of legal transposition as well as enforcement and application. On the contrary, Italy shares characteristics of the “world of domestic politics” during transposition, but its performance in enforcement and application is rather weak and characterized by neglect. Finally, in Spain the transposition process is clearly dominated by a logic of domestic politics. Although showing some deficits Spain does not seem as weak regarding enforcement and application as the other countries of this group. Thus, according to these patterns of digesting adaptation requirements, the Southern states represent different “worlds of compliance”. This provides an explanation why the Southern Member States are more different than alike when it comes to implementation of EU social policies. Our argument here is not about implementation outcomes, but highlights that differences between the countries should be expected with respect to the factors influencing in the implementation process. In the world of neglect, administrative factors such as administrative inefficiency and coordination problems, administrative overload and the general unwillingness of administrative actors to acknowledge reform requirements imposed by EU law play a crucial role in explaining the way Directives are incorporated into national law. In the world of domestic politics, it should be instructive to focus on veto players, party political preferences, changes of government and interest group pressure.

4 Europeanization of politics

This section extends the study of Europeanization in Southern Europe from the sphere of policy content to the politics dimension. We would like to highlight two fields: (1) the Europeanization of national state-society relations, and (2) the Europeanization of national enforcement systems.

(1) Why should we at all expect a Europeanization of state-society relations related to EU social policy Directives? The reason is that since the beginning of the 1990s considerable developments have taken place in EU social policy, also at this *procedural* level. The EC Treaty's social provisions since then contain an elaborate system of social partner participation, and the EU social partners have become formal "co-legislators" in EU social policy making. That's why there are a number of different ways in which the EU may exert top-down influence on the interactions between the state and the social partners in national labour law policy-making (in detail Falkner/Leiber 2004; Leiber 2005:59-62).

Most important for the Southern countries: The EC-Treaty invites Member States to have their social partners implement EC-Directives (Art. 137, Par. 3 ECT). The Member States are explicitly encouraged to "entrust management and labour, at their joint request, with the implementation of Directives" adopted under that heading.²³ Additionally, a number of EC labour law Directives contain provisions that encourage national corporatism. For instance, the Part-time Work and Parental Leave Directives²⁴ state that the social partners are best suited to finding solutions fitting the needs of employers and employees and that therefore, they should be given a special role in implementation. Some Directives combine verbal encouragement with incentives such as longer transition periods or additional derogation. A further potential impact of European integration on national governance patterns is that the existence of a "corporatist policy community" (Falkner 1998) in EU social affairs may be perceived as a best practice model for national systems. There might be process diffusion in the sense that national actors will apply a logic of appropriateness and will follow the much-quoted EU model.²⁵

Generally, one of the aims of the collaborative project was to enquire whether stronger social partnership at EU level (as just outlined) will bring about similar developments in the domestic systems. The rationale was that one should expect any changes to primarily occur in the 'Europeanized' part of the national political systems, i.e. those connected to European policies and their trickling down within the multi-level system.

²³ Governments have, at the same time, to ensure that management and labour introduce the necessary measures by agreement no later than the date on which a Directive must be transposed. Otherwise, the Member States are required to take any necessary measure enabling it at any time to be in a position to guarantee the results imposed by that Directive (Art. 137, Par. 4 EC-Treaty).

²⁴ These Directives are based on a collective agreement between the organizations of management and labour at EU level (ETUC, UNICE, and CEEP).

²⁵ On the role of framing and of diffusion of policy paradigms and ideas in EU studies e.g. Kohler-Koch (2000).

Our overall evaluation of the tendencies of change that were found in the EU 15 showed that “no revolutionary transformation” of national interest intermediation systems has taken place, as the EU Member States typically have deeply rooted systems of state-society relations that characterise their respective processes of public policy-making. However, there have been significant changes in *individual countries* such as, above all, Denmark.²⁶ In the Southern countries the soft EU incentives towards a strengthening of social partnership only lead to very subtle and selective effects. Although they certainly remain below the level of profound systemic transformation (for critical junctures versus incremental processes of institutional change, i.a. Thelen 2003; Pierson 2000b), they are interesting since these changes in politics constitute Europeanization effects so far under-researched:

Above all, in Greece we found “positive” effects by what can be described as a general *backing of national social dialogue by the normative role model of the EU*. In accordance with the literature on developments in the Greek social dialogue, our expert interviews confirmed that, in a country without a tradition of social dialogue in public policy-making, the political actors feel that the idea of social dialogue as a form of “good governance” has spread and that the EU is pressing Greece to intensify its social dialogue (Interviews GR5 and GR11). During the 1990s, Greece saw the creation of a number of bipartite and tripartite consultation committees, among them the National Labour Institute (EIE), the Office for Mediation and Conflict Resolution (OMED), the Economic and Social Council (OKE), the National Centre of Occupational Education (EEKEP) and the Hellenic Institute for Occupational Health and Safety (ELINYAE), the first bipartite body established in Greece (EIRR 1998; Yannakourou 2003). According to Ioannou (2000:221), the “founding of new bipartite and tripartite institutions can be perceived as the outcome of this emerging social dialogue rhetoric and/or approach that was heavily influenced by the Delors presidency of the EU Commission”. In April 2003, moreover, the Greek parliament adopted a piece of legislation devoted to improving the Greek social dialogue. This law established two new arenas for public–private debates: the National Employment Council and the National Social Protection Council, where such issues as parental leave or shorter working hours for pregnant women are to be discussed (EIRR 2003:8).

²⁶ Paradoxically, in this case transmitted by ECJ case law EU social policy – despite significant progress of EU level social partnership in the field – contributed to a weakening of Danish social partner autonomy (Leiber 2005:119-141; Falkner/Treib/Hartlapp/Leiber 2005, chapter 12).

In *Italy* there was an attempt to transpose a European Directive *against the national tradition* via *autonomous* action of the social partners, i.e. by collective agreement and without state interference (exactly as foreseen in Art. 137, Par. 3 ECT).²⁷ This did not concern one of the six Directives of our sample, but already the earlier *Directive on European Works Councils*. This Directive was implemented in Italy by way of an agreement signed by the association of industrials, Confindustria, the employers in the banking sector Assicredito, as well as the unions CGIL (*Confederazione Generale Italiana del Lavoro*), CISL (*Confederazione Italiana Sindacati Lavoratori*) and UIL (*Unione Italiana del Lavoro*) on 6 November 1996. When the European Commission was notified of the agreement as the Italian implementation act for the Directive, the Commission argued that the agreement covered a number of sectors only and would thus have to be declared generally binding by law (Kommission der Europäischen Gemeinschaften 2000; Hall 2000). The Italian constitution actually provides for such a procedure, but so far it has not been possible to put it into practice, mainly because of opposition from the Italian unions (Biagi 1998:103), who fear that they would lose intra-organisational autonomy (Interview I8:102-170). The solution expected by the end of our surveys was a governmental statute incorporating the social partner agreement, hence a form of “bargained legislation” (Biagi 1998:103). Compared to “ordinary” legislation, where the social partners usually are “only” consulted, this transposition mode still gives management and labour a central role.

As regards incentives induced by *the EU social partner Directives* on parental leave and part-time work, we have found some cases (e.g. in Luxembourg or the UK) where these Directives resulted in a slight strengthening of the social partners’ role in the domestic arena. However, this was not systematically the case across countries. Among the Southern countries, in *Spain*, we even found an example where the EU incentive to base the transposition on a collective agreement by the social partners was taken up by the government, but then failed due to a lack of interest by the social partners (Interview E4).

(2) In analogy to Europeanization of national state-society relations this section will discuss Europeanization of national enforcement systems. Again we start off with asking why we should assume a Europeanization of national enforcement systems to take place in relation to EU social policy Directives? Enforcement systems are part of the national administrative structures (often they are part of the ministry of social affairs). As such they remain outside

²⁷ Collective agreements are, of course, a common instrument in Italy, but usually not for labour law provisions such as the rules for works councils.

the realm of formal community policy making. Nevertheless, two arguments can be put forward to make us expect Europeanization of enforcement systems:

Above we have already discussed the comparatively greater deficits of Southern European enforcement systems. At the same time 'hard interests' for equal compliance with rules exist. Especially the Northern Member States fear that unequal application of social standards could lead to social dumping and unfair competition between production locations (DK5:56-67, on the same line Shapiro 1999:33). More generally it has been argued that even given Member States resistance to community say in administrative structures a *modus operandi* between the Commission and national governments exists which allows for interference where Member States cannot guarantee a minimum level of performance (cf. Olsen 2002). On this line of reasoning the relative ineffectiveness of the enforcement structures combined with vital national interests to avoid social dumping as well as interests of the EU Commission, and its opportunity structures to intervene in the Southern Member States is the ground on which Europeanization is to be expected.

Yet, Europeanization of enforcement systems is to be expected also for a second reason. The EU Health and Safety Framework Directive of 1989 as well as connected Directives (in our sample working time, protection of pregnant or young workers) require specific procedures to allow correct application. Individual workplace assessments, measurement of exposures or regular health and safety checks of workers set standards difficult to fulfill without a functioning labour administration with a strong implementation branch. Thus it comes as no surprise that a Commission document states "the framework Directive provides a legal basis for the scope of labour inspection in the EU as it defines the general application of EU health and safety law" (SLIC 2004).²⁸ While this methodology in principle already existed in some of the Northern Member States, it was new for Portugal, Spain, Italy and Greece (Interview COM15). Both equal application of standards and specific procedural requirements of social policy Directives on occupational health and safety boosted Europeanization of national enforcement structures.

Since the early 1980s considerable developments of administrative cooperation in form of the inter-governmental working group of Senior Labour Inspectors Committee (SLIC) have taken place to improve implementation of EU social policy. In the SLIC we find a logic of soft

²⁸ This interpretation originates from the European Commission. It is highly unlikely that Member Governments had thought the Framework Directive to be turned into a quest for harmonization of national administrative structures when negotiating its adoption in 1989.

governance in form of open coordination²⁹ and covert institutionalization (Héritier 2001b) at play. While no hard impact is visible, regular meetings are held, common goals in the form of principles of inspection exist, which are regularly concretized and up-dated under thematic days and European campaigns. Annual reporting is followed by recommendations and responses on improvements and corrections and peer review and country visits (called ‘European sessions’) take place. Currently indicators on efficiency of labour inspectorates are discussed.

Looking at our four countries we found these instruments to have substantially influenced efficacy and efficiency enhancing reforms of labour inspectorates in Greece (1992 and 1998) and Portugal (1993) (Interviews GR7 and P6) (for details see Hartlapp 2005:121-124 and 214-217). Moreover, in 1993 the European Commission financially and ideally supported the founding of the first bipartite institute in Greece, the Hellenic Institute for Occupational Health and Safety (Elliniko Institoyto Ygieinis kai Asfaleias tis Ergasias, Interview GR5, Ioannou 2000:221; Kravaritou 1998:58). Drawing attention to the lack of health and safety experts adequately trained to carry out individual workplace assessments such assessments were, in many countries, introduced for the first time with the transposition of the Health and Safety Framework Directive of 1989. However, during our research (carried out even ten years later) we found that in some countries there were still way too few persons able to carry out these assessments and often, training courses did not start to run until the late 1990s. These shortcomings were most severe in Greece and Portugal (Vogel 1994:223 and 303; for a more recent but still critical evaluation see Vogel 2003). The Portuguese labour inspectorate provides an example how enforcement actors have been explicitly trained in EU health and safety legislation and certification has been introduced to live up to the requirements of EU legislation on workplace assessments (Interview P6). The impact on overall application success and failure of these measures still remains to be assessed. But what we observe is soft influence of different EU policies driven by diverse interests, all aiming at the improvement of the performance of national labour inspectorates and related services.

Beyond the area of occupational health and safety one example of direct EU impact on national politics to improve implementation is the initiative for the founding of the think-tank Research Centre for Gender Equality (KETHI) and its financial support through ESF money.

²⁹ Since these activities were started in the early 1980s this is a case in point where we can find characteristics of the pretended ‘new’ open method of coordination well before its official introduction at the Lisbon Council in 2000 and even before the Employment Strategy as OMC *avant la lettre* was launched in 1997.

The KETHI works to fill gaps between paper and application in the area of equal treatment (GR14, Petroglou 2000). This is an example of “subsidising under-represented groups” (Hix/Goetz 2000:14; cf. Kravaritou 1998:60) to improve implementation and can be regarded as a specific form of Europeanization of politics.

Overall we find some – albeit subtle – indications of Europeanization of politics in Southern Europe. For state-society relations in Southern Europe EU social partnership selectively provided a normative role to change national patterns of politics. Similarly the difficulties of labour inspectorates in Member States to guarantee the correct application of the commonly agreed rules was the starting point for subtle influence on inspection practices and structures.

5 Conclusions

This paper dealt with the implementation of EU social policy Directives in the four Southern European Members States – Portugal, Italy, Greece, and Spain – analyzing Europeanization effects in the policy and politics dimension. Against the backdrop of the overall results of a collaborative project in the EU 15, four main conclusions on Southern Europe result from our analyses:

- (1) The study demonstrated, contrary to expectations in the literature, that misfit in the 4 countries was on average smaller than in the EU-15. In addition, we found considerable differences between on the one hand Spain (very low misfit in overall terms) and the rest of the “group” (small to medium misfit varying between Directives).
- (2) On the level of the legal transposition as well as with respect to their capacity to monitor and enforce application the Southern countries performed indeed rather poor. However, the deficiencies were neither uniform among the Southern group (with – again – Spain being an exception), nor is non-compliance to be considered an exclusively Southern problem.
- (3) When looking at explanations for implementation success and failure, there is also no particular ‘Southern European pattern’ in sight. The classification of the four countries as belonging to different “worlds of compliance” should allow predictions as to which factors are typically going to be crucial in implementation processes. Transposition success and failure should generally be more likely to depend on factors of domestic politics in Italy and Spain, while in Greece and Portugal it takes place mainly in the administrative sphere.

(4) We found that the Directives studied not only caused Europeanization effects in terms of policy changes, but also – though subtle – in the politics dimension of implementation in Southern Europe there is a tendency for the least performing to gradually improve their national enforcement systems (above all in Greece and Portugal) and a gradual strengthening of societal actors (mainly in Greece).

Overall, we see that the social dimension in Southern Europe does not remain untouched by European integration. In the policy dimension, our findings, however, contradict images of a “Southern laggard group” for whom the need to keep up with the EU *social acquis* is considered particularly high. In the politics dimension we see subtle change. This provides important empirical evidence for a dimension of Europeanization so far less explicitly conceptualized and researched. If these findings could be substantiated on a more systematic level, this may hint at a certain “convergence towards moderate diversity” (Falkner 2000) of political structures under Europeanization.

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