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Virtual Special Issue

Compliance with EU law

Guest editor:

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This virtual special issue examines member states' compliance with EU laws. Compliance matters because only laws that are complied with have a chance of affecting outcomes in the ways that lawmakers intended when they adopted them. In principle, non-compliant member states can be compelled to comply; if a state has not transposed a directive, citizens in the non-compliant state might secure their rights through the courts. But such legal procedures can be prohibitively expensive. Moreover, in an effectively functioning political system, actors should not have to legally coerce others to behave as a matter of course.

Many researchers in this area focus on the following descriptive and explanatory research questions: To what extent is there a compliance problem, and what explains variation in compliance? The answers to the descriptive question depend on the type of evidence and the level of analysis used. Some studies qualitatively examine the detail of states' compliance with individual provisions of a few directives, while other studies consider indirect indicators, such as delays in national transposition or infringement proceedings across a broad selection of laws. In response to the explanatory question, researchers have formulated a range of theoretical propositions. Some theories are formulated in a sociological tradition that emphasizes differences among national cultures. Other theories are formulated in a rational-choice institutional tradition that emphasises actors' policy preferences and the constraints to which they are subject. These constraints include the efficiency of national and sub-national bureaucracies and the numbers of veto points present in different national systems. Scholars are also devoting attention to the roles of the Commission and ECJ during the compliance process. Many researchers treat the EU as a testing ground for general theories of compliance from comparative politics.

JEPP has been at the forefront of this busy research area by publishing some of the most innovative and highly cited studies on these questions. The following articles illustrate the breadth of methodological and theoretical approaches that *JEPP* supports.

**The successful transposition of European provisions by member states:
Application to the Framework Equality Directive**
Asya Zhelyazkova and René Torenvlied

The role of subnational authorities in the implementation of EU directives
Enrico Borghetto and Fabio Franchino

**Comparing transposition in the 27 member states of the EU:
The impact of discretion and legal fit**
Bernard Steunenbergh and Dimiter Toshkov

**After conditionality:
Post-accession compliance with EU law in East Central Europe**
Ulrich Sedelmeier

**In search of the worlds of compliance:
Culture and transposition performance in the European Union**
Dimiter Toshkov

**Why governments comply:
An integrative compliance model that bridges the gap between instrumental and normative models of compliance**
Derek Beach

**Non-compliance in the European Union:
Pathology or statistical artefact?**
Tanja A. Börzel

**Supranational influence in EU enforcement:
The ECJ and the principle of state liability**
Jonas Tallberg

Coping with Europe: the impact of British and German administrations on the implementation of EU environmental policy
Christoph Knill and Andrea Lenschow

**Networking requirements, institutional capacity, and implementation gaps in transitional regimes:
The case of acidification policy in Hungary**
Laurence J. O'Toole