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in EU Candidate Countries: A Reappraisal**

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Implementation of the *Acquis Communautaire* in EU Candidate Countries: A Reappraisal

Dorian Jano*

Abstract

*This article replicates and extends the Hille and Knill (2006) study on the implementation of the *acquis communautaire* in EU candidate countries. We use a different methodological approach, i.e. the “fuzzy set qualitative comparative analysis” (fsQCA), and extend the analysis by incorporating EU-level factors (the intensity of EU conditionality). The fsQCA analysis shows that the bureaucratic effectiveness is systematically related to candidate countries’ alignment performance whereas there is no systematic relationship between alignment performance, political constraints, financial capacities, government membership support and/or the absence of intensity of EU conditionality.*

Key words: *acquis communautaire*, EU candidate countries, Central and Eastern Europe, enlargement, Europeanization, fuzzy set qualitative comparative analysis, implementation, policy change

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‘The most common and scientifically productive method of building on existing research is to replicate an existing finding – to follow the precise path taken by a previous researcher, and then improve on the data or methodology in one way or another.’ (King, 1995: 445)

Introduction

This article builds on the Hille and Knill (2006) study on the implementation of the *acquis communautaire* in EU candidate countries. Acknowledging that the causal process behind the implementation of the *acquis* is complex and combines domestic as well as EU-level conditions (Toshkov, 2008)¹, we replicate the Hille and Knill (2006) dataset² by using the “fuzzy set qualitative comparative analysis” (fsQCA) technique of the configurational comparative method³ and extend it by adding the intensity of EU conditionality.

The overall aim of the article is to provide a stronger basis for the research regarding causal inference in candidate countries’ implementation/compliance by assessing the robustness of the results through: 1) a different methodological approach used in a complementary way in order to achieve triangulation (Wagemann and Schneider, 2007: 17); 2) various checks of the plausibility of the fsQCA results by making use of the logical remainders in three solutions (complex, parsimonious, and intermediate), the different data and their calibration adjustments, the consistency and case frequency thresholds, and the addition of explanatory factors (Skaaning, 2011).

The use of the fsQCA helps us to check if there are explicit causal connections in terms of necessity and sufficiency despite possibly relatively weak correlation (Ragin 2008: 41). In fsQCA, a cause is necessary if its scores are consistently higher than the scores of the respective outcomes (score of cause \geq score of outcome; the cause is a superset of the outcome), whereas a cause is sufficient if its scores are consistently lower than the scores of the outcome (score of cause \leq score of outcome; the cause is now a subset of the outcome) (see Ragin, 2008: 17-20). For the reliability of the results or, put differently, of the fit of the model, the measures of consistency and coverage are used in the same way as *significance* and *strength* within correlation analysis (Ragin, 2008: 45). Consistency is a measure of the degree to which the cases sharing a given combination of conditions match in displaying the outcome in question, i.e. how

¹ Note that we cannot test issue- or policy-specific conditions because the nature of the study and the focus of the implementation data are at the aggregate level.

² The Hille and Knill (2006) dataset is calibrated into fuzzy membership score using the formula [Degree of Membership = $\exp(\log \text{ odds}) / (1 + \exp(\log \text{ odds}))$] proposed by Ragin (2008: 91) and incorporated in the latest version of the fsQCA software package. We use a continuous fuzzy set with values anywhere between 0 and 1 which allows for a more fine-grained and information-rich analysis.

³ The configurational comparative method (CCM) is a term recently proposed by Rihoux and Ragin (2009), as a more generic term for the qualitative comparative analysis (QCA), to prevent confusion of the overall method with its specific techniques of the crisp-set (csQCA), the fuzzy-set (fsQCA) and the multi-value (mvQCA) qualitative comparative analysis.

often the relation holds whereas coverage gauges the empirical relevance showing how much of the outcome is explained by the solution (Ragin, 2008: 45-46).

In the rest of the article, we present and discuss the calibration of the dataset and the empirical results of the fuzzy set qualitative comparative analysis.

The Outcome and Conditions (Dependent and Independent Variables)

The outcome, ‘policy alignment’, conceptualized as the candidate countries’ progress with regard to the formal implementation and practical application of EU policies, is measured as the frequency, direction and intensity of criticism or approval of the candidate countries’ performances found in the EU Commission progress reports (Hille and Knill, 2006: 541). For the calibration ($c_{perform}$), we use the maximum and minimum values of the data and the neutral 0 value for the crossover point.

The hypotheses presented in the Hille and Knill (2006) study features capacity-based or preference-based attributes of the political and administrative systems of the candidate countries.

Political capacities and/or preferences: The Polcon III index ($polcon$), measuring the feasibility of policy change in a country in a given year, is used for the measurement of the concept of political capacities and constraints. The scores range from 0 to 1, with lower scores indicating less political constraints and thus more feasibility of policy change (see Henisz, 2002). The government’s political preferences towards EU membership are constructed based on the data set on party policy in modern democracies (Benoit and Laver, 2006), taking the values of the different parties in government weighted by their strength in the coalition (party’s percentage of the government’s combined share of votes in the last parliamentary election). The calibration (c_{govpos}) is straightforward, using the survey scale ranging from 1 (opposes joining the European Union) to 20 (favors joining the EU).

Bureaucratic and/or financial capabilities: To measure bureaucratic strength, the data are drawn from the Worldwide Governance Indicators (government effectiveness) combining analysts’ ratings on the quality of the bureaucracy and its independence from political pressure, the quality of policy formulation and implementation, and the credibility of the government’s commitment to such policies. The data are standardized values following a normal distribution. All scores lie between -2.5 and 2.5 with a mean of 0; (values to be used for calibration). Both the Hille and Knill data based on Kaufmann *et al* 2005 ($cbureff$) and their updated version⁴ ($cbureff10$) are used. Financial administrative capabilities are measured as yearly government expenditures per capita based on CIA World Factbook series. For the calibration ($cfincap$), we use data statistics of maximum, minimum and mean values (5.50, 0.44, and 1.84).

Intensity of EU conditionality: Hille and Knill do not test factors related to EU conditionality, arguing that the ‘more general rather than issue- or policy-specific focus of the study does not allow for testing theories on the differential impact of conditionality’ (2006: 535). In our analysis, we will consider the intensity of EU enlargement conditionality because a) it varies from year to year and from country to country (see Steunenberg and Dimitrova, 2007: 242) and

⁴ The updated Worldwide Governance Indicators incorporate a number of revisions to the underlying source data affecting the data of previous years and therefore, the 2011 dataset supersedes all previous versions (see Kaufmann *et al*, 2010).

b) it is related to the determinacy and credibility of conditionality accounting as explanatory factor for differences in the EU's influence (Sedelmeier, 2011: 10). Jacoby (2004) argues that in policy areas where the EU's rule density is high there is a strong leverage for compliance. However, Steunenberg and Dimitrova (2007) find that a very large number of the overall conditions may lead to a decrease in credibility. Thus, in view of these two scenarios, we formulate a general hypothesis of the plausible effects of the intensity of EU conditions in policy alignment, without the prediction of the direction of the effect as the relation may be reverse. We use the Steunenberg and Dimitrova data (conint) on the intensity of EU conditionality calculated as the proportion of conditions highlighted for a given candidate in a given year compared to all conditions used by the Commission (2007: 17).⁵

Empirical Analysis and Interpretation

All hypothesized conditions are tested for necessity and sufficiency in relation to both presence and absence of the outcome candidate performance. Usually, a consistency value of 0.7 or higher should be considered as good or acceptable across all QCA applications on a medium-sized population (N, 30-60) (Wagemann and Schneider, 2007: 29). In this study, we use a demanding threshold for the consistency set to 0.95. As suggested, necessary and sufficient conditions should be analyzed in separate analytical steps starting with the analysis of necessary conditions (Wagemann and Schneider, 2007: 24).

We first run the analysis for necessary conditions, see Annex Table 1.

The bureaucratic effectiveness (cbureff10) is almost always a necessary condition for candidate performance outcome (cperform), consistent in 97% of the cases and covering 73% of the performance outcome. The absence of the bureaucratic effectiveness (~cbureff10) is usually (67%) a necessary condition for 96% of the non-performance outcome (~cperform). The results are robust and not sensitive to the calibration adjustment resulting from the use of the previous or updated dataset. The absence of political constraints (~polcon) is systematically related to candidate performance, being usually necessary and explaining also a good proportion of the performance and non-performance outcome.⁶

The results of the other conditions are not systematically related to the alignment performance. The absence of the intensity of EU conditionality (~conint), which is fully necessary, and the government membership support (cgovpos), being usually necessary, can account for explaining only the positive outcome, each covering a proportion of about 60%. The absence of the financial capabilities (~cfincap) is almost always (96%) a necessary condition for about 68% of the non-performance outcome (~cperform).

⁵ Based on the European Commission's Regular Reports, Steunenberg and Dimitrova counted and found in total 34 different conditions covering most areas of the *acquis communautaire* and the enlargement *acquis*; they considered a condition as sufficiently dealt with by the candidate if it was not mentioned in one of the subsequent years. Then, they counted the number of conditions for each candidate separately for each year and calculated the ratio between this number and the total number of conditions (2007: 17). The data on Cyprus, Malta and Turkey are missing and were left blank in our dataset.

⁶ Note, Hille and Knill (2006) also found that the political constraints were systematically related to candidate performance. Running the necessity analysis, we find 'polcon' quasi-necessary to 'cperform' (consistency 0.780231; coverage 0.818465) and '~polcon' quasi-necessary to '~cperform' (consistency 0.834650; coverage 0.798988).

We also run the test of sufficiency and present the results, see Annex Table 2.

The candidate countries' performance (*cperform*) is sufficiently explained by the presence of both the bureaucratic effectiveness (*cbureff10*) and the financial capacities (*cfincap*) when the conditionality intensity is low (\sim *conint*), even though there are political constraints; a solution explaining about 45% of the alignment performance outcome and consistent in 97% of all the cases.

However, the 65% of the non-alignment outcome (\sim *cperform*) sufficiently occurs if the bureaucratic effectiveness and financial capacities are absent (\sim *cbureff10* AND \sim *cfincap*), even though the conditionality intensity is low and the government may support EU membership (\sim *conint* AND *cgovpos*). In a more parsimonious solution, the absence of the bureaucratic effectiveness may sufficiently lead to non-alignment.

Supplementary Check Analysis: If we take the conditionality intensity variable (*conint*) out of the model, the solution formulas still hold with minor changes. The *polcon* condition appears in the parsimonious solution of the model of performance and in the complex model of non-performance adding an alternative path (*polcon** \sim *cbureff10** \sim *cfincap*). The new coverage and consistency values are almost the same, differing from the baseline model by less than 0.05 points.

Model *cperform* = f(*polcon*, *cgovpos*, *cbureff10*, *cfincap*)

Complex solution: *polcon***cbureff10***cfincap*(* \sim *conint*)

Parsimonious solution: ***polcon*****cfincap*

Model \sim *cperform* = f(*polcon*, *cgovpos*, *cbureff10*, *cfincap*)

Complex solution: *cgovpos** \sim *cbureff10** \sim *cfincap*(* \sim *conint*) + ***polcon**** \sim ***cbureff10**** \sim ***cfincap***

Parsimonious solution: \sim *cbureff10*

Note: In **bold** additional conditions that appear, in (brackets) and *Italics* conditions that did not appear compared to the baseline model.

A relative increase in the standard frequency cutoff value from 1 to 4⁷ also leads to minor changes in the solution formulas. In the performance model, the condition \sim *cgovpos* is added to the complex solution, lowering the coverage by 0.10 points while an alternative path (*polcon** \sim *cgovpos*) is added to the parsimonious solution, increasing the coverage by about 0.20 points. The non-performance mode remains almost unchanged, only \sim *polcon* is added to the complex solution with smaller changes in the values of consistency and coverage (less than 0.02 points).

The decrease of the consistency cutoff value to 0.90 or 0.85 produces similar results for the model of positive outcome. Alternative paths are added to the complex (\sim *polcon** \sim *cgovpos***cbureff10** \sim *cfincap** \sim *conint*) and parsimonious (\sim *cgovpos*) baseline solution, increasing the coverage by 0.20 points. For the model of non-performance, the 0.90 or 0.85 con-

⁷ The value 4 is the lowest actual value we get for our data, above the cutoff value of 2 or 3 that we put as frequency cutoff.

sistency cutoff values give additional alternative paths with the latter substantially lowering the consistency values. The decrease of the consistency cutoff value to 0.80 for the model performance gives a more complex solution with three alternative paths. In each of the paths, the bureaucratic effectiveness was present (bureff10) and the conditionality intensity absent (~conint). The parsimonious solution is different from the baseline model (~cgovpos + polcon). The model for non-performance analysis could not be performed as all cases are above 0.80.

Although the very different sensitivity check analysis did not always show identical or similar solutions, in most cases alternative paths are added. Still, we have all terms usually showing the expected direction as indicated by the baseline results.

Concluding Remarks

Regardless of the different methodological approach and data analysis technique employed, we also arrive at the same substantive conclusions reported by Hille and Knill (2006). The bureaucratic effectiveness is a crucial precondition for alignment performance as it is systematically related to candidate performance. Its presence is quasi-necessary for explaining alignment while its absence quasi-necessarily accounts for non-alignment outcome. The bureaucratic effectiveness is also part of the sufficient solution for alignment while its absence is part of the sufficient solution for non-alignment outcome. Furthermore, these findings hold to various sensibility changes in our discriminatory choices in the various steps of the fsQCA analysis. The other conditions are not systematically related to candidate performance.

In addition, our fsQCA analysis suggests other important findings. First of all, our results reveal a complex causal model behind candidate countries' performance. Secondly, we can better explain non-alignment rather than alignment performance given the higher coverage score of our results for the absence of the outcome. This indicates that there is a need for inclusion of other explanatory conditions to account for a greater coverage of alignment outcome. Finally, with regard to EU conditionality, we find that the intensity of EU conditionality does not systematically relate to alignment performance.

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Annex Table 1

Table 1: Description of fsQCA on Necessary Conditions

Outcome variable: cperform			Outcome variable: ~cperform		
Conditions Tested	Consistency	Coverage	Conditions Tested	Consistency	Coverage
~polcon	0.810929	0.730460	polcon	0.730566	0.811011
cgovpos	0.869143	0.585442	~cgovpos	0.445838	0.790964
cbureff10	0.972562	0.726127	~cbureff10	0.669707	0.964423
cbureff	0.967075	0.742144	~cbureff	0.697453	0.959226
cfincap	0.495568	0.909373	~cfincap	0.955530	0.677811
conint	0.363022	0.857428	~conint	0.945648	0.622467
~conint	1.000000	0.592695	conint	0.381224	1.000000

Annex Table 2

Table 2: Baseline Models, Consistency and Coverage Solution for Performance and for Non-Performance Outcome

Model: cperform = f(polcon, cgovpos, cbureff10, cfincap, conint)				
Rows: 7 frequency cutoff: 1.000000 consistency cutoff: 0.972138		Raw coverage	Unique coverage	Consistency
Complex solution^a	polcon*cbureff10*cfincap*~conint	0.449701	0.449701	0.968111
	solution coverage: 0.449701 solution consistency: 0.968111			
Parsimonious solution^b	cfincap	0.495568	0.495568	0.909373
	solution coverage: 0.495568 solution consistency: 0.909373			
Model: ~cperform = f(polcon, cgovpos, cbureff10, cfincap, conint)				
Rows: 7 frequency cutoff: 1.000000 consistency cutoff: 0.975700		Raw coverage	Unique coverage	Consistency
Complex solution^c	cgovpos*~cbureff10*~cfincap*~conint	0.642721	0.642721	0.976892
	solution coverage: 0.642721 solution consistency: 0.976892			
Parsimonious solution^d	~cbureff10	0.669707	0.669707	0.964422
	solution coverage: 0.669707 solution consistency: 0.964422			

Note: We choose a frequency threshold of 1 and a demanding consistency threshold of (approximately) 0.95. In the fsQCA program, although the 0.95 value is put as consistency cut-off value, the lowest actual value above this cut-off value is shown in the results; the value is reported in the table. The intermediate solution, with the assumption cbureff10 (present) for outcome cperform and assuming ~cfincap (absent) for outcome ~cperform, gave the same results as the complex solution.

^a Cases with larger than 0.5 membership in term polcon*cbureff10*cfincap*~conint: cz03 (0.550919,0.47), cz02 (0.55,0.71), ro99 (0.546875,0.65), ro00 (0.546875,0.78), ro01 (0.535358,0.91), ro02 (0.535358,0.79), ro03 (0.535358,0.59).

^b Cases with larger than 0.5 membership in term cfincap: ro03 (0.94,0.59), ro02 (0.89,0.79), ro99 (0.88,0.65), ro00 (0.87,0.78), ro01 (0.87,0.91), cz03 (0.56,0.47), cz02 (0.55,0.71).

^c Cases with larger than 0.5 membership in term cgovpos*~cbureff10*~cfincap*~conint: mt00 (0.62,0.74), mt01 (0.62,0.8), mt99 (0.59,0.95), bg99 (0.57,0.67), mt02 (0.56,0.74), mt03 (0.56,0.73), bg00 (0.51,0.73), bg01 (0.51,0.93).

^d Cases with larger than 0.5 memberships in term ~cbureff10: mt99 (0.68,0.95), mt00 (0.62,0.74), mt01 (0.62,0.8), bg99 (0.57,0.67), mt02 (0.56,0.74), mt03 (0.56,0.73), bg00 (0.51,0.73), bg01 (0.51,0.93).