



UNIVERSITY OF GOTHENBURG

MASTER THESIS IN
EUROPEAN STUDIES

Do great expectations in Brussels fail due to political disagreement in Stockholm?

A study on political contestation and Swedish
transposition records

Author: Joel Wetterberg
Supervisor: Urban Strandberg
19 May 2015

Abstract

Policy processes within the EU are complex and time consuming. Swift responses to ever changing challenges as well as compliance to rules and regulations are crucial for the functioning of the EU. This thesis deals with the obligation of member states (MS) to comply with decisions made at the supranational level. The thesis specifically analyses whether conflict between political actors influence compliance with EU directives in Sweden. This situates the thesis in on-going scholarly debates on reasons for variation in non-compliance between policy sectors.

The thesis analyses 56 strategically selected transposition processes, using text analysis to test a series of hypotheses regarding political conflict and compliance. The thesis moreover analyses 15 cases in-depth to try and establish a causal link between political conflict and non-compliance. The analysis furthermore aims to test whether, a well-established proxy for political conflict in quantitative studies, the divide between council and commission directives, holds when tested qualitatively.

The thesis concludes that council directives do cause a lot more conflict in Sweden than commission directives. Furthermore the thesis finds that political conflict seems to have a substantial effect on compliance in the Swedish context and thus with some certainty in other EU MSs as well. The result corroborates conclusions from previous scholarly work, that political processes in the MSs are an important key for the understanding of compliance variance. However when putting the mechanisms to a test of in depth analysis the thesis fails in establishing a causal link between political conflict and compliance failures.

Key words: European Union, EU, Compliance, Implementation, EU law, Directive, Transposition, Europeanization, International relations,

Word count: 19 961

Table of Content

1	Introducing the thesis	1
1.1	Introduction	1
1.2	Aim and research questions	2
1.3	Outline	4
2	Previous research	6
2.1	Theoretical and methodological evolution of the research-field	6
2.1.1	A statistical artefact or an iceberg: methodological challenges	9
2.2	Findings in previous research	10
2.2.1	Capacity-based factors	11
2.2.2	Preference-based factors	12
2.2.3	The misfit theory revisited	13
2.2.4	Recent developments and novel attempts	14
2.3	Strategies to gain better knowledge	15
3	Key concepts and theory	16
3.1	Key concepts	16
3.1.1	Compliance and transposition	16
3.1.2	Political conflict	17
3.1.3	Council and Commission directives	17
3.2	Preference and capacity – Enforcement and management revised	18
3.2.1	Directives as a proxy for political conflict	18
3.3	Main hypotheses	19
3.3.1	Main theoretical model and competing explanations	20
4	Research design, Case selection and Method	21
4.1	Method and operationalization	21
4.1.1	Operationalising directives and political conflict	22
4.1.2	Timelines	23
4.1.3	Correctness	23
4.2	Data and case selection	24
5	Empirical analysis	27
5.1	Political conflict – an overview	27
5.2	Directives transposed as acts of law	28
5.2.1	Single directive transposition	30
5.2.2	Bundled transposition processes	32
5.2.3	Context transposition processes	35
5.3	Meeting the deadline – transposition timelines	36
5.3.1	Delay – a function of adopting institution?	37

5.4	Back to the hypotheses.....	38
5.5	In hunt for the causal mechanism – how do conflict influence compliance?	38
5.5.1	Eliminating competing hypotheses	39
5.6	The directives.....	41
5.6.1	The gas supply directive (GSD).....	41
5.6.2	The railway working-time directive (RWT)	41
5.6.3	H4-H6: Political conflict – Level, visibility and timing	42
5.6.4	H7: Timing and correctness	43
5.6.5	Conclusion from the process tracing.....	44
6	Concluding discussion	45
6.1	To what extent does the division between commission and council directives serve as a good proxy for the level of political conflict over directives?	45
6.2	How is correct and timely transposition in agriculture, finance and enterprise affected by political conflict over directives in Sweden?.....	46
6.3	Bringing the questions together	48
6.4	How and why does (non-) compliance with EU-legislation vary between policy-sectors?	48
6.5	Generality and qualification.....	49
6.6	Remaining gaps.....	50
7	References.....	51
7.1	Literature.....	51
7.2	Laws, directives, government proposals etc.	54
7.2.1	Commission documents	54
7.2.2	Committee reports.....	55
7.2.3	Laws	56
7.2.4	Government bills and reports	56
7.2.5	Minutes.....	57
7.3	Web Resources.....	57
8	Appendix 1: List of directives in the sample	58

List of abbreviations, figures and tables

Abbreviations

- ECJ** – European Court of Justice
- EP** – European Parliament
- EU** – European Union
- GSD** – The Gas supply directive – *Council Directive 2004/67/EC of 26 April 2004 concerning measures to safeguard security of natural gas supply*
- IR** – International Relations
- MEP** – Member of Parliament
- MS** – Member State (of the EU)
- RWT** – The Railway working-time directive – *Council Directive 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers’ Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector*

Figures

Figure 1: The hypothesised relationship between political conflict and compliance20

Tables

Table 1: The evolution of theory and methods in EU compliance research7

Table 2: Expected political conflict in policy sectors, 2000-2006,26

Table 3: Share of directives transposed as acts of law and secondary law respectively27

Table 4: Directives transposed as acts of law29

Table 5: Share of directives transposed on time (by transposing measure)36

Table 6: Share of directives transposed on time (by visible opposition).....36

Table 7: Share of directives transposed on time (by adopting institution)37

Table 8: Eliminating competing hypotheses.....40

1 Introducing the thesis

1.1 Introduction

The European Union (EU) is a multi-level political system where all policy processes are shaped and influenced by numerous actors. Such actors include *inter alia* supranational institutions – e.g. the European Commission, the European Parliament (EP) and the European Court of Justice (ECJ) – Member State (MS) governments and parliaments, subnational governments, as well as non-state actors. This makes policy processes within the EU complex and time consuming. However, swift policy responses to ever changing challenges as well as compliance¹ to rules and regulations are crucial for the functioning of the EU.

European leaders are often accused of acting too slow on emerging issues and MS politicians are correspondingly accused of not adapting its policies to decisions made at the supranational level. Thus it is of utmost importance for society to gain knowledge in how to handle the complex environment of EU politics in order to increase the efficiency, legitimacy and adaptability of the EU.

Policy processes include at least three stages²: policy formulation (agenda setting), decision-making and implementation (e.g. Versluis *et al* 2011; Jordan & Adelle 2013). All these stages must function effectively for a policy to reach its objectives. While there is a vast body, and a long tradition, of research on policy formulation and decision-making processes in the EU, scholarly debates on what happens after decisions are made have picked up only during the last 25 years (Dimitrova & Steunenberg 2014; Treib 2014). With a slow start, the field has grown parallel to the increasing amount of EU legislation, and the evolution of European integration.

¹ The concept *compliance* is central to this thesis and will be discussed further in section 3.1.1. *Compliance* is defined as an instance when a MS has implemented a EU policy and hence complies with the intentions of that policy. *Non-compliance* on the other hand is a moment when a policy should have been implemented but is not. *Compliance* is closely related to the concept *implementation* – the process of transferring political decisions into outcomes. Hence *compliance* refers to the successful result of an implementation process. While scholarly work on compliance often is labelled either *compliance studies* or *implementation studies* interchangeably, the term *compliance studies* is used throughout the thesis. However, *implementation* is used when referring to the process rather than the outcome.

² While further stages such as policy coordination and evaluation often are included (e.g. Jordan & Adelle 2013)

Compliance with policies is important in all political systems to reach intended objectives. However, compliance faces even more challenges, and is arguably more important within the context of the EU. Some commentators go as far as stating that:

“The moment its rules and regulations cease to be implemented, the EU ceases to exist.”
(Toshkov 2012: 2).

Even though there might be reasons to contest and qualify such statements it underlines the importance of compliance as well as potent enforcement mechanisms in a multi-level political system such as the EU.

Albeit the amount of academic literature on compliance has arguably exploded over the last two decades, there is a patchwork of gaps to be filled with further research. This thesis seeks to fill some of these gaps by contributing to the understanding of which factors that enables and impedes compliance with EU policy. The direction for the focus of the study is set by two recent developments in compliance research: (1) an increasing focus on policy sector variance in compliance (see section 2.2) and (2) the critique directed at quantitative measurements of compliance and explanatory variables (see section 2.1.1).

1.2 Aim and research questions

As is demonstrated by the introduction and sections below, compliance is an important issue, for society at large as well as for social sciences in general and European Studies in particular. The aim of this thesis is to contribute to both societal and scholarly discussions on how to improve the efficiency and legitimacy of the EU. It does so by analysing transposition³ processes in order to find out what cause compliance failures in the MSs of the EU.

Most research in the field of EU compliance has developed from either policy implementation or international relations (IR) perspectives (Treib 2014; Mastenbroek 2005). Thus most factors for non-compliance have been sought to explain cross-national variation in compliance patterns. Recent research efforts have however underlined the importance to

³ *Transposition* is, as *compliance*, a central concept of the thesis and is further discussed in section 3.1. *Transposition* refers to the process of making national law, which implements the content and aim of a directive. Correct and timely *Transposition* is thus the prerequisite for *formal/legal compliance* (see section 3.1.1).

analyse variance in compliance between different policy-sectors rather than between countries. This interest has been spurred by theoretical developments in the field as well as the deepening of European integration. The line of research is in its infancy and much more needs to be done to fill in the blanks regarding how and why policies in some sectors are less often complied with compared to other policy fields (Haverland *et al* 2011; Börzel & Knoll 2014). Thus this thesis aims to make a contribution to on-going scholarly debates regarding compliance variance between policy-sectors in the EU. Accordingly the overarching research question that this thesis seeks to inform is:

- *How and why does (non-) compliance with EU-legislation vary between policy-sectors?*

The research question in its entirety obviously cannot be answered within the scope of this thesis, given the case selection⁴. This thesis answers hypotheses derived from previous research and theory thereby contributing to a part of the answer for the full question.

The thesis focus and main independent variable is *political conflict*. As a factor it is proposed to influence compliance records negatively by numerous scholars, including those who highlight sector variance (e.g. Steunenberg & Rhinard 2010; Haverland *et al* 2011; Börzel & Knoll 2014). The rationale behind the theorised effect of this variable is that political actors, who disagree with a directive, can prolong and/or distort the transposition, causing delayed and/or inadequate compliance.

As quantitative studies have been increasingly common in research on EU compliance – not least amongst scholars interested in policy sector variance – new data and methods have been used (Toshkov 2010; Angelova *et al* 2012). Concurrently however there have been concerns raised regarding the validity of dependent as well as independent variables in quantitative research programs⁵ (Hartlapp & Falkner 2009; Börzel 2001). Therefore there are serious doubts whether inferences in quantitative studies are valid and can be used to conclude anything “about the size or about the shape” of compliance and non-compliance with EU policies (Hartlapp & Falkner 2009: 292). Hence the thesis aims to qualitatively test hypotheses supported in quantitative studies on compliance, to evaluate whether previous

⁴ See section 4 on research design, methods and case selection

⁵ See section 2.1.1

results are caused by invalid operationalisation or not. The final aim of the thesis is to test if established proxies for independent variables holds when analysed qualitatively.

An established proxy for political conflict over directives is the division between directives adopted by the council or by the commission (e.g. Haverland *et al* 2011; Börzel & Knoll 2014). When analysing the effect of political conflict the thesis also tests if this division accurately depicts political conflict in the transposition process.

As will be explained at length in the methods section below (section 4.2) the scope of the thesis has been further limited to one country (Sweden) and three policy-sectors (Agriculture, Enterprise and Finance). The context specific sub-questions in this thesis are thus:

- 1) *To what extent does the division between commission and council directives serve as a good proxy for the level of political conflict over directives?*
- 2) *How is correct and timely transposition in Agriculture, Finance and Enterprise affected by political conflict over directives in Sweden?*

1.3 Outline

This thesis consists of six sections. The first of these introduces the thesis by summarising its societal and scholarly background, presenting the aim and research questions and finally by outlining the content of upcoming sections.

The second section of the thesis goes further in mapping current research efforts on compliance in the EU. The section starts by outlining the theoretical and methodological evolution of the research field, since its novel attempts in late 1980s until the present state of the art. The second half of the section proceeds by digging deeper into some of the empirical findings in previous research. These parts are separated to underline the situation of the thesis as a contribution to theoretical and methodological debates as well as to the body of empirical knowledge. The section on previous research ends by highlighting gaps in the existing literature and thus directions for further research.

The third section of the thesis elaborates the theoretical assumptions that guide the study. It does so by explaining key concepts such as compliance, transposition and political conflict more thoroughly. The section provides an explanation of the division between preference- and

capacity-based factors that are supposed to cause compliance failures. This part of the thesis also provides detail on how and why commission directives are expected to cause less political conflict than council directives, and presents the main hypotheses of the thesis. The theory section also presents the thesis main explanatory model, explicitly and graphically.

The research design, methods and empirical material used for the empirical analysis are presented in the fourth section of the thesis. Possible advantages and pitfalls of the chosen methodology are also discussed. The section introduces the data used in the thesis and outlines the case selection done within its scope. Operationalisation of the main variables of the thesis is also introduced as part of these methodological discussions.

The empirical material is analysed in section five starting with a division between different methods for transposition and a presentation of the 56 analysed directives and their respective transposition into Swedish law. The empirical analysis reveal that there is a relation between the type of directive and political conflict as well as between political conflict and transposition failures. However while this strengthens the hypotheses of the thesis, contrary evidence is also found. The second half of the empirical analysis deals in more detail with 15 strategically chosen directives to try and causally connect political conflict to transposition failures. While some evidence is found that increases the likelihood for a causal relationship it is not confirmed within the analysis of this thesis.

The results of the empirical analysis are discussed in relation to the aim and research questions, alternative explanations and the body of previous research in the sixth section of the thesis. It is in this section that all previous sections are tied together to chisel out the final contribution to the scholarly debate on EU compliance. This final section of the study also summarises the main conclusions of the thesis and points towards possible directions for future research. As thus this section concludes that council directives cause a lot more conflict in the MSs than commission directives. Furthermore the thesis finds that political conflict seems to have a substantial effect on compliance in the Swedish context and thus with some certainty in other EU countries as well. However when putting the mechanisms to a test, of in depth analysis, the thesis fails to establish a causal link between political conflict and the dependent variable of the thesis, compliance.

2 Previous research

Since the late 1980s there has been a growing scholarly interest in, compliance with EU policy (Treib 2014). This have been spurred by an increasing body of EU legislation and the realisation that EU policies need to be applied correct to have the desired effects.

The search for relevant literature in the work with this thesis was performed in a series of steps. Initially the search engines *Google Scholar* and the *Web of Science* where accessed to find relevant literature using search phrases such as “Compliance European Union”, “Implementation EU” and “Compliance EU law”. The selection of material to analyse further was conducted using three principles. The focus was: (1) research suggesting general models for explaining compliance variance, (2) work published in the 2000s and onwards, (3) research approximating the relationship between policy sectors and compliance. However other research have also been considered, notably old seminal research (e.g. Siedentopf & Ziller 1988; Haas 1998; Tallberg 1998), more recent context dependent studies (e.g. Versluis 2007; Dimitrova & Steunenberg 2014) and pivotal studies looking at variance between countries (e.g. Haverland 2010; Falkner *et al* 2005; Mbaye 2001; Börzel *et al* 2010). Furthermore literature reviews and meta-analyses of the research field have been used to identify further scholarly works of interest for the thesis⁶.

2.1 Theoretical and methodological evolution of the research-field

Reviews of the existing literature usually divide the scholarship on EU compliance in different phases (Treib 2014; Mastenbroek 2005). The section below builds on the division, into four research waves, presented by Oliver Treib (2014) that is summarised in table 1 below. Even though the waves are described as chronologically ordered, as well as theoretically and empirically separated it is evident that all four waves partly coexists. The division is thus illustrative to sort different theoretical and methodological schools rather than as an outline of strictly (historically and conceptually) separated research traditions (Treib 2014).

According to Treib the first wave of research was inspired by national implementation scholars and treated implementation of EU policies “as a rather apolitical process” where

⁶ Notably: Treib (2014), Mastenbroek (2005), Angelova *et al* (2012), Toshkov (2011), Toshkov (2010) and Toshkov *et al* (2010).

issues such as administrative and legislative efficiency where in focus (Treib 2014: 7). With its main inspiration from top-down scholarship the first wave found most of its explanations in how policies were formulated and in the administrative capacity of national governments. However, bottom-up perspectives inspired first-wave scholars to underline the importance of including all actors in policy-making as well as implementation (Treib 2014).

Table 1: The evolution of theory and methods in EU compliance research

	First Wave	Second Wave	Third Wave	Fourth Wave
Dominant	Implementation	Historical	MS politics	IR
Theoretical perspective(s)	studies	institutionalism (Misfit)	IR	Implementation studies
Methodology	Qualitative	Qualitative	Qualitative Quantitative	Qualitative Quantitative
Focus	Application	Application	Transposition	Application (enforcement) Transposition
Unit of analysis	Countries	Countries	Countries Directives (Sectors)	Countries Directives Sectors

In the second wave the focus was mainly set on the “misfit” theory according to which compliance failures is caused by: “the degree of [in] compatibility between EU policies and domestic structures” (Treib 2014: 8). This was inspired by theories of path-dependency within the tradition of historic institutionalism⁷. Resistance towards EU policy were thus mainly seen as resistance towards changes in the MS status quo (Treib 2014). It should be noted that the misfit hypothesis, repeatedly disproved by scholars, have been developed and refined throughout the history of EU compliance research (Mastenbroek 2005). It has drawn from a variety of theoretical perspectives such as neo-institutionalism and domestic policy change (Börzel 2000; Treib 2003).

Moving from the second to the third wave there is a shift in focus regarding dependent variable in the majority of research efforts. In the first and second waves no clear distinction was made between transposition (legal/formal compliance) and application (practical

⁷ Path-dependency and historic institutionalism will not be further presented in this thesis. For contemporaneous discussions see e.g. Immergut (1998) and Pierson (2000). For a recent attempt to use institutionalism in compliance studies see Berglund *et al* (2006).

compliance). Hence Treib (2014: 8) argues that first and second-wave scholarship “covered transposition as well as application and enforcement”. However while a conceptual understanding of implementation as a stepwise process emerged in the two latter waves, where transposition and enforcement/application are separated, studies on enforcement/application became scarce. Even though there are exceptions (e.g. Falkner et al 2005; Versluis 2007), application and enforcement rarely is the explicit object of EU compliance studies (Versluis 2007; Toshkov 2011).

Treibs (2014) third wave housed two additional developments: a growing number of quantitative studies and an increasing focus on MS politics. While qualitative scholars underlined the importance of policy actors’ preferences regarding EU policy, quantitative scholars focused on variation in administrative capacity and national cost and benefit calculations between countries (Treib 2014). Thus qualitative and quantitative scholars in the third wave illustrate the beginning of a divide between – the since then dominating theoretical perspectives derived from compliance research in IR – the *enforcement* and the *management* approach.

The fourth wave of compliance research involves further distance between qualitative and quantitative scholars⁸. While qualitative work explores MSs’ relationship to the ECJ and its rulings, quantitative studies focus on transposition of directives introducing a novel focus, on not only MS factors but also EU level decision-making features that might affect transposition records (Treib 2014). Qualitative studies furthermore, to some extent, have accepted the challenge to research practical compliance while quantitative scholars have stayed with commission data on transposition and infringement procedures⁹ (Treib 2014).

The qualitative shift in focus also reintroduces implementation studies as a theoretical starting-point for compliance scholars. This since administrative implementation processes for EU policy might be regarded as no different from other laws and regulations (e.g. Bourblanc *et al* 2013). However, while this conclusion seems reasonable enough there are scholars that underline the importance of IR perspectives – and other lessons learned in EU specific

⁸ Even though some research programs have used mixed methods to attempt to overcome this gap, see e.g. Leutgert & Danwolf 2009.

⁹ Which could be regarded as another measure of timely transposition rather than moving towards a quantitative proxy for compliance in a wider perspective (see section 2.1.1)

compliance research – for practical compliance as well (Treib 2014; Versluis 2007). Thus there are still good reasons to regard research on compliance in the EU as a field, partly separate from other scholarly work on implementation, where an eclectic use of theory persists¹⁰.

2.1.1 A statistical artefact or an iceberg: methodological challenges

Parallel to the growing amount of quantitative studies in EU compliance research, there has been a fierce debate on the validity of these research efforts (e.g. Hartlapp & Falkner 2009; Börzel 2001; Falkner 2007; Toshkov 2011). The main reason for such concern is the operationalisation and data used in the quantitative studies.

Most quantitative work on compliance in the EU is based on either one of two methods for measuring compliance. The studies use commission data on either *notification of transposition measures* or *infringement procedures*. While the former often are complemented by MS data when commission data is incomplete, the latter builds exclusively on information from the commission (Hartlapp & Falkner 2009; Treib 2014). The critique against these measurements is that they might be incomplete and biased (Hartlapp & Falkner 2009; Falkner 2009).

The MSs generates commission data on *notification of transposition measures*, due to their obligation to notify the commission about measures to transpose directives. There are two main doubts about the relevance of this data. First it only depicts timelines for transposition and not correctness. Second, since notification data are built on MSs' own notifications it can be systematically biased because of strategic choice as well as MS capacity (to notify) (Hartlapp & Falkner 2009). There is furthermore no agreement on whether it is the timeline of the first or last notified transposing measure that is most relevant as a comparative measure (Haverland *et al* 2011; König & Leutgert 2009). Thus data on notification depicts only part of the transposition process and certainly not practical compliance. It is furthermore skewed by choices and capacities in MS administrations.

The first disadvantage with notification data is one reason to use *infringement data* instead. Since the commission opens infringement procedures in case of (perceived) non-compliance,

¹⁰ Suggested by Mastenbroek (2005) to be a trait of the first wave of EU compliance research

these procedures should consider timelines as well as correctness. However studies have shown that most¹¹ of the infringement procedures are opened against MSs because of failure to notify (Hartlapp & Falkner 2009). Thus infringements also seem to reveal not all but only part of compliance. This is underlined by the fact that the commission strategically chose which instances of non-compliance to pursue (with an infringement procedure) and that the capacity of the Directorate Generals differs in this regard (König & Mäder 2014; Hartlapp & Falkner 2009). Hence quantitative work with infringements as its data are studies on “the reaction to non-compliance on the part of the European Commission” rather than compliance itself (Hartlapp & Falkner 2009:298). It depicts more of the transposition process than notification data but largely leaves out correctness as well as the aspect of practical compliance with EU law.

The empirical implication of these measurement problems are eloquently described by Miriam Hartlapp and Gerda Falkner (2009:292):

Put differently, this type of research looks only at the ‘tip of the iceberg’ of non-compliance. This entails two major problems: We do not know much either about the size or about the shape of those parts that remain below the waterline.

2.2 Findings in previous research

The four waves of compliance research is a good illustration, of how scholars have been inspired by different theoretical perspectives, methodologies and focused on different units of analysis as well as parts of the implementation process. While the list is not exhaustive it covers the main developments within the field. This next section however goes a step further and outlines the central findings in this research.

There have been several (recent) attempts to make meta-analyses on the body of EU compliance research. These analyses goes beyond traditional literature reviews, and argues systematically why there are good reasons to believe that some factors are relevant explanations of non-compliance and others are not (Toshkov 2011; 2010; *et al* 2010; Angelova *et al* 2012). However while each of these studies are convincing by themselves they

¹¹ About two-thirds according to Hartlapp & Falkner (2009:295).

end up with contradicting conclusions¹². This illustrates that there is a wide array of possible factors and conflicting results present in the literature (Toshkov 2010; Angelova *et al* 2012).

Even though much of EU compliance research is done separately from perspectives in IR, the divide between *enforcement* and *management* approaches illuminates the main division between groups of proposed explanatory factors for non-compliance in the field. Factors close to the management approach are caused by involuntary non-compliance and can be labelled *capacity-based* factors. Explanatory factors in line with enforcement perspectives on the other hand are caused by voluntary non-compliance and are labelled *preference-based* factors¹³ (Treib 2014; Börzel *et al* 2010). Since there are a vast number of independent variables¹⁴ put forward by previous studies, the sections below will only present the most prominent variables, which are relevant for this study¹⁵.

2.2.1 Capacity-based factors

Capacity-based explanations of non-compliance start from the assumption that MSs aim to comply with EU policies. However all MSs might not have the capacity to do so. Capacity-based explanations for non-compliance differ between *decision-making* and *administrative* capacity (Treib 2014).

The reason why *decision-making capacity* is believed to influence transposition relies on the fact that EU policies need to be transposed into national law¹⁶. A government, willing to transpose a law, thus needs to possess the required capacity to make reality of necessary policy changes. Factors that are suggested, and find recurring empirical support, to have an impact on this capacity are *number of veto-players*, *federalism*, *number of ministries involved*, *parliamentary scrutiny*, and *coordination strength* (e.g. Toshkov *et al* 2010; Haverland 2010; Haverland & Romeijn 2007; Mbaye 2001; Börzel *et al* 2010). While veto-players, federalism and ministries involved seems to influence compliance negatively, parliamentary scrutiny and

¹² While Angelova *et al* (2012:1269) (e.g.) finds that: "results on [...] 'administrative efficiency' remain ambiguous" Toshkov (2010:35) concludes that administrative efficiency is one factor that "almost certain affect compliance positively".

¹³ For an in-depth discussion on this division see section 3.2 in the theory section of the thesis.

¹⁴ Toshkov (2010) finds that 263 potential variables have been tested by (his sample of) quantitative studies alone.

¹⁵ The factors introduced in this section find recurring empirical support and/or has been suggested by many scholars. It also covers recent scholarly debates regarding sector variance.

¹⁶ This is true for directives, which is the object of this thesis. Most compliance studies focuses on directives since it arguably is the most important legal act (Toshkov 2014).

coordination strength seems to make compliance better (Toshkov *et al* 2010). Regarding veto-players however there are some studies that find an opposite relationship, which is suggested to have both methodological and theoretical explanations¹⁷ (Börzel *et al* 2010; Mbaye 2001).

Two independent variables concerning *administrative capacity* that have been investigated and confirmed by numerous studies are *bureaucratic efficiency* and *corruption levels* (e.g. Mbaye 2001, Börzel *et al* 2010; Kaeding 2006; Toshkov *et al* 2010). The rationale behind these factors is that civil servants play an important role in transposition as well as in application. Thus the capacity of the administration matters for speed as well as correctness of compliance with EU policy. While Toshkov (2010) finds that there are recurring support for administrative capacities to matter for compliance, Angelova *et al* (2012) argues that this is true only across their selection of case studies (i.e. not in quantitative research). Angelova *et al* (2012) further argues that case-studies are biased towards confirming its' hypotheses, which stresses that some caution is advised, regarding administrative capacity as an explanatory factor (Angelova *et al* 2012).

2.2.2 Preference-based factors

The preference-based factors put forward by research are based on the assumption that some actors (can) oppose compliance with EU-law, generally or in specific cases. Expressed in the language of the enforcement approach:

States are conceived of as rational actors that weigh the costs and benefits of alternative behavioural choices when making compliance decisions in cooperative situations (Talberg 2002: 611).

While the IR perspective obviously focuses on states as the (only) relevant actor, other actors do have the possibility to block compliance. Hence while preference-based approaches from IR (enforcement) underlines the hesitance of governments to comply with decisions (Mbaye 2001; Börzel *et al* 2010), other preference-based models focus on policy actors in the MSs (Steunenberg 2007; Dimitrova & Steunenberg 2014).

Preference-based variables from IR have been thoroughly examined in the literature. The meta-analyses of EU compliance research, in this case, however reports a conclusion that is

¹⁷ See Börzel (*et al* 2010:1381) on veto-players in consensus democracies

discouraging for those claiming that factors such as *political bargaining power*, *economic strength* and *government/public opinion* matters for compliance records (Toshkov 2010; Angelova *et al* 2012). While some scholars find support for the effect of bargaining power (e.g. Börzel *et al* 2010; Mbaye 2010) these are conflicting (varying from positive to negative) and accompanied by non-significant results (Haverland & Romeijn 2007). Economic strength fares quite differently depending on how it is operationalised and the opinion (on Europeanization) of the general public or governments do not seem to have a systematic impact on compliance (Toshkov 2010; Toshkov 2011; Angelova *et al* 2012). Much of these differences seem to be related to operationalisation, even though some theoretical arguments for (some of the) differing results are put forward (Hartlapp & Falkner 2009; Toshkov 2011). Thus we cannot conclude that the suggested IR preference factors have no effect, but rather needs to be further investigated with a focus on how to operationalize central variables.

Variables in the literature that focuses on preferences by other actors than states (i.e. governments) include *inter alia*: *organised interest* (Börzel 2001), *subnational authorities* (Borghetto & Franchino 2010), *civil servants* (Dimitrova & Steunenberg 2014), *political parties* (Steunenberg 2007) and *The European Commission* (Steunenberg 2010; König & Mäder 2014). While “the jury is out” regarding whether non-state actors systematically influences compliance, these approaches has inspired more recent scholarly work on the arguably most persistent grand theory on compliance: The misfit hypothesis (Toshkov 2011:12; e.g. Börzel 2003).

2.2.3 The misfit theory revisited

While the third wave of compliance research developed partly as a response to the disappointing empirical record of the misfit hypothesis, most research kept the argument of the hypothesis in some form (Mastenbroek 2005). The original misfit hypothesis starts from the assumption that national governments are the guardians of the status quo thus resisting all policy that deviates (too much) from the rules and regulations of the MSs (Treib 2014). However, when bringing MS politics into the picture governments are quite obviously recognised as political actors that can resist as well as advocate policy change (e.g. Treib 2003). Only when political actors, that gain from keeping the national status quo, can influence compliance decisions – be it through multiple veto-points, because of high levels of conflict or as currently being in government – the original misfit argument seems to hold (Mastenbroek 2005; Dimitrova & Steunenberg 2014; Treib 2003). Hence more recent

attempts to qualify the misfit hypothesis can be labelled *political misfit* where the fit between European policy and the preferences of relevant actors are in focus (Mastenbroek 2005).

2.2.4 Recent developments and novel attempts

There has been a growing amount of evidence in EU compliance studies that compliance not only differ between countries, but also systematically between different policy sectors (Tallberg 2002; Haverland *et al* 2011; Steunenberg & Rhinard 2010). There is (e.g.) clear evidence that some sectors (Enterprise, Agriculture, Health & Consumer) to a larger extent are complied with than others (notably Environmental policy) (Börzel & Knoll 2014). Thus some attempts at explaining such differences have been made (Börzel & Knoll 2014; Haverland *et al* 2011; Börzel *et al* 2011; Leutgert & Dannwolf 2009). These attempts describe systematic differences in compliance patterns between policy-sectors as well as introduce possible rule, preference and policy-based factors to explain this variance. Such factors that seem significant include e.g.: *time available for transposition, type of legal act used for transposition, inter-ministerial coordination* (Haverland *et al* 2011), *commission vs. council directive (political conflict)* (Haverland *et al* 2011; Börzel & Knoll 2014), *market-correcting vs., market-making policy, regulatory density, EP involvement, directive complexity* (Börzel & Knoll 2014).

Börzel & Knoll (2014) groups sectors in accordance with aggregated directive features (e.g. regulatory density) to test if the distribution of these can explain compliance variance. This grouping, and the introduction of rule specific hypotheses in a larger data set on infringements, proves to have a good potential for explaining part of the differences between sectors (Börzel & Knoll 2014). In another study Haverland *et al* (2011) analyses hypotheses in a regression on transposition timelines and also have some luck at explaining part of the observed variance. However time and sector dummies in the regression reveals that the effect from the independent variables changes over time, and that sector remains significant as an explanatory variable (Haverland *et al* 2011). Thus the study concludes that sector differences are not fully captured by the directive features introduced by and that the time-dependency need more analysis (Haverland *et al* 2011).

Therefore, while being elaborate and able to explain a large amount of variance between policy sectors regarding non-compliance, these studies are novel efforts to enter uncharted research territory (Börzel & Knoll 2014; Haverland *et al* 2011). Since the studies confirm and

disconfirm similar hypotheses it is plausible that these works reveals some of the reasons for variance between policy sectors. There is however methodological reasons to seriously doubt the validity of such conclusions inferred from quantitative work (see section 2.1.1).

2.3 Strategies to gain better knowledge

The field of EU compliance research has experienced a steady increase since its rather late start in the late 1980s. As methodology and theory has developed over the years new fields of interest has been revealed and researched. While there is a good portion of knowledge on why countries systematically differ in regards to compliance, the differences between policy sectors have only started to be explained. The growing evidence on transposition and its underlying mechanisms has not yet been followed by research on its implications on, and the different logic of, practical compliance. Systematic critique towards measures used in the quantitative literature also casts doubts on some of the insights from such studies.

Thus three directions for further research appear: (1) further analyses of sector variance in compliance, (2) studies on practical compliance, and (3) case studies to test indirect measures used in statistical research programs. This thesis focuses on the first and third of these possible directions for future research. The focus of the study – on political conflict – is justified by recent studies that analyses the impact of political actors' preferences on compliance. This is exemplified by the qualification of the misfit hypothesis, and the studies by Haverland *et al* (2011) and Börzel & Knoll (2014).

3 Key concepts and theory

Given that the starting point for this thesis is recent attempts to link the level of *political conflict* over directives to differences in compliance between policy sectors, the theoretical foundation is necessarily also found within these scholarly efforts. Thus theories that justify *preference-based* explanatory variables are the theoretical basis for analysing compliance in this study (Haverland *et al* 2011; Börzel & Knoll 2014). This section starts by defining key concepts used in the thesis and continues with a specification of theoretical assumptions and premises that lays the foundation for operationalization of *compliance* and *political conflict*.

3.1 Key concepts

3.1.1 Compliance and transposition

Compliance scholars often end up with contradicting claims about the amount, prevalence and reasons for (non-) compliance within the EU. This is partly due to different definitions of compliance (Hartlapp & Falkner 2009; Treib 2014). Thus any study on compliance must make its understanding of compliance clear and explicit. In this thesis *Compliance* is defined as MS adherence to commitments made at the EU level. Thus compliance refers to “actual change in behaviour in the direction of international [EU] injunctions” (Haas 1998:18). Regarding EU directives this means that complete compliance is only realised when *transposition* (legal/formal compliance) and *application* (practical compliance) are fulfilled. However the thesis will only deal with the first of these steps, *transposition*.

Since *application* is not an object of study in this thesis its meaning will not be much further elaborated. In its final form application refers to “whether or not the final addressees of a rule [...] adhere to it” but the process of application also involves monitoring and enforcement of transposed (EU) rules (Hartlapp & Falkner 2009:284).

Transposition is the foundation for application of EU directives and also the dependent variable in this thesis. Transposition is the process in which directives becomes national legislation. Two aspects of this process are important for the efficient function of EU policy, *timelines* and *correctness*.

Timeline refers to the requirement for a directive to be transposed (and applied) before a certain deadline specified in the legal act (Hartlapp & Falkner 2009). How much time that is

granted for transposition differs between directives. Whether or not this deadline is reached is the first and necessary requirement for transposition to be in accordance with the rules and practices of directive implementation. Missed deadlines (failure to notify) are furthermore the most common reason for the commission to open infringement procedures (Hartlapp & Falkner 2009).

Correctness is the second and also necessary requirement of the transposition process. It refers to the obligation of MSs to transpose directives in accordance with its set aim and provisions (Hartlapp & Falkner 2009). Previous research have suggested that complete correctness however is hard to achieve and suggests that it is sufficient that transposition is *essentially correct* to be regarded as adequate (Falkner *et al* 2005). Even though such qualification of measures on correctness is advisable, it is evident that transposition can be achieved (however late) without following the *timeline* of a directive while transposition can never be viewed as achieved when *correctness* is not fulfilled.

3.1.2 Political conflict

While transposition is the dependent variable in the thesis, *political conflict* serves as its main independent variable. The term *conflict* is described an array of theoretical meanings in scholarly literature. In this thesis *political conflict* should be understood in its simplest lexical meaning namely as “a [serious] disagreement or argument” between political actors (Oxford Dictionaries 2014). Political actors in this context refer mainly to (representatives of) political parties. In this thesis conflict is limited in scope to the MS level. Conflict between actors at the EU arena is thus not considered below.

3.1.3 Council and Commission directives

The division between council and commission directives are central to this study. It is thus important to explain this division. The labelling as council and commission directives respectively emanates from which EU institution that has adopted the directive. While the council (or increasingly since the Lisbon treaty the council and EP together) adopts directives in the standard procedure for issuing a directive, the commission can adopt directives acting on delegation from the council (or council and EP). The commission thus adopts commission directives while the council adopts council directives.

3.2 Preference and capacity – Enforcement and management revised

As noted in the section on previous research, EU compliance studies have been informed by theories and approaches from different strands of scholarship including the influential IR debate between *enforcement* and *management* scholars (Börzel *et al* 2010; Treib 2014). I would argue that this debate has been central to theory development in EU compliance research, however not without qualification. Enforcement and management approaches in IR has developed as separate (and conflicting) perspectives, on how international agreements should be constructed to ensure compliance. Enforcement and management explanations in EU compliance research on the other hand, has been regarded increasingly as complementary (Tallberg 2002; Börzel *et al* 2010; Haverland *et al* 2011). Rather than focusing on the key assumptions¹⁸ of the approaches and its proposed strategies for achieving compliance¹⁹, EU compliance research starts in the division regarding the source of non-compliance, i.e. *voluntary* or *involuntary* non-compliance (Börzel *et al* 2010; Haverland *et al* 2011).

Since most compliance scholars also are informed by theories that attribute more importance to political dynamics in the MSs than IR approaches (generally) does, the reference to management and enforcement theories becomes even more inconsequent (e.g. Börzel & Knoll 2014; Haverland *et al* 2011; Mbaye 2001). Thus I propose that the theoretical division between *preference-* and *capacity-based* explanations is more instructive when discussing the research field. This division starts in the involuntary/voluntary dichotomy from IR theories while acknowledging that states are not necessary unitary actors. Thus some of the explanations from (developed) management perspectives are labelled preference, rather than capacity explanations as should be expected when reading the IR debate literally (Downs *et al* 1996; Chaise & Chayes 1993). This since non-compliance originating in opposition from political actors in the MSs hardly can be viewed as involuntary even though the (government of the) MS originally intended to comply.

3.2.1 Directives as a proxy for political conflict

The main variable of interest (political conflict), and its frequently used operationalization (commission vs. council directives), is clear examples of why the preference-capacity divide is theoretically sound. The hypothesised reason for commission directives resulting in less

¹⁸ E.g. that states are: unitary rational actors computing pros and cons for complying vs. actors in principal willing to comply with agreed treaties.

¹⁹ Enforcement through sanctions vs. (administrative) capacity building, rule-interpretation and transparency.

non-compliance relies on three assumptions. (1) Issues (directives) that cause political conflict are less likely to be transposed correctly and on time due to political resistance. (2) That issues delegated to the commission are less politically salient for governments thus making the risk of political conflict in the EU less likely (Haverland *et al* 2011). (3) That these issues also are less salient for other political actors as well resulting in less political conflict in the MSs (Börzel & Knoll 2014). While it is clear that these are explanations relating to the preferences of different political actors, the relevant actors make one of these assumptions (2) a question of enforcement, while the other (3) fits better in the management approach tradition (Downs *et al* 1998).

3.3 Main hypotheses

From this theoretical background three hypotheses are constructed, regarding the research questions. These are the starting point for the causal model below and the research design of the thesis. The first and second hypotheses follow closely from the reasoning in the paragraphs above, that commission directives cause less political conflict (H1) and that political conflict interferes with transposition (H2). The third hypothesis combines these two hypotheses in the sense that if these are true, the sector with a larger share of commission directives (Agriculture) should experience less transposition failures (H3)²⁰.

Q1: To what extent does the division between commission and council directives serve as a good proxy for the level of political conflict over directives?

H1 Commission directives in the chosen sectors generally cause less political conflict than council directives.

Q2: How is correct and timely transposition in Agriculture, Finance and Enterprise affected by political conflict over directives in Sweden?

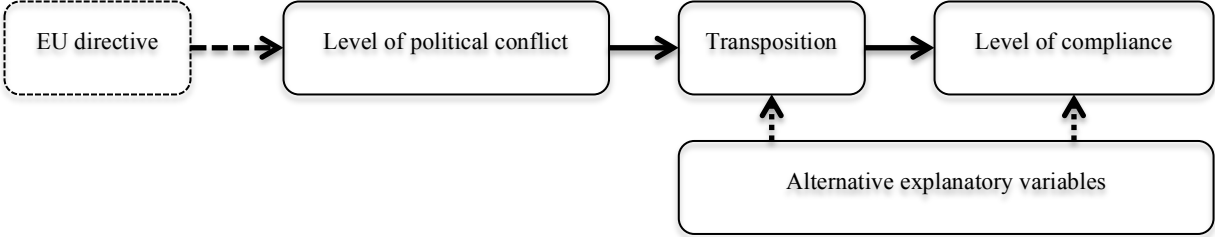
H2 Directives that cause more political conflict are less probable to be transposed correctly and on time.

H3 A larger share of directives is transposed correctly and on time in the agricultural sector than in the finance and enterprise sectors.

²⁰ See section 4.2 for a discussion about the chosen sectors

3.3.1 Main theoretical model and competing explanations

Figure 1: The hypothesised relationship between political conflict and compliance



The central starting point, for the causal model of the thesis, is the hypothesis that politically contested directives more often are transposed late and inadequately. From this background, figure 1 illustrates the relationship between the main independent (political conflict) and dependent (compliance) variables of the study. The figure furthermore underlines that there are alternative variables, which can affect the level of compliance, apart from political conflict. Some of these are controlled for in the thesis while there are additional variables that the study does not consider in its analyses.

Six alternative variables are controlled for in the research design of the study, using two separate strategies. First the thesis keeps three variables constant in the case selection: *market correcting policies*, *innovation of directives* and *EP involvement* (section 4.2). Secondly competing hypotheses are tested in the second step of the empirical analysis. This latter strategy is used regarding *time available for transposition*, *complexity* and *coordination* (section 5.4.1). Competing explanations that is not controlled for within the scope of this thesis includes e.g. regulatory density, competence transfer, EU-level conflict, voting rule in the council, and administrative capacity (of Directorate Generals, government agencies etc.)²¹.

²¹ See Haverland *et al* (2011) and Börzel & Knoll (2014) for in-depth discussions about these variables. See section 2.2 for additional variables.

4 Research design, Case selection and Method

The study in this thesis is a theory testing, medium-N²², comparative case study that uses a research design in two steps. In these steps a selection of EU-directive transposition processes are analysed to find evidence whether or not the theory above holds in the chosen context.

The first step, which is an analysis of 56 strategically chosen transposition processes, is used to answer the first research question regarding the level of political conflict in commission and council directives respectively. This first step also measures the transposition timelines regarding the chosen directives and analyses this in relation to the level of political conflict, beginning to relate the main dependent and independent variables. Simultaneously the first step is constructed to be a further case-selection for the second step of the study.

Step two is thus an in-depth analysis where 15 cases of transposition, where conflict is in the higher spectrum, are further analysed to connect the effect of political conflict to timelines as well as correctness of transposition. This part starts by eliminating cases (from the 15) where alternative reasons for transposition failures are likely and ends up with a thorough analysis of two cases where (potential) failures are likely to be because of political conflict.

4.1 Method and operationalization

In the first step of the empirical analysis simple mathematical methods are used, to assess whether council directives are associated with political conflict to a higher degree than commission directives. Thus this step mainly follows a *probabilistic* logic. Accordingly the type of directive is believed to influence the probability that the political conflict have a certain value, while the level of conflict is hypothesised to affect the transposition result (timeline). Thus single cases of little political conflict over council directives and successful compliance in cases of intense political conflict does not necessarily disapprove (but weakens) the correctness of the hypotheses. The information about these factors (type of directive, political conflict, timelines) is gathered, using text analysis, from the Swedish transposition database (at the *Swedish National Board of Trade*), government propositions and parliamentary committee reports (SNBT 2015).

²² Studies that analyses more cases than two and less than about 50 are often labelled medium- or intermediate-N studies (e.g. Lindeman 2011)

The second step of the empirical analysis makes use of the qualitative method *process tracing*. The main advantage of process tracing is its focus on close analysis of processes that makes use of all (as much as practically applicable of) available source materials to analyse whether a (set of) factor(s) causally influence the outcome of the process (Collier 2011). This thesis thus uses available source materials (e.g. official documents from the Swedish parliament and government, previous studies on single directives, commission monitoring reports etc.) to depict the implementation process of the 15 chosen directives. These pictures are increasingly detailed as directives are eliminated when testing three alternative hypotheses²³. In the end, two directives remain for a thorough in-depth analysis. Finally four supporting hypotheses²⁴ – that if confirmed increases the probability that political conflict and transposition failures are casually related – are tested in these two transposition processes.

4.1.1 Operationalising directives and political conflict

While the operationalisation of the type of directive is self evident (it is stated in its name) finding an operative definition of political conflict requires more thought. Following the definition of political conflict in the theory section it is operationalised as different opinions of two or more actors over a certain policy (directive/transposition measure). While political conflict can exist without being visible in public source material this thesis deals only with conflict that can be seen in such sources. Thus political conflict referred to below is always limited in scope to *visible political conflict* rather than all actual conflict. Measuring of this is done using two indicators, (1) type of legislation and (2) parliamentary reservations. Both of these are found within the Swedish legislative procedure that is used to transpose directives.

The EU MSs use different processes when transposing supranational policies. While some countries have specially crafted legislative procedures for transposition, others rely on their ordinary legislative processes (Steunenberg 2006:297). Sweden is of the latter kind (Sveriges Riksdag 2015). The responsibility for transposition of each directive rests within the relevant ministry where it is decided how and with what legal instrument transposition should be performed (Ministry of Justice 2007). The legislative process generally begins with an inquiry and then the government decides whether to transpose the legislation as a rule, government decree or an act of law.

²³ See hypotheses 8-10 in section 5.4.1

²⁴ See hypotheses 4-7 in section 5.4

Rules and government decrees are part of the Swedish legal body not adopted by the parliament but by government agencies or the government. Both of these legal acts are referred to as secondary law in the continuation of the thesis. If the directive is to be transposed as an act of law the government presents a legislative proposal (a bill) to the parliament. The bill is then discussed in the relevant parliamentary committee together with counter proposals from parliamentarians. The final report from the committee includes its (majority) proposal for decision in the parliament along with possible divergent opinions (reservations) from the committee minority (Ministry of Justice 2007).

Thus the highest potential for political conflict is seen in directives transposed as acts of law rather than secondary law. In the empirical analysis transposition in form of secondary law will accordingly be regarded as transposition with low levels of political conflict. The level of conflict regarding acts of law are correspondingly (1) higher than that of secondary law and (2) further measured by the reservations in the committee report(s). The content of such reservations are furthermore qualitatively assessed to analyse whether or not these are likely to have caused a specific transposition failure.

4.1.2 Timelines

While the timing of transposition in quantitative studies is generally measured through notification data from the commission, this thesis operationalizes timelines through a manual analysis of transposition. This analysis includes (1) to extract the transposition deadline from the legal text of the directive and (2) compare this to the date when the transposition measure(s) enter into force. The operationalization does however not include correctness of transposition.

4.1.3 Correctness

While some scholars argue that assessing correctness by comparing directives and transposing acts is a rather straightforward process, the analysis in this thesis has proven that legal expertise should be used to produce viable results in this field, and that this requires time-consuming analyses (Falkner *et al* 2005). Thus the correctness of directives is only discussed regarding the two final directives of the analysis. This is done by making use of previously published analyses as well as by comparing transposition measures with the provisions in the directives. It should be noted that this analysis is to be regarded as provisional and require further work to be fully reliable.

4.2 Data and case selection

Since the independent variable of the thesis originates in the studies by Haverland *et al* (2011) and Börzell & Knoll (2014), control variables that are to be kept constant in the selection of relevant cases are chosen from these studies as well. Thus theoretically sound and empirically tested variables that can distort the effect of the main independent variable are less likely to do so. However there are a multitude of (unknown) factors that can still influence the result.

To control some of these factors the full sample of cases are studied in one country only (Sweden) why the results cannot be fully representative to the wider population (all EU countries). However since the study is not interested in cross-country differences – but rather to test if the chosen operationalisation of the independent variable is sound and if the relative higher number of commission directives in the agricultural sector (and thus less political conflict) can explain part of the cross sector variance in compliance records – there are good reasons to stick to only one country.

First of all analysing only one country keeps a long list of institutional, historical and political factors constant across the sample. Second, the convenience of only analysing Sweden allows the study to use a larger sample of cases and thus strengthens inferences regarding the tested theory *within* the Swedish context. Third Sweden arguably constitutes a least likely context regarding the likelihood that political conflict affect compliance²⁵ (Falkner *et al* 2005; Sverdrup 2004). Thus if the empirical material provides evidence in favour of the proposed hypotheses the conclusions of the study regarding the merit of the theory can be more confident.

Cases are selected using data from the Swedish *National Board of Trade* on transposition of directives (SNBT 2015). The transposition data covers all directives that have been transposed up until 2009. Since transposition deadlines often are set at two years after a directive has come into force (but longer/shorter deadlines exist) the use of the database is restricted to directives that came into force before 2007. This study will use a sample of cases in the period 2000-2006. Starting in 2000 assures that all directives have had the possibility to

²⁵ Which follows the logic from Falkner *et al* (2005), who places the Nordic countries in the *world of law observance* where "the compliance goal typically overrides domestic concerns because it ranks too high" (Falkner *et al* 2005:321). Other scholars, such as Sverdrup (2004) further corroborate this statement.

be affected by Sweden since its entry into the EU in 1995 (and non-compliance is therefore less likely to be because of a sense of lacking influence). The time period covers a total of 705 directives in all policy sectors while the sample consists of 56 directives in three sectors.

The sample selection procedure for the dataset proceeded in three steps. (1) All amending directives were taken out of the sample, (2) all directives where the EP is a cosignatory were deleted and (3) the policy sectors Finance, Enterprise and Agriculture were chosen as the constituent policies of the sample. Amending directives are not included since the innovation (amending or new) of a directive are suggested to have an influence on compliance by a long line of scholars including Haverland (*et al* 2011) and Börzel & Knoll (2014) (see also Haverland & Romeijn 2007; Kaeding 2006; Steunenbergh & Rhinard 2010). EP involvement are a further factor that seems to influence compliance, thus this is kept constant by excluding all directives where the EP has a say. Furthermore by only including Council and Commission directives the directives with most and least political salience respectively should be analysed²⁶ (Börzel & Knoll 2014).

The selection of policy sectors requires further qualification. The data on transposition in Sweden contains two pieces of information regarding policy sectors: which national department that is responsible and a very fine-grained policy classification. The sample is chosen on basis of responsible department for two reasons. First it is (relatively) easily accessible since it consists of 13 categories instead of the policy classification where hundreds of specific policy areas divide the data. Second, when analysing only three departments issues such as (*inter alia*) administrative traditions and capacity are kept rather constant. The selected sectors have been chosen with two further criteria in mind. (1) There are both council and commission directives present and (2) there is as much variation as possible in the share of council directives in the sample. The mix of council and commission directives in the relevant sectors²⁷ is shown in table 2. This data includes EP involvement and amending directives.

²⁶ Council directives should be most politically salient since the council alone handles EU matters where concerns about national sovereignty are most present. The power of the commission to adopt directives on the other hand relies on delegation from the council (and EP), which should only be granted in cases when the EU-level conflict is low (Börzel & Knoll 2014).

²⁷ Sectors where there are commission or council directives between 2000-2006 and at least more than one in the sample after amending and EP directives are excluded.

Table 2: *Expected political conflict in policy sectors, 2000-2006,*

	Council/EP	Commission	Council/EP (share)	Political conflict
Agriculture	67	166	29 %	-
Enterprise	106	53	62 %	+
Environment	66	102	39 %	-
Finance	66	11	86 %	+
Foreign affairs	12	0	100 %	+
Justice	34	0	100 %	+
Social	14	36	28 %	-

Since Foreign affairs and Justice not include any commission directives these two sectors cannot be used for this analysis since some variance in this variable is needed as to investigate the difference in political conflict between directives. Environment and Social policy are excluded from the study since much of previous research is focused on those sectors. Furthermore, these sectors are predominantly market-correcting sectors, another factor with possible effect on compliance (Börzel & Knoll 2014). Thus the final sample consist of two sectors where the level political conflict is expected to be high (Finance and Enterprise) and one where it is expected to be low (Agriculture), all of which predominantly are market-making²⁸.

The sample contains 72 directives of which 31 are council directives and 41 are directives originating from the European Commission. In the first step of the empirical analysis, where the cases where investigated more thoroughly a further 16 directives where excluded from the material. This concerns 14 directives that where codification of a long series of amendments regarding the issue at hand. Thus these particular directives where not subject to any transposition measures and consequently no data on political conflict or transposition timelines could be found. This is also true for the two remaining excluded directives, which were deemed by the Swedish authorities not to need any transposition measures. Therefore the analysis is founded on data regarding 56 directives adopted between 2000 and 2006.

²⁸ Market-making policies are believed to be more easy to comply with since they: "do not require member states to take action or develop and police the application of new legislation" (Börzel & Knoll 2014:9)

5 Empirical analysis

5.1 Political conflict – an overview

The most common measure for transposing the directives in the sample of this thesis is by using only secondary law, which is done in 41 of the 56 cases of transposition (73 %) (see appendix 1 for a full list of directives and transposition measures). Thus most directives in the sample were transposed with very limited potential for political conflict to occur and to influence the transposition process.

Table 3: Share of directives transposed as acts of law and secondary law respectively

Sector	Acts of		Acts of law (Commission)	Acts of law (Council)	Reservations***	
	law	Secondary law			Council	Comm.
Agriculture	0 %	100 %	0 %	0 %*	0	0
Finance	100 %	0 %	100 %**	100 %	7	4
Enterprise	56 %	44 %	0 %	100 %	49	0
Total	27 %	73 %	18 %	39 %	56	4

* See below in this section for qualification regarding six epizooty directives

** See section 5.2.2 below for qualification regarding directive 2006/73/EC

*** Summary of committee reservations in table 4

As can be seen in table 3, the share of directives implemented by secondary law differs significantly between sectors as well as between council and commission directives. All directives in the agricultural sector have been transposed as secondary law. The finance sector is found on the other side of the spectrum where all of the directives were transposed as acts of law. The enterprise sector is the middle case where 56 % of the directives were transposed as acts of law while the remaining 44 % were transposed as secondary law.

The difference between commission and council directives regarding the choice of transposition measure in the sample is fully caused by the enterprise sector. In this sector all council directives were transposed as acts of law while all of the four commission directives were transposed as secondary law. The higher levels of political conflict regarding council directives are also underlined when looking at committee reservations from the deliberations in parliament. While council directives on average cause about five or six reservations each in the parliamentary process, there are an average of less than one reservation per commission directive. Furthermore, only two of nine transpositions of council directives were passed

through parliament without any visible opposition. All but one of the transposition measures concerning commission directives were decided without any parliamentary opposition.

Two qualifications regarding the numbers above need to be highlighted. First there are six agricultural directives passed by the council that are not clear-cut cases of secondary law transposition, however regarded as such above. Second, all of the commission directives in the finance sector were transposed in the same process as one or more council/EP-Council directives. The latter will be further discussed in section 5.2 below. The former however needs immediate attention.

Six council directives²⁹ on agricultural issues passed between 2000 and 2006 concerns measures to control certain animal diseases. According to the Swedish dataset on transposition measures, these directives were transposed by the law on epizootic diseases³⁰ and corresponding secondary law. However, since the law was passed about a year prior to the adoption of the first of these directives, the political process transposing these directives cannot be seen as involving the creation of this law (Prop. 1998/99:88). Thus the only relevant transposition measures in these cases, for the analysis in this thesis, are the rules (secondary law) following the adoption of the six consecutive directives. However it should be noted that these transposition processes are tightly related to the recent law-making procedure. Therefore the transposition might not be as politically non-contested as it seems. The lack of political conflict might be explained by that conflicted issues were resolved prior, but related, to the transposition of the six epizooty directives.

5.2 Directives transposed as acts of law

There are 15 directives in the sample that are transposed using acts of law. Additional secondary law also transposes most of these directives. However since it is within the process of making acts of law that political conflict can be expected to vary in a high conflict spectrum, the secondary laws are not considered in the following analysis.

²⁹ Council directives: 2000/75/EC; 2001/89/EC; 2002/60/EC; 2003/85/EC; 2005/94/EC; 2006/88/EC (see appendix 2 for further information)

³⁰ Epizootilag (SFS 1999:657)

Table 4: Directives transposed as acts of law

Directive	S	Transposition measure	Conflict in committee
Council directive 2001/86/EC	E	SFS 1987:1245; SFS 1996:359; SFS 2004:559	No visible conflict
Council directive 2003/72/EC	E	SFS 2006:477 - 2006:479	No visible conflict
Council directive 2004/67/EC	E	SFS 2006:646	3 reservations
Council directive 2004/113/EC	E	SFS 1915:218; SFS 1991:433; SFS 1995:584; SFS 2003:307	1 stage - 29 reservations 2 stage - 15 reservations
Council directive 2005/47/EC	E	SFS 2008:475; SFS 2008:476	2 reservations
Council directive 2003/48/EC	F	SFS 2003:1130; SFS 2005:344; SFS 2005:345	1 stage - no opposition, 2 stage – 1 reservation
Council directive 2003/49/EC	F	SFS 2004:614	1 reservation
Council directive 2003/96/EC	F	SFS 2006:1508; SFS 2006:1512	1, 2, and 3 stage - no opposition 4 stage - 2 reservations
Council directive 2006/112/EC	F	SFS 1994:200; SFS 2006:1031; SFS 2007:1376	3 reservations
Commission directive 2002/94/EC	F	Lag SFS 2003:142	No opposition
Commission directive 2003/124/EC	F	SFS 2005:377 - 2005:382;	No opposition
Commission directive 2003/125/EC		SFS 2005:485	
Commission directive 2004/72/EC			
Commission directive 2006/70/EC	F	SFS 2009:62, SFS 2009:63 - 2009:78	4 reservations
Commission directive 2006/73/EC	F	SFS 2007:528	No opposition

For further information on these directives, see appendix 1

Five of the directives in table 4 are found in the enterprise sector while the remaining ten directives derive from the financial sector. The council adopted nine of these directives (five enterprise and four financial directives) while six are commission directives (six financial directives). Three of the commission directives³¹ are transposed in one single legislative process where they are additionally bundled together with a council and EP directive³². Thus there are nine cases of transposition of council directives while only four cases regarding commission directives. All of these cases are more closely discussed in the following section.

³¹ Commission directives: 2003/124/EC; 2003/125/EC; 2004/72/EC (see appendix 1 for further information)

³² Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation (market abuse)

All directives that are transposed as acts of law are however not associated with an equal level of political conflict. Nor does the process of transposition regarding all these directives share the same general characteristics. While the transposition regarding all of the 15 directives involve a parliamentary legislative procedure, each directive plays very different roles in the deliberations regarding the transpositions. There are three types of transposition processes regarding the directives in the sample. Processes that: (1) are dedicated to transpose one directive only, (2) bundles a number of directives on the same issue together, (3) puts transposition measures in the context of a related (non EU) legislative proposal. These types of processes are referred to as (1) *single-*, (2) *bundle-* and (3) *context-* processes in the remainder of the thesis.

5.2.1 Single directive transposition

There are five³³ directives in the sample that have been transposed using a bill dedicated to transpose this directive solely. These are all council directives and three of them concern enterprise policy while the remaining two are dedicated to financial issues.

5.2.1.1 Council directive 2001/86/EC

The Council directive 2001/86/EC on the involvement of employees in European Companies (ECs) were adopted by the council on the 8th of October in 2001 with its transposition deadline set to three years later, the 8th of October 2004. The Swedish transposition process began with the government's directions to the inquiry committee on the 6th of June in 2002 and finished when the legal act entered into force in October 2004. The main transposition measure were the creation of a new law (SFS 2004:559) that was constructed with the sole purpose to transpose the directive.

While the government bill, that preceded the making of the law, covered only the transposition of the directive itself the committee report where a bit different (Prop. 2003/04:122). Along the government proposal the committee report also included the committee's and its minority's statements on a series of proposals from the members of parliament (MEPs). Even though there is a wide range of political conflict (25 reservations from 40 parties) within the committee report there is no visible conflict regarding the directive (Bet. 2003/04:AU4).

³³ Council directives: 2001/86/EC; 2003/49/EC; 2003/72/EC; 2003/96/EC; 2005/47/EC

5.2.1.2 Council directive 2003/72/EC

The *Council directive 2003/72/EC* on involvement of employees in European Cooperative Societies (ECSs) was adopted on the 22 of July 2003. The Transposition process was quite like the one transposing directive 2001/86/EC and was primarily performed by issuing a new law on employee involvement in ECSs, (SFS 2006:477). The law entered into force on the transposition deadline of the directive and the government bill was handled with no visible opposition in the parliamentary process (Bet. 2005/06:AU9).

5.2.1.3 Council directive 2005/47/EC

The transposition of directive 2005/47/EC is one of two processes that have been more thoroughly analysed and will thus be presented below (see section 5.5)

5.2.1.4 Council directive 2003/49/EC

The Council directive 2003/49/EC on taxation regarding interest and royalty payments was adopted on the third of June 2003, and was supposed to be transposed by the MSs no later than the 1st of January 2004. The directive was transposed in Sweden by the introduction of changes to the law on income taxation (SFS 1999:1229) that was applicable from January 2004. The report recommended the parliament to decide in line with the government proposal with some minor formality adjustments due to the 2004 EU enlargement. The committee report also contained one reservation that backed a proposal to go further in limiting taxation for royalty payments. (Bet. 2003/04:SkU32).

This transposition process is regarded as a single directive transposition even though the bill also included some minor changes due to amendments in previous taxation directives (Prop. 2003/04:126). While this could make the process a bundle transposition the fact, that these complementary changes are so small relative to the changes mentioned above, is decisive when labelling the process.

5.2.1.5 Council directive 2003/96/EC

The Council directive 2003/96/EC on energy and electricity taxation was adopted on the 27 of October 2003. The deadline for transposition of the directive was set to 31st of December 2003 (with some exceptions). The Legislative procedure finalising the transposition of the directive was decided by the parliament on the 14th of December 2006 following a bill from the government. The proposal highlights that there has been previous measures adapting the Swedish energy taxes to the requirements of the directive in three steps. These steps include:

(1) adjustment of taxes on electricity in industrial processes in 2004, (2) tax relief to industrial companies taking part in a program for energy efficiency in 2005, and finally in 2006 (3) additional adjustments in the taxation of energy (Prop. 2006/07:13). These changes were made either as part of the budgetary process (1 and 3) or by the creation of a new law (2) (SFS 2004:1196). These first three transposition phases were passed through the parliament without any opposition³⁴ (Bet. 2003/04:FiU1; Bet. 2005/06:FiU1). The fourth and final part of the transposition made changes that entered into force the 1st of January 2007 and 2008 respectively (Bet. 2006/07:SkU5). The committee report on the bill handled two proposals from MEPs alongside the government proposal. The committee, due to the MEP proposals and awaiting a Commission decision on state aid, suggested some minor changes to the bill. The committee report furthermore contains two reservations backing the full wording of the MEP proposals (Bet. 2006/07:SkU5).

The final transposition measures came about four years after the deadline. It is thus not a surprise that the proposal was preceded by an infringement procedure in 2004, which claimed Sweden had not yet transposed the entirety of the directive. Even though the government replied that a wide range of transposing measures had been instigated Sweden confessed that the transposition was not to be finalised prior to 2007 (Skr. 2004/05:60).

5.2.2 Bundled transposition processes

The most common procedure for transposing the directives in the sample is by bundling directives on the same issue together to one bill covering the whole issue area. This is done in five transposition processes covering seven of the directives³⁵. All but one (five) of the commission directives transposed as acts of law are part of a bundle process while the sixth³⁶ directive is transposed in the context of a wider legislative proposal (see 5.2.3).

5.2.2.1 Commission directives 2003/124/EC, 2003/125/EC and 2004/72/EC

The transposition of commission directives 2003/124/EC, 2003/125/EC and 2004/72/EC is part of the wider process to transpose the council and EP *Directive 2003/6/EC on insider dealing and market manipulation (market abuse)*. The centrepiece of this process was the

³⁴ These were part of budgetary negotiations where the measures transposing the directive were not an issue of conflict.

³⁵ Council directives: 2003/48/EC; 2004/113/EC; Commission directives: 2003/124/EC; 2003/125/EC; 2004/72/EC; 2006/70/EC; 2006/73/EC

³⁶ Commission directive 2002/94/EC

creation of a new law (SFS 2005:377) and also included adjustments in six related pieces of legislation (Bet. 2004/05:FiU27). The process, while being extensive and finished eight months after the transposition deadline, was passed through parliament with no sign of conflict (Bet 2004/05:FiU27).

5.2.2.2 Commission directive 2006/70/EC

The commission directive 2006/70/EC lays down implementing measures such as definitions, technical criteria and exemptions regarding the Council and EP directive 2005/60/EC, also known as *the Third Money Laundering Directive*. Thus the transposition process for the commission directive is a part of the transposition of this parent directive. The proposed transposition measures entered into force about 16 months after the transposition deadline. The transposition included the creation of a new law (SFS 2009:62) and adjustments to 17 related pieces of legislation. The responsible committee in the parliament proposed that the government bill should be adopted with some minor technical changes, and four reservations to the committee proposal were issued. These reservations regarded adjustments of the bill, however not in substantial conflict with the content of the proposal.

5.2.2.3 Commission directive 2006/73/EC

The commission directive 2006/73/EC is an implementing directive that defines part of the Council and EP directive 2004/39/EC on financial instruments. As noted above this fits the transposition of the directive into the same process as its parent directive. These directives were transposed by legislative measures entering into force on the 1st of November 2007 and thus on time regarding the transposition deadline for the parent directive as well as the commission legal act (bet. 2006/07:FiU25). The transposition went through the parliament without any reservations.

One additional feature of this transposition process should be highlighted regarding the potential for political conflict. The transposition measures connected to the constituent articles of the directives are described in a cross-reference table issued by the National Board of Trade (SNBT [no date a]). From this it is evident that while the parent directive is mainly transposed using an act of law (SFS 2007:528)³⁷, the commission directive is almost in its entirety transposed as rules from the government agency *Finansinspektionen*. Thus, while the transposition process is in the spectrum of high potential for political conflict, the actual

³⁷ And changes to 43 related legal acts

transposition of the commission directive could be viewed as transposition through secondary law. In any case it must be concluded that the transposition (of 2006/73/EC) at least is one of low conflict in comparison to other directives transposed in a process including the making of acts of law.

5.2.2.4 Council directive 2003/48/EC

The transposition of council directive 2003/48/EC, on taxation of savings income from interest payments, borders between being a single directive process and a bundle process. The directive was transposed in two stages. In the first stage, in 2003, the directive was the main act in a government bill, which suggested amendments to three tax laws in Sweden³⁸. A EU regulation rather than the directive caused some of these amendments. (Prop. 2003/04:24). This bill was passed by the parliament without any visible opposition (Bet. 2003/04:SkU14).

The second stage of the transposition was a bill that proposed some changes to a law (SFS 2001:1227) and to accept ten agreements on taxes with *inter alia* Anguilla, Aruba and the Cayman islands (Prop. 2004/05:113). Both of these measures were taken to implement the directive 2003/48/EC and were passed by the parliament on the 18th of May in 2005. The decision was made in accordance with the committee report that caused one reservation.

Since the first measures to transpose was taken well before the transposition deadline (1st of January 2004), and the second entered into force in accordance with the application deadline (1st of July 2005), of the directive the transposition must be said to have reached the standard set by the directive (Bet. 2004/05:SkU30).

5.2.2.5 Council directive 2004/113/EC

When the council directive 2004/113/EC – on equal treatment of men and women regarding access to and supply of goods and services – was adopted the Swedish government claimed that no immediate transposition measures were necessary (Prop. 2004/05:147). This judgement was primarily based on the fact that a new law on discrimination had just been passed by the parliament (Skr. 2005/06:85). However, while this should exclude the directive from this sample the government also stated that there were a need for further inquiry on the matter and thus possibly complementing transposition measures (Skr. 2005/06:85). Such measures where indeed adopted by the parliament in 2009 and 2012. In 2009 the Swedish law

³⁸ (SFS 2001:1227), (SFS 1994:200), (SFS 1990:314)

on discrimination where replaced by a new version (SFS 2008:567) and in 2012 the law was updated regarding insurance issues (Bet. 2007/08:AU7; Bet. 2011/12:AU11).

The 2009 transposition measures were adopted following the committee report that further contained 29 reservations regarding the bill (Bet. 2007/08:AU7). The 2012 measures were adopted by the parliament following the committee proposal alongside 15 reservations from the committee minority (Bet. 2011/12:AU11).

5.2.3 Context transposition processes

Three of the analysed directives³⁹ are transposed in context processes. These are instances where the directives are transposed as a small part of a larger legislative proposal covering non-EU policy measures.

5.2.3.1 Council directive 2004/67/EC

The transposition of directive 2004/67/EC is one of two processes that have been more thoroughly analysed and will thus be presented below (see section 5.5)

5.2.3.2 Council directive 2006/112/EC

The council directive 2006/112/EC on value added tax (VAT) is transposed into Swedish law as an adjustment to the law on VAT (SFS 1994:200). The bill for the transposition where a part of a government proposal concerning several issues of reform to the system for VAT. The background for the proposal were, apart from the need to adjust to EU law, several government reports on different aspects of the Swedish VAT legislation (Prop. 2007/08:25). The tax committee in the parliament handled the bill and recommended the chamber to adopt the proposed legislative measures. Three reservations backing counter proposals from MEPs were attached to the committee report (Bet. 2007/08:SkU14). The transposition measures entered into force on the 1st of January 2008 and thus on time to reach the transposition deadline set by the directive.

5.2.3.3 Commission directive 2002/94/EC

The Commission directive 2002/94/EC lays down detailed implementing rules on assistance between MSs regarding recovery of claims relating to taxes etc. The directive was adopted in December 2002 with a transposition deadline set to 30th of April 2003. The short amount of time is used as an explanation as to why the directive where transposed by including its

³⁹ Council directives 2004/67/EC; 2006/112/EC, Commission directive 2002/94/EC

entirety as an annex to the Swedish law. The bill proposing this method of transposition was included as a last section of a much more extensive legislative proposal on administrative fees in the field of taxes and customs (Prop. 2002/03:106). The transposition was however handled by the parliamentary committee separately as to speed up the process to reach the transposition deadline. The bill was passed without any visible political opposition (Bet. 2002/03:SkU15).

5.3 Meeting the deadline – transposition timelines

This step of the empirical material analyses whether or not the directives were transposed on time. This data is available in the original data set described above (SNBT 2015). However when analysing the cases that is transposed as acts of law qualitatively it is evident that the information in the data set is not always accurate. Thus the transposition timeline for each of the 56 directives have been manually assessed. In eight of the cases information, apart from the data set, has not been accessible and in these cases the original data are used.

Table 5: Share of directives transposed on time (by transposing measure)

	Total	Agriculture	Enterprise	Finance
Acts of law	47 %	N/A	60 %	40 %
Secondary law	78 %	76 %	100 %	N/A

Table 5 reveals that a higher share of those directives that were transposed using only secondary legislation was also transposed on time. Furthermore, in the sector where there are no commission directives (Finance) the transposition processes are much more often overdue than in the sectors where such legislation exists. From the numbers regarding the enterprise sector, the pattern that secondary law more often meet its deadlines are corroborated in that sense that acts of law are more often associated with delay within the sector.

Table 6: Share of directives transposed on time (by visible opposition)

	On time
Reservation(s)	44 %
No reservation	50 %

The relationship between political conflict and transposition delay persist, however weakened, when comparing transposition processes where there are reservations in the committee reports and those where no visible opposition is present (see table 6). While 44 % of the processes

with visible opposition where transposed on time, 50 % of the remaining processes were finished without delay. When compensating for the fact that the three commission directives⁴⁰ that were transposed in one process were delayed, the difference increases dramatically. If this process is regarded as one instance of directive transposition – rather than three – the share of transpositions, where opposition is visible, that were finished on time decreases to 29 %⁴¹.

However the relative high share of delayed transposition in the agricultural sector to some extent counter these inferences (see table 5). While there are clearly more directives transposed on time in the agricultural sector than in finance there are also more cases of delay in agriculture than in enterprise policy. Thus the share of directives being transposed as acts of law cannot fully explain the variance in transposition delay between the policy sectors in the sample.

5.3.1 Delay – a function of adopting institution?

Since the data above reveals that there seems to be a relationship between political conflict and transposition timelines, as well as between council/commission directives and political conflict, it seems reasonable to expect that there is a relationship between the adopting institution and transposition delays. Some evidence pointing in that expected direction as well as some counterintuitive findings are presented in table 7.

Table 7: Share of directives transposed on time (by adopting institution)

	Total	Agr.	Enter.	Fin.
Commission	70 %	74 %	100 %	33 %
Council	70 %	79 %	60 %	50 %
Total	70 %	76 %	78 %	40 %

Counting all the council and commission directives respectively there is no difference in transposition timelines at all between these two categories. An even more disapproving fact for the expectation that council directives more often cause non-compliance is that council

⁴⁰ Directives: 2003/124/EC, 2003/125/EC and 2004/72/EC

⁴¹ If this is applied to the numbers in table 5, the share of transposition processes with acts of law present that met its deadline increases to 54 %, only marginally weakening the inferences above.

directives are more often transposed on time in agriculture as well as finance. There are however some qualification to these conclusions.

First of all, the transposition failures in agriculture are not likely to be because of political conflict. This, since all these directives are transposed using secondary law. Secondly, the very low number of commission directives transposed on time in finance is at least to some extent caused by the fact that three directives are transposed together in a delayed transposition process. If these were to be counted as one, instead of three, instances of delay the share of commission directives transposed on time in finance would be equal to the amount of council directives transposed on time (50 %). That transposition of all but one⁴² of the commission directives in finance is part of a process transposing council directives as well, further qualifies the inferences countering the expected result.

5.4 Back to the hypotheses

The sections above reveal that there is a systematic difference between commission and council directives as to the political conflict that these directives cause. Commission directives do seem to cause less political conflict than council directives thus reaffirming the first hypothesis (H1) of the thesis. While hypothesis two and three are further examined in the following sections, some evidence in support for the assumption that political conflict is associated with transposition failures (H2) are found in the analysis above. The third hypothesis (H3) however is to some extent disapproved. This since the enterprise sector, rather than the agricultural, seems to be subject of least transposition failures in the sample. See section 6 for a more in-depth discussion on the results.

5.5 In hunt for the causal mechanism – how do conflict influence compliance?

In this section the 15 processes of transposition through acts of law will be analysed more thoroughly to establish if political conflict in these processes did cause late (and wrong) transposition of the directives. This is done as a process-tracing analysis where four supporting hypotheses (diagnostic clues) are formulated and tested. These hypotheses need to be true if a causal link is to be established between political conflict and late/wrong transposition. The hypotheses are:

⁴² Dir. 2002/94/EC

H4: The level of political conflict over the directive is high

H5: The political conflict is visible in the transposition process

H6: The political conflict precedes (the end of) the transposition process

H7: The transposition of the directive is late/wrong

Thus the tracing starts by eliminating all directives that are not transposed as acts of law since these represent processes with limited potential for political conflict. The three remaining hypotheses must however be tested in a more in-depth analysis (see 5.5).

5.5.1 Eliminating competing hypotheses

A central part of process tracing is to test and eliminate alternative reasons for the phenomenon in the focal point of the study (Collier 2011). Thus three alternative hypotheses based on previous studies have been formulated. A content analysis of the 15 directives and documents from the transposition process tests these hypotheses to eliminate directives that are likely to be affected by competing explanatory variables.

Markus Haverland (*et al* 2011) argues (and demonstrates) that the more time the MSs are granted to transpose, the better they are at transposing on time. Thus tight deadlines should be a factor that makes compliance worse.

H8: Late/wrong transposition of directives with tight deadlines is likely to be caused by the short amount of time granted for its transposition.

Börzel & Knoll (2014) argues that complex directives are less likely to be complied with than simple ones. As a measurement of complexity they, and other scholars, use the number of recitals in each of the directives since these: “list the areas of application of a directive and define how many regulatory areas are affected” (Börzel & Knoll 2014:24; Steunenberg & Rhinard 2010; Kaeding 2006).

H9: Late/wrong transposition of directives with many recitals is likely to be caused by its complexity.

The third alternative factor that is considered in this analysis is inter-sectorial coordination, which is suggested to influence compliance negatively (Haverland *et al* 2011). The rationale

for this is that transposition processes that require different branches of government (or parliament) to coordinate are more time consuming and complex.

H10: Late/wrong transposition of directives that require inter-sectorial coordination is likely to be caused by coordination failure.

The fundamental prerequisites for these hypotheses to be true are the existence of:

H8: Short transposition deadlines

H9: Complex directives

H10: Inter-sectorial coordination

Table 8: Eliminating competing hypotheses

Directive	On time	H8	H9	H10	Political conflict
Council 2003/96/EC	N (36M)	2			
Commission 2002/94/EC	Y	5			
Council 2003/48/EC	Y	6			
Council 2003/49/EC	N (4M)	6			
Commission 2004/72/EC	N (8M)	7			
Commission 2003/124/EC	N (8M)	10			
Commission 2003/125/EC	N (8M)	10			
Commission 2006/73/EC	Y	12	85		
Council 2006/112/EC	Y	13	67		
Commission 2006/70/EC	N (16M)	16	17	Yes	
Council 2001/86/EC	Y	36	20	No	No visible conflict
Commission 2003/72/EC	Y	37	23	No	No visible conflict
Council 2004/113/EC	Y	36	29	No	1 stage - 29 reservations (33 parties), 2 stage - 15 reservations (8 parties)
Council 2004/67/EC	N (2M)	25	19	No	3 reservations
Council 2005/47/EC	N (5M)	37	20	No	2 reservations

H8: Time for transposition, H9: Number of recitals (complexity), H10: Inter-ministerial coordination

The testing of hypotheses 8-10 in the empirical material is constructed as a *hoops test*, which means that the existence of the factors are *necessary* for the underlying theories to be valid however not *sufficient* to confirm them (Collier 2011). Hence in the cases where these factors are not found they cannot be a part of the reason for non-compliance. However, the mere existence of the factors is not enough to confirm the competing hypotheses either.

Table 8 visualises the process of testing hypothesis 8-10 in all of the 15 directives. The first seven directives in the table were left less than a year for transposition, the following two represent extreme values regarding the amount of recitals while the transposition of the tenth directive in the table was subjected to political processes involving two policy sectors (Justice and Finance). Thus these directives are more likely than the remaining five to have been influenced by one of these alternative factors.

Regarding the remaining transposition processes a long line of possible factors for non-compliance has been eliminated. This makes them good candidates for processes where political conflict could have caused any delay or inadequate transposition. Two of these directives⁴³ are not included in the forthcoming analysis since there were no visible opposition in the transposition processes. Directive 2004/113/EC will not be part of the analysis since the transposition involves multiple steps. Thus the following analysis includes the council directives 2004/67/EC and 2005/47/EC. The analysis answers the four supporting hypotheses (H4-7 above) and thus increases/decreases the probability that political conflict is what has caused late and wrong transposition.

5.6 The directives

5.6.1 The gas supply directive (GSD)

The Council directive 2004/67/EC on the security of natural gas supply (GSD) was transposed into Swedish law through amendments to the law on natural gas (Bet. 2005/06:NU18). These amendments were adopted together with a series of proposals to strengthen the consumers on the Swedish market for energy (Prop. 2005/06:158). Thus the transposition is performed within the context of a wider energy issue not entirely related to EU policy, a context transposition process.

5.6.2 The railway working-time directive (RWT)

The Council directive 2005/47/EC on working conditions for mobile workers in cross-border services in the railway sector (RWT) was adopted on the 18th of July 2005, with the transposition deadline set to the 27th of July 2008. The directive was transposed into Swedish law as a new law (SFS 2008:475), which entered into force on the 14th of December 2008.

⁴³ Council directives 2001/86/EC and 2003/72/EC

The government bill was solely constructed to transpose the directive, which is also true for the corresponding parliament committee report (Prop. 2007/08:76).

5.6.3 H4-H6: Political conflict – Level, visibility and timing

GSD

The committee report on the government bill for the GSD stated that the parliament should vote to accept the government proposal on natural gas and to dismiss eleven of MEP counter proposals to the bill. The full committee report included 15 reservations of which three are related to the GSD (Bet. 2005/06:NU18). These three reservations back a series of proposals about (e.g.) whether to expand the grid for natural gas in Sweden (Bet. 2005/06:NU18).

Thus there are some political conflict surrounding the directive and the government bill. However, this conflict does not refer directly to the transposition of the GSD and the directive is not mentioned in the related parliamentary debate (Protokoll 2005/06:134). This state of little conflict is corroborated by the fact that only one party had any comments in the EU committee prior to the adoption of the directive, and that no visible discussion about the directive are seen in Swedish media⁴⁴ (EUN 2003/04:13).

Despite the low level of conflict, the little conflict that there has been over the directive has been present in the transposition process and preceded its finalisation. Examples of this is related reservations in the committee report as well as raised doubt over the content of the directive in the EU committee's debates (Bet. 2005/07:NU18; EUN 2003/04:13).

RWT

The committee report that proposed that the parliament should accept the government bill transposing the RWT also included two reservations from one party respectively. These reservations concern (1) the definition of night work, (2) which workers that should be affected by the directive and (3) how many resting periods that can be located outside of the workers home in a row (Bet. 2007/08:TU9). Even though these reservations deal with minor issues while agreeing to the transposition in general, the proposed changes concern central aspects of the bill. Furthermore, other political actors outside of the parliament such as employers' organisations and trade unions back these opinions (Prop. 2007/08:76).

⁴⁴ *Mediearkivet* was used to look for media attention (<http://www.retriever-info.com/>)

The conflict regarding the issues mentioned above is clearly visible in the transposition process, including comments from the labour market parties in the preparatory referral process as well as in the committee report and parliament debate (Prop. 2007/08:76; Bet. 2007/08:TU9; Protokoll 2007/08:111). There is also some media attention regarding the directive (Belin *et al* 2009). While this debate is about the renegotiation of the directive rather than the transposition itself (and thus does not precede the transposition process) it echoes the political conflict that was present in the parliamentary process.

5.6.4 H7: Timing and correctness

Both of the directives were transposed after the deadline set by the council. The legal act transposing the GSD entered into force just short of two months after deadline. While the transposing legal act of the RWT entered into force at the deadline set by the council, its provisions were not applied until five months later. This could be compared to the mean delay of the directives in the sample which is 2,3 months⁴⁵. The delay of the RWT is however mentioned already in the government bill, and is argued to be set intentionally to synchronise it with changes in other related rules (Prop. 2007/08:76).

The delay regarding the GSD was noticed and commented by the commission in 2006 (Skr. 2006/07:85). The commission has not commented the delay of the RWT during the years following its transposition⁴⁶. However, neither of the two directives have been the object of a formal infringement procedure regarding the Swedish transposition. The EU wide transposition of both the directives have however been analysed in one commission report respectively, following the monitoring provisions stated in the directives (COM(2008) 769 final; COM(2008) 769 final).

The commission have not pursued any infringement procedure regarding the transposition of the GSD in any MS. The available commission reports, on the transposition and implementation of the directive, don't highlight any specific non-compliance to the directive in any country (COM(2008) 769 final; SEC(2009) 978). However, these reports do not

⁴⁵ Which is also close to the median delay of about 60 days in the sample of Haverland (*et al* 2011).

⁴⁶ This and following statements about infringement procedures have been established by searching for the directives in the Swedish governments' annual reports on EU affairs, covering the years 2000-2013, as well as linked documents to each directive in the Eurlex database (<http://eur-lex.europa.eu/homepage.html>)

include any such attempts but rather assesses the impact of the directive and is thus not satisfying evidence alone to suggest whether the Swedish transposition is correct or not. The fact that Sweden seems to have transposed the directive correctly is further corroborated though, by a comparison of the Swedish transposition measures and the legal text of the directive (SNBT [no date b]; Prop. 2005/06:158; SFS 2006:1043)

The commission report on transposition of the RWT does not report any violations against the directive in any of the MSs (COM(2012) 627 final). Furthermore, the commission have not pursued more than four infringement procedures regarding the directive, all because of non-notification. Sweden is furthermore mentioned, in another commission report, as one of eight MSs that had transposed the RWT in full, while the 17 remaining had failed to transpose correctly or to notify the commission (COM(2008) 855). A comparison between the transposing measures and the directive further strengthens the evidence in favour of the Swedish transposition being correct (SNBT [no date c]; Prop. 2007/08:76).

5.6.5 Conclusion from the process tracing

The two directives that have been most thoroughly analysed in this thesis share some similarities. First, both of them are transposed late. Since these directives are left when alternative reasons for late/wrong transposition have been eliminated, it is reasonable to believe that this has to do with the level of political conflict. However, while the GSD is not an object of any strong political opposition it is still late. An alternative explanation for the delay is then that the parliamentary process in itself delays transposition.

The delay regarding the RWT on the other hand, was longer and the transposition suffered some opposition. Furthermore, this opposition was part of the transposition and preceded the parliamentary debates. This strengthens hypotheses 4-6. The clearly stated reason for the application delay (section 5.5.4) though, weakens the validity of this interpretation significantly.

The fact that none of the directives seems to have been transposed wrong further weakens evidence that political conflict hampers transposition (in the two cases). However, it is important to note that the correctness of these directives require further analysis to be finally deemed as fulfilled.

6 Concluding discussion

This thesis has dealt with the overarching question why compliance records in the MSs of the EU vary across policy-sectors. The focus of the analysis has been to test whether political conflict cause transposition failures and if the division between commission and council directives can serve as a proxy for political conflict. The thesis quite confidently strengthens the expectation that political conflict in the MSs can cause non-compliance. It furthermore demonstrates that commission directives generally cause less conflict in the chosen sectors than council directives. However the thesis fails to unfold the causal mechanisms by which this relationship works.

6.1 To what extent does the division between commission and council directives serve as a good proxy for the level of political conflict over directives?

The expectation of Haverland *et al* (2011) and Börzel & Knoll (2014) that council directives take more time to be, and more often are inadequately, transposed is founded on the rationale that commission directives should cause less political conflict in the MSs. The analysis above clearly shows that this expectation, and thus the first hypothesis of the thesis (H1), holds when tested in the sample of directives. Higher shares of council directives are transposed as acts of law than commission directives, and council directives face significantly more reservations in the parliamentary process than commission directives. This is evident from the numbers in table 3 (section 5.1) and even more strengthened when considering that at least one commission directive⁴⁷ in the finance sector is transposed as secondary law even though in the context of a transposition bundle including acts of law.

The conclusion is further corroborated by the fact that all but one⁴⁸ of the commission directives (transposed as acts of law) are transposed in bundles including at least one council (or council/EP) directive, which is the object of any political conflict in these processes. The council directives on epizooty, that is not clear examples of secondary law transposition however regarded as such above, further strengthens this inference (see section 5.1).

Even though a clear conclusion is well founded, regarding the validity of the council/commission division as a proxy for political conflict (in Sweden), some cautionary

⁴⁷ Dir. 2006/73/EC

⁴⁸ Dir. 2002/94/EC

remarks are needed. This since there is some variation in this result across the analysed policy sectors. It is actually only in the enterprise sector where there is any difference in the amount of directives transposed as acts of law between commission and council directives. The full difference between directives is thus caused by the fact that all council enterprise directives were transposed as acts of law, while all of the commission directives in enterprise policy were transposed using secondary legislation. While this underlines some caution when interpreting the results as causing sector variance, the corroborating factors mentioned above offers some certainty to the conclusion that council and commission directives differ regarding the level of political conflict.

The fact that political conflict seems to be highest regarding financial matters, medium in enterprise policy and least in agricultural policy strengthens this conclusion even more. This since that is what was expected according to the inferences in the case selection of the thesis (section 4.2). These expectations about distribution of political conflict between policy sectors follow from the logic that a sector with less council directives should stir less political conflict. It should be noted however that the expectations is not in full congruence with previous research. While this does not affect the chosen policy sectors (agriculture policy is e.g. indeed seen as less political sensitive than enterprise policy), the expectation that environment and social policy should cause little political conflict is rather surprising (see e.g. Haverland *et al* 2011; Angelova *et al* 2012). Since these sectors are not part of the analysis it should however have limited effect on the result of the thesis.

6.2 How is correct and timely transposition in agriculture, finance and enterprise affected by political conflict over directives in Sweden?

The answer to this research question is reached in two steps. First the analysis of all the 56 directives reveals that there is a real difference in the share of directives transposed on time between processes involving high and low level of political conflict respectively (see section 5.3-5.5). Secondly, the analysis of the 15 directives transposed as acts of law, and in-depth analysis of the GSD and RWT, shows that there are some more evidence that political conflict can influence timelines but none that correctness is affected by this factor (see section 5.4).

This discussion starts in the aggregate analysis of the full sample of 56 directives. The initial conclusion is that there is a very clear difference, in transposition records, between directives that are transposed as acts of law (and thus politically contested) and those that are transposed

using only secondary law. While less than half (47 %) of transposition processes involving the parliament were finalised in due time, close to four fifths (78 %) of secondary law transposition processes met the deadline set by the directives. This clearly strengthens the hypothesis (H2) that political conflict can indeed cause transposition failures. Thus the result corroborates conclusions from previous scholarly work, that political processes in the MSs are an important key for the understanding of compliance variance (e.g. Haverland *et al* 2011; Steunenberg & Rhinard 2010; Thomson 2010).

If the first part of the answer seems clear-cut in support of the hypotheses, that have guided the analysis, the second part is more nuanced. The first step of the process-tracing analysis however begins to support the conclusion above. The two directives, the GSD and the RWT, least likely to have been affected by alternative reasons for non-compliance – and correspondingly most likely to have transposition failure caused by political conflict – indeed suffered late transposition. However as the analysis proceeds there is some evidence weakening the potential for making claims of a causal mechanism being found.

First of all, neither of the two directives were transposed inadequately. Even though some doubts about this inference can be raised, it must be concluded that within the scope of this thesis compliance seems to have been reached despite political conflict. Secondly, the political conflict regarding the GSD was at best minor and thus less likely to have caused the (short) transposition delay. The conflict over the RWT is however more developed and backed by other political actors as well as clearly visible in the transposition process from its early stages (inquiry process). This seems as good evidence in support of a causal mechanism between political conflict and transposition failure. Nevertheless a clear and probable alternative explanation is also found within the empirical evidence. Since the delay seems to be a conscious choice, motivated early in the transposition process, any claims that the delay was due to political conflict seems unreasonable.

The thesis thus fails to establish a causal link between political conflict and non-compliance. However it is important to note that the analysis reveals that the hypothesised relationship between conflict and compliance is supported on the aggregate level of the analysis. The analysis is furthermore performed in a country where this relationship is supposed to be less likely than in other parts of the EU (Falkner *et al* 2005; Sverdrup 2004; Tallberg 1998). This

conclusion clearly strengthens reasons to believe that as long as political actors continue to question the legitimacy of the EU, non-compliance will persist.

6.3 Bringing the questions together

The obvious question that follows from the results presented above is: do council directives cause more non-compliance than commission directives? The straightforward answer to this question is no. The evidence taken together does not suggest that compliance is better regarding commission directives than with council acts. However, if regarding some of the qualifications above this answer becomes less confident (see section 5.3.1).

While agricultural policy and enterprise policy follows the theoretical expectations it is within finance policy the unexpected result is produced. As noted in the analysis this difference is caused, at least to some degree, by the fact that three commission directives are transposed in one single transposition process. When further taking into account the fact that political conflict regarding commission directives in finance at large seems to be generated by council (and EP) directives the picture becomes even more blurred.

It is important to note that the thesis cannot conclude in favour of the hypothesis suggesting that commission directives are less prone to cause non-compliance. However the unexpected result that compliance seems alike regarding both types of directives is not very clear either. This anomaly could be caused simply by the fact that the thesis deals with a relatively small sample, chosen strategically. Thus it does not seriously weaken inferences from previous research suggesting a relationship between commission directives and less transposition failures (e.g. Haverland *et al* 2011; Toshkov 2010).

6.4 How and why does (non-) compliance with EU-legislation vary between policy-sectors?

Since the overarching research question of the thesis only in part is answered by this thesis (due to case selection), and is so by answers to the sub-questions above, it will not be discussed at any length here. However some general conclusions regarding the question will be stated.

The analysis above reveals that directives regarding financial matters are almost twice as often transposed late than directives in agriculture and enterprise policy. While this confirms

the theoretically expected third hypothesis (H3) of the thesis, the fact that enterprise policy more often (even though just barely) is transposed on time than directives in the agricultural sector does the opposite. One answer to the how-question is thus that financial directives are less likely to be transposed on time than agriculture and enterprise directives.

As to the why question the section above has dealt with political conflict as a predictor for variance at length. While this seems to be one increasingly probable reason for non-compliance, the thesis fails to demonstrate a clear and explicit causal relationship between the independent and dependent variable.

6.5 Generality and qualification

There are some concerns with the study that needs to be raised. First, there are good reasons to assume that transposition measures using only secondary law are subjected to less political conflict than those that needs to pass a parliamentary process – thus reaffirming the use of type of legislation as a measurement of conflict. However there are further aspects that separate acts of law from secondary legislation, and some of these can reasonably affect compliance as well. The main aspect of concern is time consumption. The parliamentary process generally needs more time to be completed than making of secondary legislation. Thus the mere process of making acts of law can delay transposition, regardless of political conflict. This is why the thesis has made an attempt to analyse the process deeper, to establish the causal link between conflict and non-compliance. Since it has not managed to do so, some caution is advisable when interpreting the results.

A second point to make is that the thesis does not use any advanced statistical methods or specifically crafted case study statistics such as Quantitative Case Analysis (QCA)⁴⁹ in its analyses. The thesis instead relies on a strategic case selection and qualitative inferences to come to its result. The case selection and methods to answer the research questions generate some generalizability as to the results of the theory testing, since the cases are chosen to keep as many alternative independent variables constant. The choice of Sweden as a least likely case furthermore strengthens generalizability, at least to the degree that it is reasonable to think that the effect should be present in other MSs as well. However it is important to note that inferences that goes beyond the theory testing aim of the thesis is not possible to

⁴⁹ See e.g. Rihoux (2006) for a discussion about QCA, a method crafted to increase generalizability in comparative case studies.

generalise to a wider population. The statements concerning e.g. how compliance varies between sectors are only valid for the sample rather than all policy sectors in Sweden or other countries.

6.6 Remaining gaps

Given the conclusion of the empirical analyses and the theoretical and methodological qualifications of the study some interesting pathways for further research emerges. The hesitance regarding type of legislation as a measure of political conflict calls for a comparative study where transposition processes of similar directives performed through acts of law and secondary legislation respectively should be fruitful. While this path could be chosen using either qualitative or quantitative methods, a different direction would be to continue in a similar fashion as the latter part of this study. Hence to select some cases where the levels of political conflict are high and map the process very thoroughly to try and find a causal link between the conflict and non-compliance.

Another direction for further research would be to move back to a large-scale quantitative study. It could preferably still be situated in the Swedish context, but involving all directives transposed (in a given time period) to test whether commission and council directives can explain differences in compliance between sectors at an aggregate level. Yet one suggestion is to further examine the agricultural policy sector more in-depth since it constitutes an unexpected result in this study.

Whichever way future research will be steered into it is evident that the processes of policy-making doesn't stop when decisions are made in Brussels. Policy actors in the MSs still have power over MS decision-making and thus transposition of directives. What this study has managed to demonstrate is that the opinion of these actors is important for a consensus, on the necessity to comply with EU legislation, to be viable. Thus the task to establish legitimacy for supranational decisions are paramount for the EU to be able to handle future challenges. Only then the EU can prosper as unified in its ever so changing diversity.

7 References

7.1 Literature

- Angelova, Mariyana & Dannwolf, Tanja & König, Thomas (2012). "How robust are compliance findings? A research synthesis". In *Journal of European Public Policy*, Vol. 19, Issue 8, 1269-1291
- Belin, Sören & Wadman, Peter & Hjertman, Anders (2009). "Omodernt arbetstidskrav hindrar miljöarbete". In *Dagens Samhälle*, 22 January 2009, pp. 20-24
- Berglund, Sara & Gange, Leva & van Waarden, Frans (2006). "Mass production of law. routinization in the transposition of European directives: a sociological-institutionalist account". In *Journal of European Public Policy*, Vol. 13, Issue 5, pp. 692-716,
- Borghetto, Enrico & Franchino, Fabio (2010), "The role of subnational authorities in the implementation of EU directives". In *Journal of European Public Policy*, Vol. 17, Issue 6, pp.759-780
- Burbank, Magalie & Crabbé, Ann & Liefferink, Duncan & Wiering, Mark (2013). "The marathon of the hare and the tortoise: implementing the EU Water Framework Directive". In *Journal of Environmental Planning and Management*. Vol. 56, Issue 10, pp. 1449-1467
- Börzel, Tanja A. (2000). "Why there is no 'southern problem'. On environmental leaders and laggards in the European Union". In *Journal of European Public Policy*, Vol. 7, Issue 1, pp. 141-162
- Börzel, Tanja A. (2001). "Non-compliance in the European Union: pathology or statistical artefact?". In *Journal of European Public Policy*, Vol. 8, Issue 5, pp. 803-824
- Börzel, Tanja A. & Hofmann, Tobias & Panke, Diana & Sprungk, Carina (2010). "Obstinate and Inefficient: Why Member States Do Not Comply With European Law". In *Comparative Political Studies*. Vol. 43, Issue 11, pp. 1363-1390
- Börzel, Tanja A. & Hofman, Tobias & Panke, Diana (2011). *Policy Matters But How? Explaining Non-Compliance Dynamics in the EU*. KFG Working Paper Series, No. 24, February 2011, Kolleg-Forschergruppe (KFG) "The Transformative Power of Europe" Freie Universität Berlin.
- Börzel, Tanja A. & Knoll, Moritz (2014). *It's the Policy, Stupid! Sector-Specific Non-compliance in the European Union*. APSA 2014 Annual Meeting Paper
- Chayes, Abram & Chayes, Antonia Handler (1993). "On compliance". In *International Organization*. 47, Issue 2, pp. 175-205
- Collier, David (2011). "Understanding Process-Tracing". In *Political Science and Politics*. Vol. 44, Issue 4, pp. 823-830

Downs, George W. & Rocke, David M. & Barsoom, Peter N. (1998). "Is the good news about compliance good news about cooperation?". In *International Organization*, Vol. 50, No. 3, pp. 379-406

Dimitrova, Antoaneta & Steunenberg, Bernard (2014). *Too difficult to handle? Compliance with EU policy in a multi-level context*. APSA 2014 Annual Meeting Paper.

Falkner, Gerda (2007). "Time to Discuss: Data to Crunch or Problems to Solve? A Rejoinder to Robert Thomson". In *West European Politics*, Vol. 30, Issue 5, pp. 1009-1021

Falkner, Gerda & Treib, Oliver & Hartlapp, Miriam & Leiber, Simone (2005). *Complying with Europe – EU Harmonisation and Soft Law in the Member States*. Cambridge: Cambridge University Press.

Haas, Peter M. (1998). "Compliance with EU directives: insights from international relations and comparative politics". In *Journal of European Public Policy*, Vol. 5, Issue 1, pp. 17-37

Hartlapp, Miriam & Falkner, Gerda (2009). "Problems of Operationalization and Data in EU Compliance Research". In *European Union Politics*. Vol. 10, Issue 2, pp. 281-304

Haverland, Markus & Romeijn, Marleen (2007). "Do Member States make European Policies work? Analysing the EU Transposition Deficit". In *Public Administration*, Vol. 85, No. 3, pp. 757-778

Haverland, Markus & Steunenberg, Bernard & Van Waarden, Frans (2011). "Sectors at Different Speeds: Analysing Transposition Deficits in the European Union*". In *Journal of Common Market Studies*. Vol. 49, No. 2, pp. 265-291

Immergut, Ellen (1998). "The theoretical Core of the New Institutionalism". In *Politics & Society*, Vol. 26, No. 1, pp. 5-34

Jordan, Andrew & Adelle, Camilla (2011). *Environmental Policy in the EU – Actors, institutions, and processes (Third edition)*. London: Routledge

Kaeding, Michael (2006). "Determinants of Transposition Delay in the European Union". In *Journal of Public Policy*, Vol. 26, Issue 3, pp. 229-253

König, Thomas & Luetgert, Brooke (2009). "Troubles with Transposition? Explaining Trends in Member-State Notification and the Delayed Transposition of EU Directives". In *British Journal of Political Science*. Vol. 39, pp 163-194

König, Thomas & Mäder, Lars (2014), "The Strategic Nature of Compliance: An Empirical Evaluation of Law Implementation in the Central Monitoring System of the European Union". In *American Journal of Political Science*, Vol. 58, No. 1, pp. 246-263

Leutgert, Brooke & Dannwolf, Tanja (2009). "A Nested Analysis of EU Member State Transposition Patterns". In *European Union Politics*. Vol. 10, Issue 3, pp. 307-334

Mastenbroek, Ellen (2005). "EU compliance: Still a 'black hole'?". In *Journal of European Public Policy*. Vol. 12, Issue 6, pp. 1103-1120

- Mbaye, Heather A. D. (2001). "Why National States Comply with Supranational Law: Explaining Implementation Infringements in the European Union, 1972-1993". In *European Union Politics*, Vol. 2, Issue 3, pp. 259-281
- Ministry of Justice (2007). *The Swedish Law-Making Process – Fact Sheet*. Stockholm: Ministry of Justice.
- Nugent, Neill (2010). *The Government and Politics of the European Union – 7th Edition*. Hampshire: Palgrave Macmillan
- Pierson, Paul (2000). "Increasing returns, Path Dependence, and the study of Politics". In *The American Political Science Review*, Vol. 94, No. 2, pp. 251-267
- Rihoux, Benoît (2006). "Qualitative Comparative Analysis (QCA) and Related Systematic Comparative Methods – Recent Advances and Remaining Challenges for Social Science Research". In *International Sociology*, Vol. 21, Issue 5, pp.679-706
- SNBT, Swedish National Board of Trade (no date a). *Parallelluppställning – en förteckning över de bestämmelser som genomför direktiv 2004/39/EG (MiFID) och direktiv 2006/73/EG i svensk rätt*.
- SNBT, Swedish National Board of Trade (no date b). *Genomförande av rådets direktiv 2004/67/EG av den 26 april 2004 om åtgärder för att säkerställa en tryggad naturgasförsörjning*.
- SNBT, Swedish National Board of Trade (no date c). *Parallelluppställning - Genomförande av rådets direktiv 2005/67/EC*.
- Siedentopf, Heinrich & Ziller, Jaques. (eds) (1988). *Making European Policies Work: The Implementation of Community Legislation in the Member States*. London: Sage.
- Steunenberg, Bernard (2006). "Turning Swift Policy-making into Deadlock and Delay: National Policy Coordination and the Transposition of EU Directives". In *European Union Politics*, Vol. 7, Issue 3, pp. 293-319
- Steunenberg, Bernard (2007). "A policy solution to the European Union's transposition puzzle: Interaction of interests in different domestic arenas". In *West European Politics*, Vol. 30, Issue 1, pp. 23-49
- Steunenberg, Bernard (2010). "Is big brother watching? Commission oversight of the national implementation of EU directives". In *European Union Politics*, Vol. 11, Issue 3, pp. 259-380
- Steunenberg, Bernard & Rhinard, Mark (2010). "The transposition of European law in EU member states: between process and politics". In *European Political Science Review*, Vol. 2, Issue 3, pp. 495-520
- Sverdrup, Ulf (2004). "Compliance and Conflict Management in the European Union: Nordic Exceptionalism". In *Scandinavian Political Studies*, Vol. 27, No. 1, pp. 23-43

Tallberg, Jonas (2002). Paths to Compliance: Enforcement, Management, and the European Union. In *International Organization*, Vol. 56, pp 609-643

Thomson, Robert (2010). “Opposition through the back door in the transposition of EU directives”. In *European Union Politics*, Vol 11, Issue 4, pp. 577-596

Toshkov, Dimiter (2010). *Taking stock: a review of quantitative studies of transposition and implementation of EU law*. Working Paper 10/2010. Institute for European Integration Research, Vienna.

Toshkov, Dimiter (2012). “Compliance with EU law in Central and Eastern Europe: The Disaster that Didn’t Happen (Yet)”. In *L'Europe En Formation*, Vol.2, pp.91-109.

Toshkov, Dimiter & Knoll, Moritz & Wewerka, Lisa (2010). *Connecting the dots: a review of case studies of compliance and application of EU law*. Working Paper 10/2010. Institute for European Integration Research, Vienna.

Treib, Oliver (2003). *EU Governance, Misfit, and the Partisan Logic of Domestic Adaptation: An Actor-Centred Perspective on the Transposition of EU Directives*. Paper presented at the EUSA 8th International Biennial Conference, Nashville, Tennessee.

Treib, Oliver (2014). “Implementing and complying with EU governance outputs”. In *Living Reviews in European Governance*, Vol. 9, (2014), No. 1.

Versluis, Esther (2007). “Even rules, uneven practices: Opening the ‘black box’ of EU law in action”. In *West European Politics*. Vol. 30, Issue 1, pp. 50-67

Versluis, Esther & van Keulen, Mendeltje & Stephenson, Paul (2011). *Analyzing the European Union Policy Process*. London: Palgrave Macmillan

7.2 Laws, directives, government proposals etc.

7.2.1 Commission documents

COM(2008) 769 final. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – on the Directive 2004/67/EC of 26 April 2004 concerning measures to safeguard security of natural gas supply.*

COM(2008) 855 final. *Communication from the Commission to the Council – Economic and social impact of the Agreement appended to Directive 2005/47/EC concluded on 27 January 2004 between the social partners on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector*

COM(2012) 627 final. *Report from the Commission to the European Parliament and the Council – Implementation by Member States of Council Directive 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector.*

SEC(2009) 978. *Commission staff working document – Accompanying document to the Proposal for a regulation of the European Parliament and of the Council – concerning measures to safeguard security of gas supply and repealing Directive 2004/67/EC.*

7.2.2 Committee reports

Available at: <http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Betankanden/>

Bet. 2002/03:SkU15. *Genomförande av ett nytt direktiv med tillämpningsföreskrifter till indrivningsdirektivet.*

Bet. 2003/04:AU4. *Arbetstagarinflytande i europabolag och övrig arbetsrätt m.m.*

Bet. 2003/04:AU9. *Arbetstagarinflytande i europakooperativ*

Bet. 2003/04:FiU1. *Utgiftsramar och beräkning av statsinkomsterna, m.m.*

Bet. 2003/04:SkU14. *Skatteadministrativt samarbete i EU*

Bet. 2003/04:SkU32. *Undantag från skattskyldighet för vissa ersättningar i form av royalty och avgift*

Bet. 2004/05:FiU27. *Marknadsmisbruk*

Bet. 2004/05:SkU30. *Sparandedirektivet och kontrolluppgifter*

Bet. 2005/06:FiU1. *Utgiftsramar och beräkning av statsinkomsterna*

Bet. 2005/06:NU18. *Åtgärder för att stärka kundernas ställning på energimarknaden*

Bet. 2006/07:FiU25. *Ny lag om värdepappersmarknaden*

Bet. 2006/07:SkU5. *Anpassningar av energibeskattningen till energiskattedirektivet, m.m.*

Bet. 2007/08:TU9. *Kör- och vilotid vid internationell järnvägstrafik*

Bet. 2007/08:SkU14. *Förlängd redovisningsperiod och vissa andra mervärdesskattefrågor*

7.2.3 Laws

Förordningen (2006:1043) om ändring i naturgasförordningen (2000:673)

Inkomstskattelag (SFS 1999:1229)

Lag (2005:377) om straff för marknadsmissbruk vid handel med finansiella instrument

Lagen (SFS 2001:1227) om självdeklarationer

Lagen (1990:314) om ömsesidig handräckning i skatteärenden

Lag (2008:475) om kör- och vilotid vid internationell järnvägstrafik

Mervärdesskattelagen (SFS 1994:200)

7.2.4 Government bills and reports

Available at: <http://www.riksdagen.se/sv/Dokument-Lagar/Forslag/Propositioner-och-skrivelser/>

Prop. 1998/99:88. *Bekämpning av smittsamma djursjukdomar*

Prop. 2002/03:106. *Administrativa avgifter på skatte- och tullområdet, m.m.*

Prop. 2003/04:24. *Skatteadministrativt samarbete i EU*

Prop. 2003/04:122. *Arbetstagarinflytande i europabolag*

Prop. 2003/04:126. *Undantag från skattskyldighet för vissa ersättningar i form av royalty och avgift*

Prop. 2004/05:113. *Sparandedirektivet och kontrolluppgifter*

Prop. 2004/05:147. *Ett utvidgat skydd mot könsdiskriminering*

Prop. 2005/06:158. *Åtgärder för att stärka kundernas ställning på energimarknaden m.m.*

Prop. 2006/07:13. *Anpassningar av energibeskattningen till energiskattedirektivet, m.m.*

Prop. 2007/08:25. *Förlängd redovisningsperiod och vissa andra mervärdesskattefrågor*

Prop. 2007/08:76. *Kör- och vilotid vid internationell järnvägstrafik*

Skr. 2004/05:60. *Berättelse om verksamheten i Europeiska unionen under 2004.*

Skr. 2005/06:85. *Berättelse om verksamheten i Europeiska Unionen under 2005.*

Skr. 2006/06:85. *Berättelse om verksamheten i Europeiska Unionen under 2006.*

7.2.5 Minutes

EUN, EU-nämndens stenografiska uppteckningar 2003/04:13. *Fredagen den 5 december 2003*.

Protokoll 2005/06:134. *Riksdagens protokoll 2005/06:134*.

7.3 Web Resources

Lindeman, Stefan (2011). *Being 'in between' –the challenges of doing medium-N research*. Last accessed on the 2nd of May 2015, at: <http://www.mmg.mpg.de/special-output/blogs/lindemann-being-in-between/#top>

Oxford Dictionaries (2015). *Conflict – definition of conflict in in English*. Last accessed on the 12th of March 2015 at: <http://www.oxforddictionaries.com/definition/english/conflict>

SNBT, Swedish National Board of Trade (2015). *Genomförandedatabasen*. Last accessed on the 2nd of May 2015, at: <http://www.kommers.se/gdb/gdblist.aspx>

Sveriges Riksdag (2015). *Så blir EU-lag svensk lag*. Last accessed on the 13th of April 2015, at: <http://www.eu-upplysningen.se/Sverige-i-EU/EU-lagar-galler-ramfor-svenska-lagar/Sa-blir-EU-lag-svensk-lag/>

Toshkov, Dimiter (2011). "The Quest for Relevance: Research on Compliance with EU Law", Last accessed on the 17th of February 2015, at: <http://www.dimiter.eu/articles/Compliance%20review.pdf>

Toshkov, Dimiter (2014). *'55 years of EU Legislation'*, Last accessed on the 10th of March 2015, at: <http://www.dimiter.eu/Eurlex.html>

8 Appendix 1: List of directives in the sample

Directive	Sector	Transposition measure	OT	Title
Commission Directive 2002/94/EC	Finance	SFS 2003:142	Yes	of 9 December 2002 laying down detailed rules for implementing certain provisions of Council Directive 76/308/EEC on mutual assistance for the recovery of claims relating to certain levies, duties, taxes and other measures
Commission Directive 2003/124/EC	Finance	FFFS 2005:7, FFFS 2005:8, FFFS 2005:9, SFS 2005:377-2005:387,	No	1. of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards the definition and public disclosure of inside information and the definition of market manipulation
Commission Directive 2003/125/EC		SFS 2005:485		2. of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards the fair presentation of investment recommendations and the disclosure of conflicts of interest
Commission Directive 2004/72/EC				3. of 29 April 2004 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards accepted market practices, the definition of inside information in relation to derivatives on commodities, the drawing up of lists of insiders, the notification of managers' transactions and the notification of suspicious transactions
Commission Directive 2006/70/EC	Finance	SFS 2009:62, SFS 2009:63-2009:78	No	of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis
Commission Directive 2006/73/EC	Finance	FFFS 2007:16, FFFS 2007:19, SFS 2007:528, SFS 2007:572	Yes	of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive
Commission Directive 2000/45/EC	Agriculture	SJVFS 2000:169	Yes	of 6 July 2000 establishing Community methods of analysis for the determination of vitamin A, vitamin E and tryptophan in feedingstuffs
Commission Directive 2001/15/EC	Agriculture	LIVSFS 2002:18	Yes	of 15 February 2001 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses
Commission Directive 2001/22/EC	Agriculture	LIVSFS 2002:49	Yes	of 8 March 2001 laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs

Commission Directive 2001/32/EC	Agriculture	SJVFS 2001:117	No	of 8 May 2001 recognising protected zones exposed to particular plant health risks in the Community and repealing Directive 92/76/EEC
Commission Directive 2002/4/EC	Agriculture	SJVFS 2003:20, LIVSFS 2003:43	Yes	of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC
Commission Directive 2002/16/EC	Agriculture	LIVSFS 2003:2	Yes	of 20 February 2002 on the use of certain epoxy derivatives in materials and articles intended to come into contact with foodstuffs
Commission Directive 2002/26/EC	Agriculture	LIVSFS 2002:49	Yes	of 13 March 2002 laying down the sampling methods and the methods of analysis for the official control of the levels of ochratoxin A in foodstuffs
Commission Directive 2002/63/EC	Agriculture	LIVSFS 2002:43	Yes	of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC
Commission Directive 2002/67/EC	Agriculture	LIVSFS 2003:6, LIVSFS 2003:7	Yes	of 18 July 2002 on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine
Commission Directive 2002/69/EC	Agriculture	LIVSFS 2002:49	Yes	of 26 July 2002 laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs
Commission Directive 2002/70/EC	Agriculture	SJVFS 2003:87	No	of 26 July 2002 establishing requirements for the determination of levels of dioxins and dioxin-like PCBs in feedingstuffs
Commission Directive 2003/40/EC	Agriculture	LIVSFS 2003:45	No	of 16 May 2003 establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters
Commission Directive 2003/78/EC	Agriculture	LIVSFS 2004:17	Yes	of 11 August 2003 laying down the sampling methods and the methods of analysis for the official control of the levels of patulin in foodstuffs
Commission Directive 2003/90/EC	Agriculture	SJVFS 2004:24	Yes	of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species
Commission Directive 2003/91/EC	Agriculture	SJVFS 2004:24	Yes	of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species
Commission Directive 2003/104/EC	Agriculture	SJVFS 2004:42	No	of 12 November 2003 authorising isopropyl ester of the hydroxylated analogue of methionine
Commission Directive 2003/126/EC	Agriculture	SJVFS 2004:42	Yes	of 23 December 2003 on the analytical method for the determination of constituents of animal origin for the official control of feedingstuffs

Commission Directive 2004/6/EC	Agriculture	LIVSFS 2004:9	Yes	of 20 January 2004 derogating from Directive 2001/15/EC to postpone the application of the prohibition of trade to certain products
Commission Directive 2004/16/EC	Agriculture	LIVSFS 2004:17	Yes	of 12 February 2004 laying down the sampling methods and the methods of analysis for the official control of the levels of tin in canned foods
Commission Directive 2004/103/EC	Agriculture	SJVFS 2005:22	No	of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks
Commission Directive 2004/105/EC	Agriculture	SJVFS 2005:3	Yes	of 15 October 2004 determining the models of official phytosanitary certificates or phytosanitary certificates for re-export accompanying plants, plant products or other objects from third countries and listed in Council Directive 2000/29/EC
Commission Directive 2005/26/EC	Agriculture	LIVSFS 2005:15	Yes	of 21 March 2005 establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC of the European Parliament and of the Council
Commission Directive 2006/141/EC	Agriculture	LIVSFS 2008:2, LIVSFS 2008:3, SFS 1995:450, SOSFS 1983:21, SOSFS 2008:33	No	of 22 December 2006 on infant formulae and follow-on formulae and amending Directive 1999/21/EC
Commission Directive 2000/39/EC	Enterprise	AFS 2000:3	Yes	of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work
Commission Directive 2002/31/EC	Enterprise	KOVFS 2002:4	Yes	of 22 March 2002 implementing Council Directive 92/75/EEC with regard to energy labelling of household air-conditioners
Commission Directive 2002/40/EC	Enterprise	KOVFS 2002:4	Yes	of 8 May 2002 implementing Council Directive 92/75/EEC with regard to energy labelling of household electric ovens
Commission Directive 2006/15/EC	Enterprise	AFS 2005:17, AFS 2007:2	Yes	of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC
Council Directive 2003/48/EC	Finance	SFS 2003:1130, SFS 2005:344, SFS 2005:345	Yes	of 3 June 2003 on taxation of savings income in the form of interest payments
Council Directive 2003/49/EC	Finance	SFS 2004:614	No	of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States
Council Directive 2003/96/EC	Finance	SFS 2006:1508, SFS 2006:1512	No	of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity

Council Directive 2006/112/EC	Finance	SFS 1994:200, SFS 2006:1031, SFS 2006:1293, SFS 2007:1376	Yes	of 28 November 2006 on the common system of value added tax
Council Directive 2000/29/EC	Agriculture	SJVFS 2000:147	Yes	of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community
Council Directive 2000/75/EC	Agriculture	SFS 1999:657, SFS 1999:659, SJVFS 1999:102, SJVFS 2002:97-98	No	of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue
Council Directive 2001/89/EC	Agriculture	SFS 1992:1683, SFS 1999:657, SFS 1999:659, SJVFS 2002:97-98	No	of 23 October 2001 on Community measures for the control of classical swine fever
Council Directive 2001/110/EC	Agriculture	LIVSFS 2003:10	Yes	of 20 December 2001 relating to honey
Council Directive 2001/111/EC	Agriculture	LIVSFS 2003:11	Yes	of 20 December 2001 relating to certain sugars intended for human consumption
Council Directive 2001/112/EC	Agriculture	LIVSFS 2003:18	Yes	of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption
Council Directive 2001/113/EC	Agriculture	LIVSFS 2003:17	Yes	of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption
Council Directive 2001/114/EC	Agriculture	LIVSFS 2003:16	Yes	of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption
Council Directive 2002/60/EC	Agriculture	SFS 1992:1683, SFS 1999:657, SFS 1999:659, SJVFS 1999:102, SJVFS 2002:98	Yes	of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever
Council Directive 2002/99/EC	Agriculture	SJVFS 2004:93	Yes	of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption
Council Directive 2003/85/EC	Agriculture	SFS 1993:1617, SFS 1999:657, SJVFS 1999:102, SJVFS 2001:19, SJVFS 2002:98	Yes	of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC
Council Directive 2004/68/EC	Agriculture	SJVFS 2006:42	No	of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC
Council Directive 2005/94/EC	Agriculture	SFS 1999:657, SFS 1999:659, SJVFS 2006:10, SJVFS 2006:16, SJVFS 2007:17, SJVFS 2007:24,	Yes	of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC

Council Directive 2006/88/EC	Agriculture	SFS 2001:3, SFS 1999:657, SFS 1999:659, SJVFS 1995:125, SJVFS 1998:98, SJVFS 2006:15, SJVFS 2006:16, SJVFS 2008:25	Yes	of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals
Council Directive 2001/86/EC	Enterprise	SFS 1987:1245, SFS 1996:359, SFS 2004:559	Yes	of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees
Council Directive 2003/72/EC	Enterprise	SFS 2006:477, SFS 2006:478, SFS 2006:479	Yes	of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees
Council Directive 2004/67/EC	Enterprise	SFS 2006:1043, SFS 2006:646	No	of 26 April 2004 concerning measures to safeguard security of natural gas supply
Council Directive 2004/113/EC	Enterprise	SFS 1915:218, SFS 1991:433, SFS 1995:584, SFS 2003:307	Yes	of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services
Council Directive 2005/47/EC	Enterprise	SFS 2008:475, SFS 2008:476	No	of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector