

**The National Impact of EU Regulatory Policy:  
Three Europeanization Mechanisms**

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## **Abstract**

While much has been written about the European Union (EU), most of the scholarly work is concerned with the developments at the European level. It is only recently, that we observe increasing attempts to address this research deficit. Notwithstanding a growing number of studies explicitly concerned with the Europeanization of domestic institutions, we still lack consistent and systematic concepts to account for the varying patterns of institutional adjustment across countries and policy sectors. It is the aim of this paper to provide a more comprehensive framework for explaining the domestic impact of European policy-making. We make an analytical distinction between three mechanisms of Europeanization, namely institutional compliance, changing domestic opportunity structures, and framing domestic beliefs and expectations, each of which requires a distinctive approach in order to explain its domestic impact. We argue that it is this specific Europeanization mechanism rather than the nominal category of the policy area that is the most important factor to be considered when investigating the domestic impact of varying European policies.

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# **The National Impact of EU Regulatory Policy: Three Europeanization Mechanisms**

## **1 Introduction**

While much has been written about the European Union (EU) in recent years, most of the scholarly work is concerned with developments at the European level, and focuses on the extent to which domestic conditions affect the outcome of supranational institution-building and policy-making. As a result there is still little understanding of the impact of European integration at the national level. Only recently has this research deficit begun to be addressed in a growing number of studies which are explicitly concerned with the Europeanization of domestic institutions and, more specifically, with the extent to which the implementation of European policies implies adjustments in domestic institutions, such as dominant regulatory styles and structures in particular policy sectors.

Notwithstanding the growing number of studies in this area, however, we are still confronted with rather puzzling and inconsistent empirical and theoretical findings. On the one hand empirical evidence indicates that the domestic impact of Europe varies somewhat unsystematically across both policy sectors and countries. The same European policy might produce fundamental reforms in one country while having no impact at all in others. In the same country we might observe considerable regulatory adjustments to

certain European policies, while nothing at all happens in other areas of Europeanization (Caporaso, Cowles and Risse 2001; Héritier et al. 2001; Knill and Lenschow 1998).

On the other hand we are confronted with rather divergent theoretical explanations for the varying impact of European integration on domestic arrangements. Some studies (Duina 1997; Héritier, Knill and Mingers 1996; Olsen 1995) identify the institutional compatibility of European and domestic arrangements, i.e. the level of European adaptation pressure, as the most important variable in accounting for the domestic impact of Europe. Others completely discard this institutional argument, focusing instead on the extent to which European policies have affected the domestic opportunity structures and interest constellations (Lehmkuhl 1999; Schneider 2001), while another group of scholars suggests a combination of the compatibility and opportunity structure arguments (Börzel 1999; Cowles and Risse 2001; Knill 2001). In contrast to these suggestions, recent studies (Checkel 1998; Lavenex 1999) emphasize the cognitive impact of European policies on the beliefs and expectations of domestic actors in order to account for varying national responses to Europeanization.

It is the aim of this paper to provide a more comprehensive framework for explaining the domestic impact of European policy-making. In so doing we suggest a differentiation and qualification of the above arguments by identifying different *mechanisms of Europeanization*, where each mechanism requires a distinctive approach to account for corresponding patterns of domestic change. In this context our analytical focus is the dominant form of European policy-making, namely EU regulatory policy, with Europeanization being conceptualized as the impact of these policies on national

policies and institutions (such as regulatory styles and structures in a certain policy sector)<sup>1</sup>.

We make an analytical distinction between three mechanisms of Europeanization, namely institutional compliance, changing domestic opportunity structures, and framing domestic beliefs and expectations, each of which requires a distinctive approach in order to explain its domestic impact. We argue that it is this specific Europeanization logic rather than the nominal category of the policy area that is the most important factor to be considered when investigating the domestic impact of varying European policies.

In particular, this distinction departs from other studies which identify the existence of European adaptation pressure as the necessary condition for domestic change, regardless of the underlying mechanism of Europeanization (Cowles and Risse 2001). As will be shown, European policies might trigger national reforms by altering domestic opportunity structures or beliefs, although there is complete congruence between European and domestic policy and institutional arrangements.

To illustrate these arguments we will draw on empirical findings from three policy areas in which the above-mentioned mechanisms can be observed most clearly, namely environmental policy (institutional compliance), road haulage policy (changing domestic opportunity structures), and railways policy (framing).

The paper is organized as follows: in section two we develop our analytical concept of varying Europeanization mechanisms and elaborate on the implications of this

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<sup>1</sup> For a systematic account on varying concepts of Europeanization see Radaelli (2000).

distinction when explaining the varying domestic impact of European policies. The validity and applicability of these considerations will be illustrated in sections three, four and five by looking at empirical findings from the Community's environmental, road haulage, and railways policy.

## **2 How Europe Matters: Distinctive Patterns of Europeanization**

In order to understand the different ways in which European policy-making might affect domestic regulatory arrangements, we suggest an analytical distinction of different mechanisms of Europeanization. Each of these mechanisms requires an individual explanation in order to account for the variety of domestic responses.

### **2.1 Three Mechanisms of Europeanization**

In the following classification we identify three basic patterns of how European policy-making might impact upon domestic regulatory styles and structures. European policies might be very demanding and prescribe a concrete institutional model for domestic compliance (1); they might be confined to changing domestic opportunity structures (2); or, in their "weakest" form, have no institutional impact at all, while being primarily directed at changing domestic beliefs and expectations (3).

It is important to emphasize that this distinction is *analytical* rather than empirical. Many European policies might be characterized by a mixture of different mechanisms of Europeanization, as the distinctive mechanisms are linked to each other in

a "hierarchical" way, with the more explicit mechanism encompassing "weaker" forms of Europeanization. Thus the prescription of an institutional model for domestic compliance will generally also affect domestic opportunity structures and the beliefs and expectations of domestic actors. In a similar way policies directed towards changes in domestic opportunity structures will concur with potential cognitive impacts on beliefs and expectations. The existence of such "Europeanization hybrids" does not call our general argument into question, but indicates the need for careful analysis of the underlying Europeanization logic in order to understand the domestic impact of a certain policy.

#### *Europeanization by Institutional Compliance*

In its most explicit form European policy-making may trigger domestic change by prescribing concrete institutional requirements with which member states must comply, i.e. EU policy prescribes an *institutional model* to which domestic arrangements have to be adjusted. Accordingly, member states have only limited institutional discretion when deciding the concrete arrangements for compliance with European requirements, but have to bring domestic arrangements into line with a 'European model' which is explicitly defined in the supranational policy-decision.

The mechanism of Europeanization by institutional compliance is particularly, albeit not exclusively, pronounced in policies of so-called positive integration (Taylor 1983), including environmental protection, health and safety at work, consumer protection, and sections of social policy. Community policies are explicitly directed at replacing existing domestic regulatory arrangements. They imply a real re-shaping and re-forming of existing domestic provisions (Scharpf 1999).

### *Europeanization by Changing Domestic Opportunity Structures*

European legislation may affect domestic arrangements by altering the domestic "rules of the game". European influence is confined to altering domestic opportunity structures, and hence the distribution of power and resources between domestic actors (Kitschelt 1986). Such changes in domestic opportunity structures may in turn imply a successful challenge of existing institutional equilibria. Whilst European policies contribute to these potential challenges, they do not prescribe any distinctive institutional model of how the new equilibrium should actually look. This is not to say that European policies are not directed towards achieving certain regulatory objectives at the national level. However, they are intended to achieve these objectives in a less direct way, by altering domestic opportunities structures rather than prescribing institutional outcomes (see also Dimitrova and Steunenberg 2000)<sup>2</sup>.

Examples of Europeanization by changing domestic opportunity structures can be found in particular in many market-making policies of the EU (negative integration). These policies basically exclude certain options from the range of national policy choices, rather than positively prescribing distinctive institutional models to be enacted at

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<sup>2</sup> Dimitrova and Steunenberg (2000) develop a similar argument to investigate the impact of European policy-making on national policy convergence from a multilevel governance perspective. In contrast to this study, they analyze not only the impact of European policies on national opportunity structures, but also how European policy formulation is affected by existing strategic constellations at the domestic level.

the national level<sup>3</sup>. Their impact is generally restricted to the abolition of domestic administrative arrangements which distort the functioning of the Common Market, such as national regulations protecting domestic industrial sectors against foreign competition (Scharpf 1994).

*Europeanization by Framing Domestic Beliefs and Expectations*

In their "weakest" form European policies neither prescribe concrete institutional requirements nor modify the institutional context for strategic interaction, but seek to trigger domestic adjustments to EU regulatory objectives even more indirectly, namely by *altering the beliefs and expectations* of domestic actors. Changes in domestic beliefs may in turn affect strategies and preferences of domestic actors, potentially leading to corresponding institutional adaptations (Eising 1999; Kohler-Koch 1999). Hence, the domestic impact of European policies is primarily based on a cognitive logic.

The dominance of this mechanism can be particularly observed in European policies whose aim is basically to prepare the ground for subsequent, institutionally more demanding policies of positive or negative integration. Rather than prescribing concrete outcomes or substantially altering institutional opportunity structures these policies are

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<sup>3</sup> Policies of negative integration might vary a great deal in the extent to which they additionally prescribe institutional models for domestic compliance. While this positive impact is rather limited for the most part of these policies, it is much more pronounced, for instance, in European policies for liberalizing the energy or telecommunications sector (Eising 1998; Schmidt 1997).

designed to change the domestic political climate by stimulating and strengthening the overall support for broader European reform objectives (Ingram and Schneider 1990). The emergence of such policies of framing integration is particularly likely when the European decision-making context allows for the adoption of policies which are only vague and more or less symbolic, given the underlying conflicts of interests between the member states. As we will see below, the Community's railways policy is a good example of this.

## **2.2 Consequences for the Explanation of Domestic Change**

Following the above considerations it becomes obvious that there is no single approach for explaining the varying domestic impact of European policies. We have to consider different explanatory factors in order to account for the varying domestic responses in the light of European requirements.

### *Europeanization by Institutional Compliance*

We have seen that in these constellations domestic responses can be understood on the basis of a two-step approach.

In the first explanatory step we consider the institutional compatibility of the European model with domestic arrangements ("goodness of fit"). According to the level of fit we are able to develop *ex ante* hypotheses on constellations where domestic adjustment is either highly unlikely or may *potentially* occur.

The fact that domestic adjustments are actually possible from an institutional compatibility perspective, however, does not mean that such changes actually take place.

To answer this question we have to complement our analysis with a second explanatory step which considers the particular interest constellation and institutional opportunity structures at the domestic level. In this context actual adjustments to European requirements can only be expected if they are facilitated by domestic context conditions which might in turn of course, have been affected by European requirements (ibid.). To what extent is there sufficient domestic support for adjusting to EU requirements? To what extent do domestic actors who support regulatory change have sufficient powers and resources to realize their interests?

Thus the two-step approach allows us to identify *ex ante* those constellations where domestic adjustment is unlikely in view of either too high or too low institutional incompatibility of domestic arrangements and European requirements. It is only in constellations where domestic change is potentially possible from this perspective that we have to complement our analysis with a second step focusing on the particular actor constellations and opportunity structures.

### **INSERT TABLE 1**

#### *Europeanization by Changing Domestic Opportunity Structures*

Unlike policies which prescribe institutional models for domestic compliance, the explanation of domestic responses looks quite different when Europeanization primarily relies on the change of domestic opportunity structures.

Since such policies only redistribute powers and resources between domestic actors, and hence challenge existing equilibria rather than prescribing the concrete shape of the new equilibrium, domestic change or persistence is not primarily a matter of

institutional adaptation pressure (which can generally be considered as low, given the considerable degree of institutional discretion for domestic compliance), but must be explained by analyzing the extent to which European policies have altered the strategic position of domestic actors. For example, EU transport liberalization policies give new strategic options to consumers of services (e.g. companies can decide whether they have their goods transported by foreign or domestic hauliers), while other strategies are no longer feasible (e.g. in the light of European competition domestic tariff regimes for road transport are no longer effective in promoting the market position of national hauliers).

In the first explanatory step we must therefore ask in which constellations European policies will sufficiently alter domestic opportunity structures such that national actors can successfully challenge existing regulatory arrangements. To what extent is it possible to identify *ex ante* constellations in which the European mechanism of changing domestic opportunity structures might be more or less effective?

Héritier and Knill (2001) argue that the potential for European impacts on national regulatory styles and structures increases with the extent to which the given domestic policy context is characterized by a *contested interest constellation* and a relatively *even distribution of powers and resources* across opposing actor coalitions. In view of such balanced constellations, Europe-induced changes in domestic opportunity structures are potentially more likely to tip the scales in favor of one actor coalition, hence triggering regulatory reform.

By contrast, if domestic opportunity structures and interest constellations are characterized by the clear dominance of one actor coalition - as a result of the given

interest constellation and the highly uneven distribution of power and resources between different actors - the potential domestic impact of Europe will be much lower. In these cases new opportunities and constraints for domestic actors are less likely to sufficiently alter the existing distribution of powers and resources between domestic actors. On the one hand, it will hardly make any difference where European influence strengthens the position of those actors who are already in a dominant position. On the other hand European influence will generally not be sufficient to alter the position of opposing actors in such a way as to enable them to overcome the dominant position of institutional veto players.

This first explanatory step only allows us to identify the constellations of domestic interests and opportunity structures where Europe-induced changes are more or less likely. However, it tells us nothing about the direction of domestic change, if we conclude that there is a high potential for European influence. Given the wide discretion for domestic adjustment in the absence of a European model which must be complied with, national changes might take various forms that need not necessarily correspond with the regulatory objectives underlying European legislation.

To account for the direction of domestic change we must therefore introduce a second explanatory step, focusing on the extent to which domestic reforms are either in line with or drifting away from European regulatory objectives. This question, however, can hardly be answered from an *ex ante* perspective; it requires detailed analysis of the specific context constellation given at the national level. Thus we can only expect domestic reforms which conform with European objectives when European changes in domestic opportunity structures actually strengthen those actor coalitions which support

these objectives. By contrast, it might well be the case that domestic changes go in the opposite direction, if European policies strengthen – somewhat paradoxically - domestic actor coalitions which oppose the changes (Héritier and Knill 2001).

As will be shown below this was actually the case in French transport policy, where European liberalization led to a domestic counter-reaction which resulted in the already liberalized French regime being considerably re-regulated. At the same time this development illustrates the limited explanatory value of an institutional goodness of fit perspective, when EU policy does not prescribe a corresponding institutional model which must be complied with. The French case demonstrates that even in cases of high compatibility, Europe-induced changes in domestic opportunity structures might lead to national reforms which to some extent diverge from EU regulatory objectives.

## **INSERT TABLE 2**

### *Europeanization by Framing Domestic Beliefs and Expectations*

The lack of explicit institutional pressure for domestic adaptation, and hence the limited explanatory value of a perspective which considers the institutional compatibility of European and domestic arrangements, applies similarly to the third mechanism, Europeanization by framing domestic beliefs and expectations.

Unlike European policies whose domestic impact emerges from changes in domestic opportunity structures, policies based on the framing mechanism are basically confined to altering the "cognitive input" into these opportunity structures rather than directly affecting these structures. The question is whether European legislation has contributed to altering expectations and beliefs of domestic actors in such a way as to

motivate domestic institutional change. Has European legislation sufficiently altered the constellation of domestic interests and hence favored reforms which would otherwise not have emerged?

If varying adaptation patterns are not explained by EU-induced changes in different domestic opportunity structures, the question arises as to the constellations in which such policies may yield domestic institutional change. We argue that domestic impacts can basically be expected in two constellations.

First, the impact of European framing might change the *outcome* of national reforms which occur independently of European influence. This constellation can be assumed when there is already a broad reform consensus at the domestic level, with the direction of the intended reforms being basically in line with the overall objectives behind European legislation. In this context European beliefs and ideas might provide a "focal point" for the domestic developments, offering potential solutions and concepts for domestic problems. In other words European beliefs, while being well in line with the "core beliefs" of the dominant domestic actor coalition, shape domestic reform outcomes by altering "secondary aspects" within the domestic belief systems (Sabatier 1998).

Second, European policies might not only affect the outcomes of domestic reforms, but also the *reform process* itself. More specifically, by affecting the beliefs and expectations of domestic veto players, European framing can play a decisive role in bringing about a consensus on national reforms. Europe-induced changes in the belief systems of such veto players might alter the domestic constellation of interests, thereby increasing the support for regulatory change, as actors who previously opposed

regulatory change no longer rely on their veto position. In this way European influence contributes to the emergence of a dominant advocacy coalition (ibid.) whose core beliefs are fairly congruent with the corresponding ideas and beliefs underlying European legislation.

In this context the extent to which European framing can potentially help to establish a domestic reform consensus is basically dependent on the initial constellation of interests and opportunity structures. European policies can thus hardly be expected to have a substantial impact, if the initial level of domestic support is very low and institutional opportunity structures are characterized by numerous veto points. In such constellations, European framing is unlikely to be able to overcome the resistance of actors who oppose regulatory adjustment to European objectives. The domestic impact of European framing therefore varies greatly according to the nature of dominant national belief systems and given institutional opportunities and constraints for corresponding reforms.

### **3 Europeanization by institutional compliance: the case of environmental policy**

We have argued above that the varying domestic impact of European policies which explicitly prescribe institutional models for domestic compliance can be understood on the basis of a two-tier explanatory approach. The first step considers the institutional compatibility of European requirements and domestic arrangements and allows us to

identify those constellations where domestic adjustments are either highly unlikely or potentially possible. To explain whether possible adjustments actually take place or not, the particular constellation of domestic interests and opportunity structures is investigated in a second step.

To illustrate our analytical considerations we draw on recent cross-national studies on the implementation of EU environmental policy (Knill and Lenschow 1998; Knill 2001). Similar arguments, however, are also advanced by other scholars investigating the domestic impact of positive integration in the field of social policy (Duina 1997) or health and safety at work (Eichener 1996).

### **3.1 Europeanization of Environmental Issues**

As there is generally a close link between European policy content and the necessary arrangements for domestic application, European policies in this area imply detailed institutional prescriptions for the adjustment of national regulatory styles and structures. For reasons of space, we are unable to consider this argument for each of the over 200 pieces of EU environmental legislation so far enacted. Instead, we will illustrate our case by focusing on three measures which represent the regulatory variety of command-and-control, procedural, and self-regulation.

The 1980 Drinking Water Directive is a good example of command-and-control regulation.<sup>4</sup> The directive specifies quality standards for water intended for human

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<sup>4</sup> Directive Relating to the Quality of Water Intended for Human Consumption (80/779/EEC).

consumption. These standards apply to a range of substances that may pose a threat to human health when present in certain levels of concentration in the water. The prescription of uniform and legally-binding standards assumes hierarchical structures of intervention and quite formal and legalistic patterns of administrative interest intermediation at the domestic level. The substantive standards defined in the directive are not negotiable and apply uniformly to all water providers. In view of these detailed specifications, national regulatory authorities have limited discretion and flexibility in implementing European legislation. In other words, there is a close link between policy content (uniform standards) and corresponding institutional arrangements for domestic compliance (formalist and legalist patterns of intervention).

The prescription of concrete regulatory arrangements for the domestic implementation of European requirements is not restricted to substantive measures, but can also be observed in policies with a merely procedural focus. In this context the directive on the freedom of access to environmental information (Information Directive)<sup>5</sup> is a good case in point. Rather than defining substantive standards the directive aims to ensure free access to the information on the environment held by public authorities. It lays down the detailed conditions for making such information accessible, including appeals procedures against refusal or failure to provide information, charges for the provision of information, and exemptions from disclosure (Winter 1996). In view of these detailed procedural prescriptions, the directive has important implications on national patterns of administrative interest intermediation, namely by demanding a more

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<sup>5</sup> Directive on the Freedom of Access to Information on the Environment (90/313/EEC).

open and transparent style of environmental regulation, with different societal interests having equal opportunities in access to administrative decision-making. In this way the scope for secretive and closed interaction patterns between regulatory authorities and the regulated industry, which may be observed in many member states, is significantly reduced.

The direct institutional impact of EU legislation is also found in the context of the so-called new instruments in EU environmental policy, which emphasize industrial self-regulation. For example, the 1993 Environmental Management and Auditing Systems (EMAS) Regulation<sup>6</sup> established a management tool to help European companies evaluate the environmental impact of their activities. Companies voluntarily adopt an environmental policy and conduct an environmental review. The environmental statement subsequently prepared by the company is validated by an officially appointed, independent and accredited environmental auditor. Although it leaves some leeway for domestic compliance, there is an implicit, clear shift in the regulation in favor of industrial self-regulation by the voluntary introduction of an environmental management system, as opposed to interventionist top-down approaches. Instead, the state's role is to facilitate self-regulatory processes by providing and maintaining the institutional framework for the auditing process.

Although the above-mentioned measures cover only a small, albeit representative, part of the many pieces of European legislation in the environmental field, the direct

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<sup>6</sup> Regulation (EEC) No. 1836/93.

impact on domestic institutions underlying EU environmental policies is clear. In view of the close link between policy contents and corresponding requirements for domestic implementation, European legislation prescribes detailed institutional models to which regulatory arrangements at the domestic level must be adjusted.

### **3.2 Explaining Domestic Patterns of Adaptation**

An investigation of the domestic responses to the institutional requirements of the three policies for Britain, France, and Germany reveals a great variety of adjustment patterns across both policies and countries, which is summarized in the following table (cf. Knill and Lenschow 1998).

#### **INSERT TABLE 3**

When the two-step explanatory framework developed above is applied, it becomes apparent that domestic responses in six of the nine cases can be explained already on the basis of the first explanatory step, which considers the institutional compatibility of European requirements and domestic arrangements. It is only for three cases, where change was potentially possible, that we have to additionally analyze the specific domestic context conditions in order to understand the actual occurrence or non-occurrence of regulatory change.

Beginning with the perspective of institutional compatibility, four persistence cases (EMAS and information access in Britain, information access in France, and drinking water in Germany) can be explained by the fact that existing regulatory

arrangements at the national level were already well in line with European requirements; there was hence no European pressure for domestic adjustment.

In the British EMAS case this can be explained by the fact that the domestic environmental management system served as a reference point for the subsequent European EMAS-Regulation. Turning to the Information Directive, both Britain and France had already established corresponding regulatory arrangements which corresponded with and partially went even beyond EU requirements. Hence, effective compliance was possible without any legal or practical changes. The same holds true for the German drinking water case, where the interventionist and formalist regulatory style implicit in the directive was well in line the traditional approach in Germany (Héritier, Knill and Mingers 1996; Winter 1996).

In the cases of access to information in Germany and drinking water in France, by contrast, domestic persistence emerged from the fact that European requirements clashed with core patterns of national administrative traditions which were strongly embedded institutionally. The institutional incompatibility of European and national arrangements was too great to allow for smooth regulatory adjustments. Instead, we observe strong resistance to change in both countries.

In Germany the requirements of the Information Directive in favor of regulatory transparency and accountability did not correspond with the state and legal tradition, where public access to documents and information is only considered legitimate if the individual requesting it can show the 'direct effect' of the project or activity in question on the individual situation. This different notion of the role of the administration and the

law in society has led to substantial implementation problems, and hence strong resistance to adjusting domestic arrangements in the light of European requirements (Winter 1996).

In a similar way the French implementation of the Drinking Water Directive was characterized by far-reaching resistance to adjusting the dominant regulatory practice, which provided regulatory authorities with considerable autonomy to define water quality standards on the basis of informal and consensual negotiations with water providers. This practice is institutionally entrenched in the strong integration of the so-called *grands corps*, whereby administrative co-ordination occurs not so much by hierarchical means, as by the confidence with which the top entrust the lower ranks (Montricher 1996). Against this background the formalist and legalist approach implicit in the European directive implied a fundamental challenge to French regulatory traditions.

It is only in three cases (EMAS in Germany and France, drinking water in Britain), that domestic adjustment could be considered as potentially possible from an institutional compatibility perspective; i.e. European legislation required substantive changes, albeit no challenges to core patterns of national administrative traditions. In these constellations the actual pattern of change or persistence cannot be inferred from a mere institutional compatibility perspective, but must also take account of the specific policy context at the national level.

Thus the EMAS-regulation did not challenge institutional core patterns in either Germany or in France. Although the regulation's emphasis on self-regulation and voluntary agreements clashed with the legalist and interventionist style of German

environmental policy, they were nevertheless in line with the German tradition of corporatism (Benz and Goetz 1996). In France, too, the spirit of the regulation was basically in line with the French practice of voluntary agreements on industrial emission reductions and the use of economic incentives, notwithstanding the need to build up corresponding regulatory structures for administration of the system (Héritier, Knill and Mingers 1996).

Notwithstanding similar adjustment requirements, however, we observe different responses in the two countries, namely adjustment in Germany and resistance in France. Germany's smooth adaptation to European requirements can be traced to the fact that the domestic actor constellation was characterized by broad support for the regulation from both industrial and environmental organizations, partly because the legislation accorded with national debates on deregulation and administrative reforms. The strong support from industry, in particular, resulted from its expectation that future authorization and inspection procedures might be "slimmed" for EMAS participants. In France, by contrast, there is considerable resistance to changing the existing regulatory practice as a consequence of the lack of support from industrial actors. Industry is concerned that information voluntarily provided within the context of EMAS might be used against it during authorization and inspection procedures (Knill and Lenschow 1998).

In the British case of drinking water, the regulatory changes from industrial self-regulation towards a more interventionist regime associated with the privatization of the water industry in 1989 had significantly reduced institutional incompatibilities between European and national arrangements. Although the reformed domestic regime was already congruent with the interventionist approach implied by the directive, certain

adjustments were nevertheless necessary, in particular with regard to the formal and practical compliance with the legally binding standards prescribed by EU legislation. These remaining adjustments were facilitated by a favorable policy context. Privatization meant that the economic costs of compliance with European standards no longer interfered with the government's objective of reducing public spending, as the costs for retrofitting existing plants had to be borne by private companies. Moreover, the regulatory regime set up in the context of privatization strengthened the voice and influence of environmental and consumer groups, thereby providing new institutional access opportunities which favored compliance with European objectives (Maloney and Richardson 1995).

In summary, this brief review of research findings illustrates that the domestic impact of European policies which prescribe clear institutional models for domestic compliance can be understood on the basis of a two-step approach. As a first step we are able to evaluate the overall possibility of domestic adjustments, based on the institutional compatibility of European and domestic arrangements. Only if we need to investigate whether possible adjustments actually occur do we take an additional explanatory step and consider the underlying constellation of actors and opportunity structures. As will be shown in the following sections, the absence of such direct pressures for institutional adaptation in other policy areas requires the application of different explanatory schemes in order to understand variances in domestic adjustment.

## **4 Europeanization by Changing Domestic Opportunity Structures: the Case of Road Haulage**

A second mechanism refers to changes in the domestic opportunity structures, i.e. the degree to which European policies contribute to a change in the distribution of power and resources between actors coalitions. In the following, we illustrate the operation of this Europeanization mechanism with reference to road transport policy.

### **4.1 The Europeanization of Road Haulage**

Although the Treaty of Rome called for the establishment of a Common Transport Policy (CTP), the transport sector has only recently undergone profound change. Decisive steps were the liberalization of international transport and the introduction of the right of non-resident transport hauliers to operate in foreign markets (cabotage) in 1993 (Kerwer and Teutsch 2001).<sup>7</sup> Since the famous *Cassis de Dijon* ruling by the European Court of Justice, mutual recognition has been established as a key mechanism for dealing with different regulatory regimes (Alter and Meunier-Aissahalia 1994). In the case of road haulage, cabotage is the mechanism that removes the protection of national transport markets. Given its character as the functional equivalent of the principle of mutual recognition, the issue of cabotage turned out to be the toughest nut to crack in the process

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<sup>7</sup> Council Directive 93/3118 laying down the conditions under which non-resident carriers may operate national haulage services within a member state.

of European transport policy-making. What could be observed was not so much a direct approach to harmonizing existing national regulatory regimes than an indirect strategy which emphasized the role of market forces in levelling out divergent legislation. The cabotage directive allowed for highly regulated domestic markets with for quantitative restrictions and price controls to co-exist alongside a deregulated international market. In the case of the CTP, the domestic impact of Europeanization therefore emerges from the redistribution of powers and resources between domestic actors. In this context, the CTP had the same impact across all the members states: the position of users of transport services was strengthened, while the supply side of the transport sector was put under pressure. In this way, European policies challenged existing equilibria at the national level, but did not prescribe how the new equilibria must look.

#### **4.2 Explaining change: the changing distribution of power and resources**

To account for the domestic impact of Europe requires a two-tiered analytical approach. According to our explanatory scheme, in a first step we try to identify constellations in which a European impact is more or less likely to trigger changes due to a domestic constellations characterized by a relatively equal distribution of power and a contested regulatory approach. It is only in these constellations, in which we need a second step to account for the direction of domestic changes. In this second step, a detailed analysis of the specific domestic contexts and its politics is required. In what follows, we illustrate this idea by summarizing how the development of a CTP in Europe influenced the policies in Britain, France, Germany and Italy (Héritier et al. 2001).

Our explanatory approach allows in a first step to distinguish two groups, encompassing the British and the Italian case on the one hand and France and Germany on the other. The British and Italian cases represent of constellations with a clear dominance of group of actors favoring the present regulation. As a consequence, European liberalization did not modify the domestic opportunity structures to such an extent that it posed a successful challenge to the dominant policy coalition. Britain had liberalized its transport markets as early as 1968 in a way that resembled what has since emerged as the European approach to international transport. At that time the vast majority of domestic actors was in favor of a liberal approach and European liberalization did not hence involve significant changes in domestic opportunity structures (Knill 2001a).

In a similar vein – although in terms of policy content, it is the other way round – the domestic constellation in Italy was characterized by a dominance of those actors opposing any liberalization of the transport sector. The European impact was not strong enough to alter the domestic opportunity structures to such an extent that they posed a successful challenge to the strong position of domestic hauliers and the many institutional vetoes with which they could block reform attempts. Neither was there a significant change in the polarized patterns of interest intermediation through which the huge number of smaller hauliers’ associations successfully pressurized public actors, whereas the more moderate, pro-liberal stance of the larger firms’ associations went virtually unheard. As a consequence, European policies did not increase the capacity of public actors for formulating policy goals autonomously and for implementing these against societal interests. Rather, the government and administration gave way to the aggressive

policy of the smaller hauliers, which in turn led to a perpetuation of the domestic market regulation to protect Italian hauliers in the light of international competition (Kerwer 2001).

In contrast to the British and the Italian case, France and Germany were characterized by a relatively more even distribution of powers between interests in the domestic arena. Hence, the potential for European-induced changes was expected to be higher. As a result of the differences in the domestic context constellations, however, there is a considerable variance with respect to corresponding domestic reforms.

In Germany, the balance between coalitions favoring contradictory regulatory approaches shifted in favor of the liberal coalition, thus altering the former interventionist regulation into significantly more liberal approaches. The interventionist system of market regulation had long been contested, but actors who supported liberalization were unable to successfully challenge the vested interest position of the domestic hauliers. European policy was thus decisive in overcoming the *de facto* veto position of these actors, tipping the scales in favor of the pro-liberalization coalition. The introduction of cabotage rendered both the restriction of market access and the tariff structure unsustainable (Teutsch 2001). Along with the deregulation of the road haulage markets in Germany went the abolition of institutions such as the price-setting committees, in which road hauliers had dominated their market opponents, thus crucially affecting the strategic options for domestic actors.

In contrast with the German case, European policies in France shifted the balance in favor of a re-regulation coalition. Since the liberalization process in the late 1980s, the

French road haulage market has been much more market-oriented than it was in the 1970s. However, in the aftermath of domestic liberalization and the advent of liberalized European transport markets, actors in favor of re-regulation coalition progressively gained ground. Hauliers' associations increasingly coordinated their activities and trade unions emerged as a new and vigorous actor in the field, channelling the demand for protection of the national industry and their workforce. In this respect, reference to the European threat was a significant factor in contributing to a strengthening of the opposition to effect a shift in the balance in favor of re-regulation (Douillet and Lehmkuhl 2001).

These examples demonstrate different facets of how specific mechanisms can function in the domestic arena. The domestic impact of Europe is best understood by firstly focusing on the changes in the distribution of power and resources and secondly by investigating the way in which these changes are institutionally mediated. As our case studies have shown however, the identification of a certain mechanism of Europeanization should not be confused with the description of a specific outcome. Rather, the range of policy outcomes stretches from hard core de-regulation in Britain to social re-regulation in France.

## **5 Europeanization by Mobilizing for Domestic Support: European Railways Policies**

Notwithstanding the dominant role of ‘market-making’ and ‘market-correcting’ policies in Europe, there are other European activities which must be distinguished analytically. We suggest that these activities are basically designed to prepare the ground for more far-reaching policies of either positive or negative integration. This implies that a European influence can even be seen to impact from policies that neither prescribe a concrete institutional model nor influence the relative distribution of power and resources between actors at the domestic level, but which are designed to increase support for domestic reforms that may facilitate future steps towards further integration. The European railways policy is a good example for this Europeanization mechanism of "framing", i.e. a mechanism which focuses on changes in the expectations and beliefs of domestic actors.

### **5.1 The Europeanization of Railways Policies**

Despite widespread acknowledgement that the European railways faced serious financial crisis, neither the efforts of the individual members states nor European reform proposals helped to improve the situation significantly. In particular, the Commission’s attempts at appropriate legislation never got past the initial stage. The reasons for this deadlock are twofold. On the one hand the heterogeneity of the member states rendered all co-

ordination useless. In the larger member states in particular, the railways were not seen as purely economic actors, but as the providers of a public service with obligations that had to be maintained for political reasons. Hence, there was marked resistance to any Community attempt to intervene in domestic railways policy. On the other hand the Commission only had limited legal and institutional powers to overcome the resistance of the member states.

In view of this constellation, the Commission abandoned its original idea of integrating the national railways. Since the end of the 1980s it has shifted its policy emphasis to organizational and regulatory reforms: these include managerial autonomy for the railways by restricting state interference, contracts regulating the financial relationship between the state administration and the railways, the separation of infrastructure provision and network operation, and rules governing market access and operation.

In the policy-making process at the European level, however, even these less demanding proposals of the Commission proposals have been watered down by the Council and the European Parliament (Kerwer and Teutsch 2001). Consequently, the final European legislation does not really constitute a serious challenge to the well-established railways policies of the member states. Council Regulation 91/440<sup>8</sup> provides for far-reaching discretion regarding the process of implementation at the domestic level. The regulation only requires a change in the national accounting system rather than any organizational

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<sup>8</sup> Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ No. L/237).

or institutional adaptations. Moreover, the provisions for third-party access are restricted to international joint ventures in freight transport rather than being granted to individual companies.

The Commission was well aware of the limited effect that the proposal finally adopted would have. Yet there is good reason to assume that even the limited reform was still in accordance with the Commission's new strategy. Unlike its initial ambitious objective of reforming the national railways by relying on a 'top-down' approach, its new strategy was to alter the national policy-making context by increasing domestic support for its reform program. As a Commission official pointed out, 'if the directive was to be a success, it was not so much a success with what it did directly, but what it did indirectly. And that is to create a new thought process to be applied to the railways, to think again about what railways were supposed to be doing, and how they were supposed to be run'.<sup>9</sup> The following examples show how this rather moderate approach of framing the beliefs and expectations of domestic actors actually contributed to more or less fundamental policy reforms in the member states.

## **5.2 Explaining Change: Building Support for Domestic Reform**

We have argued above that there are two constellations in which European policies relying on the 'framing mechanism' might trigger corresponding regulatory changes at the national level. First, assuming that there is already a consensus for national reforms,

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<sup>9</sup> Commission official quoted in (Kerwer and Teutsch 2001).

EU policy can affect the outcome of these reforms by offering concepts for the solution of regulatory problems at member state level. Second, EU policies might also affect the reform process by influencing the future expectations of the key actors who can potentially veto reform initiatives, thereby prompting a dominant coalition in favor of a reform to emerge. This scenario, however, assumes a relatively contested power constellation between opposing domestic advocacy coalitions; i.e. the framing mechanism will hardly be sufficient to yield domestic regulatory reforms as long as the national context is characterized by the clear dominance of actor coalitions opposing EU regulatory objectives.

The first constellation of European influence can be observed in the 1996 reform of the Dutch railways. The reform is based on the break-up of public and private functions and responsibilities, with all infrastructure-related tasks being assigned to a government-commissioned sector to reinforce their public character, while the operation of transport services is horizontally separated into different private-sector businesses.

European legislation provided a concept of reform on which the expectations of most actors at the national level could converge. In view of the profound financial problems of the railways, there was already a broad consensus among political, economic and societal actors in favor of a fundamental regulatory reform of the state-owned railways. Moreover, there was a basic consensus on the overall direction of the reforms, namely the introduction of market mechanisms in order to increase the competitive position of the railways towards other modes of transport. On the other hand, the concrete operationalization of these broad objectives was still unclear and highly contested between different actors. In this context, the advent of a Common European Railways

Policy built on the pillars of the separation of infrastructure and operations on the one hand and the introduction of market-conform means on the other, provided a concept for the still lacking solution of domestic problems which found broad political support (Lehmkuhl 2001).

The fact that European framing might affect not only the outcomes, but also the process of domestic reforms can be observed in particular in the German case. In this case, reference to European policy activities significantly altered reform opponents' expectations and strategies, thereby facilitating the emergence of a dominant coalition in favor of change. Whereas all previous attempts to reform the German railways had been substantially opposed either by the *Länder*, which did not want to accept regionalization, or by the railwaymen's union, which successfully mobilized the Social Democrats in parliament, the new European legislation changed the situation decisively. On the one hand the *Länder* started to recognize that the issue of regionalization as conceived in the European legislation might no longer need to be regarded as a distributive conflict between the *Länder* and the federal level. Rather, regionalization in conjunction with a liberalization of rail operations could also be interpreted as a chance to achieve more cost efficiency without sacrificing quality standards. Hence, the *Länder* switched their strategy from opposition to principal co-operation and used their strong strategic position in the institutional structure of the German political system to influence the content of the reform (Teutsch 2001).

On the other hand, although the trade unions had proved capable of exerting a significant influence on decisions relating to personnel policy and basic organizational issues within the rail industry in the past, it could not prevent the economic decline of the

railways. Given the failure of the former strategy the unions saw the pro-rail stance underlying the European policies as a chance for a fundamental reorientation. This reorientation was based on two expectations: firstly, that the future of railwaymen's jobs could only be ensured if new avenues were explored, and secondly, that changes in the legal status of the railways, together with their high degree of unionization, would in turn improve the railway union's position in the domestic arena. The reorientation of both the *Länder* and the trade union illustrate the way in which European legislation can impact on the national constellation. By altering the belief systems of actors, European legislation increased the potential for national reforms by reducing the relevance of institutional veto points in the national decision-making process.

Despite these examples of far-reaching domestic impacts of European framing, however, the success of European activities designed to alter domestic beliefs and expectations cannot be taken for granted. The example of the railways policy provides us with instances where the impact of European policies was much more limited and not powerful enough to trigger and shape substantive regulatory changes at the national level. This scenario is illustrated by the French case, where European framing was not sufficient to overcome the strong position of national actors in opposition of European reform objectives.

The decision by the French government in 1997 to create a new organization responsible for the infrastructure might initially suggest that European policies influence domestic railway policy-making to a certain extent. However, the fact that the national railways still manages the infrastructure on behalf of this new organization, and that the monopoly of the national railways for all operational services remains, proves that this is

not the case. If we look behind the scenes, we can observe an interesting interaction of different forces. On the one hand the French administration is quite responsive to European policies which offer the conceptual means of solving some of the railways' problems. On the other hand European policy has not been strong enough to restrict the strategic activity of potential opponents. Rather than 'retuning' their opposition into co-operation, the opponents of reform have been able to mobilize political resistance by highlighting the European dimension underlying domestic reform attempts. Given these opposing impacts, French railway reform may be characterized as a 'tightrope act' between official opposition to European policy and the cautious introduction of domestic reform in line with European policy objectives (Douillet and Lehmkuhl 2001).

Summing up, we may say that European policies relying on the framing mechanism represent a logic of integration analytically distinct from the mechanisms of the first two cases. Rather than being directed at prescribing domestic reforms 'from above' or affecting institutional opportunities and constraints for domestic actors, the provision of European support is designed to alter the "cognitive input" into existing opportunity structures. By serving as a focal point for domestic development, framing policies may either shape domestic reform outcomes by altering secondary aspects within the domestic belief system, or they may influence the reform process by tipping the scale in favor of a dominant reform coalition emerging.

## 6 Conclusion

Notwithstanding the growing number of studies on the domestic impact of European integration, this field of research still constitutes a relatively unexplored terrain in political science. A particular problem is the lack of a comprehensive explanatory framework to account for the varying patterns of domestic adaptation across policies and countries. In this paper we have developed an analytical concept to help develop this research area beyond its infancy. We have argued that the approach required to explain domestic adaptation patterns may vary with the distinctive Europeanization mechanism underlying the European policy in question. In particular, in the area of regulatory policies we have distinguished institutional compliance, changing opportunity structures, and the framing of domestic expectations and beliefs, each of which requires a distinctive approach to account for its respective domestic impact. This analytical distinction could serve as a promising starting point for further research activities aimed at investigating not only the conditions under which we can expect the dominance of distinctive Europeanization mechanisms, but also potential interdependencies between them.

Dimitrova and Steunenberg (2000) have recently offered a rather promising starting point from which to approach the first issue. They argue that the presence of win coalitions in several of the larger member states constitutes a prerequisite for the adoption of institutionally demanding European policies; i.e. Europeanization by institutional compliance. If, by contrast, such coalitions are lacking, it will only be possible to adopt EU policies if a more differentiated and open approach is followed, which leaves a great deal of flexibility for domestic implementation (*ibid.*, 203).

Consequently, in such constellations, the mechanisms of Europeanization by affecting domestic opportunity structures or beliefs might be more relevant.

Referring to potential interdependencies between Europeanization mechanisms, we have already emphasized at the beginning that in the real world we are often confronted with hybrid constellations; within certain policy sectors different Europeanization mechanisms might be represented, or those long represented might change over time. Against this backdrop, it is of great theoretical and practical importance that we better understand the reinforcing or weakening effects of the varying Europeanization mechanisms.

In this context, a mutual reinforcement scenario can be expected in constellations where European policies not only prescribe institutional models for domestic compliance, but at the same time strengthen the strategic position of domestic actor coalitions which are in favor of fitting adjustments to European requirements (either by altering the domestic opportunity structures and/or the beliefs and expectations of the opposing actors). Such attempts to deliberately combine different mechanisms in a mutually reinforcing manner can currently be observed in the environmental field, where they are aimed at reducing widespread implementation deficits (Knill and Lenschow 2000).

On the other hand, it is well conceivable that different Europeanization mechanisms weaken each other. Thus, the absence of detailed prescriptions for the domestic compliance of institutional models is one particular characteristic which favors the domestic impact of European changes in domestic opportunity structures and beliefs. In other words, these Europeanization mechanisms do not only affect the domestic

policies through their effects on the strategic and cognitive positions of domestic actors, but also because of the fact that they imply no requirements about the outcome of national reforms. Complementing these policies with prescriptions for detailed institutional requirements might reduce their reform-stimulating impact, because this will reduce the leeway national reformers have to alter regulatory arrangements in light of the particular social, political, and economic context conditions at the national level.

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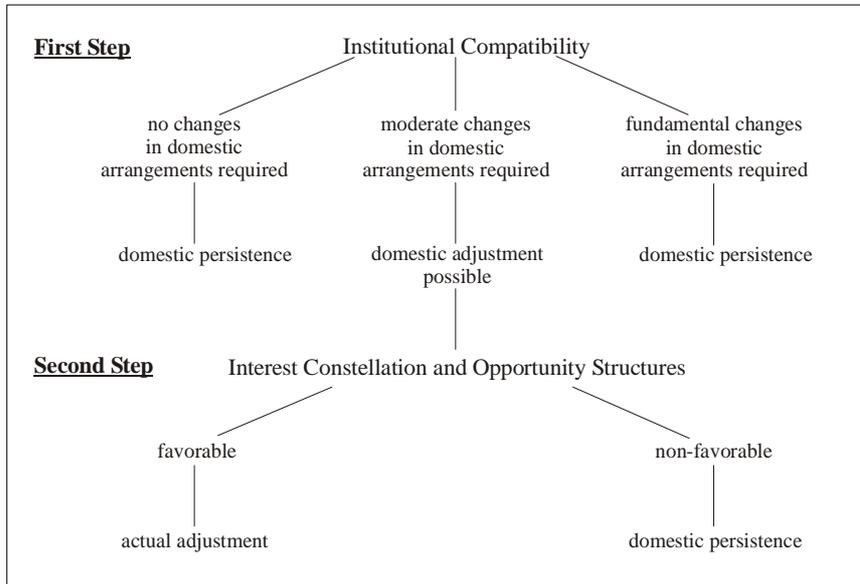
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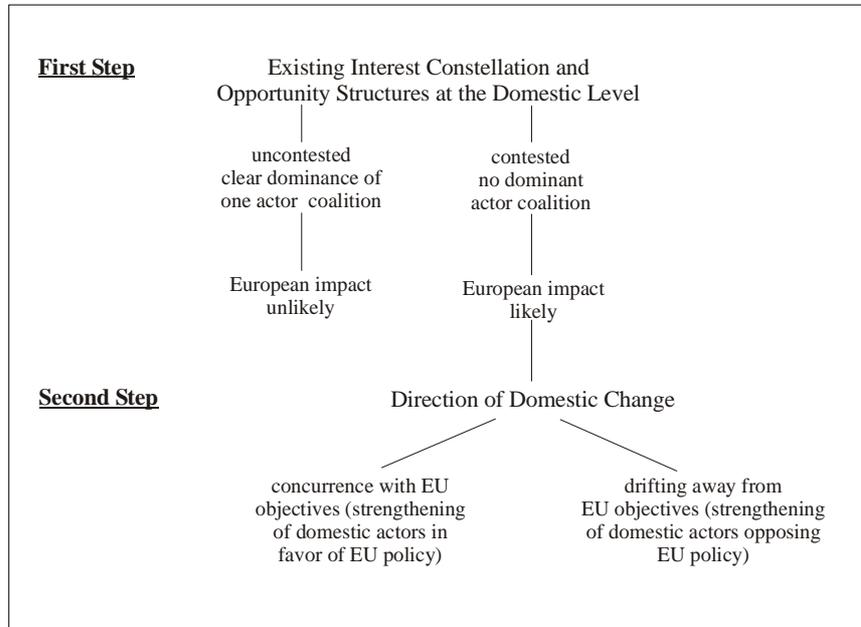
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**Table 1: Europeanization by Institutional Compliance:  
Explaining Varying Domestic Responses**



**Table II: Europeanization by Changing Domestic Opportunity Structures: Explaining Varying Domestic Responses**



**Table III: Patterns of Domestic Adjustment to EU Environmental Policy**

Policy/Country	Britain	France	Germany
Drinking Water	Change	Persistence	Persistence
Access to Information	Persistence	Persistence	Persistence
EMAS	Persistence	Persistence	Change