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Implementing European Policies: The Impact of National Administrative Traditions

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Implementing European Policies: The Impact of National Administrative Traditions*

This article starts with the assumption that a central problem for effective implementation of European legislation lies in the impact of national administrative traditions, since the formal and practical transformation of EU law rests mainly on the shoulders of national administration. It is the objective of the article to investigate the interplay of national administrative traditions and European policy implementation in closer detail. The comparative research design is facilitated by the fact that national administrative traditions prevalent in a certain policy field may differ from country to country. It is argued, that implementation effectiveness depends on the "institutional scope" of European adaptation pressure, which is not only affected by European requirements, but also by the embeddedness of the respective administrative traditions as well as national capacities for administrative reform. According to the degree of adaptation pressure, different paths are distinguished, suggesting more or less effective implementation.

1 Introduction[1]

In recent years effective implementation of Community legislation has gained importance on the Commission's agenda. Indeed, increasing attention revealed a widespread implementation deficit in many areas (Commission 1996). Besides the limited resources of the Commission to enforce the implementation of EU policy in the member states, the main difficulty lies in the fact that, apart from competition and anti-dumping policy, effective implementation of EU legislation is highly dependent on the cooperation of member states, who decide on the necessary organisational, legal and institutional arrangements (Rehbinder and Stewart 1985, 137). This reliance on national administrations implies that the formal transposition and practical application of supranational policies is influenced by administrative traditions prevalent in a certain policy field, which may differ substantially from country to country (Siedentopf and Hauschild 1990, 451).

Against this background, it is the objective of this article to investigate the interplay of national administrative traditions and European policy implementation in closer detail. How is the implementation effectiveness of supranational policies affected by existing administrative traditions at the national level?

Implementation effectiveness is defined as the degree to which the formal transposition and the practical application of supranational measures at the national level correspond to the objectives defined in European legislation. Hence, it is the compliance with these objectives rather than a normative evaluation of environmental quality improvements that concern us here. This focus on the impact of national institutions and on their ability to adapt to European requirements distinguishes our research from a classical

implementation study. It also suggests to analyse implementation “from above”, by taking European legislation as a starting point.

The argument underlying the analysis starts from the assumption that the way national administrative traditions are affecting the implementation of European legislation depends on the pressure for adaptation exerted by supranational policies. Adaptation pressure is analysed from an institutional and a dynamic perspective. Hence, the compatibility of European and national arrangements depends not only on the nature of the European requirements, but also on the level of embeddedness of national administrative practices as well as the general national capacity for administrative reform. As will be shown, effective implementation can only be expected as long as the institutional scope of adaptation remains at a moderate level, that is, if it allows for national adaptations following the "logic of appropriateness".

The plan of the paper is as follows: In section two, a general analytical framework for investigating the interplay between national administrative traditions and implementation effectiveness of European policies is developed. In section three, the analytical framework will be tested in light of empirical findings drawn from the implementation of EU environmental policy. Section four summarises the results and draws general conclusions with respect to the general impact of different administrative traditions on implementation effectiveness of supranational policies.

2 The Impact of National Administrative Traditions on the Implementation of EU Policy: Analytical Considerations

Given our definition of effective implementation, one should expect effectiveness increasing with the degree of "fit" between national administrative arrangements and corresponding European implications. In other words, effective implementation is dependent on the extent to which differing national arrangements are adapted to European requirements. But what are then the factors affecting whether such adaptation takes place or not?

Past research has pointed out that the success of implementation is not only affected by policy characteristics and contents, but also by preferences, capabilities and resources of subordinate administrative actors dealing with practical enforcement as well as societal actors addressed by the policy in question (Hanf and Downing 1982; Mayntz 1983; Peters 1993). Given these findings, administrative adaptation to European requirements is depending on the degree to which supranational policies are supported by national actor coalitions. The "coalition argument", however, tells us little about the conditions under which such supportive coalitions are likely to form and succeed. In other words, the explanatory value of this argument is limited to analysing implementation effectiveness from *ex post*; it does not allow for hypothesising on the likelihood of administrative adaptation in the process of implementing a given European policy.

The analytical framework developed in the following intends to partly overcome this deficit by following a neo-institutional approach. This approach does not contradict the "coalition argument", bearing in mind that institutions do not determine political outcomes. Institutions merely provide a stimulating, restricting or enabling context for individual or corporate action (Mayntz and Scharpf 1995, 43), hence making some

courses of action and outcomes more likely than others. Following the "principle of decreasing levels of abstraction" (ibid.), we pursue the more parsimonious institutionalist framework, taking recourse to actor-centred explanations only where the former is insufficient. In the process we will more clearly delineate the kind of cases where such step down on the ladder of abstraction is necessary.

More specifically we start from the proposition that administrative adaptation follows the “logic of appropriateness” (March and Olsen 1989). Administrative traditions structure the process of adaptation to new institutional arrangements by affecting not only the strategies, but also the preferences of relevant actors; i.e. new demands are assessed in light of existing rules and standard operating procedures.

On the basis of this institutional assumption, we hypothesise that implementation effectiveness depends on the institutional scope of the required adaptation. Effective implementation is more likely, if the adaptations required by European policies can be achieved by changes following the "logic of appropriateness"; such adaptation we consider change *within* rather than change *of* the core of national administrative institutions. A "coalition argument" is implicit in this hypothesis: Actor coalitions supporting administrative change in accordance with European requirements are more likely to be successful if European implications remain within the "logic of appropriateness" than if the boundaries of appropriateness are surpassed because interests opposing such adaptation are less deeply institutionalised in the former case. Changes *of* the core, on the other hand, relate to situations where stable institutional equilibria are challenged and threaten to undermine the institutional base of strong vested interests, hence provoking their intense opposition.

The institutional scope of adaptation, however, may not be satisfactorily captured by a static comparison of European requirements and national structures. Administrative

traditions are not static, but may—depending on the national capacity for administrative reform—be subject to more or less far-reaching developments, which can alter the "logic of appropriateness" and hence the institutional scope of European adaptation pressure. Given this dynamic conception of adaptation pressure, we can formulate a further hypothesis, namely, that effective implementation is more likely in member states with a high potential for administrative reform. National dynamics can allow for effective adaptation to EU requirements which previously reflected core challenges to administrative traditions.

2.1 The Concept of Adaptation Pressure

To determine the degree of adaptation pressure exerted by European legislation from a institutional and dynamic perspective, we proceed in three steps. As a starting point, we consider the factual compatibility of European and national policies. This policy-related dimension of adaptation pressure tells us nothing yet about the institutional scope of the changes required by supranational legislation, however. It needs to be qualified by investigating the institutional embeddedness or "coreness" of challenged national arrangements. Since the level of adaptation pressure is defined not only "from above" by European requirements, but also by the national dynamics, the final part focuses on institutional factors affecting the likelihood and scope of general national administrative reforms.

The Policy Dimension of Adaptation Pressure

To assess the objective “match” or “mismatch” of European legislation and national administrative traditions, we distinguish two analytical dimensions characterising sectoral or policy-specific administrative arrangements: regulatory style and structures.

The dimension of the *regulatory style* is defined by two related aspects: the mode of state intervention and administrative interest intermediation; i.e. patterns of interaction between administrative and societal actors.

With respect to state intervention, several dimensions can be distinguished, including hierarchical versus self-regulation, substantive versus procedural regulation, as well as uniform and detailed requirements versus open regulation allowing for administrative flexibility and discretion. In the same way, different patterns of interest intermediation can be identified, such as formal versus informal, legalistic versus pragmatic, and open versus closed relationships between administrative and societal actors. The mode of state intervention and patterns of interest intermediation are closely related; i.e. the detailed regulation of substantive requirements coincides with rather formal and legalistic patterns of interest intermediation, whereas flexible and procedural regulation favours informal and pragmatic modes of interaction.

Secondly, *regulatory structures* are of importance. Relevant patterns in this context are related to both the vertical (centralisation/decentralisation) and horizontal (concentration/fragmentation) distribution of administrative competencies as well as patterns of administrative coordination and control.

The Institutional Dimension of Adaptation Pressure

The factual constellation of EU policies compared to sectoral administrative traditions at the national level tells nothing, however, about the institutional scope of the resulting reform requirements which we will consider the institutional dimension of adaptation pressure. The institutional scope and hence the degree of adaptation pressure increases with the extent to which challenged administrative arrangements are institutionally embedded.

Institutional embeddedness defines the degree of institutionalisation or institutional stability of sectoral administrative traditions. With increasing embeddedness, existing arrangements are representing core rather than peripheral parts of administrative traditions. Embeddedness increases with the degree to which administrative arrangements are ideologically rooted in "paradigms" (Hall 1993) affecting the beliefs and ideas of administrative actors as well as the number of (inter-) institutional linkages and the tightness of these linkages; i.e. the number of other changes that would have to be made if the institutions under observation were to be changed. Higher adaptation pressure emerges, the more EU legislation challenges such institutionally deeply embedded or core patterns of the regulatory style and structure.

The extent to which sectoral styles and structures represent core patterns of national administrative traditions depends on their embeddedness into the general institutional context defined by the state tradition as well as the legal and political-administrative system. Thus, institutional embeddedness is the higher the more sectoral arrangements reflect the basic conception of the state (state tradition). According to Badie and Birnbaum (1983) two broad paths implying different state conceptions can be distinguished: the "state-led society" (France, Prussia) where the state has developed autonomous authority structures over society in order to lead the nation by active intervention and control and the "society-led state" (Britain) reflecting a network of elites and institutions which have national legitimacy in place of the state. In the latter model political influence is founded on social values and not on the forcible conquest of the state (Dyson 1980).

Embeddedness of sectoral regulatory styles is also affected by the extent to which they correspond with the particular characteristics of a country's legal system. Different legal traditions have led to different conceptions of the law in leading and controlling

administrative action. In the Continental states separation of state and society is reflected by the development of a comprehensive system of administrative law which contains detailed procedural and substantive provisions in order to empower administrative intervention into society. Administrative action, therefore, is fundamentally related to legal rules defining possible courses of action. In Britain, on the other hand, administrative law and judicial review are comparatively less developed. Formal legal rules are less important for administrative activity than in Continental Europe.

To distinguish, whether elements of the sectoral regulatory structure reflect core or only peripheral aspects of national administrative traditions, we have to analyse the extent to which these elements are linked to the basic patterns of a country's administrative organisation and state structure. This includes dominant modes of allocating administrative competencies as well as well-established arrangements of administrative coordination and control.

The Dynamic Dimension of Adaptation Pressure

When considering the institutional embeddedness of administrative arrangements, it should be noted that the structural stability of embeddedness; which we call the "embeddedness of embeddedness," is conceived as dynamic rather than static. The institutional background, in which administrative arrangements are embedded, may itself be subject to dynamic developments, whose pace and scope are basically dependent on the structural capacity for reforms given at the national level. In other words, the institutional background, in which sectoral administrative arrangements are embedded is conceived of as a trajectory, along which—depending on the reform capacity of the political system—more or less far-reaching developments may take place (cf. Dobbin 1994). The higher the structural dynamics implied in this

"embeddedness of the embeddedness", i.e. the structural flexibility of the core, the lower the potential vulnerability to core challenges implied by supranational legislation.

The structural capacity for national administrative reforms depends on the number of institutional veto points (Immergut 1992, 27) administrative actors have at their disposal in order to block political and societal reform initiatives. The number of veto points is firstly affected by aspects of the political system, including the party system (single party versus coalition governments) and the degree of political decentralisation (unitary and centralised systems versus federal systems with a strong interlinkage of policy-making at the federal and regional level). Second, the number of veto points increases with the extent to which administrative activity is based on legal and formal requirements. Administrative changes thus requires to go through formal procedures, a process which encourages participation and open conflict of interests, hence working against swift, single-handed institutional reorganisation. Third, the more comprehensive and fragmented administrative structures, the more difficult it is to implement reforms "from above" (Benz and Goetz 1996).

In sum, our institutional and dynamic conception of adaptation pressure allows us to distinguish between three levels of pressure. We classify pressure as *high*, if EU policy is contradicting core elements of administrative arrangements. *Moderate* adaptation requirements, on the other hand, relate to cases where EU legislation is demanding only changes within the core of national administrative traditions rather than challenging these core factors themselves. In contrast to instances of moderate and high adaptation pressure which both imply more or less far-reaching administrative changes, *low* pressure for adaptation is given if member states can rely on existing administrative provisions to implement European legislation. Given the dynamic conception, the level

of adaptation pressure may shift as a result of national reforms; i.e. national reform developments may alter the institutional scope of European requirements.

2.2 Linking Adaptation Pressure and Implementation Effectiveness

According to the three levels of pressure, we are now able to identify different “implementation paths”, where adaptation following the "logic of appropriateness" is likely to bring about either effective or ineffective implementation results.

Contradiction of the Core: Administrative Resistance

In cases where European policies imply contradictions of the administrative core, ineffective implementation results are likely. As neo-institutional approaches suggest, well-established institutions and traditions not easily adapt to exogenous pressures. Apart from the rare cases of external shocks or fundamental performance crises, institutions remain stable even in a changing environment (cf. Krasner 1988; DiMaggio and Powell 1991; March and Olsen 1989). Such persistence is particularly apparent with respect to core elements, which are deeply rooted in the institutional framework. In such cases it follows from the "logic of appropriateness" that we observe either incomplete, incorrect, or symbolic adaptations, which fail to effectively meet EU requirements.

Change Within a (Changing) Core: Accepted or Neglected Adaptation?

Moderate pressure implies that the adaptations required can be achieved by changes *within* the institutional framework without challenging its core. Actual adaptation may require substantial but no “fundamental” reforms. On the one hand, the limited institutional scope of European requirements can be the result of the absence of a

challenge to a “static” core. In such cases only supplementary or complementary elements are added to the existing regulatory approach. On the other hand, an initially high institutional scope of reform implied by European requirements may be reduced in the context of independent national administrative reforms. This reform dynamic can alter the "logic of appropriateness" at the sectoral level, so that effective adaptation to EU requirements can be achieved within a changing core.

Furthermore, we hypothesise that it is in cases of moderate adaptation pressure where an exclusive focus on institutional factors may render only insufficient results and where a satisfactory explanation of implementation performance may require a lower level of abstraction, namely the independent analysis of actor coalitions within the given policy context. This hypothesis appears reasonable as the “institutionally more open” situations of moderate adaptation pressure are less able to "determine" coalition formation and behaviour than situations of high or low pressure. It follows from this hypothesis that depending on the nature of the specific actor constellation moderate adaptation pressure may result in successful implementation or, alternatively, European reform requirements may be either underestimated or intentionally ignored by the policy actors.

Confirmation of the Core: Compliance Without Change

If the constellation of European requirements and national administrative traditions implies no or only negligible adaptations of administrative arrangements characterised by a low degree of institutional embeddedness, EU policy can be seen as a confirmation of national core arrangements. This holds especially true for cases where national arrangements exactly reflect or even go beyond the supranational provisions. In such cases, national administrative traditions allow for a rather effective implementation of European legislation, since compliance is unproblematic.

3 Empirical Evidence: The Implementation of EU Environmental Policy in Three Member States

Based on the analytical framework developed, we are now able to explain and interpret empirical findings drawn from the implementation of EU environmental policy in Germany, Britain, and France, whose administrative traditions show significant differences in terms of regulatory styles and structures. Implementation effectiveness is analysed for four measures: the Directives on Drinking Water[2], Environmental Impact Assessment (EIA)[3], Access to Environmental Information[4] and the Eco-Audit Regulation[5].

The four measures selected reveal broad variation concerning their implications on sectoral administrative styles and structures (see table one). Thus, the impact of the 1980 Drinking Water Directive, which regulates the quality of water for human consumption, is basically restricted to the dimension of the regulatory style. The Directive binds member states to fix limit values for over sixty parameters within the scope of specified guiding and mandatory values. In prescribing strict mandatory objectives based on the precautionary principle, the Directive introduces substantive instruments, which leave limited discretion for flexible application. Accordingly, the measures imply rather formal and legalistic patterns of administrative interest intermediation. The interventionist approach of the Directive becomes obvious not only in the definition of substantive standards, but also in the prescription of measurement and monitoring technologies. However, certain measurement technologies were already outdated when the Directive came into force and were found incapable of performing the measurement of some fine values called for in the Directive.

The Information Directive, which was adopted in 1990, is part of the Commission's attempt to make environmental information more easily available to the public in order to reduce enforcement and monitoring difficulties experienced with EU environmental policies. To make the performance of both public authorities and the regulated industries accountable to the public, the Directive requires relevant authorities holding information on the environment to make this information available to the persons requesting it. The Directive is therefore characterised by procedural requirements aiming at open and transparent patterns of administrative interest intermediation in order to strengthen the opportunities for participation of third parties, including the general public as well as environmental interest organisations.

The impact of the 1985 EIA Directive, by contrast, is related to both regulatory styles and structures. The basic principle of the Directive is that any project which is likely to have significant effects on the environment is subject to an environmental impact assessment prior to authorisation by the competent authority. Environmental impacts have to be assessed from an integrated, cross-media perspective. On the one hand, these requirements imply a formal but open regulatory style implicit in the Directives' definition of procedural requirements to be met for the authorisation of projects, including public participation. On the other hand, the integrated approach has structural implications in pointing to the concentration or at least horizontal coordination of administrative control responsibilities.

While the EIA Directive may imply changes in existing structures, the 1993 Eco-Audit Regulation requires to build up new structures. In addition, the Eco-Audit Regulation emphasises a procedural regulatory style characterised by industrial self-regulation. The Regulation is intended to offer incentives for industry to introduce environmental management systems on a voluntary basis. It defines procedural requirements for the

establishment of internal management systems, which have to be approved by external verifiers. Member states must create competent bodies for the accreditation of the verifiers and the certification of participating companies under the so-called Environmental Management and Audit Scheme (EMAS).

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Given the strongly varying implications of the four measures in terms of regulatory styles and structures, it is the intention of the following section to investigate the way these distinctive requirements were implemented in the context of the differing national administrative traditions of Britain, France, and Germany.

3.1 Germany: The Constraints of “Static Appropriateness”

Considering the German implementation record of the four policies under study, we find a dominant pattern of ineffective implementation as a result of administrative resistance to change. This holds especially true for the Directives on EIA and Access to Information, whereas the case of Drinking Water reflects a case of initially inappropriate adaptation leading to delayed implementation. Effective adaptation and hence implementation can only be observed for the EMAS-Regulation. How can we explain these findings which are surprising, given the strong environmental movement and hence support for effective implementation in Germany? As will be shown, a thick institutional core combined with low structural capacity for administrative reform narrows the options for reform within the "logic of appropriateness", and hence the chances of full compliance with EU objectives.

This statement becomes particularly obvious with respect to the implementation of the Drinking Water Directive. Taking a policy-related persepective on adaptation pressure,

the requirements of the Directive were fully in line with the sectoral arrangements in Germany. Thus, also the German regulatory style is based on substantive and uniform standards reflecting the precautionary principle. Nevertheless, viewed from an institutional perspective, Germany was confronted with adaptation requirements which would have resulted in —at least partly—relaxing its interventionist regulatory style. This pressure emanated from the fact that the measurement procedures prescribed by the Directive were insufficient for detecting breaches of certain quality values defined. Given this inconsistency, Germany delayed transposition of the EU legislation until it could ensure adequate measuring procedures (Lenschow 1997).

The German resistance seems to be a quite "appropriate" form of non-adaptation in light of the strongly embedded legalistic and interventionist approach. Thus, the combination of hierarchical intervention “from above” and legalism is deeply rooted in the German state and legal tradition, which presupposes a superior role of the state *vis-à-vis* society; with the binding of the administration to the law (following the principle of the *Rechtsstaat*) traditionally serving as a substitute for democratic representation. The binding of the administration to the law implies that, as a general rule, the scope and mode of administrative activity is specified by law. Public administration serves the application of the law rather than policy-making, hence possesses comparatively little flexibility and discretion when implementing legal provisions (Ellwein and Hesse 1989, 392; Peters 1995, 137). Obvious legal inconsistencies as contained in the Drinking Water Directive therefore would have significantly weakened and delegitimised the German regulatory logic of intervention.

An even more obvious contradiction of administrative core arrangements can be observed in the case of the Information Directive. The requirements of the latter stand in sharp contrast to the German tradition of restricting access to administrative data to

parties directly affected by administrative activities. Within the German tradition of the state, the civil service is accountable to the state and to the law rather than to society, hence implying no particular necessity for administrative transparency (König 1996). Moreover, the *Rechtsstaat* principle places its emphasis on the protection of subjective individual rights rather than the participation of the public in administrative decision-making. Access to administrative decision-making therefore is limited to these cases, which are — given the legalistic approach — exactly specified by administrative law (Winter 1996). Considering these strongly rooted core principles, it comes as no surprise that the German response to European legislation within the national context of "appropriateness" could not bet sufficient to meet the supranational requirements. Besides the fact that implementation was delayed and formal transposition occurred in a very restrictive way, practical application indicates far-reaching deficits (Scherzberg 1994; Lenschow 1997).

Implementation was also ineffective in the case of the EIA Directive, with structural implications that contradicted the prevailing German regulatory structure. While the cross-media approach embodied in the Directive implies a horizontally integrated structure, German arrangements are characterised by far-reaching horizontal medium-specific fragmentation (Pfeiffer 1991). These arrangements show a high degree of institutional breadth, since they are tightly linked to a multi-tier hierarchical structure at the regional level; i.e. horizontal fragmentation is embedded in vertically integrated, but horizontally segmented procedures and structures. Given these arrangements, administrative adaptation following the "logic of appropriateness" was not sufficient to effectively comply with European legislation: Although progressive national legislation was enacted to formally comply with the Directive, subsequent specification of the legislation by Regulations and Circulars significantly reduced the scope of the

Directive. Thus, the EIA does generally not make much difference for the German authorisation practice which is still based on a single-media approach (Lenschow 1997).

The Eco-Audit Regulation represents the only case where "appropriate" changes at the national level led to effective implementation results; i.e. EU adaptation requirements were fully accepted. Successful implementation can be explained by two factors: the institutional scope of adaptation pressure remained within the core of administrative traditions and effective adaptation to European requirements was strongly supported by national actors.

The moderate institutional scope of European implications lies first in the fact that EMAS provides an additional regulatory instrument supplementing the tools already in place rather than replacing existing core arrangements; i.e. the interventionist approach in Germany. In addition, the supplementary requirements implied by the Regulation correspond with another important element of the German state tradition, namely, the tradition of corporatist arrangements which are reflected in a whole range of intermediary organisations that partly assume public functions and partly represent private interests (Lehmbruch 1995). Hence, the idea of industrial self-regulation as advanced by EMAS is not in contradiction with the core of German administrative traditions.

As outlined in the analytical framework, however, the fact of only moderate adaptation requirements does not automatically imply effective implementation. We hypothesise that this now depends on the degree of support by national actors which is no longer pre-determined by institutional conditions. Despite certain discussions on the concrete implementation, the political arena was characterised by broad support for the Regulation from both industrial and environmental organisations, which in part could be traced to the fact that implementation happened to resonate with concurrent national

debates on “slimming the state” and deregulation (Lenschow 1997)[6]. A policy coalition formed favouring the intentions of the Regulation and, specifically, supporting patterns of corporatist self-regulation, in which both administrative, industrial, and environmental actors are represented (Héritier, Knill and Mingers 1996).

In sum, the German case reveals limited administrative flexibility to effectively comply with European requirements. On the one hand, this can be traced to the high level of institutional entrenchment of sectoral regulatory styles and structures. On the other hand, German administrative traditions are relatively “static”; i.e. resistant to fundamental change. Administrative reform takes generally the form of an “ongoing process” (Seibel 1996), including minor adaptations remaining within rather than altering the “logic of appropriateness”. The major reason for this development lies in the limited capacity for administrative reform, which in turn is a consequence of the high number of institutional veto points provided by the federal system with its policy interlinkages, the fragmented and differentiated administrative structure, and the dominance of formal and legal procedures (Benz and Goetz 1996).

3.2 Britain: The Opportunities of “Dynamic Appropriateness”

While the German case revealed a surprising pattern of ineffective implementation, the British implementation record is not less puzzling, given the UK’s reputation as environmental “laggard”. Thus, apart from the EIA Directive, all other measures under study are implemented rather effectively. We suggest, while, as in Germany, sectoral arrangements are strongly embedded in the institutional core of administrative traditions, there is a higher potential for dynamic core developments which may alter the "logic of appropriateness".

The high capacity for initiating and implementing administrative reforms emerges as a result of the low number of institutional veto points and the strong position of the central government within the British political system: “Britain has ... the fewest formal or codified restrictions on government action of any liberal democracy” (Dunleavy 1993, 5). What is more, the organisation of public administration is not based on a comprehensive hierarchical system, but on a loosely coupled system of special authorities which evolved gradually over time (Peters 1995, 138). This reduced level of institutional breadth makes administrative restructuring easier to achieve.

The structural potential for dynamic developments became particularly evident in the reform policies of the Thatcher government, which had profound implications on British public administration. To improve efficiency and effectiveness of the public sector, policies were directed at administrative reorganisation, management reforms and privatisation; with all of these elements potentially challenging existing administrative traditions. Important structural changes were introduced with the *Next Steps* initiative. It implied the creation of semi-autonomous agencies responsible for operational management, separating these management functions from policy-making functions which remained the responsibility of the relevant departments. Private sector management and performance regimes introduced noteworthy operational reforms. The performance drive, but also the need to compensate for lacking democratic control of the independent agencies, led to a tendency to make the agencies’ activities more transparent and accountable to the public. A further feature of national reforms was the privatisation of public utilities, including the nationalised energy and water supply industries. Regulatory regimes were created to control the market activities of these privatised utilities (Hood 1991; Knill 1995; Rhodes 1996).

The dynamic developments at the national level implied important changes in administrative core characteristics concerning regulatory style and structure. As a result of the establishment of performance-oriented regimes and the creation of independent regulatory bodies, we saw a shift toward more formal, legalistic and open patterns of administrative interest intermediation. These shifts in regulatory style can also be associated with changes in intra-administrative relations. Thus, the relation between the new agencies and their sponsoring departments are defined in formal contract-like documents. Moreover, the establishment of independent agencies implies a formalisation of intra-administrative coordination, which, in turn, may reduce the leeway for informal interaction between administrative and private actors, at least in cases where the latter are now regulated by different (e.g., economic and environmental) agencies. Finally, both privatisation and agencification have far-reaching structural implications, leading to a "trimmed down" but increasingly fragmented public sector (Rhodes 1996).

National reforms had important consequences for the implementation of the Directives on Drinking Water and Access to Information. In altering the "logic of appropriateness", they allowed for the full compliance with European requirements, which prior to national reforms had implied adaptations which exceeded the scope of "appropriate" change.

To begin with the Drinking Water Directive, especially the uniform definition of legally binding quality standards was in contradiction with the traditional regulatory style characterising British water policy. State intervention was based on the procedural principle of *wholesomeness*, which was never legally defined by numerical standards. The principle reflected a flexible approach allowing for high administrative discretion to adapt control requirements in light of the particular local situation. Moreover, the

regulatory approach was based on a system of self-regulation by the publicly owned water suppliers which were not only responsible for the provision and control of drinking water, but also for the regulation of their industrial discharges stemming from sewage treatment. Given the concept of industrial self-regulation. access for third parties, such as consumer and environmental groups, was almost excluded (Maloney and Richardson 1995).

The sectoral regulatory style corresponded with the general British “policy style” (Jordan and Richardson 1982), rooted in the state tradition of the “society-led state” (Badie and Birnbaum 1983, 83). The emphasis on flexible regulation and administrative discretion finds its expression in the legal system with its preponderance of procedural regulation and the missing comprehensive system of public law principles to guide and control administrative action (Damaska 1986, 25).

Given the contradiction between these institutionalised features of the sectoral regulatory style and the European Directive, administrative adaptation following the "logic of appropriateness" was unlikely to lead to effective implementation. Indeed, Britain first transposed the Directive only in a formal and very restricted sense, leaving its regulatory practice basically unchanged; a strategy which led to ineffective results and infringement proceedings initiated by the EU Commission (Haigh 1996).

This initial picture, however, changed significantly after the national administrative reforms. These favoured the effective implementation of the Directive in two ways. First, they reduced the institutional scope of European requirements. Second, they strengthened the position of national actors supporting effective implementation.

The impact of national public sector reforms in the area of water policy is related to the 1989 privatisation of the water industry and the establishment of a fragmented

regulatory structure. Privatisation led to the institutional separation of the regulatory functions from the function of water provision which previously were both fulfilled by the publicly owned water companies. The regulation of the industry's operations was transferred to three regulatory bodies being responsible for economic and environmental regulation as well as the control of drinking water provision.

A first consequence of these reforms was a shift from self-regulation based on flexible and procedural requirements towards a more formal, legalistic regulatory style based on substantive, performance-related criteria. This shift was moreover facilitated by the fact that privatisation implied that the economic costs of compliance with European standards (which were enormous given the underinvestment in control technology up to that point) no longer interfered with the Conservative government's objective of reducing public spending (Knill 1997).

Besides the impetus for a more interventionist style, privatisation had a second consequence which favoured the persistence of regulatory flexibility and discretion which make up traditional components of the British administrative tradition. Flexibility was necessary to facilitate the privatisation in the water sector as it contributed to the minimisation of economic uncertainties stemming from potential infringement proceedings initiated by the European Commission seeking compliance with EU water legislation (Knill 1997). Flexible handling within the context of the new, binding quality standards is achieved through the concept of *legal undertakings* which water suppliers can submit to the regulatory authority in the case of a breach of standards. The undertakings establish the kind of improvements operators need to accomplish within a given period of time in order to achieve the binding standards. This occurs in light of the local situation, such as the quality of the water source, and practicability, in terms of available technology and needed water supply.

Hence, national reforms changed the scope for "appropriate" compliance with European requirements and allowed for the effective implementation of the Directive in the context of a modified regulatory approach that is nevertheless still based on local environmental quality, sound scientific evidence and cost/benefit considerations. The fact that Britain actually complied with EU requirements is not only a result of the reduced pressure for institutional adaptation, however, but was in the end a consequence of a now more supportive actor constellation. Support for the EU measures had significantly increased as a result of the institutional changes introduced by national reforms. The abolition of self-regulation in favour of a fragmented system of environmental and economic regulation strengthened the voice and influence of environmental and consumer groups, hence provided a new institutional context which favoured the compliance with European objectives also from an actor-centred perspective (Maloney and Richardson 1995)[7].

The Information Directive provides another case, where national reform dynamics changed the "logic of appropriateness", hence allowing for effective implementation of supranational legislation. The requirements of the Directive to provide access to environmental data held by public authorities stood in sharp contrast to the British tradition of secrecy which almost entirely excluded access and participation opportunities for third parties with respect to environmental regulation (Vogel 1986). This tradition of secrecy can be understood against the background of the British state tradition, namely the supremacy of Parliament. Since the executive power is subject to parliamentary control, administrative accountability towards society is seen as being sufficiently guaranteed (Steel 1979; Burmeister 1990).

Given this high level of adaptation pressure exerted by the Directive on traditional British arrangements, one would have expected ineffective implementation results.

However, the Directive was implemented in a way that in part even went beyond European provisions. The Environmental Protection Act of 1990 requires regulatory authorities to establish so-called public registers which contain all relevant permitting and operational data as well as the results of emission monitoring for all processes falling under the Act. These arrangements exceed the requirements of the EU Directive which provides only a passive right of information on request, whereas the British rule grants an active right of access to information. The Directive applies to all environmental data, however, while the public registers cover only certain data pertinent to authorisation procedure. In so far, certain legal adaptations were still necessary in the UK, which were, however, implemented rather effectively (Knill 1997).

As in the case of drinking water, effective implementation was favoured by two factors. First, administrative reforms directed at opening up government and increasing administrative accountability implied that access to environmental information no longer reflected a challenge of administrative core arrangements, since this core has been itself subject to dynamic changes. Hence, effective adaptation to European requirements was possible within a modified "logic of appropriateness".

Second, the fact that this adaptation actually took place can be traced to the broad support in favour of public access to environmental data by national actors. The institutional opportunities for the latter to influence administrative change had significantly increased with the administrative changes introduced in the context of national reforms. The impact of the changed institutional environment can be inferred from previous domestic occurrences. The Royal Commission on Environmental Pollution as well as environmental organisations and the Campaign for the Freedom of Information had urged for the adoption of more transparent environmental information

and reporting practices in Britain already since the mid-1970s but, they were ignored in a national context still characterised by a secretive regulatory style. Similar resistance we would have expected had a EU Directive required more open practices at that time. Administrative change became possible as the regulatory core in Britain moved toward accountability and opening-up government. These general dynamics created a more favourable institutional framework for domestic environmental policy entrepreneurs to voice their demands and gradually modified the government's receptiveness for action (Knill 1997).

Whereas in the previous two cases moderate adaptations were necessary to comply with EU requirements, pressure for administrative change was very low in the case of the Eco-Audit Regulation, which confirmed existing administrative arrangements in Britain. This was due to the fact that the adoption of the EU Regulation took place at about the same time as the institutionalisation of the British environmental management system, even using the British example as a reference point (Héritier, Knill and Mingers 1996). Before this background, the adaptations required by EU legislation were minimal as they merely demanded the introduction of additional elements to the national system based on British Standard 7750, rather than the change of this standard. Moreover, with respect to structural requirements, the UK could rely on administrative structures already in place to implement the national system as well as the ISO 9000 quality management (Knill 1997). Given the general compatibility of EU legislation and national administrative traditions, EMAS is implemented effectively in the UK.

In contrast to the three pieces of European legislation analysed so far, the UK's implementation record with respect to the EIA Directive is less successful. Although the institutional scope of the Directive's provisions would have required only moderate changes rather than challenging administrative core arrangements, administrative

adaptation at the national level led to ineffective results as a consequence of missing support from national actors.

The British version of Environmental Impact Assessments existed already since the 1970s, albeit on a legally non-binding and unsystematic basis. Nethertheless, the European Directive came quite close to the British arrangements with respect to the requirements regarding public participation, the information to be supplied by the developer of a project, as well as the balancing of this information supplied by the developer and others by the planning authorities (Haigh 1996). The Directive departed from the British practice, however, in requiring more formal procedures and centralised coordination. Rather than adjusting to these demands, Britain integrated European requirements into its existing planning procedures violating the objectives of the Directive.

Firstly, due to the lack of coordination between central and local authorities within the British political system (Rhodes 1991), there is no linkage between the EIA (where responsibility lies with the local level) and the industrial process authorisation (which for the larger plants lies with the central Environment Agency) (Knill 1997)[8]. Secondly, as a result of the "easy" approach towards implementation, environmental impacts are given no particular rank compared to other considerations in the planning process. In light of the wide discretion traditionally given to the planning authorities, the latter have broad leeway in balancing the results of the EIA against other information to be considered, such as financial and economic interests. Moreover, the balancing of competing considerations is only to a limited extent subject to court review. The quality of environmental statements in general is therefore not very satisfactory (Alder 1993, 212).

The neglected adaptation to only moderate institutional requirements implied by European legislation can only be understood against the background of the institutional and general policy context which was not supportive in the UK during the mid 1980s, that is, during the time of the EIA implementation. Generally, the political influence of environmental organisations was low and environmental awareness of the general public relatively weak. The few political access points for environmental policy entrepreneurs hindered effective mobilisation in this issue area (Knill 1995). Furthermore, to the extent that we witnessed some issue salience and concern with environmental pollution this was focused on debate about SO_2 — a context where Britain had been proclaimed to be the "dirty man of Europe" (Héritier, Knill and Mingers 1996). With respect to the rather "dull" EIA, which could not easily be linked to environmental disasters, there was no public pressure keeping the political level "honest" in implementing the Directive.

In sum, apart form the EIA Directive, whose implementation was not directly affected by the national reform developments, the British implementation performance reveals the high potential for adapting to European policies in a context of dynamic administrative traditions. The high capacity for administrative reform increases the probability for successful implementation by reducing the institutional gap between European requirements and existing national arrangements.

3.3 France: The Constraints and Opportunities of "Flexible Appropriateness"

In contrast to Germany and Britain, the French implementation record reveals no dominant pattern of either effective or ineffective results. Every measure under study follows a different implementation path: On the one hand, we find effective results for

the Information Directive (which confirms existing arrangements) and the EMAS-Regulation (where necessary adaptations were accepted). On the other hand, implementation is ineffective for the Directives on EIA (where adaptations were neglected) and Drinking Water (which challenges administrative core arrangements). These mixed results, which lie somewhat in between the generally resistant adaptation patterns in Germany and effective adaptation in Britain, can be explained by two aspects.

First, and opposed to the German case, administrative arrangements in France are characterised by high degree of regulatory variety, hence reducing the potential of a confrontation by Europe with core contradictions. There is more leeway to comply with EU requirements by changes *within* rather than *of* the core.

Within the tradition of a strong and powerful bureaucracy guiding and intervening into society "from above", French administration makes use of a broad range of regulatory instruments in the environmental field. Regulatory variation is apparent not only with respect to different forms of state intervention (reaching from substantive and procedural regulation to economic incentives and voluntary agreements), but also with respect to patterns of administrative interest intermediation, where traditional values of authority, formalism and legalism coincide with informal, consensual and pragmatic relationships during the stage of practical application (cf. Héritier, Knill and Mingers 1996).

Second, and opposed to the British case, there is only limited room for national reform dynamics allowing for changes to sectoral core features in the context of general reforms which may correspond to trends in the European requirements. Despite the strong position of president and government within the French political system (Mény 1993, 232), structural capacity for administrative reform is low with administrative

change basically emerging “from within” the bureaucracy. Given the dominance of homogenous, highly centralised and professionalised elites in the bureaucracy, *les grands corps de l’Etat*, the administration has a rather autonomous position within the French political system. Autonomy emerges from the strong sectoral integration of the different *grands corps* across hierarchical levels and the deep entrenchment of the lower bureaucratic ranks in their social and territorial milieu, hence impairing reform pressure from above. Furthermore, strong sectoral integration within different *corps* implies far-reaching administrative segmentation, which increases the difficulty to initiate reforms aiming at changing public administration as a whole (de Montricher 1996, 251).

These constraints for adapting to European requirements despite regulatory flexibility can be illustrated by the ineffective implementation of the Drinking Water Directive. Many quality values laid down in the Directive (especially those for nitrates and lead) are considered too strict by the French authorities and are therefore intentionally ignored during practical application. At first glance, this is rather surprising, given the fact that the regulatory style implied by the Directive is well in line with the French approach. The French regulation of drinking water relies on uniform and substantive standards which basically even correspond with the European values (Bailey 1997). Hence, from a mere policy-related perspective on European adaptation pressure, one would expect effective implementation.

A perspective taking account of the institutional scope of adaptation pressure, however, indicates that European requirements were in contradiction with a deeply rooted core element of French administrative practice, namely the considerable autonomy of the local level to negotiate arrangements with its clientele. Although administrative activities are legally specified in a detailed way, the local services have acquired a *de facto* power of decision, allowing for the interpretation of legal rules in light of the

particular situation. These “normes secondaires d’application”, which are often defined in informal and consensual negotiations between the regulators and the regulated, “se révèlent plus déterminantes que la législation de référence” (Lascoumes 1994, 169).

The autonomous position of the local level is institutionally entrenched in the strong integration of the *grands corps*, implying that administrative coordination occurs to a lesser extent by hierarchical means, but by the confidence through which the top entrust the lower ranks (de Montricher 1996, 250). Moreover, consensual interactions between administration and industry are facilitated by the fact that administrative and industrial top officials are often “old boys” of the same *grande école* (Héritier, Knill and Mingers 1996). Against this background, the "appropriate" application of European standards in the context of the strongly institutionalised French practice of “secondary norms” was not sufficient to meet the uniform and legalistic objectives defined in supranational legislation.

The Information Directive, on the other hand, can be seen as a confirmation of existing arrangements. Given the fact that national arrangements went even beyond EU requirements, effective compliance was possible without any legal or practical changes. The relevant national legislation is the 1978 Act on access to administrative documents which was part of a group of laws enacted in the late 1970s designed to promote public participation in administrative decision-making. Given the French tradition of an “enlightened bureaucracy” which is superior to society, this development might come as a surprise. However, public participation served to strengthen the position of the bureaucracy by increasing its legitimacy and authority at a time of intensified technocratic intervention (Winter 1996).

While this development allowed for effective implementation of the Information Directive, its implications in the case of the EIA Directive led to less effective results.

In the context of the regulatory changes enacted during the 1970s, France had also established the legal and administrative basis for carrying out an EIA. In contrast to the Information Directive, however, the objectives defined in the EIA Directive would have required certain modifications with respect to public participation and the relevance of the EIA within the authorisation process. Thus, in contrast to the Directive's intention, the French Environmental Impact Assessment is a pure declaration of the environmental impacts of a project rather than an instrument to stop or change projects with adverse environmental effects. Moreover, public participation generally takes place only after a decision on the project has been taken already (Bailey 1997). Nevertheless, given the open texture of the Directive and the fact that the basic procedures were already in place in France, effective implementation would have required only moderate institutional changes along these two dimensions. Political support by national actors, however, was not sufficient to motivate effective adaptation. This can be traced to the fact that, in offering environmental organisations certain opportunities for "controlled" participation, the French administration managed to strengthen its position by instrumentalising these organisations and making use of their resources, while canalising and marginalising their political influence (Lascoumes 1996, 211).

By contrast, effective adaptation took place in the context of the EMAS Regulation. As with the EIA, the European adaptation pressure remained at a moderate level as the innovations implied by the Regulation require the creation of new, rather than the replacement of existing, arrangements. Moreover, the multiplicity of regulatory instruments available to French environmental policy contributed to the reduction of institutional adaptation pressure. Thus, the spirit of the Regulation was well in line with the French practice of voluntary agreements on industrial emission reductions (*contrats de branche*) and the use of economic incentives (Héritier, Knill and Mingers 1996). In this case the strong support of industry resulted in France effectively adapting its

administrative arrangements to European requirements and setting up the relevant structures for certification and accreditation. To improve opportunities for effective implementation, in addition a pilot study was initiated by the Environment Ministry, including fourteen large companies (Bailey 1997)[9].

To conclude, the French implementation record reveals both the limits and opportunities of flexible but stable administrative traditions to effectively adapt to European requirements. On the one hand, the multiplicity of regulatory instruments applied by a rather autonomous and powerful bureaucracy reduces the potential vulnerability to institutional core challenges exerted by supranational legislation. On the other hand, the limits for flexible adaptation become obvious as soon as EU requirements exceed the scope of moderate adaptation requirements by challenging administrative core arrangements.

4 Conclusion

In this article we developed an analytical framework for the study of a central issue of European integration: the success with which EU policy is implemented at the national level. Research in this field lacks both systematic analysis and sound empirical evidence. This article offers a first step to overcome these deficits by focusing on the impact of national administrations, the main actors involved in the implementation of EU legislation. The analytical approach, which is systematically applied to empirical results drawn from the implementation of EU environmental policy in three member states, allows furthermore for general conclusions on the implementation capability of different national administrative systems.

The analysis has shown that national administrative traditions and their level of institutionalisation influence national implementation of EU legislation. More precisely, national compliance with EU law depends on the level of adaptation pressure perceived in the member states. Adaptation pressure is defined as the degree of institutional incompatibility between national structures or practices and supranational requirements. Institutional compatibility we infer from the nature of the EU policy requirements, the level of embeddedness of those features in the national regulatory style and structure that require adaptation in order to reach compliance with EU law, and finally from the national capacity for administrative reform, which may alter the original institutional scope of adaptation in cases of independent changes to the administrative system.

Based on the neo-institutional premise that administrative change follows the "logic of appropriateness" and in light of varying levels of adaptation pressure we distinguished different "implementation paths". In cases of high adaptation pressure, implementation is likely to be ineffective, since European policies require fundamental institutional changes which cannot be achieved by adaptations following the "logic of appropriateness". In cases of low adaptation pressure, we assume effective implementation as a result of the full compatibility of European requirements and existing national arrangements. In cases of moderate adaptation pressure, however, where European legislation requires adaptations that remain within the national scope of "appropriateness", we find that institutional factors provide no sufficient explanation for the varied—positive and negative—implementation results observed in the case studies.

In these cases of moderate adaptation pressure we find that an actor-centred perspective provides us with the necessary clues. Our analytical framework, looking at the complexities of actor coalition formation only as secondary factors, follows the principle of "decreasing abstraction". Furthermore, in this article we delineate the

conditions under which a lower level of abstraction is needed for a sufficient explanation, namely in "institutionally more open" situations of moderate adaptation pressure. Hence, by choosing an institutional perspective we do not reject the explanatory value of the "coalition argument"; rather we integrate it in an explanatory framework aiming at reducing complexity.

The application of our institutional approach within a comparative perspective furthermore allows for general conclusions on the extent to which different administrative systems are capable of effectively implementing European policies. The distinctive characteristics of different national administrative traditions have an important impact on a country's general ability to comply with EU requirements within the national "logic of appropriateness". Thus, the low adaptation capability found in Germany is the result of a thick institutional core combined with low structural capacity for administrative reform. This constellation increases the potential that European legislation contradicts administrative core arrangements, which cannot effectively complied within the scope of "appropriateness". By contrast, adaptation capability is much higher in Britain, where the general capacity for national reforms creates potential opportunities for changing the "logic of appropriateness", hence allowing for effective adaptation to initial core challenges. The French adaptation capability lies somewhat in between the two poles defined by Germany and Britain. While, similar to Germany, the probability for national administrative reforms is low, the institutional variety of existing arrangements reduces the vulnerability to European core challenges and hence the potential for effective compliance.

Table 1: Administrative Implications of the Policies under Study

	Regulatory Style	Regulatory Structure
Drinking Water	Intervention Type: hierarchical, uniform, substantive, low flexibility Interest Intermediation: formal and legalistic	neutral, organisational rather than structural implications
EIA	Intervention Type: hierarchical, procedural, high flexibility Interest Intermediation: (limited) public participation	concentration and coordination of administrative competencies
EMAS	Intervention Type: self-regulation, procedural, high flexibility Interest Intermediation: not directly affected	building up new administrative structures

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[2] 80/778/EEC.

[3] 85/337/EEC.

[4] 90/313/EEC.

[5] Regulation (EEC) No. 1836/93.

[6] In this context it is currently discussed to what extent EMAS may play a role in accelerating the authorisation procedure for industrial plants. Interestingly, this issue linkage provided the crucial factor for the support of the Regulation by the industry (Héritier, Knill and Mingers 1996).

[7] The environmental regulator (the Environment Agency) is generally quite responsive to environmental interests, whereas OFWAT, the economic regulator, fulfils the basic task of consumer protection. In recent years, the relation between both agencies was rather conflictive, especially with respect to the balance between quality improvements on the one hand and the extent to which these improvements may result in increasing water charges to be paid by consumers. These conflicts, however, contributed to increased regulatory transparency, hence favouring the perception of and adaptation to European requirements (cf. Maloney and Richardson 1995).

[8] Despite the unitary structure of the state, this division of responsibilities leaves local authorities a certain room for own initiatives and activities, since, unlike in France, there are no local agents of central government which coordinate and influence the activities of local authorities (Rhodes 1991, 85).

[9] There is, however, some concern within industry that the information given to the control authorities as part of an Eco-Audit will be used against a company during inspection. This problem, however, seems to be more one of transition rather than posing severe implementation difficulties (Bailey 1997).