

Convergence in administrative implementation styles in the European Union?

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Introduction

State officials tend to have distinctive patterns of organizing and doing things. Several studies have shown that each country has its own specific national administrative traditions. Van Waarden (1995, pp. 361–362, 1999, p. 332) characterizes the German style as legalistic and consensual, the US style as legalistic and adversarial and the Netherlands style as both pragmatic and consensual. Van Waarden (2009, p. 206) observes that both the Dutch and the German legal systems have become more legalistic. Do these national administrative traditions still exist or have processes of European integration and Europeanization resulted in a more similar (European) administrative style in the member states? These questions belong to the domain of convergence research.

Over the years, the European Union (EU) has established a comprehensive legal framework that covers many policy areas. From a purely economic union, the EU has evolved into an organization spanning policy areas such as climate, environment, economy, external relations, security, justice and migration. The EU strives for legal harmonization between the member states as part of its ambition both to create a free market that enables goods, services, money and people to move freely in the EU area and to contribute to all kinds of societal challenges, among which are climate change and the environment. To this end, the EU has drawn up many directives and regulations. Because of this common legislation, several authors expect convergence of policy styles and administrative styles between member states (Kelemen 2011; Mazey and Richardson 1993; Papadoulis 2005, p. 351; Vogel 2011). Kelemen argues that the European integration process pushes a legalistic adversarial policy style, which he calls Eurolegalism, that is characterized “by its emphasis on strict enforcement of detailed legal norms through a combination of transparency requirements and the empowerment of private actors to assert their legal rights” (Kelemen 2011, p. 14). Other authors, however, expect that differences between national administrative styles will generally persist despite pressures for convergence (Painter and Peters 2010, p. 3; Van Waarden 1995, p. 334). This view is based on assumptions “about the ‘stickiness’ of deeply entrenched national policy traditions and administrative routines, which pose great obstacles to reforms” (Treib 2014, p. 8).

In this chapter we will explore whether convergence in administrative styles is indeed realized and what possible drivers are. We do this based on a review of existing empirical research about four policy fields: packaging waste, labour inspectorates, water management and nature protection. But first we need to discuss what the concepts of convergence and administrative implementation style stand for.

What do we mean when we talk about convergence? Convergence is “the tendency of societies to grow more alike, to develop similarities in structures, processes, and performances” (Kerr quoted in Knill 2005, p. 765). After discussing similar concepts, Knill (2005, p. 768) concludes,

policy convergence can be defined as any increase in the similarity between one or more characteristics of a certain policy (e.g. policy objectives, policy instruments, policy settings) across a given set of political jurisdictions (supranational institutions, states, regions, local authorities) over a given period of time.

These definitions point to two important characteristics: convergence presupposes a *comparison* between two or more units (such as countries) and a *diachronic* perspective (changes over time). This rather general notion of policy convergence could be more specific by distinguishing between the objects of convergence along the stages of the policy process (Strunz *et al.* 2018, p. 365). In their review of empirical studies on policy convergence Heichel *et al.* (2005, pp. 820–824) found that nearly half of the studies saw convergence in policies, whereas only 20% reported absence of convergence or divergence; the other third of the studies arrived at ambiguous results.

The object of convergence in our case is quite specific: the styles of administrative agents while implementing EU policies, or ‘administrative implementation styles’. The general idea of a style is a characteristic way of doing things that is consistent over a longer period. An administrative style is a subspecies of a policy style focusing on organizational and procedural arrangements and the ‘codes of conduct’ within administrative bodies. Knill and Grohs (2015, p. 93) define an administrative style as “the standard operating procedures and routines that characterize the behaviour and activities of administrative bodies”. For Howlett (2003, p. 474) an administrative style is “a more or less consistent and long-term set of institutionalized patterns of politico-administrative relationships, norms and procedures.” Administrative actors are important in all phases of the policy cycle: agenda setting, policy formulation (Knill and Grohs 2015; Knill *et al.* 2016), implementation, and evaluation and review (e.g. Van Eerd *et al.* 2019). This contribution is about the implementation stage only.

Investigating administrative implementation styles and convergence

Scholars of policy convergence distinguish several causal factors (Holzinger and Knill 2005; Holzinger *et al.* 2008; Jörgens *et al.* 2013; Strunz *et al.* 2018). In general there is agreement on five causal mechanisms and five facilitating factors (Knill 2005). Causal mechanisms might be similarities in problem pressure (and, consequently, the possibility of separately developing solutions for identical problems in the same way, see Jacobs 2016), imposition, international harmonization, regulatory competition and transnational communication. Facilitating factors are cultural, institutional and socio-economic similarities, policy type and policy dimensions (the latter relating to the exact object of convergence within policies; see Strunz *et al.* 2018).

As we are comparing EU member states under influence of EU directives, this clearly falls under the causal mechanism of ‘international harmonization’ by EU law, although some of the aforementioned factors are undoubtedly also relevant. ‘Policy types’, considered as the specific characteristics of policies or sectors (e.g. higher levels of distributional conflict will lead to less chance of convergence) are especially relevant too as EU policies can differ substantially. Water quality management, for example, has been characterized as a field of ‘experimentalist governance’ (Sabel and Zeitlin 2012). This governance is typified by a strong role of framework regulation and relative discretion of member states to find their course, however supervised by intensive peer review and monitoring systems. Here we enter a domain of implementing agents having intensive contacts and frequent calibrations to fine-tune implementation guided by a ‘common implementation strategy’ with a strong role of an ‘open method of coordination’ (Citi and Rhodes 2007; Radaelli 2003; Tosun *et al.* 2019). However, this apparent room for policy discretion can lead to both convergence of administrative styles (through processes of both EU legal harmonization as well as intensive transnational communication) and to preservation of national styles (because of the discretionary space). In any case, the characteristics of the policy field might be crucial for convergence of administrative implementation styles.

In this contribution, we focus on how ‘harmonization by EU law’ leads to changing patterns of practical implementation across policy domains. Our focus is on what Thomann and Sager (2017, p. 1260) refer to as ‘practical implementation’, ‘administrative rule-making’ and ‘frontline implementation’ (see also Versluis *et al.* 2011, pp. 183–184). Although transposition gives an important institutional context to practical implementation, we do not systematically analyze the transposition of EU law.¹ We are particularly interested in how state administrations, such as municipalities and regional and national agencies, practically implement policy. Therefore, we speak of administrative implementation styles: long-lasting patterns of practical policy implementation by administrative bodies.

Ideally, we would like to descend to the level of implementing agents (the ‘European street level bureaucrats’) and their ways of framing and interpreting goals and aims, their handling of rules and regulations, their basic orientations towards the target groups or the internal rules of the organization (compare Terpstra and Havinga 2001).

This, however, turned out to be too ambitious. While there are many convergence studies on policies in general, focusing on policy adoption, instruments and settings (e.g. Holzinger *et al.* 2008) or outcomes (e.g. Strunz *et al.* 2018), there are hardly any to be found comparing practical implementation and the styles of implementing agents in more than one or two countries over time. Therefore, another approach was taken by collecting information on the changing institutional structures in which implementing agents do their work. We combined our socio-legal interest and knowledge of practical implementation and enforcement (Terpstra and Havinga 2001; Havinga 2014; Wiering 1999) with a more inductive and exploratory investigation of relevant institutional structures in four policy domains. An administrative implementation style connects the structure of administrative organizations with behaviour in an administrative context (Howlett 2003, pp. 475–477, 2004, p. 320). Put differently, the concept of administrative implementation style points to the relation between the institutional context and the implementation practices (Terpstra and Havinga 2001, p. 96). It connects agency (individual implementation officers actively using rules and resources) with structure (the institutional constraints of the implementation process). As said, we cannot directly (and systematically) study the changing behaviour and activities of implementing agents, however we argue that EU law is inevitably influencing the institutional structures in which administrative implementation agents operate and infer that this will change their patterns of behaviour.

We expect that EU directives, in whatever form, (1) bring processes of formalization or streamlining through either uniform rules or uniform and obligatory procedures that were not there before; (2) lead to new, or changing, responsibilities for the state and new forms of accounting for implementation, monitoring or enforcement that accompany any EU regulatory process (as member states have to account for the implementation) and might influence existing patterns of centralization and decentralization; (3) make room for involvement of stakeholders (pluralization) as in many EU directives there is an obligation to organize participation and stakeholder involvement and to 'open up' domestic implementation processes. The concluding question is then: do the aforementioned processes lead to more similar, or even uniform, patterns of practical implementation or remain national implementation styles untouched?

An inventory of the literature on practical implementation of EU policies in light of convergence in administrative styles revealed only a few empirical studies that matched our criteria (comparing practical implementation in time and/or between countries).² We selected the four domains that seemed to have the most suitable and adequate literature. First we selected the two domains with studies that discussed convergence of administrative styles in some member states: packaging waste management and nature protection. We added two domains with studies that promised useful information for our investigation (although they did not focus on implementation at the street level): labour inspectorates and water quality management. Obviously these four cases are not representing all policy fields, however we do expect they give some useful insights into how institutional structures affect implementation styles across a variety of policy domains. These directives cover different topics, addressees and social contexts. Packaging waste policy targets industry, labour offices operate in the field of industrial relations (industry and labour), the Water Framework Directive targets are mostly public authorities, and the Birds and Habitat Directives operate in the relations between public authorities, conservationists, foresters and farmers. We specifically scrutinized reports and literature on the aforementioned influences of EU harmonization: processes of formalization, a changing responsibility and role of the state (and impact on centralization or decentralization) and forms of pluralization and stakeholder involvement. Thereafter, we discuss our findings and conclude on trends and factors of convergence, divergence or persistence of styles.

Changing institutional structures and administrative implementation styles: four cases

Packaging waste

The EU directive on packaging waste (94/72/EC) was selected because our literature search showed several investigations that provide information on changes in the implementation and enforcement of this directive in several member states. Haverland (1999) investigated the differences and similarities between German, Dutch and British packaging waste policies from the early 1990s until 1998. Haverland explicitly deals with the question of convergence and persistence of diversity between national policy styles. Bastings *et al.* (2017) used the EU Packaging Waste Directive in Germany and the Netherlands to test the Eurolegalism argument that regulatory styles in the EU member states converge to a more legalistic enforcement style. The regulatory enforcement style in both countries is scored prior to the adoption of the Packaging Waste Directive in 1994 and again in 2012.

The starting positions in the early 1990s differed considerably between the UK, the Netherlands and Germany. The UK at the time did not have a policy on packaging waste. The Netherlands policy was characterized by a voluntary agreement between Dutch industry and

the Ministry of the Environment; the company signatories to the covenant promised to reduce the amount of packaging waste. The agreement was not enforceable from individual companies. Germany already had a legalistic approach to packaging waste making producers responsible; this policy style fitted into the general regulatory culture in Germany. Haverland concludes that convergence is evident in two aspects. First, the directive resulted in convergence towards a more legal formalistic approach in the Netherlands and the UK. Both countries introduced public law setting quantitative targets. The analysis concludes that without the directive, it is quite unlikely that regulation in the UK would have been introduced (Haverland 1999, p. 278). For the Netherlands, some alternative factors point to formalization of the packaging waste policy. The directive might have been a welcome opportunity for (part of) the packaging industry and the government to switch to another system. A second aspect concerns the allocation of enforcement responsibilities towards public enforcement. Again, the Netherlands and the UK developed towards the German approach. However, on three other elements of policy Haverland (1999, p. 276) concludes on partial persistence of domestic styles. Although standards in Germany and the Netherlands have become slightly weaker and in the UK slightly stricter, standards still differ. The mode of interest integration still varies between the countries, with a trend towards pluralization. In the orientation towards the target group, there is also still diversity with a trend towards more coercion. Diversity remains persistent in relation to the allocation of recycling responsibilities in waste management. The investigation of Haverland deals with the national policies toward packaging waste and is not focused on administrative implementation or enforcement.

Bastings *et al.* (2017), however, do focus on practical implementation, more specifically in dealing with enforcing the requirement of producers to send a monitoring report to the competent authority. The authors distinguish between two dimensions of the enforcement style: the level of formalism and the level of hierarchy. They applied 11 indicators for four aspects of the enforcement style. For the situation in the early 1990s they relied on academic literature and the legal requirements. For the 2012 situation they used reports by enforcement agencies and interviews with officials.

Bastings *et al.* conclude that the Netherlands enforcement style has changed from a passive to a more insistent style, whereas the German style remained insistent. The Netherlands scores legalistic on formalism, however Dutch enforcement officers act pragmatically in using sanctions and in their relationship with the industry organization responsible for reporting on the implementation of the packaging waste collection and recovery systems. Despite these changes, Dutch officials hardly impose formal sanctions on individual producers; they try to avoid conflicts and are not firm believers in formalism. German officials carry out intensive detailed checks and apply a legalistic sanctioning approach. Although this seems to confirm the hypothesis that European legislation leads to convergence, the authors argue that caution is needed here. In contrast to Germany, the Dutch emphasize conformity to the spirit rather than the letter of the law. The path towards more legalistic enforcement styles in the Netherlands and Germany is not the same. Beneath the surface of an insistent enforcement style diversity persists.

Both studies conclude that the policy and enforcement style in relation to packaging waste have become more similar between Germany and the Netherlands (and the UK). In particular, member states have made legislation on the issue, including the requirement for industry to report on their performance. However, both studies also show that diversity still exists with regard to the role of the industry and the style of enforcement. Other studies confirm this conclusion, that national packaging waste management systems still differ considerably between member states. Bailey (1999, 2003, p. 67 ff.), for example, distinguishes between four basic

models of compliance in the EU: producer responsibility with minimal state intervention in the UK, voluntary agreements between industry and government in the Netherlands, integrated waste management in Denmark, and command and control with punitive enforcement in Germany. Cahill *et al.* (2010) analyzed the implementation of the Packaging Waste Directive in 11 member states. They conclude that the national systems “vary considerably in design, in terms of influence of pre-existing policy and systems, methods of achieving producer compliance (multiple or single collective schemes), fee structures, targets, waste stream prioritization and local authority involvement.”

To conclude, in the Netherlands and the United Kingdom the implementation and enforcement of packaging waste policy has converted towards a more legalistic and formal implementation style, similar to that in Germany. However, as Bastings *et al.* (2017) point out, in the practical application diversity remains. It is also concluded that there is some centralization, although we see highly centralized systems in some member states (e.g. Germany) and highly decentralized systems in other member states (e.g. UK). Member states differ greatly in relation to the role of local authorities, industry and other stakeholders in packaging waste implementation.

Labour inspectorates

Hartlapp (2014) investigated the changes in national systems enforcing social policy in 15 member states between 2000 and 2010. “National enforcement systems are defined as the public or delegated bodies that act to promote compliance and to achieve regulatory outcomes” (p. 806). For the enforcement of binding social policy norms in the EU national labour inspectorates are ‘key’ actors. Hartlapp compared the organizational structure and practices of EU-15 labour inspectorates. The information for 2000 is based on data from extensive empirical research on the implementation of six social policy directives (Falkner *et al.* 2005). The data on 2010 rely on official reports, email and telephone inquiries about the changes. The comparison is not focused on convergence or on particular directives or social policies. Hartlapp uses the coordination and steering capacity of national enforcement systems, as well as their capacity to exert pressure, as indicators of change. Changes are expected where the steering and coordination capacity or the pressure capacity of the national labour inspectorate showed weaknesses in 2000. She assumes that exchange of information and cross-national enforcement increases over time and will be substantially focused on free movement issues (following the logic of functional spillover). Hartlapp compares the following indicators:

- Differentiation of the enforcement system: (de)centralization, functional specialization and the existence of a mediating body.
- Inspection capacity: number of inspectors per 100,000 employed workers.
- Pressure capacity: level of fines, practices of imposing sanctions, existence of administrative sanctions and of reputational sanctions.

Hartlapp concludes that national “systems continue to differ in their general performance and to display particular strengths and weaknesses”. She observes “increasing coordination and steering capacity as well as greater availability of sanctions overall” (p. 817).

This supports our first expectation that change will occur where enforcement capacity is particularly weak. Our empirical material on the factors driving these changes is limited. However, it seems plausible to assume that supranational actors performed as active change agents, providing soft pressure to work towards uniform implementation.

Hartlapp only provides information about labour inspectorates in the form of scores on indicators. An ILO report showcases the variety of national laws and practices in the area of labour inspection sanctions worldwide. The examples also concern differences with regard to the available sanctions and administrative powers and institutional capacity among EU countries (Vega and Robert 2013). This indicates significant differences between countries in the style of enforcement.

In the second part of her paper Hartlapp discusses the increased horizontal administrative coordination between labour inspectorates. Since its start in 1980, the exchange of information between member states has become more formalized and systematic. Common principles for inspection were adopted, a handbook was written and rotating audits of national enforcement systems are carried out.

For our purposes we conclude that the variation between member states in both the number of labour inspectors per 100,000 employed workers and in the capacity of national enforcement systems has decreased between 2000 and 2010. The changes in the coordination and steering capacity show an improvement. There are fewer changes in the use of sanctions. The paper shows diversity between countries with regard to the level of centralization and specialization of inspectors (p. 812). However, enforcement systems with steering and coordination weaknesses in 2000 have improved (Italy, Spain, Belgium). This includes some form of centralization. Hartlapp concludes that the cooperation between member states to enforce binding EU social policy has increased. The growing horizontal cooperation between national labour inspectorates supports the argument that the European administrative space is not only characterized by a convergence of national administrations and the emergence of a supranational bureaucracy, but also includes decentralized horizontal cooperation. Hartlapp does not give any information on which actors are involved in the implementation of the policy.

The study of Hartlapp is based on broad indicators and does not take into account the many institutional differences in labour law and industrial relations between member states. Though not investigating labour inspectorates or administrative implementation styles, the conclusions of Weiss (2007) are relevant here. He concludes that institutional differences in labour law systems between member states will continue to play a big role within the EU and at the same time he observes that the systems in EU countries are brought closer together towards more convergence. We expect that the persistent institutional diversity in the use of sanctions, the level of centralization and specialization indicates persistent differences in administrative styles.

Birds and Habitats Directives

The 1979 Birds Directive and the 1992 Habitats Directive are two intertwined regulatory regimes that together form the core of the influential nature conservation policy of the EU. The Habitats Directive has two pillars, the first concentrating on specific areas, the second on species. The first pillar obliges member states to designate Special Areas of Conservation (SACs) in order to protect habitats and species that are listed in annexes. Together with areas which are designated under the Birds Directive, this forms a network of areas also known as Natura 2000 (Borrass *et al.* 2015). The second pillar protects specific species (plants and animals that are listed again). This part applies beyond the protected areas, for example there is specific protection of the wolf, the sea-eagle and scorpionmoss. These regimes are sometimes referred to as biodiversity governance (Kluvankova-Oravska *et al.* 2013).

As these nature conservation directives have been there for a while, it is interesting to detect convergence, divergence or persistence in regulatory or administrative styles in countries. On the part of EU harmonization and the actions to ‘converge’ on meaning and interpretation,

Beunen and Duineveld (2010) confirm our expectations in the second section of this chapter: rules, objectives and procedures lead to formalization and proceduralization (e.g. designating sites, making reports) with the help of guidelines and additional reports. The European Commission took legal action against several member states that failed to comply to the designation of sites and to give the measures to prevent degradation; access to legal action caused the number of law suits to rise from zero to almost a hundred per year (Beunen and Duineveld 2010, p. 4).

Some authors explicitly speak of Europeanization of governance here and look at possible convergence over a longer time frame. Kluvankova-Oravska *et al.* (2013) mainly considered synchronization of biodiversity governance in three Central and Eastern European countries (Poland, Czech Republic and Slovakia) that all went through important transition processes, from hierarchy to more democratic and market governance. Do EU institutions contribute to convergence in these new member states, creating more similar patterns of biodiversity governance (Kluvankova-Oravska *et al.* 2013, p. 403)? The outcomes were that, indeed, there is convergence in biodiversity governance, especially when it comes to the stakeholders involved. In all three member states we see an increasing role of non-state actors, in line with the general trend from government to governance. Because of obligatory participatory decision-making processes, the role and voice of non-state actors became more important. Overall, it can be said that local and regional state actors or NGOs became increasingly important and on the local and practical levels of implementation non-state actors got more voice, changing implementation practices. For example, in Poland the National Park Councils act as advisory bodies to decision-making authorities; scientists, environmental organizations and local government became more influential. In Slovakia and the Czech Republic similar mechanisms of cooperation with new actors can be found, also because of funding opportunities. In short, Europeanization affects the institutional networks in biodiversity governance and thus affects implementation practices. The influence of the directives is clearly visible, leading to new forms and procedures (designation) for forest and nature management in combination with public participation, increasing mechanisms of monitoring and consultation, and access to implementation practices for non-state actors. This is accelerated by increasing opportunities for EU funding and building expertise for state and non-state actors.

Does this affect the 'European street level bureaucrat' directly? Most comparative studies on the implementation of biodiversity governance do not explicitly study convergence on the level of administrative styles we are looking for. Nevertheless, some studies provide relevant information about the practical implementation. Borrass (2014), for example, comes close when he discusses the context of the more structural, institutional environments in which street level bureaucrats choose their options and strategies. Again, though, the eventual emphasis is mostly on cooperation of two core partners involved, in this case nature and forest administrations (issues of multi-sector governance), where nature conservation and nature protection intruded into formerly independent forest governance (Borrass 2014, p. 157). Europeanization, you might say, leads to the forced opening up of policies and therefore affects implementation practices, positions and collaborations quite seriously. How exactly is again a complicated matter according to Borrass (2014). The organizational impact of the directives was felt less in the UK because of less misfit between the old and new structures and because of a different power structure in the UK than in Germany, with more formal responsibilities for nature conservation management in the UK (e.g. the important role of Natural England). However, after the rules had become more strict (because of rulings of the European Court of Justice) the eventual impact on implementation practices was just as serious or perhaps more serious in the UK, as they were there openly discussed, while in Germany conflicts were 'offloaded' to the local

administrations (Borrass 2014, p. 158). This goes to show that influencing on the ground administrative styles might always be a contingent and nuanced story.

Water Framework Directive

The ambition of the Water Framework Directive (WFD, 2000/60/EC) is to improve the management of water quality across Europe, for both human use and the ecology of water systems (Uitenboogaart *et al.* 2009; Liefferink *et al.* 2011; Voulvoulis *et al.* 2017; Giakoumis and Voulvoulis 2018). WFD's governance requirements are ambitious too, as the directive explicitly asks for integration of policies (relating to all relevant fields using and affecting water: e.g. nature, agriculture, industry and water services), spatial integration by river basin management, cost recovery and stakeholder participation. It is interesting to look at the effects of the WFD on possible convergence of governance structures and how this (possibly) changing institutional context might influence administrative implementation styles. We must acknowledge again, however, that – as far as we know – no country comparisons were conducted that *specifically* look at convergence of 'street level' practical implementation of water governance.

Fortunately, there are country comparisons that do analyze governance characteristics related to implementation (structures and substantial measures) on different points in time, namely at the start of the development of river basin management plans (RBMPs) in 2009 and mid-way in 2018, after the second round of RBMPs (Uitenboogaart *et al.* 2009; Wiering *et al.* 2018). The differences can be analyzed in time and in more detail for the Netherlands, Germany, Denmark and Flanders in Belgium. We deal with convergence in formalization, centralization and pluralization, but we begin with another interesting topic, that of sector integration – specifically on the relationships between water management and agricultural policy (Wiering *et al.* 2020).

For sector integration (or, by contrast, separation) 'joint organizational arrangements' (e.g. agriculture and water or environmental policies are headed by one ministry) and 'joint programmes' across sectors or strongly including sectors are used as indicators. Denmark and Flanders have developed relatively strong arrangements for integration. Denmark has programme integration through the so-called Action Plans for the Aquatic Environment (that already existed before the WFD) although the responsible Ministries of Agriculture and Environment/Water were historically separated. Recently (2015), the ministries have merged into Environment and Food. Integration is seen as important, although policies have been winding because of great political controversy on agri-environmental policies (Wiering *et al.* 2018).

Flanders has an influential Coordination Committee for Integrated Water Policy (since 2004), with an advisory role for the policy area of agriculture. The rationale for this integration committee was that it served to implement the WFD. The practical implementation of the WFD is a responsibility for the Flemish environmental agency (*Vlaamse Milieu-maatschappij*) and the responsibility for land and agricultural management is part of the Flemish land agency (which the Manure Bank is part of). So, organizationally there is integration in Flanders through the coordination committee and through joint policy making on water quality and agriculture; there is separation on the level of the implementing agencies dealing with environment and water and agriculture. This has not fundamentally changed over the years.

In Germany there is a mixed picture on organizational integration, when looking at Länder North Rhine Westphalia (NRW), with a joint ministry, and Lower Saxony, where two ministries are involved (Environment and Agriculture). In both cases the practical implementation of the WFD is (still) seen as institutionally fragmented, with low capacities for water quality management to live up to the integrative task. In the Netherlands, there is organizational separation

of water and agricultural policies and agencies and there are no strong integrative joint programmes, but this is more or less compensated by strong capacities of water managers who push to have water programmes implemented in collaboration with other sectors.

In conclusion, when it comes to policy integration, the WFD has consolidated or strengthened the organizational integration in Flanders (Belgium) and in Denmark, but for the Netherlands and Germany policy sectors are still relatively separated. You might say there is a slight move towards integration that can be related to the WFD, but no convincing evidence of convergence in structures between countries. Neither are there new and strong structures for integrative river basin planning created in these countries. If we consider the impact on style, we can conclude (thus far) that despite very favourable conditions for sector integration in Denmark (a long history of joint programmes) this has not led to a more ‘consensual’ style between agriculture and water. In Flanders this seems to be much more the case, where new institutional structures have been accompanied by a legalistic but consensual style when it comes to manure policies that are partly related to water quality management.

On formalization, the WFD is a quite complicated case. The WFD gives a framework that comprises other former directives, for example, the important Nitrates Directive which deals with diffuse pollution from agricultural sources. If we look at the WFD and the Nitrates Directive, the latter setting relatively strict emission standards and prescribed means next to goals, we see increasing similarities in the nature of measures taken with regard to diffuse pollution of agriculture (Wiering *et al.* 2020). However, as was typified earlier by experimentalist governance (in the second section), most of the WFD is more procedural in nature, with setting end goals instead of standards or prescribing means, and here we see a great variety in approaches and measures taken in several countries. Yes, all countries follow obligatory procedural pathways and steps, but, except for Flanders, there is no indication that this would lead to important changes in formal institutional structures and administrative styles.

Considering the dimension of multi-level governance (centralization/decentralization) and the expectation that national government might have a new role of coordinating implementation and accounting for it, we do not find evidence of overall convergence to more centralized or decentralized approaches in the WFD case. The structures are not fundamentally different because of the EU directive, except perhaps for Flanders’ integrated water policy. What we do see is that in most countries, there is an increasing communication and deliberation between levels of governance (‘up and down the stairs’) (Wiering *et al.* 2018).

Finally, the WFD induced a wave of stakeholder participation in most member states at the start of the implementation process, discussing objectives, pathways and measures in all kinds of round tables, area-based discussions and surveys (Uitenboogaart *et al.* 2009). This generally leads to more transparency of the work of implementing agents, such as, for example, Dutch regional water authorities or specific river basin organizations. At the same time this wave has also died down a bit, as the WFD procedures and measuring systems are quite complicated and one ‘needs a long breath’ in following all cycles of decision-making. However, the directive opened up the practices of implementation – for those who have that long breath.

Conclusion

We scrutinized the literature on four policy domains for evidence of convergence, divergence or persistence of domestic administrative implementation styles within Europe. Are these styles becoming more similar in Europe? We paid particular attention to the question of whether there is a trend towards more formalization, centralization and pluralism. The results are summarized in Table 15.1.

Table 15.1 Convergence in administrative implementation styles in the European Union?

Case	Formalization / juridification	Centralization /multi-level governance	Pluralization / multi-actor governance	Dominant picture, convergence of styles or persistence of diversity?
Packaging Waste Directive	Yes, clearly	Some indications of centralization Some Member States highly centralized system (Germany), others highly decentralized (UK, Spain)	Major differences per country, no convergence, trend towards pluralization	Convergence towards more legalistic formal style. Overall: Persistence of diversity.
Labour inspectorates	Yes, because of rules and procedures	In some Member States some indications of centralization Still highly diverse	Unknown	Persistence of diversity?
Birds and Habitat Directives	Increased juridical access and case law – increasing mechanisms of monitoring and consultation	On local and practical levels implementation actors more important/ decentralization Cases: former East European countries	Strong increase of stakeholder involvement, integration of forest governance and nature conservation	Convergence according to expectations formulated, except centralization.
Water Framework Directive	Mostly procedural environment has changed, guidelines for water quality management	No changes, persistence – increasing “up and down the stairs” governance	Initially, strong increase of stakeholder involvement, but WFD is (too) complex	Convergence according to expectations formulated, except centralization.
Overall similar trends?	A more formalized and procedural environment	Mixed message; we see centralization, decentralization and increasing communication between levels	Some indication of pluralization /more involvement of stakeholders	

Before drawing any conclusions, it is important to emphasize once more that we came across a huge gap in the scholarly literature. Research comparing the practical implementation and enforcement of European legislation between several countries is very scarce, let alone research with larger numbers of countries. Most comparative research remains limited to the transposition or the organizational structure of policies and, perhaps, enforcement and does not concern *the style* of frontline implementation and enforcement agencies (compare Treib 2014;

Versluis *et al.* 2011, p. 198). Notable exceptions are Dörrenbächer 2018; Falkner *et al.* 2005; 2007; Havinga 2014; Versluis 2007. Moreover, research into administrative implementation style focusing on *convergence*, comparing in the course of time, is even more difficult to find. We only found a handful of such research projects in more countries (Bastings *et al.* 2017; Hartlapp 2014; Haverland 1999).

We therefore have taken an explorative and pragmatic approach by discussing the changing *institutional context* of implementing agents in four policy areas where relevant information appeared to be available. Based on the literature found and our analysis, no clear general conclusion can be drawn yet as to whether there is a convergence of administrative implementation styles across Europe. In all cases we observe convergence of particular elements relevant for administrative implementation styles next to persistence of other elements (see Table 15.1). We can respond, however, to our previously formulated expectations.

Is there convergence towards more formalization and juridification? According to Kelemen (2011) and others this is indeed the case, as EU interventions (regulations, directives, programmes) often seem to result in the formalization and juridification of national policy and implementation practices. EU law may oblige the member states to lay down the national policy in a domestic law. We saw this clearly in the Netherlands in the case of the Packaging Waste Directive. The previously existing system of a voluntary agreement with industry did not fit into the EU framework and the enforcement style became more insistent. In most cases, domestic legislation already existed but had to be adapted to the EU obligations and procedures, and procedures had to become more transparent and accountable. Formalization and juridification also opens legal opportunities for challenging policy, implementation or enforcement. In particular with regard to the Birds and Habitat Directives, courts were mobilized successfully by conservationists and environmental NGOs. Environmental NGOs in the UK, Spain and the Netherlands have lodged formal complaints with the Commission to stop building projects in important natural habitats (Jordan and Liefferink 2004). These forms of formalization are to be found in all explored cases.

Is there convergence in light of a stronger role of national government as the ‘competent authority’ held accountable for EU implementation and therefore a tendency towards coordination and centralization? EU law makes the national government of the member states responsible for the timely and correct implementation of EU law in their country. As a result the national government becomes involved also in cases of previously decentralized policies and implementation issues. This is clearly visible, for example, in the domain of food safety, where centralization of implementation and enforcement is visible in several member states. In countries such as Austria, Finland, Germany and the United Kingdom, a national food safety authority was introduced in a decentralized system. Abels and Kobusch (2015) show that this is not only because of the European Food Law, but also because of domestic pressures asking for more efficiency and transparency after the Bovine Spongiforme Encephalopathie crisis.

Based on case studies of environmental policy in Europe, Jordan and Liefferink (2004, p. 352) conclude,

Europeanization has helped to further centralize policy making responsibilities into the hands of the central government departments (the UK) and technical agencies (Sweden) at the expense of sub-national pollution control bodies, and local or regional government (e.g. Germany).

In the Bird and Habitat case we, however, found that, especially in East European member states local and regional state actors (and NGOs) became more influential. The Dutch situation of the

WFD holds that there is foremost increasing communication between regional, provincial and national authorities and thus increasing coordination ‘up and down the stairs’, but no strong tendency towards centralization.

Finally, do we observe convergence towards increasing stakeholder involvement and thus a pluralization of implementation practices? In the cases on water and nature conservation we clearly see this increasing involvement of stakeholders (sometimes even formalized) and the ‘opening up’ of previously more closed water governance or nature conservation and forestry practices. Practical implementation as such becomes more accessible, although not all elements of EU directives are accessible and attractive for public involvement, as some implementation processes and procedures tend to be long and complex (covered in the third section on the WFD). However, the presence of (publicly) available information about administrative practices opens possibilities for public debate (in parliament, media and other places) and legal contestation of the policy and its practical application. Stakeholders, including industry and NGOs, can criticize practices, lobby for change and try to enforce change in court. We see this clearly in the Bird and Habitat Directives case. In short, this more indirect form of pluralization gives outsiders access to information that was not accessible before, which opens up opportunities to challenge existing practices of implementation.

Whether there is an increasing uniformity of implementation and enforcement styles is still difficult to say. Despite convergence on some points, our cases and other research show many differences in administrative implementation practices between member states (Dörrenbächer 2018; Falkner *et al.* 2005, 2007; Havinga 2014; Versluis 2007). What we can conclude is that there is certainly more uniformity in the institutional structures wherein the ‘European street level bureaucrat’ works. Light or stronger forms of formalization, increasing coordination and pluralization change the framework in which street level administrative implementation and enforcement takes place. Whereas in the past domestic policy could allow for considerable autonomy for street level implementation by national inspectors or decentralized implementation agencies, domestic regulations and guidelines now ask for using standard operating procedures and registration requirements. As Bastings *et al.* (2017) already concluded, even if enforcement is converging towards more insistence (in their two cases), beneath the surface diversity in style still persists.

And, are these observed convergence trends also caused by mechanisms of EU harmonization? Obviously there is no ‘all else being equal’ investigation possible. As was introduced in the second section, several factors can influence convergence: common EU law and policy, increasing horizontal communication between national implementation and enforcement organizations, and similar social and economic problems and developments. We expect that the influence of EU law (imposing new rules and procedures) will be more straightforward in processes of increased formalization and coordination, as EU law creates rules and procedures other than those created before EU interference. Elements of pluralization are sometimes clearly reinforced by EU law but are also due to increasing horizontal communication on different levels of governance and similarity in policy problems. Particularly in situations where causal factors coincide, the pressure for more uniform implementation practices will increase.

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Notes

- 1 From the EU perspective the transposition of EU law into national law can be considered implementation. Versluis *et al.* (2011, p. 183) call this ‘formal’ or ‘legal’ implementation, to distinguish from ‘practical’ or ‘administrative’ implementation.
- 2 We searched Google Scholar for all articles with (combinations of) ‘implementation and/or enforcement’, ‘style’, ‘convergence/divergence’ and then selected the comparative studies. The result was disappointing; only a few studies matched our criteria.

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