

# Reversed Economic Left-Right Party Ideology?

## Transposition of EU Legislation in Eastern vs. Western Europe

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### Abstract

The traditional partisan theory of policy outcomes predicts that leftist parties would promote state control of the economy, while rightist parties would endorse free market economy. In contrast, looking at budget spending, Tavits and Letki (2009) demonstrated that in the post-communist dual transition to democracy and market economy leftist governments in Central and Eastern European (CEE) countries pursued traditionally right economic policies, such as decreased welfare spending. This was explained with the incentives of leftist parties to dissociate themselves from their Communist predecessors and the opportunities (strong electoral support and party organisation) they had to promote unpopular, albeit necessary, austerity measures which rightist parties could not afford. The present study expands on Tavits and Letki's paper and examines more broadly the links between party ideology and economic liberalisation in new and established democracies. For the purpose, it compares the timeliness and speed of incorporating in national law the liberal economic policies of the European Union by leftist and rightist governments in both Western and CEE countries. Applying two different statistical methods (cross-classified logistic regression and Cox regression), we find that indeed in CEE member states leftist governments demonstrate eagerness to transpose such EU directives on time, which we explain with their incentives to improve their tarnished international reputation. This finding remains stable after controlling for other preference-based factors, such as governmental support for the internal market and EU trade-relatedness, as well as capacity-based factors. It has important implications for the classical party theory of policy outcomes and raises awareness to the problems of using party positions to study party behaviour.

# 1 Introduction

The traditional partisan theory of policy outcomes leads us to expect that leftist parties would promote state control of the economy while rightist parties would promote free market economy. In a recent paper, however, Tavits and Letki (2009) showed that this relationship is not unconditional. Specifically, they demonstrated that in the context of dual transition to democracy and to a market economy in post-communist Central and Eastern Europe (CEE) the political and economic preconditions have led leftist parties to pursue traditionally right economic policies, and more specifically tighter budget and decreased welfare spending. They explained this finding with the strong incentives of leftist parties to distance themselves from their communist past and improve their reputation. While leftist parties had a lot to gain from enacting austerity measures, they did not risk losing from an electoral backlash as they relied on the support of loyal voters who perceived such policies coming from the left as absolutely necessary. Expected to alleviate economic hardships, right governments could not afford such unpopular measures, albeit necessary at the time, because they could not rely on a similar well-established electorate and strong party organisation. This led to a reversal of the left-right economic politics as we know it in CEE countries, at least so long budget spending is concerned. In their concluding remarks, Tavits and Letki (2009) suggest that leftist governments in CEE countries might have even gained an issue ownership over economic liberalisation policies altogether. This paper embarks on examining this proposition, the confirmation of which would have profound theoretical implications.

To that end, the compliance of the European Union (EU) member states with the liberal economic policies the EU enacts offers a unique case for a cross-national comparative study of the positions leftist and rightist governments assume in new and established democracies. In particular, we examine how in these two settings ideological party preferences match up with parties' speed of transposing EU liberal economic policies to national legislation.

EU member states are obliged to transpose non-directly applicable European legislation (directives) to their national legal frameworks with instruments of their choice but within fixed deadlines. While full compliance involves much more than timely transposition of these directives (such as correct transposition and application), timeliness is the most easily observable element of compliance. As such, it presents the best instrument that national governments can use to signal their compliant behaviour. Following Tavits and Letki's proposition, we expect that in CEE countries leftist governments will be more eager than rightist governments to transpose EU liberal economic policies on time to portray a new and improved image to the international community. In contrast, faced with no such incentives, leftist governments in West-

ern member states are expected rather to lag behind rightist governments in the timely transposition of the EU economic policies. Although previous studies have not found evidence for an effect of governmental ideology on compliance (Jensen, 2007; Toshkov, 2007; König and Luetgert, 2009; but see Toshkov, 2008, for an exception), we hope that the direct east-west comparison afforded by the new data and our focus on economic policies only would bring some new insights into the conditions under which ideology plays a role. Alongside our main hypothesis, we examine alternative preference-based explanations and control for capacity-based explanations of transposition timeliness. Thus, we hope to also contribute to the rich literature on EU transposition in the old member states (Mastenbroek, 2003; Börzel et al., 2005; Kaeding, 2008) with some new evidence from the member states that joined the Union in 2004. While the adoption of the pre-existing EU legislation (*acquis*) in these countries has been subjected to extensive analytical research (Toshkov, 2007, 2008), relatively little is known about post-accession transposition dynamics in the CEE member states of the EU (but see Sedelmeier, 2008, 2009; Knill and Tosun, 2009).

To examine our hypothesis, we have collected data on all the economic directives adopted after May 2004 which had their transposition deadline by May 2010 inclusive. Thus, we cover the six year period following the significant eastern enlargement of the EU. We rely on a cross-classified logistic regression and Cox regression to model, respectively, the likelihood of timely transposition and the duration of the transposition process.

The results are mixed. While we find strong support for our main hypothesis, namely that governments with traditionally leftist economic positions are more likely to transpose EU economic directives on time than rightist governments in CEE countries, puzzlingly, the opposite does not hold in western EU member states. Our results are robust and hold after accounting for the significant positive effect on transposition timeliness of support for the EU internal market and governmental effectiveness, which we also find evidence for.

The paper proceeds as follows. Firstly, we present the background of our main theoretical argument and, in particular, the work of Tavits and Letki (2009) that we build on. Secondly, we offer a short overview of the EU transposition process and the main literature on the topic. We argue that the transposition of liberal economic EU directives to national law presents an excellent case to study comparatively the link between governments' economic left-right ideological positions and their stances on liberal economic policies in new and established democracies, and, specifically, in CEE and Western EU member states. Thirdly, we develop our hypotheses. The research design, models and analyses are presented thereafter. We conclude with a discussion of the broader theoretical and empirical implications of reversed left-right politics in the CEE countries.

## 2 Party ideology and economic policies

In the classical party theory leftist parties are generally associated with state control of the economy, while right parties are associated with economic liberalisation. The left-right ideology then principally refers to ‘classic economic policy conflicts – government regulation of the economy [...] as opposed to free enterprise’ (Budge and Robertson, 1987, 394–95). While overall left-right scales often cover both economic and social issues, our theoretical arguments pertain to economic policies and, therefore, when we refer to left-right party positions in this paper we mean the overall party positions on economic issues only. ‘To the extent that parties differ then, one substantial difference should be the greater propensity among parties of the left to resort to government intervention and among parties of the right to rely on the market’ (Blais et al., 1993, p.43; see also Hibbs, 1977, 1992; Schmidt, 1996; Imbeau et al., 2001).

Policy preferences, however, are not deterministic of political behaviour which is also affected by the political context. Thus, although the policy preferences of leftist (as well as rightist) parties may be quite similar in established and new democracies, the different historical context and party system in the latter can heavily affect the incentives of parties and lead them to pursue different (policy) goals.

To demonstrate this argument, while given their past leftist parties in the post-communist CEE countries might be concerned with proving that they are not communist and are able to operate in a democratic regime and free market economy, rightist parties would be rather preoccupied with establishing any reputation at all. Firstly, leftist parties in these countries could rely on a well-established electorate, which allowed them to concentrate on improving their image in the international arena. In contrast, faced with volatile electorate, rightist parties have had to devote to gathering electoral support in the domestic arena. Secondly, the different goals parties pursued have been mediated by the opportunities and constraints presented by the party systems in CEE countries. Thus, the strong party organisation (Grzymala-Busse, 2002; Kostelecký, 2002; Van Biezen, 2003) of the generally single, unchallenged parties of the Left (Curry, 2003) has helped them pursue their goals by facilitating strong common party positions which parties in the fragmented Right (Bakke and Sitte, 2005; Szczerbiak and Hanley, 2006) have struggled achieving.

These historically driven party incentives and constraints, Tavits and Letki (2009) argue, have led leftist parties in CEE countries to pursue the necessary, yet unpopular, austerity measures needed in the transition to market economy, which rightist parties could not afford. Having supported their argument with empirical data on budget spending, Tavits and Letki challenged the unconditional character of the classical partisan theory according to which leftist parties are expected to increase governmental

spending while the rightist parties are expected to decrease it. In this paper we test whether their arguments hold beyond budget spending for liberal economic policies more broadly. In particular, we embark on examining whether in their aspiration to improve their international image leftist parties in CEE countries have been able to gain an overall issue ownership over liberal economic policies. Also, have rightist parties in these countries been untruthful to their policy preferences as a result of their weak party organisation, electoral vulnerability, and the overall party fragmentation on the right of the political spectrum?

Indeed, existing studies have argued that instead of promoting economic liberalisation, rightist parties in the region have often resorted to populist policies, state intervention in the economy, and protecting citizens from economic reforms (Kitschelt, 1992; Szczerbiak and Hanley, 2006; Vachudova, 2008; Tavits and Letki, 2009). Perhaps this is not so surprising given that also in other new democracies in Latin America and East Asia of parties' policies choices have been affected by the legacies of the old regime and the introduction of free market economy (Haggard and Kaufman, 2008).

We believe that the transposition of EU directives offers an excellent case for the comparative analysis of the linkage between party ideology and policy in new and established democracies. In the following section we briefly describe the EU transposition process and present the main existing literature on the topic as well as how this study is expected to add to it. Thereafter, we proceed with developing our hypotheses.

### **3 Compliance with EU legislation: Main explanations**

The implementation process in the European Union could be defined as the transmission of legislation adopted at the EU level into the actions of member states. In other words, the policy-making process does not end after the adoption of an EU law but national and sub-national actors are obliged to enforce and apply the adopted decisions within national settings. (Börzel et al., 2005). A special example of EU legislation are directives, which stipulate the objectives that must be attained by member states, but give national authorities some degree of discretion with choosing the appropriate means to attain these objectives. As a result, directives are not directly enforceable but need to be formally incorporated into member states' legislation, a process that is referred to as transposition. In addition, the transposition process should be completed before a specified deadline. If a member state fails to meet the deadline, the delay in transposition is interpreted as a deviation from the EU law (Thomson et al., 2007).

Most EU scholars focus on delays in transposition as an indicator for member states' non-compliance with EU policies (Mastenbroek, 2003; Kaeding, 2006; Steunenberg, 2006). Other scholars argue that the successful transposition of EU directives by member states constitutes only the first stage of the implementation process, as the transposed directives need to be also properly applied by the relevant sub-national institutions (Falkner et al., 2004; Börzel et al., 2005). However, scholars generally agree that member states differ with regard to their compliance with particular EU directives.

The existing literature on EU policy implementation offers two main distinct approaches to explaining variation in compliance with EU legislation. The first approach presents non-compliance as the result of states' capacity limitations and complexity and ambiguity of EU directives (also known as the 'management' approach). Based on the literature on international relations, capacity limitations arise when a government lacks the necessary resources or cannot muster sufficient bureaucratic support to enforce an international agreement (Chayes and Chayes, 1993; Tallberg, 2002). Applied to the case of EU implementation, it has been argued that national administrative constraints prevent or slow down compliance with EU directives (Börzel et al., 2005; Thomson et al., 2007). Among such constraints, government and bureaucratic inefficiency, poverty and corruption are expected to affect member states' capabilities to process, interpret and adapt European rules into national settings (Haas, 1998; Mbaye, 2001; Jensen, 2007; Perkins and Neumayer, 2007). The link between government and bureaucratic effectiveness and compliance with EU policies is also well-established empirically in both Western and CEE member states (Mbaye, 2001; Hille and Knill, 2006; Toshkov, 2009). In contrast, capacities show no effect on compliance if operationalized with some rather general concepts like GDP, GDP per capita (Perkins and Neumayer, 2007), or available fiscal resources (Mbaye, 2001).

In addition, institutional constraints on decision-making (i.e. veto players) are also expected to slow down the national legislative process and lead to delayed transposition (Tsebelis, 1999; Haverland, 2000; Hille and Knill, 2006; Haverland and Romeijn, 2007). At the country level, indicators of institutional constraints include government composition (number of parties) (Giuliani, 2003) and ideological distance between the parties in government, which show a positive effect on transposition delays (Toshkov, 2008; König and Luetgert, 2009; Luetgert and Dannwolf, 2009). Other studies focus on co-ordination problems between national ministries within a country to explain transposition problems (Mastenbroek, 2003) or rely on a directive-specific procedural veto player index that takes into account the type of transposition measure employed by a member state. National transposition patterns shed some support for the effect of this variable on compliance (Kaeding, 2006, 2008; Steunenberg and Rhinard, 2006).

The second approach to explaining member states' non-compliance, by contrast, sug-

gests that states voluntarily choose to defect from international agreements if the perceived benefits exceed the costs of non-compliance (also known as the 'enforcement' approach) (Downs et al., 1996; Fearon, 1998). The benefits of non-compliance could be either associated with alternative priorities (given that compliance entails committing scarce resources that could be allocated to alternative uses), or policy preferences that differ from the contents of the adopted agreements. The costs of non-compliance refer to the probability of detection, perceived reputation losses and the threat of sanctions that could be imposed on violators (Tallberg, 2002). In the context of EU implementation, scholars generally refer to 'preference-based explanations' and focus on societal and government support for the EU or government policy preferences regarding particular EU directives (Thomson et al., 2007; Toshkov, 2009). Empirical results, however, provide inconclusive evidence on the influence of preference-related factors on compliance problems. For example, studies have shown that there is no relationship between societal attitudes toward the EU and member states' implementation performance (Lampinen and Uusikyla, 1998; Kaeding, 2006; Börzel et al., 2007). While government support for the EU is a more direct indicator of a member state's willingness to adopt the EU rules, studies applied to data on the old 15 member states report no effect of this variable on compliance (Jensen, 2007; Linos, 2007; König and Luetgert, 2009). Interestingly, government support for the EU positively influences compliance with the *acquis* in CEE countries (Toshkov, 2007, 2009). This finding holds if either general and policy-specific government EU attitudes are used (Toshkov, 2007).

Another prominent indicator of member states' general willingness to comply with EU legislation relates to the economic benefits that countries gain as a result of their membership in the European Union (Perkins and Neumayer, 2007). Specifically, member states that depend more in their trade on other EU partners are likely to benefit more from Europe-wide rules and, hence, these member states are more likely to comply with their EU requirements. Studies report positive effect of a country's intra-EU trade relatedness on compliance both in Western and CEE member states (Perkins and Neumayer, 2007; Knill and Tosun, 2009). In addition, results also show that applicant countries are more likely to transpose trade-related legislation on time (directives referring to trade barriers) (Toshkov, 2008).

Some researchers have attempted to study the effect of government preferences (or incentives to deviate) in regard to specific pieces of legislation on member states' compliance. For example, Thomson et al. (2007) find that the larger the distance between member states' positions during the EU decision-making process and the decision outcome on the policy scale, the higher the probability that the Commission will send a 'reasoned opinion' for this particular case. Other studies test whether a vote against a directive would result in transposition problems, but find no effect (Falkner et al., 2004; Linos, 2007).

Finally, studies on EU compliance also include general ideological and socio-economic government positions as preference-based explanations. Interestingly, empirical analyses on the implementation performance of the old 15 member states strongly suggest that there is no relationship between government positions on the left–right dimension and compliance with EU directives (Jensen, 2007; König and Luetgert, 2009). Focusing only on EU social policy, Toshkov (2007) also finds no effect of party ideology on the transposition of the EU acquis by CEE applicant countries. However, in a study on an extended list of policy areas, Toshkov (2008) finds that CEE governments leaning towards the right on the ideological spectrum are more likely to complete the transposition of the EU acquis on time. In addition, his findings reveal that this effect is stronger for internal market policies.

This article develops and tests explanations grounded in the preference-based approach to compliance problems, while controlling for capacity-related factors. We argue that the influence of countries’ willingness to transpose the EU directives is conditional on left and right governments’ reputational incentives, which are not necessarily the same in Western and CEE member states. In the next section we develop this theoretical argument and our hypotheses in light of our discussion of left-right politics in CEE countries above.

## 4 Theory and hypotheses

In this section we develop our hypotheses about the factors driving timely transposition. We first link research on EU directives transposition to our main research question, namely whether leftist parties in CEE countries have gained an issue ownership over liberal economic policies instead of rightist parties. We adapt the arguments of Tavits and Letki (2009) regarding budget spending to economic liberalisation more generally. Specifically, in contrast to classical theoretical accounts linking party ideology to economic policy outcomes, we expect that leftist governments in CEE countries would appear (but would not necessarily be) more eager to transpose on time EU directives pertaining to liberal economic policies than rightist governments. This is driven by their desire to present themselves as modernised parties committed to economic liberalisation as opposed to tight control of the economy, which their communist predecessors maintained. Backed by a stable electoral support and strong party organisation, leftist parties are in a good position to promote such policies. In contrast, faced with no such reputational needs, rightist governments do not have similar incentives to transpose directives timely. Furthermore, given that the EU is often criticized as being an elitist neoliberal project, rightist governments would be more cautious than leftist governments with enthusiastically endorsing top-down im-

posed EU liberal economic policies with direct or indirect distributive consequences because, being seen as the instigators of such policies, they are more susceptible to voters' criticism.

As Tavits and Letki (2009, p.567) argue '[m]ajor policy reforms are likely to be considered more acceptable when [...] proposed by parties who are not the natural proponents of such policy decisions [...] because it is considered as harmful for their constituency and their reelection prospects.' (see also Walster et al., 1966; Ross, 2000). Rightist governments in CEE countries cannot afford supporting unpopular policies since rightist parties are relatively new as compared to leftist parties and can rely only on weak internal organisation and cohesion and volatile electoral support.

As a result of the different incentives and constraints leftist and rightist parties in CEE countries face we expect leftist governments to be more likely to transpose on time EU directives than rightist governments in these countries. This hypothesis refers to timely transposition only, which serves as a 'cheap' signalling tool, and does not imply that leftist government would then go on to correctly transpose and apply the liberal economic directives they adopt.

H1a: In CEE member states of the EU, the more leftist the position of a government on the economic left-right ideological dimension, the more likely it is that it will transpose EU economic directives on time.

Following the classical partisan theory, the opposite can be expected in Western EU member states. All of them are old democracies in which the well-established main rightist and leftist do not face diametrically different incentives and constraints as in the new CEE democracies and can freely pursue their actual policy preferences.

H1b: In Western member states of the EU, the more rightist the position of a government on the economic left-right ideological dimension, the more likely it is that it will transpose EU economic directives on time.

It could be argued that the influence of political ideology on transposition is accounted for by other factors related to member states' willingness to implement the EU policies. More precisely, governments' reputational incentives to show commitment to the EU internal market could be the result of their general positive predisposition towards the EU, as well as dependency on the proper functioning of the internal market. Thus, it is important to include other preference-based explanations in the theory and analysis of the transposition of economic directives by member states.

First, governments that are more favourable to EU internal market policies are likely to put the transposition of EU economic policies higher on the political agenda than governments that show less support for the EU internal market. Governmental preferences can largely determine the speed of the transposition process, which requires the

mobilization of scarce resources (e.g. ministerial involvement, new legislative output) that could instead be used to address more pressing national problems. Therefore, we hypothesise that:

H2: The more a government supports the EU internal market, the more likely it is that it will transpose EU economic directives on time.

Second, government willingness to transpose the EU economic directives could also depend on the direct rewards that member states obtain from the proper functioning of the internal market. The economic gains from EU membership are generally associated with a country's trade relations with other members of the EU. More precisely, EU member states have benefited from intra-EU trade relations through both the abolition of tariff barriers and the harmonization of national standards that might have otherwise acted as barriers to trade. The economic benefits are associated with the free movement of goods and services facilitated by market liberalisation policies and reduced transaction costs as a result of legal harmonization of national standards. However, member states differ in the extent to which their economies depend on trade with their EU counterparts (Perkins and Neumayer, 2007; Knill and Tosun, 2009). For example, the EU could be economically less relevant for countries with higher relative importance of trade relations outside the EU. In addition, trade relations could be downplayed by the existence of sizable domestic economy in a particular country (Jovanovic, 2005). The economies of other member states, in contrast, could be more strongly integrated into the Common Market (Knill and Tosun, 2009). Consequently, it is expected that member states that are more dependent in their trade on other EU partners are likely to benefit more from Europe-wide rules (Perkins and Neumayer, 2007).

Applied to the EU implementation process, higher intra-EU trade dependency is expected to positively influence the timely transposition of EU directives related to market liberalisation and the harmonization of economic standards. The logic is straightforward. If an EU country extensively trades with other member states and, hence, benefits from the EU-wide economic directives, the government is more likely to support the transposition of these directives. Furthermore, the level of intra-EU trade dependency could also influence the reputational incentives of member states' governments. Countries that are economically strongly dependent on their trade linkages within the Common Market will be more eager to please the EU in order to strengthen their reputation as reliable trading partners (Knill and Tosun, 2009). In this case, timely transposition is crucial since delays could signal a government's lack of commitment to the Common Market rules.

H3: The more a member state is economically dependent on trade relations within the EU, the more likely it is that it will transpose EU economic directives on time.

## 5 Research Design

### 5.1 Data

The hypotheses of the present study are tested using data on the transposition performance of EU member states with respect to directives related to economic liberalisation and harmonization of economic standards.

To be included in the sample, directives should not have been adopted before May 2004 when eight CEE countries joined the EU. In addition, we could not include directives with deadlines later than May 2010, which is the period that allows us to study transposition delays. Thus, the dataset covers the whole period for which there is available data on CEE and Western member states. The sampled directives cover three policy areas: internal market (11 directives), economic and monetary affairs (16 directives) and energy and industry (4 directives). Also, we excluded directives with purely technical character, namely codifications, directives that simply introduce the regulatory procedure with scrutiny, and repeals that did not require transposition. After close reading we further excluded three directives which did not relate to issues of economic liberalisation or harmonization of economic standards.<sup>1</sup> The final sample includes 28 substantive economic directives with EU adoption dates and transposition deadlines within the specified time period.

Finally, the present study uses information on 22 EU member states. Malta, Cyprus and Luxembourg were excluded from the analysis since there is missing information from expert surveys on one of the key independent variables, namely government support for the internal market. In addition, Bulgaria and Romania were excluded because these countries only entered the EU in 2007 and all the directives they adopted before this date were part of the accession criteria for their membership.

### 5.2 Dependent variables

The current research employs two dependent variables in accordance with the two different methods of analysis we employ in order to check the robustness of the results. The data on both dependent variables was collected using the EurLex database, which reports the transposition measures notified by national authorities to the Commission. It is a common practice that member states report more than one national measure

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<sup>1</sup>The three excluded directives are CNS/2004/0079, COD/2007/0168 and COD/2007/0187. Two of the three excluded directives required almost no policy adjustments from the member states and merely repealed existing EU legislation.

for the transposition of a particular directive. We employ information on the first reported transposition measure to compute the dependent variables.<sup>2</sup> There is currently a debate in the literature on non-compliance about the usefulness of drawing conclusions about the implementation process on the basis of the earliest transposition date (König and Luetgert, 2009). However, our choice is motivated by theoretical considerations. More precisely, the focus of the present study is on the eagerness of member states to demonstrate their allegiance to the EU principles to both the Commission and other member states, rather than actual compliance with the EU standards. Starting the transposition process on time sends the right signal to the rest of the Community members that a country is committed to the goals of a directive.

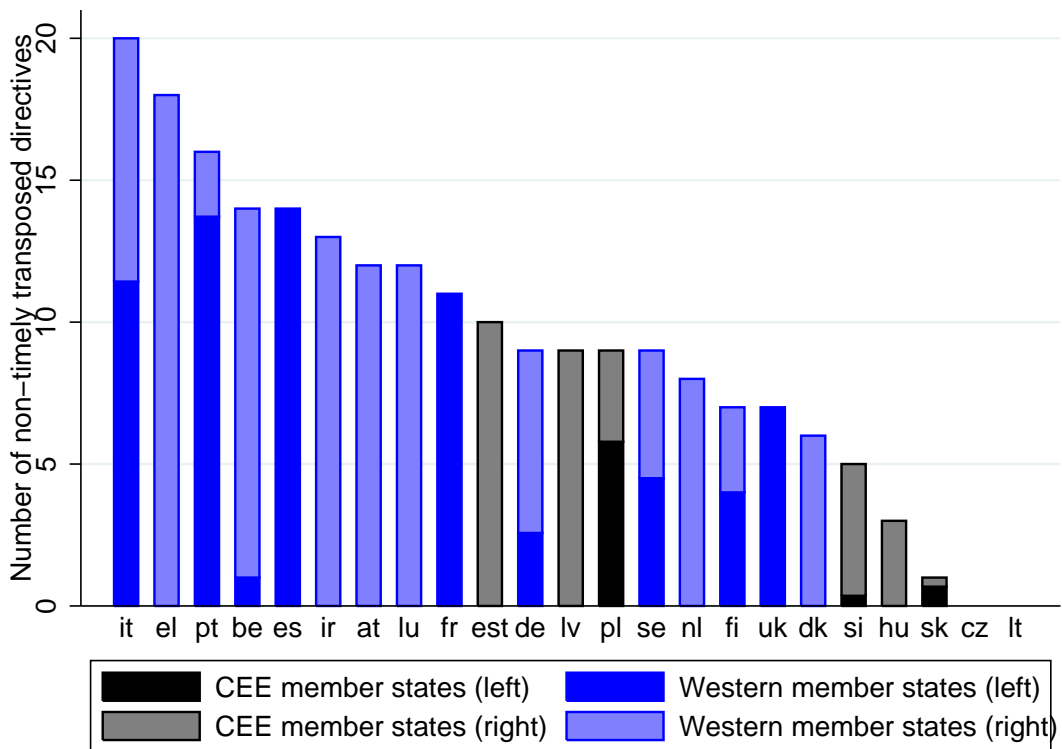
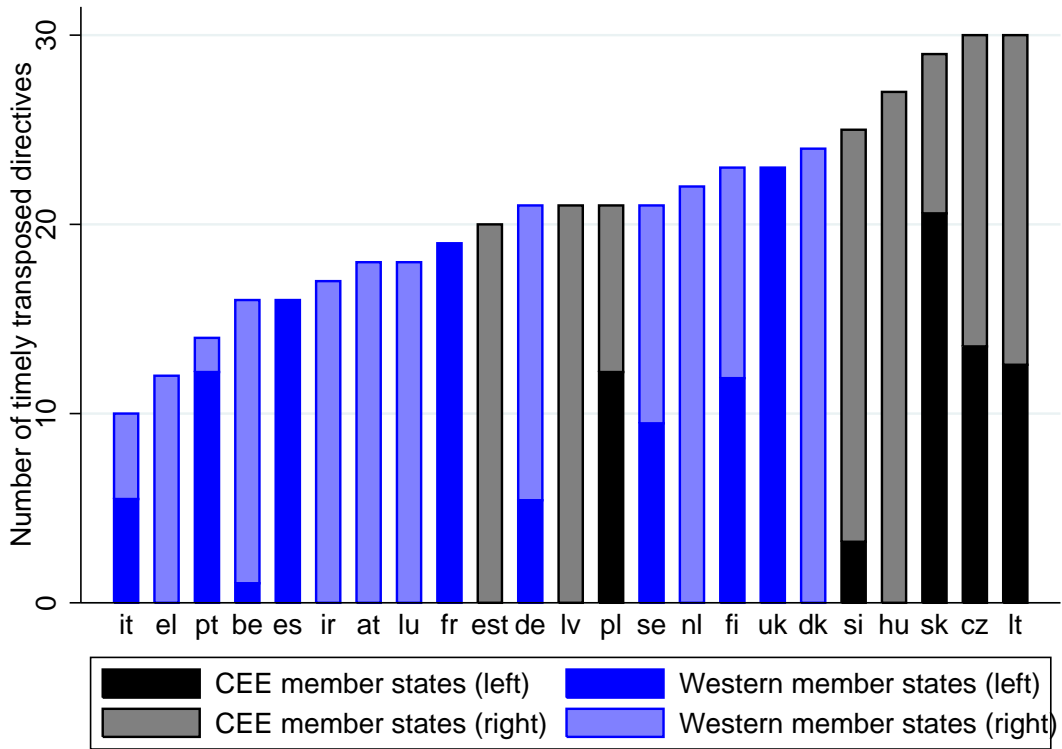
In cases where there was missing information about the date of the notified transposition measure, we consulted national sources to obtain the exact date in which the relevant legal act was published in the official national journal. On the basis of the information provided by both EU and national sources, we computed two dependent variables.

The first dependent variable employed in the main analysis records whether a member state notified the Commission of a transposition measure within 6 weeks of the deadline (coded as 1) or not (coded as 0). Thus, we exclude very short delays that would not have had any consequences on the international reputation of governments. In Figure 1 we present the distribution of the dependent variable, and, more specifically, the number of timely and non-timely adopted economic directives by leftist and rightist governments in CEE and West member states of the EU in the examined period.

The second dependent variable in this study is not used to test directly our hypotheses but rather to cross-validate the findings on the first dependent variable. It captures the duration of the transposition process measured in weeks from the date of adoption of a directive by the EU until the date of the earliest reported transposition measure by each member state. In a number of occasions (18 cases), a member state had not notified a transposition measure to the Commission by the end of the study. For these, censored cases, transposition duration was calculated as the number of weeks between the EU adoption date and the date at which the EurLex databases were last consulted (11 October, 2010).

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<sup>2</sup>We further verify our findings using a dependent variable considering the first measure after the adoption of a directive instead. The results of the analyses using the different versions of the dependent variables are comparable.



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**Figure 1:** Number of timely and non-timely transposed economic directives by leftist and rightist governments in CEE and West EU member states (2004-2010). Own calculations based on EurLex.

### 5.3 Independent variables

To measure the variables on government positions and preferences, we first identified the parties in power between May, 2004 and the end of 2010 using the database of Döring and Manow (2010). Government positions on the economic left–right dimension are computed on the basis of data on expert ratings provided by the 'Party Policy in Modern Democracies' project (Benoit and Laver, 2007). The measure for government support for the internal market was obtained from the Chapel Hill expert survey on party positions (Marks and Steenbergen, 2004).<sup>3</sup>

For both variables, the positions for coalition governments were calculated by weighting the score for each party participating in the government by its relative share of votes, i.e. the proportion of governmental seats in parliament it held, and adding the weighted scores to form the average government position. The two variables, however, obtain different scores in the two analyses. For the main analysis on transposition timeliness (first dependent variable), we included the government positions at the time of adoption of each directive by the EU. Thus, these variables vary both across member states and directives, but do not vary over time within the same member states. In the secondary analysis on the duration of the transposition process (second dependent variable), these variables are allowed to vary with time (time-varying covariates). In other words, we take into account changes in government and government positions in a member states between the adoption of a directive and its transposition.<sup>4</sup>

In order to be able to test our main hypothesis, we included a dummy variable indicating whether a member state is a Western country. This variable is interacted with government position of the left–right dimension in the statistical models.

Following previous research, the data on trade within the EU has been extracted from the Direction of Trade Statistics of the International Monetary Fund (IMF) (Knill and Tosun, 2009). Similar to Perkins and Neumayer (2007), we measure a country's trade

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<sup>3</sup>Using expert ratings of party positions may be criticized on the basis that they capture not only parties stated or true policy positions but also their behaviour. This, in fact, is what increases the validity of this measure in our study. If the measure is contaminated with party behaviour then the risk of having parties wrongly assigned as leftist decreases. This is because experts would have picked on overtly rightist behaviour on economic policies and rated parties exhibiting such behaviour as rightist. Further, the impact of the transposition of EU directives on party behaviour is unlikely to be tangible enough to shape experts' ratings. We used two expert surveys since the measures for economic left-right position and support for the internal market were highly correlated in the Chappel Hill dataset.

<sup>4</sup>Unlike previous operationalizations of government positions, we avoided taking the average of the positions of all governments for the whole transposition period (Toshkov, 2007). This approach would have reduced variation and underestimated ideological differences between governments. Furthermore, the measure would be biased towards the mean in countries that sustained a governmental change and towards the 'extremes' in countries that did not sustain a change.

dependence on other EU member states by using the share of intra-EU trade as a percentage of the overall world trade of a member state. This variable is also measured differently in the two analyses. For the main analysis, the measure is averaged for the whole transposition period, while it is time-varying in the survival models.

## 5.4 Controls

The following analyses also control for characteristics related to member states' capacities and constraints to transpose the EU directives on time. For example, bureaucratic efficiency of a country is one factor that is often used to account for the general ability of member states to comply with EU legislation (Toshkov, 2008; Thomson, 2009). The measure was developed by World Bank researchers and contains a number of important government characteristics such as the quality of public and civil services as well as policy formation and implementation, the degree of independence of civil servants from political pressure, etc. (Kaufmann et al., 2009). In addition, we used the number of parties in government to control for constraint mechanisms that could influence the abilities of member states to transpose the EU directives. The data for this variable was obtained from the Döring and Manow (2010) dataset on parties and elections. Both control variables are time-varying in the secondary analysis, but are measured at the time of a directive's adoption (number of parties) or averaged for the whole transposition period (bureaucratic efficiency) in the main analysis.

Finally, we also control for directive-level differences in the likelihood and the duration of transposition delay. Thus, the analyses test the effect of number of recitals in a directive as an indicator for complexity of EU legislation. Recitals precede the body of a directive and give the reasons behind the different provisions (Kaeding, 2006). A large number of recitals indicate that a directive has an extensive scope of requirements and addresses a high number of important issues (Toshkov, 2008). In addition, the statistical models take into account whether a directive is amending (coded as 1) or new (coded as 0). It is generally expected that amending directives are easier to transpose and take less time to incorporate in the national legal system (König and Luetgert, 2009; Luetgert and Dannwolf, 2009).

## 5.5 Methods of Analysis

To test hypotheses on the timeliness likelihood and duration of member states' transposition of economic directives by Western and CEE member states, we employed two different statistical models. First, the present study applies binomial logistic regression as the main method of analysis of the likelihood of timely transposition of a directive

by a member states. In addition, we applied cross-classified design to account for the dependence in the observations at the level of the member state and at the directive level. Cross-classified design is well suited for the analysis in the present study because (1) different member states are transposing the same EU directives and (2) different directives are being transposed by the same member states. This implies that an appropriate statistical model should control for the variation in member states' compliance created by the crossing of two random factors (directives and member states) (Raudenbush and Bryk, 2002).

To check for the robustness of the effects, we also applied Cox regression analysis on the duration of the transposition from the adoption of the directives until the first national measure was notified to the Commission. Cox regression is an event-history modelling technique (also known as survival analysis). It allows us to study the probability that a particular directive will be transposed in any given week on the condition that it has not been transposed yet. In survival analysis this probability is referred as to the 'hazard rate'. Furthermore, the Cox model is useful since it allows to estimate the effects of independent variables on member states' transposition without having to assume a specific parametric form for the distribution of time until an event occurs (Golub, 2007; Cleves, 2008). In addition, this model easily allows for the inclusion of 'censored' cases (Mastenbroek, 2003; Thomson et al., 2007). These are cases in which no transposition measure was reported before the end of the study. Applying survival analysis to the study on transposition delay is also useful, since it allows us to incorporate time-varying covariates (TVCs) into the analysis. The Cox model is particularly well-suited to include TVCs because estimations of the hazard rate are only made at the time an event occurs ('failure times') (Box-Steffensmeier and Jones, 2004) As a result, no additional computations are necessary to arrive at a proper interpretation of the coefficients of TVCs. In the case of transposition duration, the coefficients of all TVCs are estimated at the time of transposition of a particular EU directive by a member state. In addition, to accommodate the multilevel structure of the data, we applied a Cox regression model with a shared frailty factor. Frailty models are the survival data analogy to regression models that account for heterogeneity and random effects. As a result, the interpretation of the shared frailty is analogous to the interpretation of random effects in the logistic regression model. However, unlike logistic regression, it is not possible to fit two random effects at the same time in survival analysis. Thus, the event-history analysis in the present study controls for unobserved directive-level characteristics. While we also fitted a model controlling for random effects at the member-state level, the variance component of the shared frailty was not significantly different from zero. This implies that the duration of national transposition is not affected by unobserved member-state characteristics.

While survival analysis enables us to include time-varying covariates into the analy-

sis, it is important to note that the models provide estimates on the speed of member states' transposition performance in general rather than the likelihood of transposition delays. Therefore, we consider the logistic model more relevant for the goals of the present study and report the results from the Cox model only to test the robustness of our findings by using a different dependent variable and time-varying measures of the independent variables.

## 6 Results

Table 1 presents the results on the likelihood that member states will notify transposition of the EU economic directives on time. The coefficients indicate the average change in the likelihood of timely transposition of a directive due to changes in the values of a given independent variable controlling for the effect of the other variables. A positive sign of the coefficients indicates that higher values of the independent variables increase the probability that member states will not exceed the transposition deadline by more than 6 weeks, while a negative sign shows that the probability of timely transposition decreases. The coefficients, however, do not indicate the precise size of the effect for a change in a given variable  $x_i$ , since the change in the probability due to an increase in the level of this variable depends on the levels of all factors in the analysis (Long, 1997). The first model (1) tests our hypotheses on all 22 member states. To test whether the results are robust for different groups of countries, we also report the effects of the independent variables separately for CEE and Western member states separately, respectively, in Models 2 and 3. It is important to note that while Model 1 takes into account the cross-classified design of transposition data, the split-sample models report random effects at the directive level only. The latter contain information on fewer countries (8 CEE and 14 Western member states respectively), and adding a random effect at the member state level will reduce the power of the analysis. In addition, the variance components of the member states are not significant, as discussed in the methods section.

We test our main hypothesis by including an interaction effect of government left-right economic position and the variable indicating whether a member state is Western or a CEE member state. It is important to note that the model reports only the coefficient of the variable 'government position on the economic left-right dimension' for CEE member states (west = 0), while the effect of the variable in Western countries should be additionally estimated by combining the "main" effect with the interaction term (Brambor et al., 2005). The results in Table 1 show that government left-right economic position significantly influences the likelihood of timely transposition in CEE member states. More precisely, the significant negative coefficient of this variable il-

Table 1: Crossed effects multi-level logistic regression of timely transposition

VARIABLES	(Model 1) Full model	(Model 2) CEE	(Model 3) West
Economic left-right	-0.451* (0.184)	-0.626** (0.210)	-0.112 (0.110)
West	-4.392** (1.182)		
Economic left-right*West	0.238 (0.198)		
Internal Market support	0.611** (0.210)	1.266** (0.325)	-0.0932 (0.320)
Intra-EU trade	-2.029 (2.131)	5.602 (5.245)	-4.170 (2.203)
Governmental effectiveness	1.738** (0.315)	-0.242 (1.189)	1.741** (0.305)
Number of govt parties	-0.0105 (0.0919)	-0.269 (0.310)	-0.109 (0.101)
Recitals	-0.00810 (0.0101)	-0.0174 (0.0121)	-0.00286 (0.0106)
Amending	-1.209* (0.475)	-1.098 (0.594)	-1.235* (0.499)
<i>Random effects</i>			
$\sigma^2$ (directive level)	1.125 (0.436)	0.760 (0.678)	1.077 (0.239)
$\sigma^2$ (member state level)	0.039 (0.127)		
Wald $\chi^2$	66.54	21.44	37.70
Log-likelihood	-283.6	-76.63	-207.9
Observations	590	217	373
Number of directives	28	28	28
Number of countries	22	8	14

Standard errors in parentheses

\*\* p<0.01, \* p<0.05

illustrates that more rightist governments in CEE member states are less likely to notify the European Commission on time of national transposition measures. This finding is in congruence with the prediction in Hypothesis 1a. In addition, the effect of left-right economic position of the governments in CEE countries holds after controlling for governmental support for the internal market. In other words, the relationship between governments' timely transposition of liberal economic policies and their overall political ideology does not occur simply because leftist governments might be more pro-European and therefore comply with EU legislation. This finding diverges from research on the adoption of the EU acquis in candidate CEE countries (Toshkov, 2008, 2009). Arguably, since the adoption of the acquis was a condition for EU accession it was a priority for both leftist and rightist governments. After accession, however, we argue that the reputational incentives of leftist parties have remained while the priorities of rightist parties have shifted to the national arena. Rightist parties do not need to assert their position as viable partners in the international community by proving that they are 'suitable for and committed to a democratic capitalist state' (Tavits and Letki, 2009, p.556). To test hypothesis H1b, the effect of governmental left-right economic position on the likelihood of timely transposition in Western member states was also computed (west = 1) on the basis of the estimates provided in Table 1. We observe that the effect of government position on the economic left-right dimension is also negative for Western member states. However, the coefficient is not significant under  $p < .05$ . Furthermore, the split-sample analyses confirm that political ideology does not explain transposition timeliness in Western member states. This finding is congruence with results from previous studies, which have found non-significant effect of government positions on the left-right dimension on EU compliance in the old 15 member states (König and Luetgert, 2009).

To evaluate the size of the effect of governmental ideology, in Figure 2 we present the marginal effect of governmental left-right economic position on the probability of timely transposition while holding the other independent variables at their means. The figure illustrates this effect separately for CEE and Western member states. The shaded regions represent the confidence intervals around the estimates. Although the observable range of left-right governmental positions in all countries is between 2.8 and 8.2, the model allows for predictions outside this boundary. These predictions may be interesting for theoretical reasons and, therefore, the whole hypothetical range of ideological positions is explored. While the probability of timely transposition decreases for both CEE and Western member states as a government's position on economic issues moves from left to right, the confidence intervals for the effect in Western countries are much wider in line with the insignificant result for this effect in Table 1. In contrast, the predicted probability of timely transposition by leftist governments in CEE countries on average equals to nearly 1 in the whole hypothetical and observable left-right range. Overall, this provides strong evidence of Hypothesis

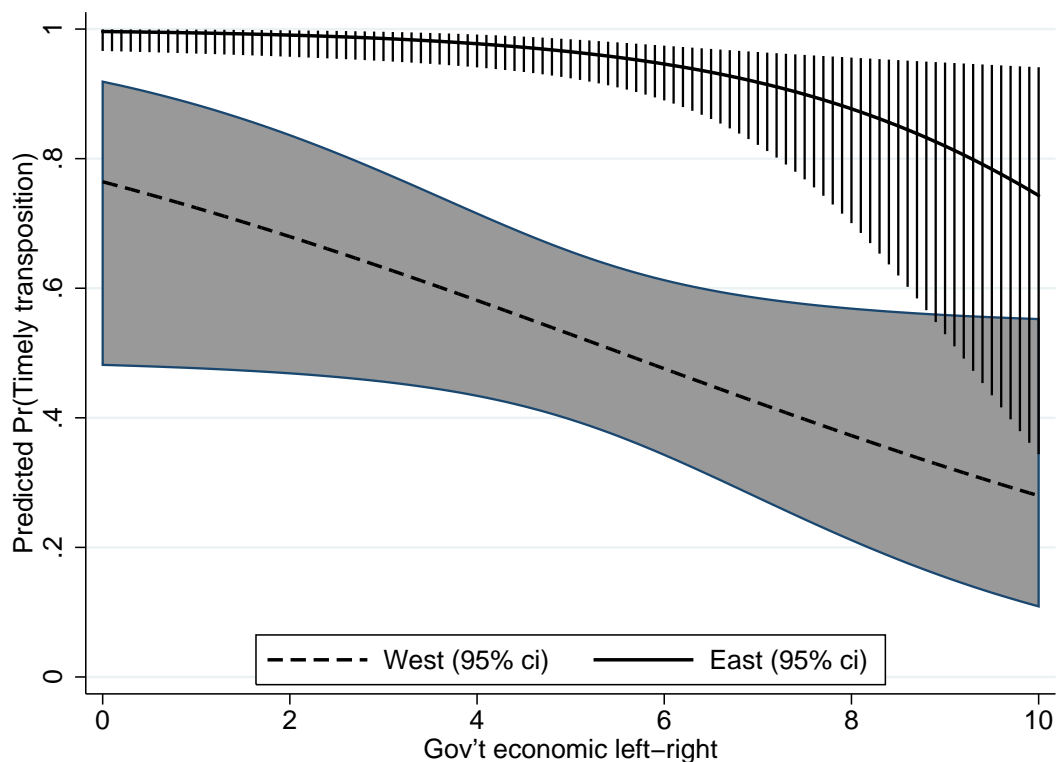


Figure 2

1a and weak support for Hypothesis 1b.

The results from Table 1 reveal interesting findings with regard to the effects of the other independent variables included in the analysis. First, both Table 1 and Figure 2 show that Western member states are less likely to start the transposition process on time than CEE member states, controlling for the other variables in the analysis. This finding lends support to recent studies illustrating that new member states are the leaders, rather than the laggards in the legal incorporation of EU directives (Sedelmeier, 2008). In addition, we also observe a significant effect of government support for the internal market on the likelihood of timely transposition in line with Hypothesis 2 (see Figure 3). However, the split-sample models show that this effect is only present in CEE member states and not in Western member states. In contrast, the effect of governmental or bureaucratic efficiency on member states' timely transposition performance is significant only for Western member states and not for CEE countries. These findings point out the possibility of different mechanisms driving the transposition process in Western and CEE member states. More precisely, preference-based explanations seem to explain the transposition performance of CEE member states in the short period after their accession to the EU. In Western member states,

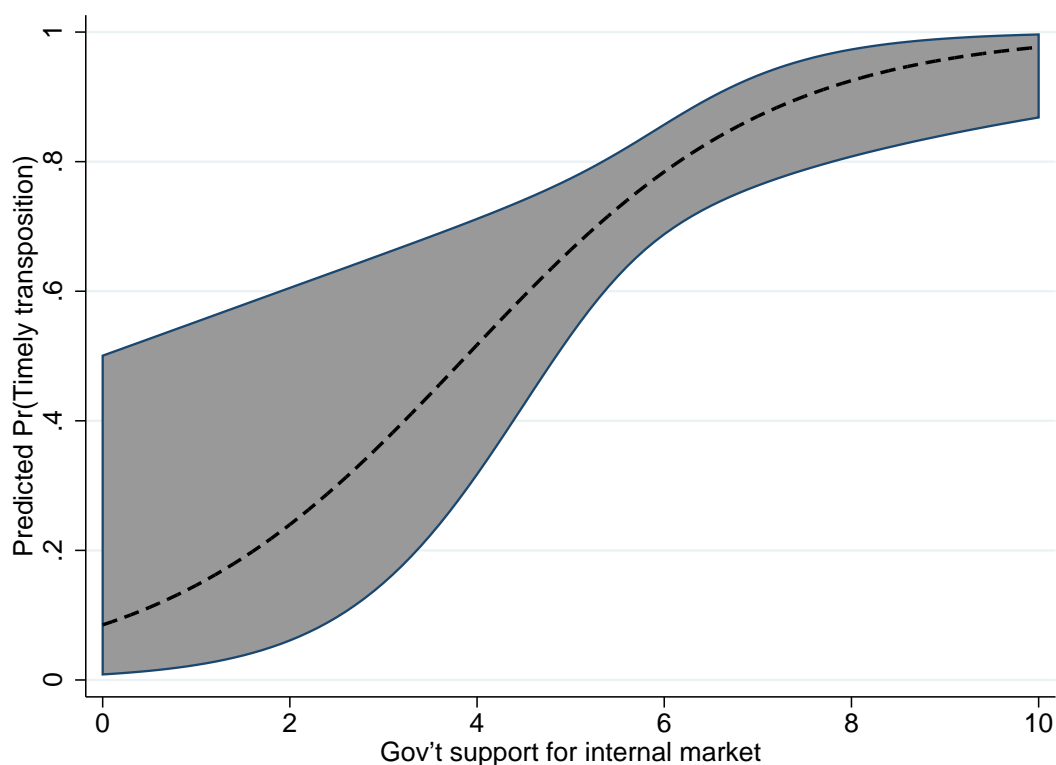


Figure 3

by contrast, differences in the administrative capacity of national governments appear to be more relevant.

Based on the analyses in Table 1, intra-EU dependency does not significantly influence the likelihood of timely transposition by member states. Thus, we do not find support for Hypothesis 3 that member states would be more willing to transpose the EU directives on time if they anticipate benefits from trade relations with other EU countries. The number of recitals does not influence the likelihood of timely transposition either. In contrast, we observe significant differences between new and amending directives. Contrary to general expectations, however, the results in Table 1 show that amending directives are more likely to experience delays in transposition than new directives. One possible explanation for this finding is that national policy-makers might find it more difficult to adapt their existing legislation to changes introduced by amending directives as they have to revisit past discussions on how to implement the respective directives. New directives, on the other hand, could be transposed laterally by national authorities if a member state does not have any existing legislation addressing the goals of the EU directives.

To check for the robustness of the results in Table 1, we also applied Cox regression

Table 2: Cox regression analysis on the duration of member states' transposition

VARIABLES	Model	Hazard ratios
Economic left-right	-0.143* (0.0591)	0.867* (0.0512)
West	-1.168** (0.404)	0.311** (0.126)
Economic left-right*West	0.0483 (0.0704)	1.050 (0.0739)
Internal Market support	0.0456 (0.0876)	1.047 (0.0917)
Intra-EU trade	-0.272 (0.806)	0.762 (0.614)
Governmental effectiveness	0.552** (0.121)	1.736** (0.210)
Number of govt parties	-0.0265 (0.0412)	0.974 (0.0401)
Recitals	-0.00605 (0.00830)	0.994 (0.00825)
Amending	-0.961* (0.387)	0.383* (0.148)
Observations	975	
Number of groups	28	
Number of subjects	568	
Shared frailty directive-level $\theta$	0.768***	
Wald $\chi^2$	62.98	
Log-likelihood	-2885	

Standard errors in parentheses

\*\* p<0.01, \* p<0.05

analysis on the effect of the main variables and controls on member states' speed of transposing the EU directives. Table 2 presents the results from the Cox model. The coefficients estimate the change in the hazard that a directive will be transposed at a particular week due to one unit change in the independent variables. Thus, a positive sign in the coefficient refers to an increase in the hazard ratio of transposition due to an increase in the relevant independent variable. A negative sign refers to a decrease in the transposition rate. The exponent of each coefficient represents the proportional change in the hazard rate based on a one-unit increase in the value of the relevant independent variable.<sup>5</sup> Additionally, Table 2 shows that the variance component of the shared frailty factor (theta  $\theta$ ) is significantly larger than zero in the Cox model. This result implies that the duration of transposition in member states is significantly correlated when they are implementing the same directive. Thus, the hazard ratios should be interpreted conditional on the shared frailty (that is, the directive-specific random effects).

Similar to what we find in the cross-classified logistic model, the Cox model in Table 2 shows that governments positioned more to the right of the economic left-right ideological dimension take more time to transpose the EU directives than leftist governments in CEE member states. More precisely, one unit shift to the right on the economic left-right dimension decreases the hazard of transposition by 13.3 per cent in CEE member states ( $100 \cdot (1 - 0.867)$ ). In addition, contrary to the results in the main analysis, the negative effect of political ideology is also significant in Western member states ( $p = .041$ ). In Western member states, one unit shift to the right on the left-right ideological scale decreases the hazard of transposition by 9 per cent (hazard ratio = 0.91). Thus, the results show that while there are no significant differences between leftist and rightist governments in the likelihood of timely transposition in Western member states, rightist governments take more time to transpose the directives in both CEE and Western member states. Additional model specifications showed, however, that the effect of government economic left-right position in Western member states runs through bureaucratic efficiency, which is not the case in CEE countries.

Table 2 also presents the effects of the other independent variables on member states' speed of transposing EU directives. Similar to the previous analysis, we observe that CEE countries take less time during the transposition process. Western member states

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<sup>5</sup>Another important characteristic of the Cox model is the assumption that the effects are proportional over the different values of the independent variables. In this study, we apply the Grambsch and Therneau test for proportionality, which is the most widely accepted test. The results from the test show that the effects of all independent variables are proportional with the exception of the two directive-level variables: number of recitals and the variable indicating whether a directive is amending previous EU legislation or not. Given that these are only control variables and the coefficients of the other factors did not change substantially after excluding directive-level factors from the analysis, this is not considered to be problematic for the interpretation of the main results.

have 69 per cent lower risk of transposition at any given week than CEE member states. In addition, it is interesting to note that government support for the internal market does not influence the transposition speed in member states. The same holds the effect a country's relative trade dependency on the other EU member states.

Similar to the previous analysis, bureaucratic efficiency significantly affects the hazard of transposition by member states.<sup>6</sup> As showed in Table 2, one point increase in the scale of this variable increases the hazard of transposition by 74 per cent. Again, we do not observe significant effect of number of parties in government and number of recitals in a directive on transposition speed.<sup>7</sup> Similar to the finding from the cross-classified logistic model, amending directives take on average more time to transpose.

## 7 Discussion

In their seminal article on party ideology and policy in Post-Communist Europe Tavits and Letki (2009, p.567) concluded that:

*the ideological adaptation and evolution stemming from the incentives and opportunities of the Left to gain issue ownership of economic liberalization may extend beyond budgetary policies and shape the nature of party competition more generally.*

This paper finds evidence for their proposition in the comparative study of the transposition of EU directives. In particular, it demonstrated how parties in CEE countries perceived as economically leftist may be promoting rather right economic policies when that fits better with their broader political goals and the opportunities and constraints the political context presents. This is driven by leftist parties' incentives to improve their reputation and distance themselves from their communist past in these countries. Transposing in a timely manner EU directives pertaining to economic liberalisation, which are mandatory to transpose anyway, presents a 'cheap' opportunity for them to derive reputational benefits. Moreover, these benefits come at a low cost back home since leftist parties appear as simply fulfilling their obligations by implementing EU policies they are normally not linked to and did not necessarily enact. In contrast, the different priorities of the mostly recently created

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<sup>6</sup>However, it is important to note that based on alternative model specifications the effect of bureaucratic efficiency is only significant for Western countries and has no effect on the speed of transposition in CEE member states.

<sup>7</sup>However, the effect of the number of recitals is time-dependent. Given that the purpose of this study is not to explain member states' transposition speed per se, we will not discuss the effect of number of recitals at different weeks.

rightist parties, namely establishing a stronger electoral base back home, appear to have limited their readiness to swiftly transpose EU economic policies even though these policies closely match their preferences. So does their increased susceptibility to voters' punishment for enforcing top-down neo-liberal EU economic policies with non-universally beneficial consequences, with whose enactment rightist parties are naturally associated.

These findings add the problem of using measures of perceived party position to the issue of using stated party positions to study political behaviour that Tavits and Letki (2009) identified. While arguably expert party positions capture not only parties' stated positions (e.g. in party manifestos and electoral programmes) but also their perceived political behaviour, they do not seem to match their observed behaviour, at least so long the transposition of EU liberal economic policies is concerned.

Having relinquished the issue ownership of economic liberalisation to leftist parties, rightist parties in CEE countries might instead have focused on sociocultural issues (Tavits and Letki, 2009), such as nationalism, religiosity, decommunization, and minority rights (Hanley, 2004; Kitschelt et al., 1999; Marks et al., 2006; Tworzecki, 2003; Vachudova, 2008). If so, this is likely to be expressed in a different pattern of transposition of EU directives related to such sociocultural issues by rightist and leftist governments in CEE countries. This remains a topic for future research.

The prediction that rightist governments in Western member states are more likely to transpose the EU directives on time (relative to leftist governments) is not supported by the analyses. More precisely, the analysis of transposition duration showed that rightist governments in Western member states take longer to notify the Commission of a national transposition measure. While it appears that this relation runs through bureaucratic efficiency, future research should shed more light on the precise mechanisms driving the effects of political ideology in Western member states.

The findings of the present study also contribute to the literature on compliance with EU directives. More precisely, we find that CEE member states are mainly driven by reputational incentives in their transposition behaviour, while Western member states react to administrative capacity to meet the EU requirements on time. This finding raises the question whether EU transposition means different things in CEE and Western member states. Timely transposition in the case of CEE countries could mean simply gaining a better image in the international community. It would be interesting to see whether the effect of government preferences will persist in the long run once the CEE countries have established reputation. In addition, future research should also make attempts to compare CEE and Western countries with respect to other indicators of government performance. For example, it is uncertain whether CEEs' reputational incentives are relevant once the focus is shifted to the correct transposition

and application of EU directives, which the Commission has much fewer resources to monitor.

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