



**Universiteit
Leiden**

Governance and
Global Affairs

**Fostering Compliance with European Environmental
Directives in European Member-States: *The Influence
of National Administrative Capacities and the Application
of the Goodness of Fit Theory.***

A case study of Poland through the 2008/50/EC Directive.

Master's Thesis

The Hague, January 2020

MSc in Public Administration: International and European Governance

Leiden University

Faculty of Governance and Global Affairs

Mario Tsekoski

s2318369

Supervisor

Dr. Brendan J. Carroll

Abstract

In the past decades European environmental legislation has suffered due to a high number of infringement proceedings associated with the non-compliant behavior of its Member-States towards European Directives. This thesis aims to assess the extent that the goodness of fit theory as well as national administrative capacities explain compliance in Member-States. The focus of this thesis' analysis will be on the state of Poland. Following a deductive rationale this thesis analyzes the general state-of-the-art compliance literature before testing the generated hypothesis by conducting a within case analysis. The findings of the study uncover that while goodness of fit theory can better explain non-compliant behavior better results with added explanatory value can be produced when combining them.

Keywords: Compliance, Implementation, 'Goodness of fit', 'Administrative capacities'

Table of Contents

| | |
|--|----|
| Abstract | 2 |
| Table of Contents | 3 |
| Introduction | 4 |
| 1.1 Goal of the Study | 6 |
| 1.1.1 Research Question..... | 6 |
| 1.2 Academic and Societal Relevance..... | 7 |
| 1.3 Structure of the Dissertation | 9 |
| 2. Literature Review | 10 |
| 2.1. Implementation | 10 |
| 2.2 Compliance | 12 |
| 2.2.1 Three ‘waves’ of compliance analysis..... | 13 |
| 2.2.2. Potential reasons for non-compliance..... | 14 |
| 2.3 Goodness of Fit hypothesis | 16 |
| 2.4 Administrative Capacities..... | 18 |
| 2.4.1 Logic of appropriateness | 20 |
| 2.5 Summary..... | 20 |
| 3. Theoretical Framework | 22 |
| 3.1 Goodness of fit Theory..... | 23 |
| 3.2 National Capacities | 26 |
| 3.3 Summary..... | 29 |
| 4. Research Design and Methodological Framework | 29 |
| 4.1. Within-case analysis. | 30 |
| 4.1.1 Process Tracing | 32 |
| 4.2 Operationalization of Variables | 33 |
| 4.2.1 Dependent Variable: Compliance..... | 33 |
| 4.2.2 Independent variables: Administrative capacities | 34 |
| 4.3 Case Selection | 36 |
| 4.3.1 Selection of the Directive..... | 36 |
| 4.3.2 Poland as a Case..... | 37 |
| 4.4 Data collection | 40 |
| 5. Analysis | 41 |
| 5.1 The Ambient Air Quality Directive 2008/50/EC | 41 |
| 5.2. Explaining Non-Compliance in Poland | 42 |
| 5.2.1 Adaptation Pressures | 43 |
| 5.2.2 Policy Misfit and Adaptation Costs | 46 |
| 5.2.3 Administrative capacity complications | 47 |
| 5.3 Discussion | 49 |
| 6. Conclusions | 52 |
| References | 55 |
| Appendix | 62 |

Introduction

The field of environmental legislation is relatively new when compared to other aspects of European Law. The origins of the environmental policy are traced back to when the Paris Agreement was signed in 1972 and then adopted a year later (Knill & Liefferink, 2012). The national leaders and the government of the European Economic Community (EEC) deemed necessary to establish a common environmental policy in order to disperse the possibilities for future trade complications and obstacles regarding the Common Market (Johnson and Corcelle 1989).

The years to follow the Paris Agreement, have been characterized by a constant adoption of substantial and diverse provisions in the environmental field aiming at improving the quality of the environment for European citizens and safeguarding their quality of life. The European Union aims for an area of peace and prosperity where EU legislation is implemented and harmonized among Member-States(M-S) and there exists a wide range of measures and rules aim to improve the quality of air , provide safe drinking water, and account for proper waste management. But during the past decades, the European Commission (EC) has been forced to initiate the largest number of infringement procedures against Member-States for violating European environmental law (Börzel & Buzogány, 2018). This testifies to a serious problem of implementation in the Union's territory whose roots need to be extensively and carefully examined.

The EU has in its possession five instruments to ensure a steady course in the field of legislation, namely Regulations, Directives, Decisions, Recommendations and Opinions. In particular, the field that has been struggling with a severe lack of compliance and is ravaged by infringements is that of the European Environmental Directives (European Commission, 2019a). The cause may lie in their special legislative characteristics. As the rest of the EU legislation, directives are adopted with the scope to protect certain provisions and in general assist in the mission of the EU, which is to create an area of prosperity and security for its citizens. More specifically, directives become effective when a national measure transposes and incorporates them. But under the Article 249 of the EC Treaty, Member States are free to choose between the most appropriate

forms and means to achieve the objectives set in the original body of the directive in the span of, usually, two years (European Union, 2018). The last statement is what gives the directives their intrinsic characteristic and makes them a much-contested piece of legislation. Since a directive is not binding in a wholistic notion per se, but only as per its goal, then matters of misinterpretation may come forth which might impact the compliance rate of Member-States and even lead to non-compliance.

Not implementing EU environmental law entails costs to our society ranging from economic costs ranging from unrealized market opportunities to harm of human health due to air and water pollution. Hence, it is apparent that proper and full implementation of EU environmental legislation could save the Union billions every year in health costs, direct costs to the environment and would assist in a more 'green' and sustainable economy (European Commission, 2019). Despite the benefits and cost-saving when ensuring proper implementation of the environmental legislation, the European Member-States often appear laggard and at times unwilling to comply, while obstacles in the integration of EU legislation are more of the rule rather than the exception (Jordan & Liefferink, 2003).

Following a deductive rationale this thesis will firstly analyze the general literature of implementation and compliance in Member-States followed by testing the generated hypotheses on the state of Poland before discussing the methodology and the reasons for our case selection. The analysis of empirical findings will be carried in the latter chapters finalizing this research with the conclusions.

1.1 Goal of the Study

This thesis investigates the known implementation deficit of environmental directives in European Legislation. Whereas various scholars have devoted their time and effort in understanding the reasons behind Member-States' struggle with environmental directives, limited research has adopted a different approach and attempted to explain the reasons for non-compliance due to national level elements and how they affect a Member-States positive compliance record. Moreover, this study aims to explore the strategic foundations behind the measurement of proper implementation and extend our understanding of the importance of environmental protection along with the complications and costs deriving from non-compliance.

By examining the transposition and implementation of the EU environmental Ambient Air Quality Directive (2008/50/EC) in Poland and focusing on the national administrative capacities and the goodness of fit hypothesis, the main goal of this study is to delve deeper and examine whether a state's administrative structures or their lack thereof, along with the degree of policy fit, have a substantial negative or positive influence on the degree of compliance with environmental directives.

1.1.1 Research Question

This thesis will attempt to harness enough empirical data that will aid in understanding the factors behind fluctuations of M-S compliance with European directives by answering the following research question:

“To what extent do the goodness of fit theory and national administrative capacities of Member-States influence the effective implementation and compliance with European Environmental Directives?”

This analysis conceptualizes the dependent variable as the non-compliance of Member-States with European Environmental Directives and as independent variables the goodness of fit theory as variable X and the national administrative structures/capacities as X₁ which will be analyzed in subsequent chapters. I attempt to uncover the extent of the causal relationship between the independent variables X, X₁ and the extent of their potential effect on the dependent variable Y (Toshkov, 2016).

In the chapter to follow, we shall further elaborate on the academic and social relevance of our research in order to corroborate the scientific contribution of this thesis.

1.2 Academic and Societal Relevance

As already stated, the field of environmental directives implementation is ‘suffering’ from a serious lack of non-compliance, and infringement cases for this sector are noticeably high even when compared to other European policy areas. The number of total open infringement cases against Member States in 2018 totaled 1571 and $\frac{1}{5}$ th of those, meaning 333 cases, involved breaches of environmental law. More specifically, according to the DG ENV just in 2018, the European Commission launched 644 new infringement cases of which 73 involved only the environmental sector (European Commission, 2019c).

Non-compliance theories have already been subject to intense analysis and scrutiny by literature in the past decades. But, every policy-oriented topic is susceptible to gaps in its literature that need to be addressed. A study by Selin and VanDeveer (2015) recommends further research in examining the link between domestic-level factors and their importance in shaping a Member-State’s implementation record. Hence, this thesis attempts to outline under which conditions, the transposition of the European legislation among national environmental policy is presumed to be effectively implemented along with the influence administrative capacities with regards to environmental protection.

Another gap in the environmental law implementation literature that this research attempts to cover, is the lack of in-depth studies of environmental implementation policies and integration efforts. There are not enough state of the art creations that delve deeper in single or small sets of states and assess their implementation records based on country-specific policies, practices, and characteristics. Further research into this aspect may lead

to more explanations or country-specific variables that are similar across cases and will lead to better ways to tackle non-compliance. Nicolaidis acknowledges that “peer or comparative assessment is an indispensable component of administrative capacity for effective implementation” and assessing performance is a notion that should be integrated into an implementing institution (2012, p. 9).

In the environmental field a study has social relevance when it is addressed towards societal problems, improves the understanding of policymakers and citizens regarding the issue and, if possible, provides solutions (Salmeri, 2014 when citing Gschwend & Schimmelfennig, 2007). Here, the ‘issue’ lies in the costs of the implementation ‘gap’ in the sector of environmental legislation. According to the EU Commission, in 2018, the estimated costs and foregone benefits of not achieving the EU environmental targets were an estimated EUR 55 bn for the Union as a whole. Implementation gaps materialize in all aspects of our society and result in negative consequences ranging from increased chances of ailments and diseases due to poor air and water surfaces of poor ecologic quality, loss of natural habitats and even economic costs such as unfulfilled market opportunities. Compliance with EU environmental law can lead to more potent economies, improved public health and many other benefits (European Commission, 2019; Holbrook, 2019).

This research supports that better addressing issues of national administrations’ capacities may lead to solutions in the shortcomings or bottlenecks with regards to non-compliance, an aspect that is very valuable for scholars of social science and policy experts alike. In other words, the societal relevance of this comparative study in implementation and (non)compliance theories is that it enriches the literature with a framework of alternative explanations to better comprehend drivers of non-compliance.

Since the implementation of Community Environmental Directives is to be ensured by the Member States this dissertation will further strive towards setting the basis for future research aiming to explain more thoroughly what factors affect state implementation records.

To summarize, this thesis's main academic and societal relevance to the existing literature is based on decoding the level of influence national administrative capacities and the extent of fit/misfit with EU provisions of an environmental directive foster on proper implementation when addressing reasons for non-compliance. The findings of this study

are not only relevant in comprehending the rationale behind (non)compliance and variations in implementation records but to also explicate how to effectively address them. Better understanding the administrative factors behind non-compliance might aid government officials and state executives in tailoring better implementation strategies in their own policy implementation style and improve public participation in environmental policymaking.

1.3 Structure of the Dissertation

Having concluded our introductory part, I shall present a simplified chapter outline. After the introductory chapter, a thorough literature review will follow in the second chapter outlining existing theories and elaborating on our theoretical claims to ‘set the ground’ for the analysis to come. In the third chapter, this thesis will elaborate on the theoretical framework presenting our hypothesis which will be analyzed whereas in the fourth chapter our research design will be present with the operationalization of the variables as the main theme. The fifth chapter shall contain the presentation of the directive under discussion along with the analysis of the empirical findings. The sixth chapter will contain the conclusions of our analysis closing this dissertation.

2. Literature Review

In order to familiarize the reader with the concepts of this research, this literature review shall summarize some of the existing theoretical perspectives and scholarships associated with this research's core theories. Various scholars have attempted to explain implementation in a more generic context, while others have tried to understand means in order to improve compliance in Member-States. Others, have conducted researches based on spatial criteria or variations across time such as 'New Member States' vs 'Old', whereas some researchers focused primarily on transposition delays, turning a blind eye to the generic picture or post-transposition considerations.

Acknowledging the significance of these theories, the following analysis aims to draw attention to some of the most prominent 'state of the art' literature with regards to explanations behind non-compliance with EU environmental law while presenting some of the most accepted theories that describe factors influencing effective implementation. The analysis conducted in this chapter will set the foundations for the theoretical analysis in the next chapter in order to extract hypotheses that will facilitate the research question and our findings.

2.1. Implementation

There exists a substantial number of contributions that have examined the problems regarding implementation and transposition up to this day, delving deeper into matters of different compliance results in the Member States. In the implementation literature, related concepts such as "transposition, application, compliance" are susceptible to different conceptualizations and interpretations. The reason behind this intricacy might be due to a lack of consensus regarding a standard interpretation of the terms, due to the nature of the European implementation process or even due to conceptual obscurity among scholars. The same applies to the concept of "transposition success" where many scholarships focus on "transposition delays' or the time period between a Member-States notice for implementation and a directives' deadline (Carroll, 2014).

In this study, I will abide by the ‘standard’ empirical interpretation of implementation. A variety of scholars analyzing European documents agree on the interpreted definition with regards to the implementation of EU environmental directives, as a three-stage process that encompasses the transposition, the practical application/implementation and the enforcement (Steunenberg & Voermans, 2006; Cotta, 2015) The transposition stage entails the alteration and preparation of the Member’s national legislative framework to adopt the piece of legislation. A directive will not come into enforcement until it is transposed into national law. Only after transposition may a state's national executive and administrative agencies begin the application of a directive. In the implementation stage, Member States are supposed to allocate the necessary funds and institutions to enforce the laws and regulations which Steunenberg and Voermans describe as “the taking of all general and special measures needed to ensure the operation of EC law in a country. The final stage requires the enforcement of the directive with penalties and adequate controls (Steunenberg & Voermans, 2006, p.15; Cotta, 2015). Moreover, implementation among states varies across the speed of transposition and the extent. Speed refers to the required time frame to adopt EU law into national law, also known as timelessness and is further divided in timely, late or failed transposition. The extent refers to the degree of modifications carried out to the directive as it is introduced into domestic legislation (Duina, 1997; Hartallp & Falkner, 2009).

Versluis when referring to the transposition of EU legislation into national law makes a distinction between implementation and categorizes it as: ‘formal’ or ‘legal’ implementation and ‘practical’ or ‘administrative’ implementation. The former has a judicial interpretation and means the “law in the books”. The latter has more of a socio-political interpretation and is defined as the “law in action”, referring to the adoption of all the necessary tools and instruments needed for implementation such as i.e. administrative bodies (2007, p. 53).

In conclusion, this analysis would like to draw attention to the fact that there exists a gap between the implementation of environmental legislation in general and directives particularly. Whereas the goals of a Directive remain the same, the means under which those goals are to be achieved, in other words, its transposition and implementation, are left to the discretion of the Member States. As such, the chances for a misinterpretation of

the Directives are heightened, which might lead -among other reasons- to unsuccessful or failed implementations.

2.2 Compliance

It is important to make a distinction between implementation and compliance even though they might seem conceptually very similar to each other. With implementation, I define the whole process that entails all the stages mentioned above and their aftermath, whereas compliance, in this study, is perceived as the integration of environmental directives in the national legislative system. In other words, compliance -in the very broader sense of the word- is the compliance of a Member-State with the provisions of a directive.

As already described, Member States are responsible to implement a directive on time while effectively ensuring its goals, therefore ‘complying’ with it; but despite the obligation under EU law for M-S to comply with the provisions of a directive, non-compliance is a common phenomenon. Non-compliance can be referred to also as failing in implementation. Earsnaw and Collins (2007) mention three kinds of ‘failures’: partial compliance happens when the piece of legislation is not fully incorporated; non-notification refers to the instances when Member-States neglected to inform the European Commission of the domestic measures taken; whilst poor application refers to obstacles in practical application.

The European Union is in possession of mechanisms that ensure compliance with its legislation. When a Member State fails to transpose a directive or it faces significant unjustified delays, the European Commission may initiate the infringement proceedings under Article 260. The procedure involves a formal notice from the Commission to the Member-State in question where an explanatory reply is expected within two months. The procedure might conclude if the EC is content with the state's explanation. If the reply is deemed unsatisfactory, the EC may send a reasoned opinion to the M-S explaining the rationale behind the presumed breach of EU law and requesting it to comply with European Law and in our case, with the directive. If the member state refuses or fails to comply, the Commission is allowed to refer and bring the country before the Court of Justice of the EU.

Non-complaint Member -States are susceptible to fines and penalties until they conform (European Commission, 2019b).

But, due to the structural nature of changes needed to be accomplished in national legislation, as well as the mismatch between state preferences and the directive's goals and even despite the threat of sanctions, non-compliance often appears as a tempting choice (Carrol, 2014).

2.2.1 Three 'waves' of compliance analysis

Mastenbroek's (2005) analysis offers a great insight into compliance research where she studies the last two decades of compliance literature. The author distinguishes three 'periods' or as she calls them, waves, with the first being an 'eclectic start' in the 1980s, dominated by much ambiguity due to the gap in substantial theory frameworks (see also Treib, 2014). Compliance was depicted as an apolitical process which occasionally was impeded due to state lack of national capacities or inability to implement European policy while emphasizing the importance of involving all relevant national actors such as parliaments or other sub-national entities (Treib, 2014). The first wave studies lacked a differentiation between "legal incorporation and the later stages of the implementation process, [...]" and instead, the main explanatory variables for all stages were clearly stated policy objectives and the availability of a well-organized state apparatus (Treib, 2014, p. 8). Moreover, the legal dependent variables addressing non-compliance were national constitutional characteristics, the complex level of the directives and their inferior quality as well as the range and complexity of the existing national legislative framework (Mastenbroek, 2005). On the other hand, administrative explanations were attributed to 'Chinese Walls' between the coordination of domestic administrations, internal coordination problems and the inadequacy lack of resources and the inefficiency of national institutions (Mastenbroek, 2005, p. 1108).

The second wave commencing right after the first in the late 1990s where researchers elaborated on the degree of 'fit' or 'misfit' between EU policies and pre-

existing national and regulatory traditions. It should be noted that even though the goodness of fit theory provided a stronger theoretical basis in the literature, covering ‘holes’ and ‘gaps’ not addressed in the first wave, Knil and Lenschow (1998) support that the hypothesis lacks in the predictability of the end results and can be deemed too deterministic. More on the theory of the goodness of fit shall be analyzed in a subsequent chapter.

The third wave is associated with the ‘politics of compliance. It expands around the importance of domestic politics and actors’ role in the timely and correct conformity with EU directives as well as a turn to quantitate research in analyzing the infringement proceedings of the Commission (Mastenbroek, 2005). More specifically, Treib (2003) proved that party political preferences directly affect the transposition outcomes. He explained that even if a European policy scope will cause major reforms in the existing status quo, a government might be willing to adapt if its party preferences are in line with the direction of the reforms. The main ‘lesson’ extracted from the third wave was the limitation in the explanatory value of the goodness of fit theory as too static in nature and a need for more ‘dynamic’ explanations. (Mastenbroek, 2005; Treib, 2014).

2.2.2. Potential reasons for non-compliance

In compliance research, many scholars focused more on an aspect of the problem (transposition delays) rather than the root of it (non-compliance) thus creating a small ‘hole’ in the literature of reasons explaining non-compliance. Reasons for non-compliance can be plenty and steam across various policy fields both in domestic and supranational levels and in this section, a few interpretations of reasons behind non-compliant behavior of Member-States shall be presented in an attempt to cover for the said gap.

Krause (2006), when analyzing the implementation of environmental directives in Poland categorizes opposition to a Directive in ‘passive’ and ‘active’, and in once sentence, she summarizes the determining factors behind non-compliant behavior of Member-States as “local opposition to externally imposed measures, administrative shortcomings, financial incapacity, interpretational problems, or a problematic

interrelationship with other political or legal considerations” (2006, p.167).

Jordan and Liefferink (2003) point out that during the integration of European Legislation obstacles are a common occurrence in Member States; a top-down approach from the European Union towards policy making complicates the implementation of EU legislation since Member-States are ‘forced’ to comply. Furthermore, Steunenberg and Voermans (2006) observe that a multitude of factors influence transposition which combine legal, political as well as operational elements and are inherently interconnected segments of a national system and legislation frameworks.

Falkner, Hartlapp, Leiber, & Treib (2005,) indicate that Member States are reluctant to comply with implementation due to intense internal resistance from national governments and characterizes the national legislative and executive bodies as “guardian of the status quo”. Skjærseth (2018) focuses on internal opposition to EU climate and energy policy implementation due to a clash between state benefits and EU obligations that threatened the status quo. Here, I claim that at times if a state’s cost-benefit analysis places it moderately on the losing side of the exchange, it is willing to fervently resist implementation of legislation as much as possible.

Falkner et al. (2005) when citing Heritier (1995) point out the concept of state preferences. The authors state that when M-S do not manage to ‘upload’ their own preferences at the European decision-making process they will attempt to resist through improper implementation and non-transposition, an act that is named as “opposition through the backdoor”. Steunenberg (2006) seems to be in a similar line of thought. The author explains that in order to comprehend why States face transposition difficulties a researcher should reach deeper into the relation of national policy and transposition coordination. He adopts an actor-oriented approach with regards to preferences in transposition. A variety of domestic actors can lead to much deliberation and difference in preferences giving rise to deadlock when shaping the EU directives to fit in national legislation and as a result delays in transposition and the adoption of an interpretation deviating from the original purpose of the directive.

Grodzinska-Jurczak & Cent (2011) bring forth another argument when analyzing problems with the implementation of the Natura 2000 Program and its associated directives. They demonstrate that the notion of possible variations in stakeholder

involvement in environmental policy decision making may determine variation in the policy outcomes which in their own turn may be able to be held accountable for variations in the compliance with European legislation. Overall, comprehending what drives non-compliance, will aid in improving the implementation of environmental directives in the future.

2.3 Goodness of Fit hypothesis

As already stated, the “goodness of fit” hypothesis belongs to the second wave of compliance literature. The first reference to the “goodness of fit” hypothesis was by Héritier (1995 in Mastenboerk 2005), who theorized that Member-States, attempt to upload their own policy preferences and styles to the European level in order to minimize implementation costs. Since then, a variety of scholars have used the hypothesis as a foundation for studies on implementation and compliance by linking the ‘fit’ of European policymaking juxtaposed the existing domestic legal structures of a state.

On the same page of the argument, Member-State national administrations have inherent administrative traditions that influence implementation. To elaborate, the implementation of European policies, and in our case of the Directives, relies on the degree of ‘fit’ or ‘match’ between the European policies and the national legacies that are already established in the policy sector in question. Another variable is the organization of a state’s interest groups which is defined as “the level of resources, membership, and centralization of affected groups” (Duina & Blithe, 1997, p. 498). The chances of compliance proliferate when the adaptations costs of the policy are low and it can easily ‘fit’ into the pre-existing national arrangements. Additionally, states are affected by internal adaptation pressures. The level of pressure is affected by the objective of the policy and the requirements for alteration in national structures (Duina & Blithe, 1997; Knill, 1998; Knill & Lenshow, 1998; Börzel & Risse, 2003; Mastenbroek, 2005).

Mastenbroek (2005) refers to the positive aspects of the “goodness of fit” hypothesis. First, she mentions that the hypothesis has a ‘strong empirical character’ that

leads to very precise empirical findings and he also adds that it is rich in empirical diligence due to extensive research conducted on the comparative field (2005, p. 1109).

Treib (2003) adds to the existing argumentation and indicates that smooth implementation is to be expected when the changes at the national level are not substantial enough to flare domestic resistance and as such impede the implementation process. The same argument appears in Steunenberg & Toshkov's (2009) analysis referring to transposition where they state that the misfit level of a directive is correlated to the existing domestic legislation of a Member State.

A slightly different opinion can be traced in Börzel's "push and pull" theory where the Commission 'pushes' policies from above whereas the states 'pull' from below because the costs of the implementation are too high. But she further explicates that 'policy misfit causing external pressure for adaptation does not necessarily lead to implementation failure and non-compliance' (2000, p. 148). The domestic actors in support of policy change that 'pull' a policy towards the national level and call for its proper application, might effectively persuade national policymakers to "give priority to environmental policy and to embrace new directions" (2000, p. 148). Here, the theory discerns the importance of domestic political actors in influencing compliance.

Concluding, Mastenbroek refers to Börzel and Risse's distinction of the goodness of fit in the policy and institutional misfit. The former is related to the content of a Directive and the latter is related to the "regulatory styles and structure of a particular policy sector" (Börzel & Risse, 2006, p. 8). Regulatory styles are interpreted as the patterns of interplay between administrative and societal actors and are further distinguished into state intervention and administrative interest intermediation. Regulatory structures are associated with the 'perpendicular' (centralization vs decentralization) as well as horizontal (concentration vs fragmentation) dispensation of administrative capacities with the relative patterns of administrative coordination and control (Knill & Leschow, 1998, p. 596-7; Börzel & Risse, 2006).

In this dissertation, the concept of policy misfit will be defined as the divergence of the substance of the European directive and the existing domestic legislation, whilst the institutional misfit will be referring to the lack of institutional capacities such as administrative bodies vital for the practical application of the directives.

2.4 Administrative Capacities

Another important element in the implementation literature is the administrative capacity of a Member-State. However, there appears to be a shortage of contemporary literature dealing with the importance of the administrative capacities of states and their shortcomings. It posed a challenge to retrieve a satisfying amount of literature analyzing the connection between a state's administrative capacity and its importance in compliance and proper implementation.

Some significant contributions such as the one from Falkner et al. (2005), prove that implementation delays can be avoided if states manage to tackle bottlenecks in national administrations caused by the lack of administrative resources. They do, though, emphasize that the resource insufficiencies may be used as a “façade” to conceal the domestic political actors’ preference for non-conformity. Furthermore, Toshkov (2008) when analyzing the compliance in 8 CEE post-communist states finds that domestic preferences and government capacity affect timely transposition.

Tallberg (2002) elaborates on the relationship of ‘bad’ capacities and non-compliance by presenting two dominating perspectives, namely the ‘enforcement’ and the ‘management’ approach. In the enforcement approach states are more ‘rational’ and rate on a cost-benefit analysis; when there is a small ‘fit’ between their preferences and the costs of the policies they need to adopt, they (Member-States) become more willing to defect. Hence, in order to deter Member-States from non-compliance enforcement measures are required. The first strategy is through monitoring that raises transparency levels and is able to expose states that might be keen on defecting, whereas the second strategy, sanctions, increases the costs of non-compliance making it a less attractive option. Contrary, this study agrees and leans more towards the ‘management approach’, which stresses that Member-States in most of the cases, do not possess the adequate capacity (political or economic) to ensure compliance and international institutions should aid states in coping with compliance costs. Supranational institutions should aid Member-States in alleviating some of the burdens of compliance costs by enhancing their legislative and administrative capabilities instead of monitoring and sanctioning them (Börzel & Buzogány, 2019).

Treib (2008) scrutinizes the influence of veto players and support for EU integration stating that the sole factor positively regarded in most quantitative studies thus far is the various characteristics of administrative capacities (Treib, 2008).

Toshkov (2010, p. 35) in his analysis concludes that among the reasons which almost certainly have a positive effect on compliance are administrative efficiencies, parliamentary scrutiny, and coordination strength, whilst federalism/regionalism, corruption, the number of veto actors along with the number of ministries and the existence of national conflict, negatively affect compliance. Also, in another study of the same year, Toshkov, Knoll and Wewerka (2010) strengthen the salience of administrative capabilities and coordination.

Furthermore, Angelova, Dannwolf and König referencing Berlund et al. (2006), Mbaye (2001) state that bureaucracies can negatively influence administrative capabilities of a state if they are ineffective, leaving them susceptible to private interests.

Moreover, Carrol (2014) refers to the existence of a certain number of scholarships which claim that administrative capacities have a positive effect on implementation only in the presence of high policy fit a favorable ‘policy climate’. Anker, Graaf, Purdy & Squintani, note that “some directives cut across conventional administrative boundaries and sectors reaching deep into national decision-making at many levels” (2015. p.2). In many cases, Member-States are not properly ‘equipped’ nor have the required provisions or structures to abide by the policy. As such the costs of implementing a directive become overbearing for the Member-State which leads to a ‘misfit’ between policy and national capabilities. As already discussed, M-S tend to become substantially reluctant to conform to a Directive when the ‘fit’ misaligns with the costs. As such, the policy (mis)fit concept can be associated to domestic administrative structures.

Nicolaidis (2012) further correlates effective implementation with administrative or institutional capacity. He goes on to describe three characteristics necessary and required for state authorities in order to properly enforce and implement legislation. He calls them the ‘three pillars of institutional capacity’ and are namely: “knowledge about what has to be achieved (i.e. expertise); ability or capacity to reach the objectives of a legislation or directive(i.e. legal empowerment and human and material resources); and motivation to reach them (i.e. incentives, which can be inducements or penalties)” (2012, p. 8).

Despite the varying opinions on the influence of national administrative dynamics, this research acknowledges their importance as one of the most probable variables that have a positive effect on compliance with European environmental directives.

2.4.1 Logic of appropriateness

Previously, I referred to policy traditions inherent in states that affect the policy ‘fit’ or ‘misfit’ and affect compliance. Knill emphasizes the ‘fit’ of European and national preferences depends not only on the scope of the European requirements but also on the “national capacity for administrative reform” (1998, p. 2). In addition, proper implementation can only be ensured when the essence of the adaptation change is at a ‘moderate level’ following the ‘logic of appropriateness’ while bearing in mind the structure of the pre-existing domestic administrative institutions.

If a state is capable of a smooth reform of its national administrative competencies, then the adaptation pressure will be diminished. Therefore, the existence of national dynamics and the potential for administrative reforms allow for more effective implementation (Knill, 1998).

2.5 Summary

In this literature review, I have attempted to highlight the conceptual distinction between implementation and compliance. Firstly, as already pointed out, there is a lack of a clear definition of our dependent variable as well as a lack of distinguishing indicators able to empirically measure compliance. Addressing and attempting to present a personal view and perception on the definition of both compliance and implementation the analysis continued by narrating the three-way evolution of compliance literature in the last decades. Furthermore, I elaborated on plausible reasons that may drive non-compliance whilst introducing the salience of the goodness of fit and policy fit literature along with the importance of state administrative capacities and institutional fit.

But it is imperative to point out various observations that have been comprehended when conducting the literature review. Previous research tends to have a narrow focus on how compliance policies are formulated not counting for the broader picture. Many scholars instead of trying to examine the core of the problem, were focusing only on one aspect of it. The constant focus mainly on transposition delays resulted in omitting the importance of reasons behind non-compliance making many pieces of literature unable to solve the problem of insufficient compliance (Versluis 2007; Toshkov 2008).

Moreover, a distinct dichotomy of opinions can be traced. Whereas various contributions (Borzel, 2001; Mastenbroek, 2005; Toshkov, 2010) agree that effective institutionally driven decision-making capacity of M-S positively affects compliance others (Duina, 1997, Duina & Blithe, 1999) disregard the variable as having a negligible effect on compliance. An argument by Angelova et al. (2012) states that administrative capacities have robust findings solely in cases where their positive effect on compliance is expected could slightly undermine our independent variable but this research presented plenty of cases reaffirming its value. The same applies to the ‘goodness of fit’ hypothesis where Toshkov (2010) et al. find very little evidence for the value and effect of the policy fit whilst Agnelova et al. (2012, p. 1278) find ‘robust evidence “for two theoretical accounts of compliance with directives – institutional decision-making capacity of governments and goodness-of-fit”. Also that they cannot stand alone

Additionally, the analysis made a reference to the observation regarding the existence of a variety of definitions for compliance, but with few precise specifications along with a clear need for further research into enforcement and application stressed among a variety of scholars, which has yet to be covered. Another observation affects the data measurement than many quantitative types of research are based on. Often studies contradict each other. There is a divide between the assessment of the Commission’s official information on infringement proceedings. Various scholars such as Hartlapp and Falkner (2009) criticize the Commission’s findings as having many inconsistencies whereas Börzel & Buzogány) support that they “remain the most systematic and comparable information source on noncompliance, allowing us to trace variance across member states, policy sectors, and time” (2019, p. 319). It also comes as a surprise that

despite an apparent lack of indicators to measure compliance only a handful of papers are actually devoted to constructing them.

Last but not least I support that the speed of member state implementation can be viewed as a combination of political ability and willingness correlated with the presence of adequate administrative structures and the degree of policy fit. This summary concludes by stressing the need for more attention towards studies comparing European environmental policy implementation and integration efforts in Member-States.

3. Theoretical Framework

In the previous chapter, an attempt was made to present some of the most resounding studies and theories in compliance research. By using the conducted literature review as the foundation, I shall utilize some of the major theoretical perspectives analyzed above, in order to test plausible hypotheses and present causal mechanisms that affect compliance rates in Member-States. What this research attempts to contribute is an alternative argument that can explain mixed degrees of compliance by testing the extent to which the goodness of fit hypothesis and domestic administrative structures foster compliance.

While this thesis has already defined compliance up to a point, a slightly more thorough analysis of the dependent variable is in order, so as to better relate to our plausible explanations. Where compliance is indeed considered as adhering to the provisions of a directive, a more refined explanation supports that it is ensured when the obligations under the directive during the phases of the implementation process of the legislation are fulfilled and only after certain milestones have been achieved. To elaborate, Hartlapp and Falkner (2009) determine that compliance is achieved only after the obligations under the directive, during the phases of the implementation process, are completed by: adopting new legislation or amending the ‘old’ one in the domestic legal framework; by ensuring that the laws are properly aligned and applied to the Directive or, lastly, by imposing fines and penalties as means of enforcement. Thus, compliance is the aggregate of all these phases and their outcomes, and takes place only when “all of its steps are fulfilled in a dutiful manner” (Hartlapp and Falkner 2009, p. 283). Therefore, due to the complexity of the

notion regarding complete and proper compliance, I can posit that it is not easy nor always achieved by Member-States under the conditions necessitated by the European Commission.

Concerning what it is known about the literature so far, I can infer that all Member-States at some point have had cases of ‘misconduct’, to some extent, with regards to EU law. Their differentiation lies in the frequency of how often and how persistently they resist. This paper’s approach recognizes and centers around a common pattern among Member-States that stresses the salience of ‘willingness’ as well as the ‘ability’ of Member States for compliance, where ‘willingness’ corresponds to the policy fit and the ‘ability’, to the presence of adequate domestic dynamics. Member-States need to be willing to implement and adapt to changes brought by European legislation, whilst also having the capacity of proper administrative structures and infrastructures.

3.1 Goodness of fit Theory

The primal aspect of the ‘goodness of fit hypothesis’ lies in the degree of ‘fit’ or ‘misfit’ between European provisions that need to be adopted in a Member-States legislative framework, and the structure of the framework itself. By this, this dissertation conditions the relationship between the pre-existing policies and legislations of the state associated with a directive’s goals and requirements. The author assumes that compliance problems arise when European policies contradict the existing policy or policies at the domestic level creating a need for administrative and legislative changes. Those changes imply costs both in ‘political’ and ‘structural’ nature that Member-States need to cover and may challenge the state's preferences (Duina & Blithe, 1997; Knill & Lenshow, 1998; Börzel, 2000; Mastenbroek, 2005). As Börzel notes, a researcher can measure policy misfit by comparing European policy side-by-side the corresponding domestic provision accounting for their ‘harmony’ regarding “their problem-solving approaches, policy instruments and/or policy standards. Only in the case that a European environmental policy challenges one or more of these three features, i.e. it imposes substantial costs of adaptation, does its

implementation give rise to problems for the domestic administrations” (2000, p.148). Hence, according to the goodness of fit hypothesis, an uneventful implementation occurs when a (environmental) directive necessitates minor changes in the established arrangements of the existing regulations of a Member-State. When similarities can be traced between the goals of a directive and domestic laws and if a directive can easily be assimilated in the existing domestic arrangements of a Member-State, then compliance is more likely.

An even higher misfit occurs when the Member-State implementing the directive, does not possess an already established arrangement in the form of legislation towards an introduced provision that needs to be accomplished. Therefore, the Member-State needs to formulate an entirely new law or policy concerning the provision to be achieved, and as such it is ‘inconvenienced’, adding to the misfit and negatively assisting compliance (Duina & Blithe, 1997; Knill & Lenschow, 1998; Börzel, 2001; Mastenbroek, 2005). Several studies have indeed argued that directives with an amending nature are less likely to account for non-compliance rather than directives aiming for new measures (Mastenbroek 2003; König and Luetgert 2009; Haverland et al. 2011 in Börzel & Buzogány, 2019).

Policy misfit is further influenced by the embedded national traditions that are inherent in every state. Every state has its own policymaking style and its ‘way of doing things’ (Knill & Lenschow, 1998; Börzel & Buzogány, 2010). National actors acknowledge their role in the process of assimilating European directives into national law and examine the match between the adopted policies, their preferences and if said directives impeach on the national traditions embedded in the Member-States’ administrative framework. Therefore, they externalize and exert pressure, which is conceptualized as ‘adaptation pressure’, whenever the measures under discussion differ from administrative traditions and ‘regulatory patterns’. When compliance requires “adaptation within the context of the regulatory core”, Knill and Lenschow (1998, p. 603) speak of moderate adaptation that leans towards positive compliance. But whenever adaptation clashes with the established ‘national policy legacies’ patterns and induces high costs on the involved actors, adaptation pressure becomes more forceful and compliance is hampered. The main argument considers that the influence of national policy traditions is

more analogous to the degree of embeddedness of the traditions, rather than the ‘real’ costs of adapting new European policies. (1998, abstract).

We can easily deduce that it is a rational approach for Member-States to want to abstain from a directive’s provisions which are ‘imposed’ when it goes against their own benefits and preferences. As such, the above observation shapes a fundamental aspect of our approach analyzed in this chapter and this dissertation in general.

But the fit and misfit is not solely influenced by the preferences of a Member-State or its actors or even its domestic traditions’ degree of embeddedness. Enhancing the previous argument, another study affecting compliance associates a state’s, both public and private, actors ‘willingness’ to bear the expenses of a poorly matched European policy. This is a bivariate approach where a researcher examines the domestic actors’ resistance against implementation ‘pulling’ from below, while the EC ‘pushes’ the policies from above requesting compliance, but always in the presence of ‘looming warnings’ of infringement proceedings. But there exists a certain amount of leeway to this approach claiming that domestic actors do not only resist compliance but by overcoming adaptation pressure stemming from internal resistance are able to achieve policy change. National actors by applying pressure to national administrations to assimilate, apply and impose the European policies, aim for a ‘pull-down’ of the policies in order to align them to the domestic level (Börzel and & Buzogány, 2010).

On the other hand, the criticism towards the goodness of fit hypothesis argues that its limitations lie in its low explanatory value due to a substantial amount of approaches associating with it and its ‘rather static nature’ of conceptualizing misfit. Mastenbroek (2005) analyzing the static nature of the hypothesis refers to Treib’s (2003) argument that ‘it is unwarranted to assume that national actors always want to maintain the status quo. In reality, they often want to change existing policies and institutions, possibly even using European requirements to this effect’ (Mastenbroek, 2005, p. 1110). The analysis attempts to indicate that Member-States and national actors do not irrationally refute compliance and the ‘Acquis Communautaire’ of the Union, but resist up to a certain point and at times vigorously, due to their preferences misaligning with EU demands. Indeed, the research perceives the whole rationale of Europeanization and compliance with European legislation as ‘change through improvement’. Thus, this thesis supports the evidence

presented by Angelova et. al. (2012), among other scholars (Duina, 1997; Knill and Lenschow, 1998; Börzel, 2000; Börzel and & Buzogány, 2019) about the value of the hypothesis confirming that its positive impact is maintained across various case studies as well as the arguments in favor of the hypothesis by Mastebroek (2005) for its ‘strong empirical character’ and its richness in empirical diligence.

Scholars also refer to the goodness of fit hypothesis as the ‘costs hypothesis’. European top-down demands necessitate certain costs for the Member-States. The relationship between the adaptation costs and the positive fit are inversely proportional to each other, meaning that the higher the costs, the lower the fit in member-states. For a European policy to be regarded with low misfit and high policy fit the adaptation costs need to be considerably low so as to avoid deterring Member-States from compliance.

In conclusion, adaptation pressures may pose a greater challenge and thus lead to a substantial misfit when provisions of an EU policy require substantial alterations in the ‘modus operandi’ of domestic institutions and call for high costs.

Compiling what has been discussed and know from the theory thus far, I expect that when the level of correspondence between European environmental directive demands and national patterns incurs high policy misfit, then it results in higher adaptation costs and will have a negative influence on compliance. As such our hypothesis formulates as:

Hypothesis 1: *A low ‘misfit’ between European provisions and existing national policies fosters better compliance.*

3.2 National Capacities

Whereas Börzel and Risse (2000) acknowledge the presence of policy fit as a necessary condition for implementation and change, they present a more rationalist approach. The authors identify two other factors equally important and responsible for higher compliance: the absence of multiple veto actors and the existence of existing institutions as the main drivers for change. When multiple veto players exist in a state’s institutional structure with

varied and often contradicting preferences, the capacity of national actors to achieve policy changes is hindered. Adaptation to the provisions of a directive becomes challenging since a consensus for implementation cannot be achieved. Therefore, the absence of multiple veto players should have a positive effect on compliance (see also Toshkov, 2010; Toskov, Knoll & Wewerka, 2010). The second factor of Börzel and Risse is of added theoretical value. Existing ‘formal institutions’ are deemed necessary, due to the fact that the action capacity of actors that partake in policy discussions requires resources i.e. expertise or funds to take advantage of European opportunities to promote national adoption of European legislation. This argument focuses more on the dynamics of domestic institutions rather than the role of actors. When formal institutions exist with adequate capacities, the research posits that compliance chances are enhanced.

Among the theories mentioned that relate national administrations with compliance, the one that resonates the most with this thesis is the ‘management approach’ which focuses on the administrative characteristics of the Member-States. Tallberg (2002) claims that what affects compliance are not preferences of Member-States per se, as opposed to the enforcement approach, but the capacity and the quality of Member-States domestic administrative structures. Therefore, non-compliance can occur involuntarily due to two types of complications that are of political and economic nature. Political deficiencies are defined as the condition when a government is unable to safeguard that its public and private actors will successfully abide by supranational commitments (i.e the goals of a directive). Economic capacity limitations occur when states are unable to fund the necessary provisions in order to align their administrative structures with a commitment and directly impede compliance. Hence, capacity complications of economic and political nature are expected to account for less compliance (Tallberg, 2002, p. 673-4).

Following previous remarks, Member-States are tasked with ensuring that a directive is implemented on time and correctly as well as to inform the European Commission concerning the taken measures. Hence, another determining factor of non-compliance connects the obstacles administrative capacities face with monitoring and enforcing the provisions of a Directive. To elaborate with an example, when a state lacks the necessary funds or administrative structures i.e. an inefficient bureaucratic system that can ensure both proper monitoring and enforcement in its subnational administrations, then

the chance for an implementation failure occurring raises significantly (Hille & Knill, 2006).

Another characteristic that defines a state's administrative capacities is effective administrations. Effectiveness can take many forms such as bureaucratic efficiency, less corruption or the presence of accountable ministries that can deal with a directive's provisions (Toshkov, 2010). To elaborate, effective bureaucracies that are well coordinated can tackle transposition delays shortening the time and enhancing the speed of implementation. This is only rational to infer since the national ministries are the entities responsible for the implementation of a European piece of legislation. But the more actors are involved in the policy formulation process of a directive, the more complicated and laggard the procedure becomes, thus having a negative impact on compliance.

In conclusion, this research supports that states with inefficient bureaucracies and with a shortage of national administrative capacities indeed hamper and delay proceedings even in the absence of potential 'political preferences' that usually resist EU policies. Hence, considering what is known about the literature, if the expected course of action of Member-States is to comply with supranational rules then the main limit for 'correct' implementation is the inability and ineffectiveness of domestic administrations to foster and cope with change. I expect to find a positive relationship between our dependent variable Y and independent variable X₂. Therefore, our hypothesis takes the following form.

Hypothesis 2_a: Better national administrative capacities account for better compliance.

As this thesis has defined bureaucratic efficiency as another element of administrative capabilities our second testing hypothesis here takes the following form:

Hypothesis 2_b: States with less bureaucratic efficient will face problems with compliance.

3.3 Summary

Based on the research and theory thus far this master's paper posits that our formulated hypotheses postulate a negative relationship between our dependent and independent variable. In the absence of the aforementioned factors, namely a fit with EU provisions and the necessary funds to support its capacities and adaptation costs, this essay predicts that a Member-State will not be able to properly comply with an environmental directive thus affecting its compliance.

4. Research Design and Methodological Framework

In the process of conducting research, a researcher may choose among various study designs. Here, I identify a subfield of analytic studies, the experimental or observational study designs which are subfields of analytic studies (Song & Chung, 2010). Toshkov (2016) defines experiments as a form of research where the individual conducting the research has “control over the environment” and can freely “intervene in the natural state of the world in order to study the phenomenon they are interested in”. The extent of the control is not required to be absolute, but the “element of deliberate intervention” is essential (2016, p. 167). If there is no possibility for control, then the study conducted is observational, which brings us to this second point of analysis. By contrast, in an observational study, the researcher is unable to intervene nor influence the environment and simply “observes” drawing descriptive or causal conclusions (Song & Chung, 2010; Toshkov, 2016).

In this paper, since it is not feasible to exercise any degree of control to neither the policy fit between EU provisions and national legislative frameworks nor on the administrative capacities of Member-States. Therefore, in order to test the plausibility of our causal explanations along with the derived hypothesis I will adopt a subfield of

observational study research, namely within-case analysis which will be justified in the next subchapter.

4.1. Within-case analysis.

In this part of the dissertation I shall expand our arguments on the qualitative methodological approach taken in order to test the plausibility of our generated hypothesis and investigate their explanatory value. In our context, a more qualitative approach shall be adopted by conducting a single case study. Before proceeding I consider necessary to acknowledge the value of a quantitative and comparative model examining cross-national similarities and differences on a Large-N sample comprised of all the EU Member-States. While this approach would allow for constructing a methodological relationship between our variables whilst establishing connecting causal mechanisms the advantage of single case studies against Large- N studies is their dependence on within-case observations that derive from an in-depth and more attentive examination of a few variables in a case rather than on quantitative cross case comparisons (Toshkov, 2016).

A single case study is defined as the thorough and in-depth examination of a single unit of analysis whereas the choice of a case is dependent on the theories with regards to the problem that a researcher aims to address, the environment and circumstances surrounding the issue as well as the degree of generalization a researcher's deductions aim to reach. Additionally, case studies are used when a researcher can follow 'potent and well-established theories' where he is able to utilize plausible explanations to confirm them and, more importantly abiding by Toshkov's words "we use case studies when we want to, well, explain cases. (2016, p. 285).

A main constituent of case-study research is within-case analysis. Within case analysis treats individual' cases as stand-alone entities and is characterized by contextual intimacy with a specific case. By generating a substantial amount of data within-case analysis attempts to discern how the procedures or patterns are unveiled in that case are able to support, disprove, or further develop the theory or theories the researcher has selected or the propositions that he has "derived from a review of the literature and/or experience with

the phenomenon under study” (Wiebe, Durepos & Mills, 2010, p. 971). In other words, a within-case approach aims to provide comprehensive causal determinants of the phenomenon/-a under examination by dwelling deeper and thoroughly assessing the bulk of data gathered within a single case. The reader should bear in mind that despite analyzing a case as stand-alone entity, it is always considered as a constituent of a larger aggregate of a phenomenon. Within-case analysis is based on causative mechanisms and relationships that exist in the field under research but are put into application in a particular case.

The utility of a within-case analysis allows for testing hypothesis since it enables us to examine if the effects under examination are fulfilled by the posited causal mechanisms. But in this particular case, the focus is placed more on the causal mechanisms rather than the outcome. An additional advantage of single case studies is the ability to provide a pathway for analyzing a case at “a much higher resolution and at much greater depth” (Toshkov, 2016, p. 291).

Moreover, Wiebe et al. (2010) when referring to Yin (2009) mention that the most common manners in which within-case analysis manifests is firstly in the comparison between the patterns observed in the analyzed data and those anticipated by the theory, the literature or the researcher’s own experience and secondly, examining for “plausible and rival explanations’ that would allow us to explicate causality within the concept under study. Conducting a within-case analysis enables a researcher to uncover factors and characteristics which would be otherwise omitted since identifying common patterns in a cross-case analysis might weaken the conclusions and findings of single cases (Wiebe et al. (2010, p.971-2).

In conclusion, the thesis shall identify the main limitation deriving from a qualitative study and most importantly a within-case analysis. Probably the most profound limitation, is associated with the notion of generalization beyond our research. Indeed single-case studies cannot easily ensure that the results or a research can be replicated on a broader population unless of course a researcher can prove to be in possession of strong evidence and claim that the sample is taken from a homogenous population and as such what applies to our case, most probably will apply to the rest as well. But researchers can explain and somehow account for the lack of credibility in generalization. Research on single cases can contribute to replicability and generalization when considered as part of a bigger body of

literature that can consequently lead to a broader understanding of established arguments, generate new findings that can direct later analyses of similar cases and even uncover new hypothesis and questions. Other limitations include the necessity of single cases studies to rely on strong pre-existing theories as well as the salience of selecting an appropriate case which is neither too simplistic with low complexity nor too dense so as to avoid overcomplicated deductions that would obscure the study's findings (Wiebe et al., 2010; Toshkov, 2016). I shall further address matters of generalization, along with variability issues in the case selection carried out in chapter 4.3.

After having extensively analyzed the methodological limitations as well as the reasons for conducting a single case study I will elucidate on the 'style' adopted in this paper in order to perform the case study research called process-tracing.

4.1.1 Process Tracing

Process-tracing is a method of data analysis which follows paths of causality, which can be very well defined as causal mechanisms, based on evidence retrieved in order to make deductions about plausible explanations of a case. The significance of process-tracing can be found in the words of Exadaktylos, Theofanis and Radaelli where they support that "Process tracing disentangles underlying mechanisms and empirically examines whether they take place. This strengthens the quality of hypothesis testing considerably as it avoids false conclusions about explanatory values that are based on spurious correlations in the sequencing of changes in independent and dependent variables" (2012, p. 136). Moreover, process-tracing allows for more pragmatic and genuine inferences about the state of the real world, bringing observations closer to application and outcomes whilst adds to the explanatory value of a case by connecting the influence of the independent variables with the produced outcomes.

In conclusion, one of the most important aspects of process tracing is centered around its ability to account for equifinality, elucidating how an outcome can be achieved by various plausible means. Hence, process-tracing gives us the leeway to comfortably

move from correlation to causation and to appraise whether a certain ‘pathway’ caused by an independent variable was indeed the cause of a specific end result. (Wiebe et al., 2010, Toshkov, 2016).

4.2 Operationalization of Variables

After having elaborated on our methodological approach, in this chapter, this research shall continue with the operationalization of our variables under examination shall take place. Operationalization is a necessary process in order to define our variables in measurable factors by setting clear definitions for each one that will allow for replicability and increase the quality of our study and findings.

4.2.1 Dependent Variable: Compliance

Infringement proceedings

Researchers analyzing non-compliance in Member-States often choose to examine the infringement proceedings data generated by the European Commission. But, according to Börzel & Knoll (2012) researchers that utilize the EC’s infringement data are faced with a question of selection bias that translates to a contestation whether the data are a ‘fair representation’ of Union’s non-compliance cases. The authors elaborate on arguments that can support that the European Commission data are not biased and state that bias by the European Commission in the case selections procedure would undermine its self-conception, legitimacy and legal mandate as the ‘guardian of the Treaties’. Moreover, the European Commission is not the only actor that detects non-compliance. There exists a ‘sophisticated and parsimonious system’ combining various sources of control such as mandatory reports from Member-States on the progress of transposition, complaints by European citizens as well as whistle-blowing by domestic administrations and others

(Börzel & Knoll, 2012, p. 9). As such there are exist no systematic evidence for selection bias by the Commission's side. Therefore, the operationalization of compliance in this dissertation shall be based on infringement proceedings of a Member-State based on the statistics of the European Commission's DG for the environment. This thesis correlates the number of infringement cases with the rate of compliance and posits that more cases translate to less compliance.

4.2.2 Independent variables: Administrative capacities

Goodness of fit

Measuring the goodness of fit might pose a challenge to anyone attempting to operationalize it in a measurable factor due to its 'abstract' nature of not having concrete identificatory indicators. The measurement of the goodness of fit is an empirical procedure that dwells deep into individual cases and requires a researcher to be aware of where to look for it. The conceptualization of the goodness of fit is carefully structured by examining different variables such as the level of fit or misfit created by the existing legislative framework of a state correlated to the European provisions meaning the presence or lack of germane regulation as the ones emphasized in the directives, adaptation pressures arising from pressure by public and private actors with regards to the correspondence between national policy legacies and adaptation costs as a result of the required changes. (Duina, 1997; Borzel, 2000; Treib, 2003; Falkner et al, 2005; Börzel & Buzogány, 2010; Angelova et al., 2012; Börzel & Buzogány, 2019). Therefore, a comprehensive and thorough analysis of various official documents, reports and scholarly contributions is in order to better measure the level of fit and misfit.

Administrative Capacities

The measurement of administrative capacities is not uniformly adopted by the same conceptualization among researchers. As already posited in the theory chapter a state's administrative capacities influence compliance either negatively or positively depending on their capability to deal with the adaptation costs of a directive.

Recalling the analysis of chapter 3.2 capacity intricacies can manifest in both economic and political forms. In their economic form, a state may not have sufficient funding to properly control by monitoring and enforce compliance of a directive in its territory, may be unable to cover the expenses of its civil servants or even properly staff new agencies and institutions required by a directive to achieve its goals (Tallberg, 2002; Hille & Knill, 2006). Therefore for the economic capacity limitations the independent variable is conceptualized as GDP per capita which can be considered an indication of their financial ability to ensure compliance. Occurrences of economic capacity complications should be more profound a Member-State with a low GDP per capita. The data is collected from the International Monetary Fund and is calculated in US Dollars for the years 2009-2012 (Brommesson, 2018; IMF, 2019). Since 2008 was the year that the directive came into and the deadline is two years later, I add two more years so as to account for any possible and substantial fluctuations in the state's economic power.

The second indicator associated with political 'intricacies' is 'government effectiveness' and deals with the efficiency of a state's administrative capacities. Government effectiveness is an aggregation of six indicators that capture perceptions of the quality of public services, the extent of the civil service's independence from political pressures, the quality of policy formulation and implementation as well as how credible are a government's engagements to said policies (Carrol, 2014; World Governance Indicators, 2019a). As such it encompasses various aspects of a state's administration and is an adequate unit to measure a Member-State's bureaucratic efficiency. The governance score is calculated in a range between approximately "-2.5 to 2.5" with higher values corresponding to better governance. The higher the value on the scoreboard the better and more efficient a state's administration is expected to be (World Governance Indicators, 2019b).

As Toshkov comments, despite a coherent definition of government effectiveness being absent “the aggregated expert opinions have the advantage that they present a measure comparable across time and space” (2007, p.339) and even though they are based on subjective conceptualizations of efficiency, they can still be considered as a rationally adequate measures to assess such an intrinsically ambiguous concept.

4.3 Case Selection

When choosing a suitable case for a withing-case analysis a researcher must consider many parameters carefully since selecting a case might be a very straightforward process or it can pose a substantial challenge. Recalling chapter 4.1 I mentioned that case selection is dependent on the theories that a research aims to address, the environment and circumstances around the research question as well as the degree of generalization a researcher aims to reach. Bellow I shall briefly elaborate on the reasons for choosing the Ambient Air Quality Directive while continuing with the explanation on choosing Poland as a case-study.

4.3.1 Selection of the Directive

The Directive implemented in our research is the Ambient Air Quality Directive (Directive 2008/50/EC). Since its coming into force, it is one of the few Directives present regulating the quality of air in the European Area and combines issues of environmental as well as health protection. I support that the words of Blithe and Duina (1999, p. 503) when analyzing the SDSPD Directive apply to this case when considering the Ambient Air Quality directive not as “an irrelevant rule, whose implementation would have been inconsequential to member states and therefore not worthy of analysis” but as the “cornerstone of the EU’s air quality laws” (ClientEarth, EEB, AirClim, HEAL and T&E, 2018) set to tackle air pollution and improve human health.

Despite its importance very few researchers have undertaken the task to examine what are the reasons that hinder Member-states from complying with the directive's provisions. Recalling chapter 1.2, comprehending the drivers behind non-compliance will assist states in drafting better implementations strategies and thus enhance compliance. Moreover, since almost a decade has elapsed since its deadline, we are able to observe the reactions of Member-States during not only the transposition process but even after the deadline and extract reasons for their behavior.

When a new infringement procedure is open and despite the Member-State having transposed the directive, as this paper has meticulously analyzed, compliance suffers. In 2018 Poland was found guilty to have continuously violated the emission limits set by the Ambient Air quality Directive in the areas of Radom Pruszków-Żyrardów, Kędzierzyn-Koźle and Ostrów-Kępnio districts from 2007 up to 2015 (Court of Justice, 2018). Even though the transposition deadline elapsed in 2010 and while all Member-States were responsible to abide by the directive's provisions, I can discern that Poland struggled and still struggles with achieving compliance (Directive 2008/50/EC).

4.3.2 Poland as a Case

Poland was chosen as a case study for a variety of reasons. First and foremost, I opted for a spatial variation outside the common patterns of analysis regarding compliance with EU directives. There exists a significant number of contributions analyzing the 'older' Member States such as the UK, Germany, Netherlands, Italy and others (Duina & Blithe, 1999; Börzel, 2000; Mbaye, 2001; Falkner et al., 2005, Steunenberg & Voermans, 2006;) but few that analyze 'New Member States' or Central European States making Poland a severely understudied case. Moreover, as an ex-communist state it possesses diverse cultural and administrative characteristics from most Member-states of the EU but can be considered representative to the rest of the Central European Countries due to its communist legacy traditions and as such ensuring a degree of variation.

Moreover, talking a look at the number of infringements cases for the years 2010, the deadline of the transposition, till 2012, when Poland transposed the Directive, Poland ranked among the lower strata of compliance rate behind Italy, Spain, Greece and Portugal. Whereas it might not have the lowest compliance rate, thus controlling for extreme cases, it is the lowest among the CEE states. For transparency reasons I have included the figures of each year in the Appendix section (See figures 1-3).

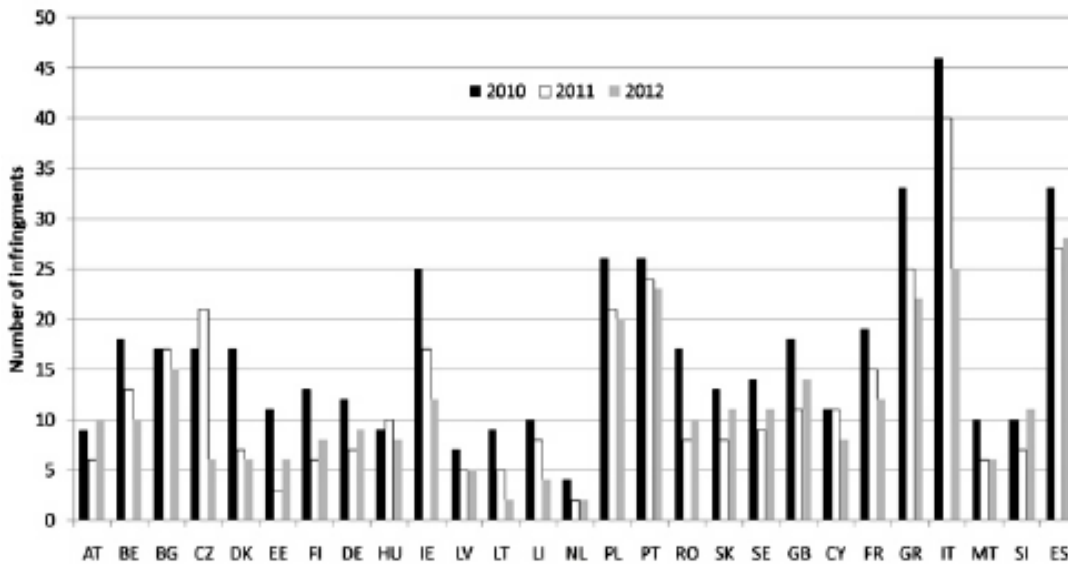


Figure 4: Statistical information on environmental infringement cases in European Member-States 2010-2012
 Source: Steps toward a shared governance response for achieving Good Environmental Status in the Mediterranean Sea - Scientific Figure on ResearchGate. Available from: https://www.researchgate.net/figure/Statistics-on-environmental-infringements-in-European-Countries-ISO-3166-2-Codes-for_fig3_269671234 [accessed 6 Jan, 2020].

Additionally, associating Poland with our independent variables based on GDP per capita, Poland is way below the EU average. I account for 2008 as the year the directive came into force and 2010 when it should have been transposed and I examine for two more years to account for possible time lags. According to the predictions I expect to find traces of economic complications with the compliance of the Ambient Air Quality Directive due to its low GDP per capita compared to the EU average.

Table 1. GDP per capita

| GDP per capita | | | | | |
|----------------|--------|--------|--------|--------|---------|
| | 2008 | 2009 | 2010 | 2011 | 2012 |
| EU | 34,033 | 32,721 | 33,709 | 34,920 | 35,347 |
| Poland | 19,358 | 20,044 | 21,083 | 22,575 | 23,359. |

Source: Own compilation from retrieved data (IMF, 2019)

The same applies to the government effectiveness indicator of the World Governance indexes, where Poland scores an average of approximately 0.59 hence expecting that with lower administrative effectiveness problems of bureaucratic and administrative efficiency will arise (WGI, 2019).

Table 2. Government Effectiveness

| Indicator | Country | Year | Number of Sources | Governance (-2.5 to +2.5) | Percentile Rank |
|--------------------------|---------|------|-------------------|---------------------------|-----------------|
| Government Effectiveness | Poland | 2008 | 10 | 0.47 | 67.48 |
| | | 2009 | 10 | 0.53 | 69.86 |
| | | 2010 | 10 | 0.64 | 71.29 |
| | | 2011 | 10 | 0.62 | 71.09 |
| | | 2012 | 10 | 0.68 | 72.04 |

Source: (World Governance Indicators, 2019b)

In conclusion, our choice was also influenced by data availability. Most researchers conducting case study policy analysis may find a challenge to retrieve more elaborate and official data from a state due to the language barrier. Here, I have the advantage of being able to retrieve data both in English as well as in Polish, so as to dwell deeper into the core of the national policies and look at the matter from the ‘inside’.

In conclusion, by choosing Poland as a case study the thesis aims to make this research a constituent part of the existing body of literature with regards to compliance research further comprehending the general rationalizations towards non-compliance while setting a foundation for future analysis of similar cases.

4.4 Data collection

The main analysis of the thesis was conducted based on a qualitative research and desk study which included reviewing plethora of sources and statistical database examination in order to uncover tendencies for unsuccessful implementation and transposition. This study was based on the examination of the theoretical basis behind what is considered a successful transposition and implementation of EU Directives in national legislations and abides by the general interpretation of the European Commission which defines all instances when a Member State fails to fulfill its legal obligations under article 260 TFEU (Former 228) and is referred by the European Commission to the European Court of Justice (European Commission, 2019b).

During the preliminary research, an attempt was made to compare European legal acts and source material concerning the implementation of environmental Directives. A critical analysis of the mainstream literature on the implementation of EU Environmental Directives has been conducted, enriched by a document-based descriptive analysis of more secondary data. Documents along with other sources are crucial for triangulation (Toshkov, 2016). The selection pool, included European Environmental Directives, national factsheets, governmental documents from the Member-State's environmental ministries both in English and in Polish, prominent environmental journals and various publications. During the document selection, important criteria taken into account included the 'officiality' and credibility of the document's source and whether the publications were peer-reviewed.

4.5 Summary

In this chapter I have elaborated on our methodological framework and provided our rationale for choosing to conduct a case study. I support that a case study will allow us to more detailed and nuanced explanations as to the confirmation or not of the established theories in the literature field. In the following chapter a brief analysis of the Ambient Air

Quality Directive's main points shall take place followed by the analysis of our findings in the case of Poland under the lens of compliance theories.

5. Analysis

5.1 The Ambient Air Quality Directive 2008/50/EC

This chapter will be devoted to a short analysis of the directive under research describing its purpose and main provisions in order to set a foundation for better comprehending the analysis chapter that will follow.

The 2008/50/EC Directive on ambient air quality and cleaner air for Europe of the European Commission, also known as the CAFE Directive, came into force on June 11th 2008 and composes the European Union's major legal instrument that deals with air quality protection. It merges five previous legal acts -with the exemption of the Fourth Daughter Directive- with no alteration in the current air quality objectives (European Commission, 2019d). Article 1 of the Directive encompasses the purposes for ambient air quality in order to a) reduce pollution levels of air in the atmosphere, b) maintain and improve air quality c) avoid harmful effects on human health and the environment, d) promote common methods and criteria for the assessment of ambient air quality and e) provide better access to the public on information about the impacts of air pollution in individual health (Directive 2008/50/EC; Client Earth 2013, Langkamp & Bayma, 2019).

Moving on to the main provisions of the Directive, the innovations brought along with the new legislation established quality norms and limit values for PM 2.5 fine particles, while maintaining the norms for "benzene, nitrogen dioxide, nitrogen monoxide, sulphur dioxide, lead, PM10, carbon monoxide and ozone" (Client Earth, 2013, p. 83). Along with the limit values (levels that once reached should not be surpassed), the directive established target values (levels to be reached if possible withing a given time frame) to be achieved in specific deadlines. Moreover, it forced Member-States to establish mechanisms

for air quality managements and authorities responsible for, among others, the proper measurement and assessment of air quality while cooperating with other Member-States and the European Commission, and to designate ‘zones and agglomerations’ of monitoring (Client Earth, 2013, p. 84).

The Commission envisioned that not all states would be able to abide fully by the deadlines set by the Directive and as such offered a leeway in Article 23. In cases that a Member-State was deemed unable to attain the limits and standards required, the European Commission after an elaborate assessment would grant a postponement for said limit values (Directive 2008/50/EC; Client Earth, 2013, p. 84).

In conclusion the Ambient Air Quality Directive of 2008 was the pioneer that acted as the basis for the contemporary framework regarding ambient air quality protection and controls for concentrations of air pollutants in the Union’s territory. It is the aggregate of the previous EU legislations for air quality management, that set forth new strict quality objectives for PM 2.5 dust particles in order to ensure the protection of human health and the environment, whilst accounting for the right of the public to access information on the impacts air pollution on health.

5.2. Explaining Non-Compliance in Poland

In order to better grasp the intricacy of the Polish case in the field of compliance with directives, a researcher is required to examine evidence from the period of transposition until today. Despite the deadline for the implementation of the Directive elapsing in the 10th of June 2010, the Polish legislators only transposed and started the implementation of the Directive in the 13th of April 2012 by introducing amendments to the Environmental Protection Law which came officially into force in the 28th of May 2012 (Karpus, 2015). It should be noted that in 2008, Poland appealed to the Court for a postponement under Article 23 but got rejected. This was followed by another attempt in 2010 claiming that the state was unable to reach the targets if the CAFE Directive invoking among others, extreme weather conditions and the cultural as well as socioeconomic characteristics of the country

that would pose a great challenge to implement the mechanisms required by the Directive (Court of Justice of the European Union, 2018). The Commission expressed its reservations and found unjustified the Polish claims thus notifying the Polish Democracy not to exceed the limits. Poland failed to notify the Commission on the measures and the transposition of the Ambient Air quality Directive and in 2011 following a reasoned opinion and formal allegations, the EC forwarded a complaint to the CJEU against the Republic of Poland in the case C-48/12. After Poland successfully notified the Commission on the transposition of the Directive, the complaint was withdrawn and in 2013 the President of the CJEU ordered the removal of the case from the register (Court of Justice of the European Union, 2018; European Commission, 2019e, Supreme Audit Office, 2014). Therefore, traces of the future inconsistencies between the 2008/50/EC Directive and compliance in Poland began slowly even before the very transposition of the Directive in the legal framework of the state.

Starting with the initial hypothesis around the goodness of fit theory this thesis supported that a low policy misfit between European provisions and the existing legislative framework, adaptations pressures arising from public or private actors or significant adaptation costs of a state should have an adverse effect on compliance. On the same page I predicted that complications of administrative nature deriving from low economic power as well as low government effectiveness would further manifest as obstacles for the proper compliance with the 2008/50/EC Directive. In the subchapters to follow I shall advance the analysis on the findings associated with the analyzed predictions and hypotheses

5.2.1 Adaptation Pressures

Multiple evidence points in one specific direction on the main reasons Poland was reluctant to comply with the Ambient Air Quality directive of 2008 and still until today faces infringement procedures. The main ‘perpetrator’ of the air pollution across Poland has been the result of the country’s dependence on coal to power its domestic power usage and enhance the economy. To further provide some background information, the country’s coal industry remains an indispensable part of the economy even since the communist era. Back

in the 1980s Poland was the second biggest producer of coal after the U.S.S.R and until 1989 almost all of its power came was generated in power plants fired by coal. But coal has been the most important primary source of energy in Poland not only for historical reasons, but due to the scarcity of other energy sources (Szulecki, 2017). I shall further elaborate on the connection between the coal and the compliance with the Ambient Air Quality Directive.

The Polish misfit started with the opposition to the Ambient Air Quality Directive even before the adoption of the act, back in June 2006 when the negotiations for the directive were still undergoing in the Council of Ministers. Poland along with the Dutch delegation opposed the new legislations and requested more time for Member-States to reach compliance with the directive's requirements (Arnoldussen, 2019). Two months later the Polish legislators passed the 2006 August Act on the monitoring of solid fuels quality. According to its provisions, any type of solid fuel on the Polish market should comply with set quality requirements depending on its usage to account for the protection of human health, the environment as well as the public's rights. The catch with this legislation is that the Polish legislators did not publish any law that defines the quality standards of solid fuels (ISAP, 2006; Adameczyk, Piwowar & Dzikuć, 2017). One may ask what is the connection between the two totally different and seemingly unrelated incidents, but it all becomes much clearer if the variable 'coal' is added into the equation. The Ambient Air Quality Directive sets strict limits for the reduction of PM10 and PM2.5 particles in the atmosphere (Directive 2008/50/EC). For the former, one of the major contributors is fuel combustion from solid fuels for domestic and industrial usage and coal ranks above the top amongst them at least in Poland (EEA, 2017). Poland, as already supported, was and still to this day is heavily dependent on coal which is a solid fuel. The aforementioned provision allowed for a leeway and a legal 'window' for the Polish state to continue their usage of coal. Hence it becomes rational to assume that any act that would try to obstruct or limit its coal usage would be met with sever opposition as was the case in the 2008/50/EC Directive.

Moreover, due to Poland being significantly dependent on coal it is crucial to understand the connection that Poland has with the coal sector as a state actor. The argument here is very simple. The largest adaptation pressures with regards to both air

quality and climate policies until today derive from the coal sector impeding any act that tries to reduce its role in the Polish economy and society. Since the time when the state was preparing to ascend to the European union, any attempts to reduce the range of governmental subsidies for the mining sector and the mining industry workforce, were always met with strong opposition from the unions in the forms of massive protests and strikes, a tendency which still holds strong until today. The Polish coal miner's unions organized into influential political groups, which still hold significant political and societal influence giving them the power to pressure against legislations that would disfavor them (Sejm, 2012a; Trappman, 2012; Szpor & Ziółkowska, 2018; Mikulska & Kosinski, 2018).

But as Skjærseth (2018) comments opposition trends from private actors does not necessarily posit the ability to affect decision-making and decision-taking. Trade unions in Poland are organized in lobbying political groups according to the 2005 July Act on Lobbying which entered into force in 2006. Poland as a parliamentary democracy has developed forms of government parties that comprise of various political, societal and even economic backgrounds where the public sector is dominant, especially by big state companies or unions and in our case from the mining sector. Researching the Polish parliamentary minutes of 2012 regarding the talks about the 2008/50/EC Directive and renewable energy sources I found more references in the statements of the Minister of the environment regarding the presence of lobbyists influence (Sejm, 2012a, p. 15; Skjærseth, 2018). Hence with the coal sector having a say in politics and parliamentary sessions it is all the more apparent as to why non-compliance with directives such as the 2008/50/EC would be imminent and would give rise to adaptation pressure in the Polish political domain (Polish Parliament - Sejm, 2012a; Jiasiecki, 2006; Szulecki, 2009, Trappman, 2012; Skjærseth, 2018). Consequently, in 2012 the years that the directive was officially transposed, 144 mil metric tons of coal was extracted from Polish mines that provided circa 55% of the basic primary energy requirements in Poland and almost 75% in generating electricity (Cross, 2019).

Overall, the coal mining sector as political tradition is deeply embedded in the core of the Polish state holding both substantial symbolic and economic value and shall remain as such since “its politicians will want to maintain the leading role of coal in the Polish power industry and economy” (Hoffman, 2019, p. 6).

5.2.2 Policy Misfit and Adaptation Costs

In the case of misfit between European provisions and the existing domestic legal framework this analysis focuses on the PM 2.5 air quality norms that the Polish legislation had to adopt entirely new regulations in order to account for the new limits set by the Directive. The Directive implemented a substantial number of innovative laws to protect the environment but the provisions surrounding the PM 2.5 were a major ‘thorn in the side’ of the Polish regulations. Recalling the theory, this research supported that ‘directives with an amending nature are less likely to account for non-compliance rather than directives aiming for new measures’ (Mastenbroek 2003; König and Luetgert 2009; Haverland et al. 2011 in Börzel & Buzogány, 2019). The Parliament of Poland was divided and very reluctant to comply with the aforementioned provision. More importantly Jan Szyszko, a member of the PiS party, characterized the set ceiling of $20\mu\text{g}/\text{m}^3$ as extremely sharp from the point of view of the distribution system in Europe. He further pointed out that the new limits would pose considerable financial burden to the Polish economy especially related to the industry sector since they already had to utilize the latest combustion technologies to reduce costs (Sejm, 2012a; Sejm, 2012b; Client Earth Poland, 2013). In the words of Krzysztof Szczerski another parliamentary member with the PiS party, certain parliamentary parties were in accordance with the idea of delaying the implementation of the directive because that was the most optimal solution from the point of view of Poland's specific interests. He also commented that, more advanced Member-States would be able to reduce their emissions without suffering major economic drawback unlike states similar to Poland that heavily relied on solid fuels such as coal or wood. Hence, the Directives limit values would heavily affect the economy without an alternative to compensate for the losses generated (Sejm, 2012a). Taking all the aforementioned into account it is reasonable to assume that the policy fit between the provisions as the Directive provisions deviated significantly from the Polish law even when some regulations already where in place to account for air protection.

On the same page, a report made by the Department of Climate Change and Protection of Atmosphere of the Ministry of the environment estimated that for Poland to fully implement the regulations of the Ambient Air Quality directive a large scale of

measures needed to be applied. More specifically on the costs of constructing the necessary infrastructures in order to ensure that the Polish state properly monitors and enforces air quality, the approximate value was estimated to circa 24 million PLN. For Poland, along with the costs of cutting on its coal sector, this idea was far more than appealing (Ministry of Foreign Affairs, 2009). As such deriving from the theory analyzed, when states face substantial adaptation costs they opt for a ‘way out’ thus resisting compliance. Hence, here it is possible to deduct that the adaptation of the 2008/50/EC directive would heavily impact the Polish economy adding to the argumentation to explain as to why Poland was late in its compliance.

5.2.3 Administrative capacity complications

Following the second hypothesis the predictions indicated causal links between low economic power of the government along with its less effective state machinery as reasons that would affect the state to properly comply with the Directive.

A report of 2013 conducted for the Ministry of Environment provides more insights as per the reasons Poland failed to properly comply with the 2008/50/EC Directive. The report clearly indicates that” the most important barrier in using low-emission fuels and methods is their price” (Ministry of the Environment, 2013, p. 207). Once more evidence related to the significance of economic means of energy production for Poland we retrieved. The low price of solid fuels such as coal and wood, which incidentally heavily contribute to PM 10 and PM 2.5 dust particles in the air, make them a competitive solution for Poland’s energy sector. As defined previously Polish GDP per capita is below the EU average and despite the lower prices with regards to energy production attributed to the state’s reliance on coal, the costs are still significantly higher than the rest of the Union (Ministry of the Environment, 2013). Moreover, as the main element that heats Polish homes is coal shifting to a more expensive source to cover for the gaps that the directive’s implementation would bring forth would heavily burden the state in economic terms.

Consequently, on matters of bureaucratic effectiveness, in 2014 the Vice-president of the Polish Supreme Audit Office (NIK) drafted a report on air protection and the

2008/50/EC Directive where he pointed out that exceedances of air quality standards have been present for many years. He further indicated the need for earlier action by the Minister of the Environment, especially in cooperation with other ministries, including the Ministry of Economy, to set emission standards for new low-power sources in households and minimum quality requirements for solid fuels. According to the Supreme Audit Office, the lack of these regulations adversely affected the effectiveness of remedial actions taken under regional air protection programs.

The above statements correspond to the analysis by Adamczyk et al. (2017) where they observed that Poland exceeded its limits and was unable to fully comply with the directive's provisions due to its inability to control the low emission levels produced by domestic heating in boiler plants which are considered one of the main producers of PM particles in the atmosphere. As such, the central government's inability to properly safeguard that its private actors will successfully abide by the commitments under the Ambient Air Quality Directive, clearly postulates a problem of administrative capacities, thus adding to the difficulties surrounding compliance in the Polish case.

Furthermore, another report, this time by the World Bank (2019) assesses the progress of Poland in the air quality management until today indicates that substantive changes need to be introduced in the core of the Polish administrative system to better regulate the protection of the air quality. The Polish Republic's institutional framework is characterized by high levels of complexity and decentralization revolving around ambient air quality protection and responsibilities of the administrative stakeholders of Polish air quality coordination are split into various representatives of domestic, regional and local administrations (World Bank, 2019, p. 18-19). While decentralization gives the advantage of better and more efficient responses to environmental challenges for local governments, it can seriously hamper the consistency and homogeneity of air quality standards across the varying levels of the government as well as lead to budgetary discrepancies which further affect technical capacities required for air quality protection.

Additionally, government effectiveness further suffers due to the special characteristics of its administration with regards to its highest-level management of air quality protection. Air quality protection at the domestic level is managed by two high-level executives; firstly by the Minister of the Environment with general tasks of

environmental protection and sustainability resource management; Secondly, the Plenipotentiary of the Prime Minister tasked with the coordination of governmental activities regarding the implementation of air quality management programs which further holds the responsibility to coordinate and cooperate with the sub-national governments across Poland, NGO's and mediate between Poland and its international counterparts. (Ministry of the Environment, 2019; World Bank, 2019). But both individuals and their agencies under their jurisdiction are independent from each other. Hence, due to the fact that an administrative unit responsible with placing the tasks of the various administrative entities under its umbrella and allow for better coordination is absent, the Polish administration suffers from a serious overlapping of roles and authority which unavoidably leads to inefficiencies correlated with matters of duplications (World Bank, 2019, p. 18-19).

5.3 Discussion

Commencing with the initial hypothesis and the first independent variable, namely the goodness of fit theory. The analysis pointed out that the most negative impact on the fit between the Directive and the state was caused by adaptation pressures due to the deeply embedded tradition of the Polish dependency on coal that slowly grew to a potent politically organized and influential lobby able to influence decision taking in the Polish political scene. Moreover, as stated in the theory when a directive introduces entirely new legislations and therefore the state has to produce new legislation to account for the new provisions, the misfit produced is higher as discerned in the case of the PM 2.5 particles. On the same page the new provisions necessitated high adaptation costs for Poland further leaning the Polish cost and benefits 'scale' towards non-compliance. Hence, whereas the first initial hypothesis with regards to the low policy misfit having an adverse effect on compliance is confirmed, contrary to the expectations raised in a previous part of the research I acknowledge that the goodness of fit theory cannot be fully attributed as an adequate explanation to the non-compliant behavior of Poland.

Proceeding to the second variable, namely the administrative capacities which was conceptualized as the GDP per capita and government effectiveness of the state, the research indicates that matters of economic implications such as the low price of coal and wood had an effect the Polish considerations towards compliance with the new Directive. Having a GDP per capita way below the EU average, Poland was very reluctant to shift from its main source of energy production as it would spell high costs for the economy and the society. On the same matter, the low economic capacity of the state affected its monitoring and enforcing capacities, thus hindering the state's ability to reach and abide by the limits set forth by the Directive. With regards to the bureaucratic efficiency the Polish administration handling matters of environmental protection despite being decentralized was characterized by a high level of complexity. Contrary to expectations, this research uncovered that the low government effectiveness had a more severe impact on implementation after the transposition of the 2008/50/EC Directive and not before. Therefore, whereas complications of administrative effectiveness in their economic form did prove to negatively affect non-compliance the same cannot be inferred for matters of low administrative effectiveness.

Drawing the reader's attention to the theory in the chapter 3.1, this research identified common patterns among Member-States that stressed the importance concerning the concept of 'willingness' that Member-States hold towards compliance as well as their 'ability' to comply. 'Willingness' corresponds to the policy fit and misfit whereas the 'ability' to adequate national dynamics. While neither theory can 'stand on its own' and fully account as a complete explication for non-compliance in Poland, when conducting process tracing a researcher posits that there are more than one explanations and links that form an aggregate to elucidate the outcome under examination. Elaborating on this statement, the causal links that lead to the laggard implementation of the Directive commenced with the importance of coal in Poland. As already analyzed, in 2006 when the Polish and Dutch delegations voiced their opposition towards the directive, the new law around solid fuels in Poland was being finalized. In addition, the strong lobbying by the coal sector further explicates the Polish behavior on matters of non-compliance with the Directive. Poland with a GDP per capita way below the EU average and having recently ascended in the EU after the 2004 enlargement (European Union, 2007) would be very

reluctant to shift its main economic and energy supply source because it would significantly affect state capacities in macro-economic and micro-terms. Hence, the option to oppose the directive appeared as a rational alternative. Moreover, it can be supported that, since Poland had just ascended in 2004 it was still undergoing its first steps in the compliance with European Directives field and as such its administrative units were not entirely accustomed to the *modus operandi* surrounding European Law despite pre-ascension preparations (Karaczun, 2005). The non-compliance argument is further enhanced if combined with the already complex administrative structures of environmental protection. But contrary, the analysis proves that while Poland lacked the ability to comply with the directive it was not to a degree sizable enough that would support arguments of serious compliance deficits. On the contrary evidence point to willingness concept as more suitable to explain the Polish Democracy's behavior.

To finalize the discussion chapter, based on the structure of the thesis and the operationalization of the variables I can conclude that the analysis was able to partially explain non-compliance in Poland. I am unable to claim that all aspects and possible outcomes have been predicted since there are many other variables that can be taken into account able to influence compliance in Member-States. I further support that the goodness of fit theory can explain non-compliance results better than the theory of administrative capacities, but not adequately enough to explain the whole patterns of compliance in Poland. While only one of the aforementioned variables does not provide a substantial degree of causal value to fully explain non-compliance, this paper has brought to light that when combining the two and retracing the causal links that correlate them, they are able to harmonize and account for each other's shortcomings thus gaining weight and producing currency for the findings of the research. Therefore, this has added to the existing volume of literature analyzing the varying degrees on compliance with European Legislation.

6. Conclusions

In the final chapter the conclusions of the research shall be drawn with regards to potential answers to the research question, the added value of the thesis and its methodology followed and by limitations and finishing with suggestions for future research.

This paper commenced with addressing the research question “*To what extent do the goodness of fit theory and national administrative capacities of Member-States influence the effective implementation and compliance with European Environmental Directives?*”. The approach of this paper followed a deductive rationale examining the general state of the art literature of compliance and implementing the theory on a single case study, namely Poland. To answer the research question, this paper showed that in this case, the goodness of fit theory provided more concrete evidence than the administrative capacities of the state. Matters of high adaptation pressure and adaptations costs had a negative impact on the level of fit between the Directive’s provisions and the existing domestic legislative framework thus hindering compliance.

On the other hand, the administrative capacities of the state provided a certain degree of added value to the findings, but contrary to the expectations cannot be considered as a significant explanation for non-compliance on their own. Based on the theory I would have expected that the absence of administrative capacities would affect compliance on a higher scale (Mbaye, 2001; Toshkov, 2010; Angelova et al., 2012). A possible explication based on the analysis would be that reasons of policy misfit in Poland derived more from the state’s unwillingness to conform rather than on matters of weak administrative capacities.

Consequently, this research observed that better explanations around compliance can be generated when combining both variables. When using the variables in sync, they complement each other and in the process of explaining causality can uncover the faint causal links which would be left undiscovered if a researcher attempted to explain non-compliance by utilizing them separately. Hence, while this research did not fully reaffirm the theory associated with compliance studies in Member-States it provided an alternative

perception when conducting case study research by establishing the value of combining variables when attempting to explain phenomena.

On another matter, single case studies have been severely underestimated. But this research support that their value lies in their ability to retrieve country specific explanations of the effects of variables that might be similar across cases. Thus, they are able contribute to better means of addressing non-compliance. Having the advantage of retrieving governmental documents in the official language, this research was able to ‘peek’ inside the negotiations and deliberations with regards to the Directive and retrieved a more truthful interpretation of the reasons behind non-compliance avoiding “spurious correlations in the sequencing of changes in independent and dependent variables” (Exadaktylos et al.,2012, p.136).

Furthermore, this thesis recognizes the various limitations associated with the way it was conducted as many choices in the research design ‘had’ to be taken due to matters of feasibility and practicality. A major limitation and weakness of case study research, which was discussed also in the methodology chapter, is the generalization of the findings and thus of external validity. While acknowledging the limitation of generalization, this endeavor was done keeping in mind the gap in literature addressing single case studies and uncovering the real reasons for compliance deficits ‘from the inside’. Furthermore, the quality of the case might be scrutinized as not ideal or biased. There exists the possibility that the Polish case diverges from the norm of the theories or that the particular choice and operationalization of the variables affected the outcome and findings. The justification of conducting this research lies on the intention to add it as a constituent part to the existing body of literature with regards to compliance literature, further comprehending the general rationalizations towards non-compliance while setting a foundation for future analysis of similar single-cases. Another difficulty in the research is focused around the operationalization of the variables and especially the goodness of fit since there is a serious lack of indicators that would allow for a qualitative measurement. I attempted to follow the example of Börzel’s (2000) analysis when conceptualizing the goodness of fit.

In relation to future researches, since one of the independent variables under examination was proved of low explanatory value when used alone in our particular case, examining more variables as single entities or further sets of variables might lead to more

insightful findings. Moreover, due to the fact that this research addresses matters policy formulation in national administrations, adding a controlled number of interviews might have further enhanced the validity of this endeavor. Therefore, on the prospects of future research and having addressed the limitations of a single case study I invite future researchers to add more cases or more directives in a within-case comparison framework to validate the findings of this research.

References

- Adamczyk, J., Piwowar, A., & Dzikuć, M. (2017). Air protection programmes in Poland in the context of the low emission. *Environmental science and pollution research international*, 24(19), 16316–16327. doi:10.1007/s11356-017-9233-9
- Angelova, M., Dannwolf, T., and König, T., 2012. How robust are compliance findings? A research synthesis. *Journal of European Public Policy*, 19 (8), 1269–1291. doi:10.1080/13501763.2012.705051
- Anker, H. T., de Graaf, K. J., Purdy, R., & Squintani, L. (2015). Coping with EU Environmental Legislation: Transposition Principles and Practices. *Journal of Environmental Law*, 27(1), 17-44. <https://doi.org/10.1093/jel/equ033>
- Arnoldussen, T. *Int Environ Agreements* (2019) 19: 207. <https://doi.org/10.1007/s10784-019-09429-8>
- Börzel, T. (2000). Why there is no 'southern problem'. On environmental leaders and laggards in the European Union. *Journal of European Public Policy*, 7(1), 141-162.
- Börzel, T. A. (2001). Non-compliance in the European Union: Pathology or Statistical artefact? *Journal of European Public Policy*, 8(5), 803-824. Retrieved from: https://www.researchgate.net/publication/233687504_Non-Compliance_in_the_European_Union_Pathology_or_Statistical_Artefact
- Börzel, T. A., & Risse, T. (2003). Conceptualizing the domestic impact of Europe. *The politics of Europeanization*. Retrieved from: https://www.researchgate.net/publication/228879233_Conceptualizing_the_Domestic_Impact_of_Europe
- Börzel, T., & Buzogány, A. (2010). Environmental organizations and the Europeanisation of public policy in Central and Eastern Europe: The case of biodiversity governance. *Environmental Politics*, 19(5), 708-735. Retrieved from: https://www.researchgate.net/publication/228221442_Environmental_Organisations_and_the_Europeanisation_of_Public_Policy_in_Central_and_Eastern_Europe_The_Case_of_Biodiversity_Governance
- Börzel, T. A. & Buzogány, A. (2019). Compliance with EU environmental law. The iceberg is melting, *Environmental Politics*, 28:2, 315-341, DOI:10.1080/09644016.2019.1549772
- Carroll, B.J., 2014, *Adaptation, discretion, and the application of EU animal welfare legislation* (Published Doctoral thesis). Leiden University
- ClientEarth, EEB, AirClim, HEAL and T&E. (2018). *The first ten years of the EU Ambient Air Quality Directive –an essential tool for protecting our health*. Retrieved from: <https://www.env-health.org/wp-content/uploads/2018/09/The-first-ten-years-of-the-eu-ambient-air-quality-directive.pdf>
- Client Poland, Black Paper. Implementation of EU Climate and Energy Law in Poland. Warsaw. ClientEarth Poland
- Collins, K. & David Earnshaw, D. (1992). The implementation and enforcement of European community environment legislation, *Environmental Politics*, 1:4, 213-249, DOI: 10.1080/09644019208414052

- Cotta, Benedetta. (2015). *Wasted compliance strategies? The policy-making styles of Hungary and Poland in the implementation of European environmental directives*. Working Paper-LPF n. 3. Retrieved from: https://www.centroinaudi.it/images/abook_file/WP-LPF_3_2015_Cotta.pdf
- Court of Justice of the European Union. (2018, 22 February). The Court of Justice finds that Poland has infringed EU law on ambient air quality. [Press Release]. Retrieved from: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-02/cp180019en.pdf>
- Cross, T. D. (2019, October 20), Why air pollution in Poland is the worst in Europe. *Sustainability Times*. Retrieved from: <https://www.sustainability-times.com/clean-cities/battling-the-scourge-of-air-pollution-in-poland/>
- DIRECTIVE 2008/50/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 May 2008 on ambient air quality and cleaner air for Europe. (OJ L 152 11.6.2008. p. 1)
- Duina, F. (1997) 'Explaining legal implementation in the European Union', *International Journal of the Sociology of Law* 25(2): 155–79. Retrieved from: https://www.researchgate.net/publication/222762421_Explaining_Legal_Implementation_in_the_European_Union
- Duina, F. and Blithe, F. (1999) 'Nation-states and common markets: the institutional conditions for acceptance', *Review of International Political Economy* 6(4): 494–530. Retrieved from: https://www.researchgate.net/publication/247513216_Nation-States_and_Common_Markets_The_Institutional_Conditions_for_Acceptance
- European Commission. (2019). *Study: The costs of not implementing EU environmental law: Final Report*. Retrieved from: https://ec.europa.eu/environment/eir/pdf/study_costs_not_implementing_env_law.pdf
- European Commission.
 - (2019a). *Regulations, Directives and other acts*. Retrieved from: https://europa.eu/european-union/eu-law/legal-acts_en#directives
 - (2019b). *Infringement procedure*. Retrieved 11 November 2019, from: https://ec.europa.eu/info/law/law-making-process/applying-eu-law/infringement-procedure_en
 - (2019c). *Legal Enforcement: Statistics on environmental infringements*. Retrieved from: <https://ec.europa.eu/environment/legal/law/statistics.htm>
 - (2019d). *Air Quality - Existing Legislation*. Retrieved from: https://ec.europa.eu/environment/air/quality/existing_leg.htm
 - (2019e). *Environment: Commission urges Poland and Belgium to implement air quality legislation*. Retrieved from: https://ec.europa.eu/commission/presscorner/detail/en/IP_11_172
- European Environment Agency. (2017). *Air quality in Europe – 2017 report –*, Luxembourg. Publications Office of the European Union, Retrieved from: <https://www.eea.europa.eu/publications/air-quality-in-europe-2017>

- European Union. (2007). *The 2004 enlargement: the challenge of a 25-member EU*. Retrieved from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ae50017>
- Exadaktylos, T., & Radaelli, C. M. (2012). *Research design in European studies: Establishing causality in Europeanization*. Retrieved from <https://ebookcentral-proquest-com.ezproxy.leidenuniv.nl:2443>
- Falkner, G., Hartlapp, M., Leiber, S., and Treib, O. (2005). *Complying with Europe, EU Harmonisation and Soft Law in the Member States*, Cambridge University Press. Doi: <https://doiorg.ezproxy.leidenuniv.nl:2443/10.1017/CBO9780511491931>
- Grodzinska-Jurczak, M., & Cent, J. (2011). Expansion of nature conservation areas: problems with Natura 2000 implementation in Poland?, *Environmental management*, 47(1), 11–27. doi:10.1007/s00267-010-9583-2
- Hartlapp, M., & Falkner, G. (2009). Problems of Operationalization and Data in EU Compliance Research. *European Union Politics*, 10(2), 281-304.
- Hille, P., & Knill, C. (2006). 'It's the bureaucracy, stupid': The implementation of the *acquis communautaire* in EU candidate countries, 1999-2003. *European Union Politics*, 7(4), 531-552.
- Hoffman, S. (2019) Long-term trends of air pollutant concentrations in Poland. E3S Web Conf., 116 (2019) 00027. doi: 10.1051/e3sconf/201911600027
- Holbrook, E. (2019, April 8). Report: Not Implementing EU Environmental Laws Costs Member States Almost €55 Billion Per Year. *Environment + Energy Leader*. Retrieved from: <https://www.environmentalleader.com/2019/04/report-not-implementing-eu-environmental-laws-costs-member-states-almost-55-billion-per-year/>
- Johnson, S.P. and Corcelle, G. (1989) *The Environmental Policy of the European Communities*, Graham & Trotman, London.
- Jordan, A., & Liefferink, D. (2003). The Europeanization of National Environmental Policy: EU and Member State Perspectives- The Europeanization of national environmental policy: A Comparative Analysis.27-29. March. 2003.European Union Studies Association 8th Biennial International Conference, Nashville (Tennessee). pp.1-14
- Karaczun, Z. (2005). *Preparing for EU environmental policy in Poland: The case of the nitrates directive*. Land Use Policy. 22. 245-253. 10.1016/j.landusepol.2003.09.007.
- Knill, C. (1998). European Policies: The Impact of National Administrative Traditions. *Journal of Public Policy*, 18(1), 1-28.
- Knill, C & Lenschow, A (1998) *Coping with Europe: the impact of British and German administrations on the implementation of EU environmental policy*, *Journal of European Public Policy*, 5(4): 595-614.
- Knill, C. and Liefferink, D. (2012) *The Establishment of EU Environmental Policy*. In: Jordan, A.J. and C. Adelle (ed.) (2012) *Environmental Policy in the European Union: Contexts, Actors and Policy Dynamics* (3e). Earthscan: London and Sterling, VA.
- Knill C, Schulze K, Tosun J (2012) Regulatory policy outputs and impacts: Exploring a complex relationship. *Regulation & Governance* 6(4):427{444.

Retrieved from:

https://www.researchgate.net/publication/263172372_Regulatory_Policy_Outputs_and_Impacts_Exploring_a_Complex_Relationship

- Krause, K. (2006). *European Union Directives and Poland: A Case Study*, *University of Pennsylvania International Economic Law Journal* 27 (2006). Retrieved from: <https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1191&context=jil>
- Langkamp, M. & Bayma, V.V. (2019). Evaluation of the Directive 2008/50/EC on Ambient Air Quality. *Science for Sustainability Journal*, vol.3. Retrieved from: https://www.greenofficevu.nl/wp-content/uploads/2019/06/Evaluation-of-the-Directive-2008_50_EC-on-Ambient-Air-Quality-2.pdf
- Mastenbroek, E (2005) EU compliance: still a ‘black hole’?, *Journal of European Public Policy*, 12(6): 1103-1120. Retrieved from: <https://www.tandfonline.com.ezproxy.leidenuniv.nl/2443/doi/full/10.1080/13501760500270869>
- Mbaye, H. A. D. (2001). Why National States Comply with Supranational Law: Explaining Implementation Infringements in the European Union, 1972-1993. *European Union Politics*, 2(3), 259–281. <https://doi.org/10.1177/1465116501002003001>
- Mikulska, A. & Kosinski, E. (2018, March 28). Explaining Poland's Coal Paradox. *Forbes*. Retrieved from: <https://www.forbes.com/sites/thebakersinstitute/2018/03/28/explaining-polands-coal-paradox/#331117ba4867>
- Ministry of the Environment, Republic of Poland (2019). *Ministry: Mission*. Retrieved from: <https://archiwum.mos.gov.pl/en/ministry/>
- Ministry of Foreign Affairs, Republic of Poland. (2009). *5 years of Poland in the European Union*. Retrieved from: <https://www.msz.gov.pl/resource/25af1269-1587-432e-8662-bf744fa31ad1:JCR>
- Nicolaides, P. (2012). *Administrative Capacity for Effective Implementation of EU Law*. EIPAScope, 2012 (1). pp. 5-11. ISSN 1025-6253 Retrieved from: <http://aei.pitt.edu/43465/>
- Salmeri, M. A., (2014). *Member States’ Compliance with European Environmental Directives between Environmental Activism and Institutional Misfits* (Master’s Thesis, Erasmus University Rotterdam). Retrieved from: <https://thesis.eur.nl/pub/18136>
- Brommesson, D. (2018). *Are the ‘laggard states’ obstinate or just inefficient? A study of the EU member states’ compliance with EU environmental legislation 2012- 2016* (Master’s Thesis, Lund University). Retrieved from: <https://lup.lub.lu.se/student-papers/search/publication/8931012>
- Selin, C. and VanDevee, D. S., (2015). Broader, Deeper and Greener: European Union Environmental Politics, Policies, and Outcomes. *Annu. Rev. Environ. Resour.* 2015. 40:309–35. Retrieved from: <https://www.annualreviews.org/doi/abs/10.1146/annurev-environ-102014-021210>
- Skjærseth, B., J. (2018) Implementing EU climate and energy policies in Poland: policy feedback and reform, *Environmental Politics*, 27:3, 498-518, DOI:10.1080/09644016.2018.1429046

- Steunenberg, B. (2006). Turning Swift Policy-making into Deadlock and Delay: National Policy Coordination and the Transposition of EU Directives. *European Union Politics*, 7(3), 293–319. <https://doi.org/10.1177/1465116506066258>
- Steunenberg, B., & Toshkov, D. (2009). Comparing transposition in the 27 member states of the EU: the impact of discretion and legal fit. *Journal of European Public Policy*, 16(7), 951-970. Retrieved from: <https://www.tandfonline.com/doi/abs/10.1080/13501760903226625>
- Steunenberg, B., Voermans, W., & Berglund, S. (2006). *The Transposition of EC directives: A comparative study of instruments, techniques and processes in six member states*. Leiden [etc.]: Universiteit Leiden [etc.].
- Song, J. W., & Chung, K. C. (2010). Observational studies: cohort and case-control studies. *Plastic and reconstructive surgery*, 126(6), 2234–2242. Doi: 10.1097/PRS.0b013e3181f44abc
- Szpor, A., & Ziólkowska, K. (2018). (Rep.). International Institute for Sustainable Development (IISD). Retrieved January 7, 2020, from www.jstor.org/stable/resrep14806
- Szulecki, K. (2017). *Poland's renewable energy policy mix: European influence and domestic soap opera*. Retrieved from University of Oslo Center for International Climate Research: <https://ecpr.eu/Filestore/PaperProposal/76073680-6032-4a4a-bd60-6940bdb92375.pdf>
- Tallberg, J. (2002). Paths to Compliance: Enforcement, Management, and the European Union. *International Organization*, 56(3), 609-643. Retrieved from: [https://www.cambridge.org/core/services/aop-cambridge-core/content/view/588E27F7E8D14769858B4CE33515E470/S0020818302441811a.pdf/paths to compliance enforcement management and the european union.pdf](https://www.cambridge.org/core/services/aop-cambridge-core/content/view/588E27F7E8D14769858B4CE33515E470/S0020818302441811a.pdf/paths%20to%20compliance%20enforcement%20management%20and%20the%20european%20union.pdf)
- Tomaszuk, M. (2018). Action against smog at local government level in relation to urban public transport: evidence from selected Polish cities, *Urban Development Issues*, 55(3), 57-66. doi: <https://doi.org/10.2478/udi-2018-0005>
- Toshkov, D. (2007). Transposition of EU social policy in the new member states. *Journal of European Social Policy*, 17(4), 335–348. <https://doi.org/10.1177/0958928707081065>
- Toshkov, D. (2008). Embracing European Law: Compliance with EU Directives in Central and Eastern Europe. *European Union Politics*, 9(3), 379–402. <https://doi.org/10.1177/1465116508093490>
- Toshkov, D. (2016). *Research Design in Political Science*. New York, NY: Palgrave Macmillan. Retrieved from: <http://search.ebscohost.com.ezproxy.leidenuniv.nl:2048/login.aspx?direct=true&db=nlebk&AN=1525348&site=ehost-live>
- Trappmann, V. (2012). Trade Unions in Poland: Current situation, organisation and challenges. Retrieved from: https://www.researchgate.net/publication/261510580_Trade_Unions_in_Poland_Current_situation_organisation_and_challenges/citation/download
- Treib, O (2003) 'EU Governance, Misfit, and the Partisan Logic of Domestic Adaptation: An Actor-Centered Perspective on the Transposition of EU Directives', Paper presented at the EUSA 8th International Biennial Conferences,

- Nashville, Tennessee, 27-29 March, 2004. Retrieved from:
<https://www.ihs.ac.at/publications/pol/TreibPartisanLogic2003.pdf>
- Treib, O., 2008. Implementing and complying with EU governance outputs. *Living Reviews in European Governance*, 3 (5), 1–30. Retrieved from:
<https://www.ihs.ac.at/publications/lib/oa47.pdf>
 - Treib, O. (2014). Implementing and complying with EU governance outputs. Retrieved from: <http://www.europeangovernance-livingreviews.org/Articles/lreg-2014-1/download/lreg-2014-1Color.pdf>
 - Versluis, E (2007) *Even rules, uneven practices: opening the black box of EU law in action*, *West European Politics*, 30(1): 50-67. Retrieved from:
<https://www.eui.eu/Documents/DepartmentsCentres/AcademyofEuropeanLaw/CoourseMaterialsUL/UL2009/Conant/ConantBackgroundReading2.pdf>
 - Wiebe, E., Durepos, G., & Mills, A. J. (2010). *Encyclopedia of Case Study Research*. Los Angeles [Calif.]: SAGE Publications, Inc.
 - World Bank. (2019). *Air Quality Management - Poland Final Report*. Report No: AUS0000585. Washington DC, World Bank
 - World Governance Indicators. (2019a). Retrieved from:
<https://info.worldbank.org/governance/wgi/Home/Documents>
 - World Governance Indicators. (2019b). Retrieved from:
<https://info.worldbank.org/governance/wgi/Home/Reports>

In Polish:

- ISAP – Internetowy System Aktów Prawnych (2006). *Ustawa z dnia 25 sierpnia 2006 r. o systemie monitorowania i kontrolowania jakości paliw* [The Act of 25 August 2006. Monitoring and control of fuel quality] (Dz. U. z 2015 r. poz. 1361). Retrieved from:
<http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20061691200>
- Najwyższa Izba Kontroli. (2019) (Supreme Audit Office, 2019). P/14/086 – Ochrona powietrza przed zanieczyszczeniami (P / 14/086 - Protection of air against pollution).
- Ministerstwo Środowiska (Ministry of the Environment). (2013). *Ekspertyza Ocena skuteczności realizacji celów Strategii tematycznej UE dotyczącej zanieczyszczenia powietrza oraz wynikającej z niej dyrektywy Parlamentu Europejskiego i Rady 2008/50/WE z dnia 21 maja 2008 r. w sprawie jakości powietrza i czystsze powietrze dla Europy (CAFE) ze szczególnym uwzględnieniem standardów jakości powietrza w zakresie pyłu drobnego PM2,5*. (Expert opinion Assessment of the effectiveness of the implementation of the objectives of the EU Thematic Strategy on air pollution and the resulting Directive of the European Parliament and of the Council 2008/50 / EC of 21 May 2008 on air quality and cleaner air for Europe (CAFE) with particular emphasis on air quality standards in terms of fine dust PM2.5). Retrieved from:
http://www.przetargi.egospodarka.pl/398658_Ekspertyza-Ocena-skuteczności-realizacji-celów-Strategii-tematycznej-UE-dotyczącej-zanieczyszczenia-

[powietrza-oraz-wynikajacej-z-niej-dyrektywy-Parlamentu-Europejskiego-i-Rady-2008-50-WE-z-dnia-21-maja-2008-r 2013 2.html](http://orka.sejm.gov.pl/zapisy7.nsf/0/2817112E7E8B71D7C12579CE0030812B/%24File/0035607.pdf)

- SEJM Rzeczypospolitej Polski. (2012a). Pełny Zapis Przebiegu Posiedzenia Komisji Ochrony Środowiska, Zasobów Naturalnych i Leśnictwa (nr 12) z dnia 15 Marca 2012 r. [Full Record of the Meeting of the Committee on the Environment, Natural Resources and Forestry (NO. 12) of 15 March 2012]. Retrieved from: <http://orka.sejm.gov.pl/zapisy7.nsf/0/2817112E7E8B71D7C12579CE0030812B/%24File/0035607.pdf>
- SEJM Rzeczypospolitej Polski. (2012b). Pełny Zapis Przebiegu Posiedzenia Komisji Do Spraw Unii Europejskiej (nr 33) z dnia 14 Marca 2012 r. [Full Record of the Meeting of the European Union Affairs Committee (No. 33) of March 14, 2012] Retrieved from: <http://orka.sejm.gov.pl/zapisy7.nsf/0/FFF518C7BB6CF651C12579C9003A98C7/%24File/0032607.pdf>

Appendix

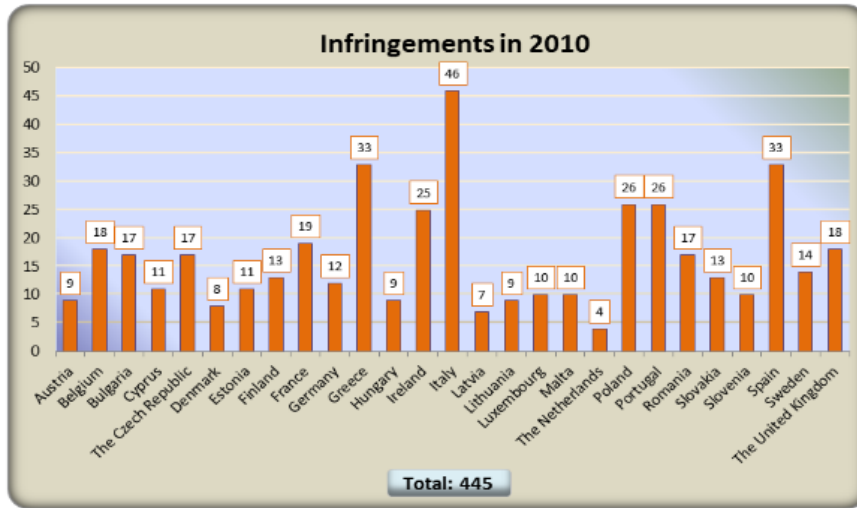


Figure 1. Infringements 2010

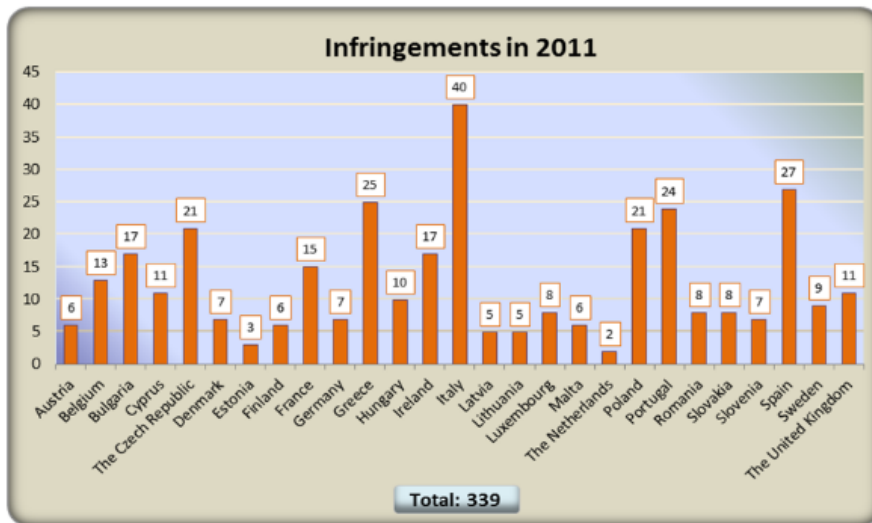


Figure 2. Infringements 2011

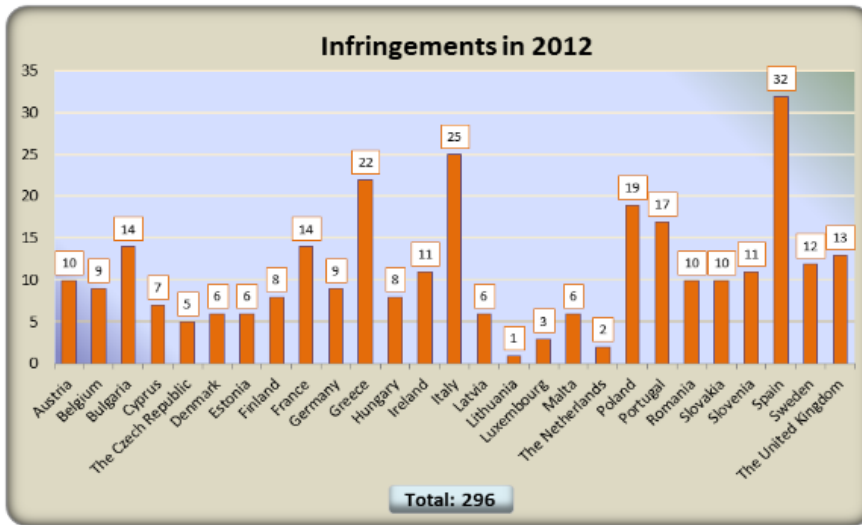


Figure 3. Infringements 2012