

**The London School of Economics and Political Science
Department of Government**

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**EUROPEANIZING FROM THE CENTRE:
CORE EXECUTIVE INSTITUTIONS AND
THE TRANSPOSITION OF THE EUROPEAN
COMMUNITY LEGISLATION
IN POLAND 1997-2002**

PhD in Government

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ABSTRACT

This thesis examines the transposition of the European Community legislation in Poland prior to accession. The principal research question is: What were the factors that facilitated and inhibited transposition over time? The key argument is that the Polish government's transposition record was decisively influenced by the configuration of rules that the domestic core executive could use to extend selective incentives and monitoring to ministers and ministerial departments. The thesis starts by showing that the adoption of transposing legislation during pre-accession was likely to have been complicated by significant collective action problems that discouraged ministers and their staff from contributing to the transposition record. It develops an explanatory hypothesis that focuses on selective incentives and monitoring extended by the core executive vis-à-vis line ministries. The central part of the thesis presents original empirical data on cross-temporal changes in both core executive rules and the transposition record. In two concluding chapters the thesis brings together the data on core executive institutions and transposition to show that the institutionalization of stricter core executive constraints vis-à-vis line ministries led to a marked improvement of Poland's transposition record. It further finds that the effect of the core executive variable was influenced by EU incentives and party political constellations. These findings hold interesting implications for the study of Europeanization of public policy in the new and old EU member states and, more broadly, for further research on national executives and transposition.

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LIST OF ABBREVIATIONS

AWS	Solidarity Electoral Action
CEE	Central and Eastern Europe
COG	centre of government
CONA	Centre for the Support of the Accession Negotiations
CP	Comparative Politics
DHP	Department for Harmonization of Laws
DHPiST	Department for Harmonization of Laws and Treaty Affairs
DLE	Department of European Legislation
DNA	Department for Accession Negotiations
DOKIE	Department for the Support of the Committee for European Integration
DONA	Department for the Support of the Accession Negotiations
DPE	Department of European Law
DPI	Department for Integration Policy
EU	European Union
IR	International Relations
KBN	Committee for Scientific Research
KIE	Committee for European Integration
KPRM	Prime Minister's Chancellery
KRM	Committee of the Council of Ministers
MSZ	Ministry for Foreign Affairs
NPAA	National Programme for the Adoption of the Acquis
PM	prime minister
SLD	Democratic Left Alliance
TAIEX	Technical Assistance and Information Exchange Office
UKIE	Office of the Committee for European Integration
UP	Labour Union
URM	Office of the Council of Ministers
UW	Freedom Union
ZPKIE	Preparatory Team of the Committee for European Integration

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Chapter 1: Introduction

I. Research Question

There is a fast-growing literature that seeks to explain varying patterns of transposition and implementation of the European Community legislation at the national level (for recent overviews see Caporaso, Cowles et al. 2001; Börzel, Hofmann et al. 2004; Falkner, Hartlapp et al. 2004; Sverdrup 2004; Falkner, Treib et al. 2005 forthcoming). Above all, that literature is concerned with an empirical puzzle – evidence of major variation in transposition and implementation records across countries, policies and time within the European Union and beyond. For instance, according to the European Commission's Internal Market Scoreboard, in May 2004 the founding members of the European Union and Greece had the worst transposition record, while the Nordic states and the United Kingdom were the best in meeting implementation targets (European Commission 2004a). Similar variations are found in transposition records over time. For example, between 2001 and 2004, the United Kingdom and Ireland transformed from laggards to leaders, while the record of Italy and the Netherlands deteriorated significantly (European Commission 2001; European Commission 2004a). The member states also exhibit cross-sectoral differences in the extent to which they comply with the Community law (see Börzel, Hofmann et al. 2004; Falkner, Treib et al. 2005 forthcoming).

The EU compliance puzzle has recently become applicable to the new member states in Central and Eastern Europe (CEE) who joined the Union in May 2004 (Nicolaidis 1999; Jacobsen 2001; Nicolaidis 2002). Even a cursory look at the European Commission's reports that mapped the progress of legal alignment in the accession states between 1998 and 2003 proves that the CEE countries also showed significant variation in their transposition and implementation records. A similar picture emerges from the July 2004 Internal Market Scoreboard. Slovakia and the Czech Republic were found to be the worst transposition laggards, while Hungary and Lithuania came top of the league (European Commission 2004a).

The empirical puzzle raises interesting theoretical questions about what facilitates and impedes transposition and implementation of the Community legislation at the national level. In its theoretical outlook, the research on EU compliance is located at the crossroads of international relations (IR) and comparative politics (CP) theories,

and its discourse inevitably oscillates between agency and structure as explanations. The IR-inspired approaches seek to link implementation records to agency factors such as state choice, elite preferences and public opinion (Mbaye 2001; Börzel, Hofmann et al. 2004). More structure-based models underscore the monitoring function of the European Court of Justice and the European Commission (Snyder 1993; Mendrinou 1996; Tallberg 2003). In relation to the CEE states, similar arguments are advanced with reference to conditionalities imposed by the European Union (Grabbe 2002; Schimmelfennig and Sedelmeier 2004).

Approaches rooted in the CP theory note that the extent of EU compliance depends on whether the Community legislation runs with or against the preferences of key social, economic and political actors at the national level (see Börzel 2000; Treib 2003). Most CP-based models, however, accord primary explanatory power to domestic structural variables. A policy legacy approach argues that compliance is contingent on the degree of fit or congruence between EU policy and national arrangements (Knill 1998b; Caporaso, Cowles et al. 2001). Other schemas link variation in compliance records to the characteristics of the institutional setting within which the Community legislation is transposed – the existence of multiple veto points (Haverland 2000; Giuliani 2003), the availability of institutional resources (Siedentopf and Ziller 1988; Ibanez 1999; Nicolaides 2002; Börzel, Hofmann et al. 2004) or 'reform capacity' of political institutions (Heritier and Knill 2001; Knill 2001; Bursens 2002). Finally, attempts have been made to develop multi-causal models that systematically account for the effect of many external and domestic variables (see Falkner, Treib et al. 2005 forthcoming).

Besides empirical puzzlement and theoretical ambitions, varying patterns of national compliance with the Community law raise more practical, normative considerations. For one thing, the proper operation of the single market depends crucially on correct and timely implementation of the Community legislation. Implementation gaps deprive individuals and businesses of their rights and disrupt the free movement of goods and services within the Union (European Commission 2004b). Moreover, the EU's external competitiveness is contingent on consistent application of its rules across all member states since enhanced competition determines the European economy's ability to generate growth and innovation. Finally, the implementation of

the EU rules determines the legitimacy of the European Union as a governance system.

The normative significance of implementation have led the EU institutions to place rule compliance at the top of their agenda. This was evident during the Eastern enlargement when the EU made full transposition and application of the Community legislation a *sine qua non* condition of accession (see Mayhew 2000). The determination to tackle implementation deficits is also apparent in the actions of the European Commission which opens an ever increasing number of infringement proceedings (Börzel, Hofmann et al. 2004; Sverdrup 2004) and disseminates transposition best practices among member state governments (cf. European Commission 2004b). In a similar vein, the European Parliament has repeatedly urged national governments to improve their implementation records (European Parliament 2003; European Parliament 2004).

Against the background of such empirical, theoretical and normative concerns, this thesis studies the transposition of the European Community legislation in Poland before accession. The principal research question is: *what are the factors that facilitated and inhibited transposition over time?* The thesis has two ambitions. First, it seeks to explain cross-temporal changes in Poland's transposition record during three consecutive governments under the premiership of Jerzy Buzek and Leszek Miller. The period under investigation (October 1997-December 2002) covers the terms of the 3rd parliament and the first 15 months of the 4th parliament. Second, and more importantly, the thesis generalizes these historical experiences to contribute to theory building within Europeanization research and seeks to construct a model of EU compliance applicable to both new and old member states.

This introductory chapter first presents the conditionality theory that has dominated existing research on domestic adaptation in Central and Eastern Europe (CEE) and identifies its problems and shortcomings. Second, it proposes an approach in which the importance of domestic executive configurations is explicitly modelled. Third, it discusses the research design and methods of data collection adopted in the present study. Fourth, the chapter demonstrates how this research contributes to the wider debates on Europeanization and core executives. Fifth, it concludes by previewing the forthcoming chapters.

II. The External Incentives Model and its Critique

In its theoretical outlook, research on the transposition and implementation of the Community legislation in the CEE states has so far been dominated by the external incentives model (Grabbe 2002; Schimmelfennig, Engert et al. 2003; Hughes, Sasse et al. 2004; Schimmelfennig and Sedelmeier 2005 forthcoming). Inspired by IR theory, this approach identifies conditionality as the key mechanism that shaped adaptation of domestic legislation in CEE prior to enlargement. The conditionality involved the offering of material and non-material rewards and sanctions in return for achieving regulatory alignment. The material rewards included aid and technical assistance, while non-material ones took the form of EU membership, access to negotiations, and other mechanisms affecting the international and domestic image of the national governments (Grabbe 2002; Schimmelfennig, Engert et al. 2003).

The theoretical case for the impact of EU conditionality is built on two principal assumptions. The first assumption is that legal adaptation during pre-accession was a bargaining game in which the European Union enjoyed a supreme advantage over the CEE states. The EU's high bargaining power stemmed from asymmetries in the distribution of information and benefits, and was further reinforced by institutional levers such as monitoring reports and country streaming that the Union acquired during the negotiation process. Thanks to its powerful position, the EU was able to manipulate the outcome of domestic legal alignment according to its preferences (cf. Schimmelfennig and Sedelmeier 2005 forthcoming). The other assumption is that the weak institutionalization of the policy environment in CEE enhanced the effectiveness of conditionality by making domestic accommodation relatively less complicated than in the highly institutionalized systems of the old EU member states. Moreover, the exigencies of modernization and democratization that ran in parallel to Europeanization are claimed to have made the post-communist elites highly receptive to EU policy templates. Hence, EU conditionality is expected to have fallen on favourable ground as national legislators looked to the Community law for regulatory inspiration (cf. Grabbe 2003; Schimmelfennig and Sedelmeier 2005 forthcoming).

Although commonly applied to explain rule adoption in CEE, the external incentives model suffers from two important problems. The first problem is related to the choice of intervening variables. The model tends to contextualize the impact of

conditionality mainly with reference to the bargaining power assumption. The EU's power is thus taken to vary with the precision and formality of the rules that a candidate state must adopt. Adaptation is also expected to be the more likely, the higher the net benefits and the shorter the time distance between adaptation and reward (Grabbe 2002, p. 263; Schimmelfennig and Sedelmeier 2005 forthcoming). Other variables considered include the EU's ability to monitor compliance, the political salience of adaptation and the availability of exit options (cf. Schimmelfennig and Sedelmeier 2005 forthcoming). But relatively limited attention is paid to contextualizing the domestic receptivity assumption. In most applications of the external incentives model, there is a tendency to assume away the importance of domestic actor constellations or institutional veto points for explaining the patterns of legal compliance in CEE. If relevant control hypotheses are introduced, this is rarely done with systematic reference to insights from comparative politics theory. Neither is the external incentives model informed by a systematic understanding of the process of rule adoption at the national level. In defining its dependent variable, it pays limited attention to factors such as legislative technique employed in EU rule adoption, the need for interministerial coordination or implementation across levels of government. Yet, as the available data demonstrates, both old and new EU member states clearly differ in the way in which they organize the process of rule adoption internally, not least because of disparate legal systems and administrative traditions (Page 1998; Heinrich 1999; Bovens and Yesilkagit 2004). This relative neglect of domestic variables stands in stark contrast to findings from research on rule compliance in the old EU member states. By failing to control for such hypotheses, the external incentives model runs the risk of overestimating the impact of EU conditionalities on rule adoption in CEE. In doing so, it may also overlook crucial domestic developments that will provide the foundations for domestic patterns of EU compliance after accession.

The second problem with the external incentives model is that by concentrating on the top-down hierarchical mechanism of Europeanization in CEE, it prejudices the importance of EU conditionality as the primary causal variable driving policy change at the domestic level. It is thus biased against considering the potential impact of non-EU-related external and domestic variables. In particular, the model tends to treat legal adaptation to EU legislation prior to enlargement as a process that is

largely separate from the modernization and democratization of the CEE states (but see Mattli and Plumper 2004 for a recent attempt to close this gap). Further, it neglects the empirical evidence of extensive socio-economic entanglements within which domestic legislators operate in Central and Eastern Europe (Gorniak and Jerschina 1995; Stark and Bruszt 1998; Staniszkis 1999). Finally, the model does not allow for a strategic use of EU constraints by domestic legislators, and the impact of such actions on the patterns of legal change. The reluctance to test the causal impact of EU constraints against rival domestic explanations sets the external incentives model apart from research on rule compliance in the old member states which devotes increasing attention to 'inside-out' or 'bottom-up' perspectives on Europeanization (see for example Hix and Goetz 2000; Börzel 2001; Goetz 2003; Radaelli 2003). By failing to integrate such hypotheses in a rigorous manner, the external incentives model runs the risk of oversimplifying the modalities of domestic change and, thus, may fail to capture the actual dynamics of Europeanization of public policy in CEE.

III. An Alternative Domestic Institutions Approach

Given the major explanatory shortcomings of the external incentives model, this thesis develops an alternative theoretical approach to the study of rule adoption, one that draws on public choice theory and accords primary explanatory power to domestic factors that facilitate and inhibit policy change (cf. Downs 1957; Buchanan and Tullock 1962; Mueller 2003). The central argument is that where a policy reform brings benefits that are non-exclusive and diffuse over many electoral constituencies and where the reform requires many departments to be involved, ministers and their staff will have limited incentives to contribute to policy change (cf. Olson 1965; Frohlich, Oppenheimer et al. 1971; Cox and McCubbins 1993; Döring 1995; Döring and Hallerberg 2004). This is because, if it is impossible, or at least difficult, for ministers to take individual credit for providing benefits vis-à-vis their departments and stakeholders, ministers may have limited incentives to implement collective commitments because contributions to such projects carry a high opportunity cost. The other problem is related to coordination costs and arises when a collective policy covers a horizontal issue which requires joint action by several ministers. In such cases, ministerial incentives to be responsive are dampened by the need to incur

additional costs of coordinating positions, resolving disputes and monitoring agreements.

This theoretical insight is applied here to the study of transposition in Poland. It is argued that the adoption of transposing measures under pre-accession was likely to be perceived as a reform project that brought long-term diffuse benefits and that entailed high coordination costs. Accordingly, it may be expected that Polish ministers and departments would have limited incentives to implement transposition commitments. This assertion is based on three observations. First, the adoption of transposing measures was regarded as offering mostly diffuse benefits because, lacking the experience of policy formulation, ministers and their staff were uncertain about the precise consequences of transposition and, hence, perceived it mainly through the lens of modernization and EU accession. Second, even when they were able to identify concentrated individual benefits, they expected such benefits to materialize only after enlargement. This was because the largest financial and political benefits were to become visible after accession, while most adaptation costs had to be incurred before Poland joined the EU. Third, the implementation of transposition commitments required joint legislative action from most, if not all, Polish ministries. Many of the Community measures dealt with horizontal, cross-cutting policy problems which required the collaboration of many different agencies for full transposition.

In developing its hypotheses, the thesis focuses on the role of the domestic core executive (see Dunleavy and Rhodes 1990; Rhodes and Dunleavy 1995). The central argument is that the core executive represents a unique institutional response to collective dilemmas in the production of the legal rules that bring diffuse benefits to many voters and require interministerial cooperation. Hence, in the present context, the probability that ministers and departments improve the government's transposition record is hypothesized to be positively related to the institutionalization of selective incentives and monitoring that are extended to line ministers by the domestic core executive. More specifically, that probability is highest in two situations. First, this is the case where the prime minister or some other non-sectoral minister acts as a central authority in the area of EU rule adoption within the executive. Under this hierarchical solution, the prime minister or a non-sectoral minister has – by virtue of his institutional position – personal incentives to sanction

and/or reward ministers, act as a competitive agenda-setter and monitor individual actions. Second, the probability of EU rule adoption within the executive is highest where institutional rules exist that require ministers to manage the transposition record as a group. Under this collectivity-based arrangement collective action problems are solved by core executive institutions that mobilize ministers to constrain each other's agenda-setting powers and to monitor compliance with collective decisions.

Although the primary focus is on the role of domestic executive institutions in shaping national transposition records, the impact of institutional rules originating outside the executive must not be overlooked. Three contextualizing variables are employed: (i) institutional opportunities generated by the European Union, (ii) institutional rules within party organizations and governing coalitions, and (iii) institutional incentives provided by domestic non-executive actors. All the three types of rules may be employed – in the language of the collective action theory – to extend selective incentives and monitoring to Polish ministers and departments. As such, they can directly contribute to solving the collective action problems that impinge on EU transposition. The European Commission may act as the central authority inducing and monitoring domestic ministers and departments. EU-induced selective incentives and monitoring may also originate within the collectivity-based arrangements such as the association council/committee, expert meetings or negotiation sessions. Polish ministers and departments may also be subject to party-based incentives that originate within their own party or the governing coalition. The incentives may also be extended by parliament or within the context of linkage institutions that channel social and business interests.

IV. Research Design

This thesis follows a longitudinal research design for testing its hypotheses against empirical evidence. It thus seeks to establish whether a dynamic causal relationship exists between the independent variable (core executive institutions) and the dependent variable (transposition record). In its methodological approach, the study combines the congruence method with process-tracing (George and Bennett 2004). It first employs a deductive theory to predict the value of the dependent variable for a given value of the independent variable. These theoretical expectations are then checked against empirical data on transposition paths. In a second step, if the data

confirms the prediction, the study will employ process tracing to identify causal mechanisms (or causal chains) that link the independent variable with the observed effect. The causal relationship between core executive institutions and transposition outcomes will be subject to three further types of contextualization. First, the depth of that relationship will be examined by identifying the influence of institutional rules originating outside the executive. Second, the thesis will address the question of whether the core executive institutions are a necessary condition for changes to occur in transposition record.

The dependent variable is Poland's transposition record. The transposition record is defined as the extent to which the Polish executive adopted national transposing legislation correctly and timely. It is operationalized using quantitative indicators of domestic legislative activity. The indicators capture policy change in two dimensions. The first dimension is the level of substantive adaptation, i.e. the extent to which Poland adopted the required transposing legislation. The other dimension is the timeliness of transposition, i.e. the extent to which the Polish government passed transposing legislation according to a pre-agreed schedule.

Two further remarks are in order regarding the measurement of the transposition record. First, the data covers only transposition through parliamentary legislation. Transposition in Poland had to start with parliamentary legislation as no secondary law could be adopted without express and specific delegation of implementing powers in an act of parliament. In effect, transposition through secondary legislation occurred only towards the end of the period under examination. The study thus covers a sample of around 30 percent of the domestic legislative activity related to EU transposition (EuroPap 2001). The other remark is that the transposition record is measured only with reference to the actions of the executive, while the legislative process in parliament falls beyond the scope of the research. The decision to focus exclusively on intra-executive stage of transposition follows from the theoretical framework and the choice of the explanatory variable.

The data on legislative activity comes from four principal sources. First, the author analyzed draft parliamentary laws adopted by the cabinet in 1997-2002 to select EU-related transposing legislation. This was done based on the electronic texts of the explanatory notes attached to draft legislation available at the lower chamber's internet website. The review was necessary because, during the period at issue, the

Polish government did not have a reliable flagging system with regard to EU transposition. The second source is the TAIEX Progress database developed and maintained by the Technical Assistance and Information Exchange Office (TAIEX) in Brussels. Thanks to permission from the Office of the Committee for European Integration (UKIE) in Warsaw, the author gained access to print-outs from the database that listed all Polish legislation within substantive areas covered by the Community law and assessed the EU compatibility of each of the domestic measures. The information has been obtained from nine different updates of the database.

Third, the data on EU-related legislative activity is derived from National Programmes for the Adoption of the Acquis (NPAA) and the NPAA implementation reports. These annual programmes contain information about domestic legislation that had to be adopted before accession and the expected timing of transposition. Besides the yearly NPAAs, the thesis also uses the data from short-range transposition plans adopted by the cabinet and the Committee for European Integration (KIE). The access to these latter documents was granted with permission from the UKIE. The fourth and final source of information is the written records maintained by the Cabinet Agenda Department at the Prime Minister's Chancellery (KPRM). Thanks to the KPRM's permission, the author gained access to information about all draft legislation submitted to the cabinet, their submission and adoption dates, sponsoring ministry, evidence of comments and remarks by ministries, and brief progress updates. The data obtained from these four sources has been used to compile datasets which are presented in Annexes 1 and 2.

The independent variable is the core executive. More specifically, the focus is on institutional rules that the core executive used to extend selective incentives and monitoring to line ministers and their staff. In searching for changes in institutional configurations, the thesis adopts a regulative definition of institutions which are taken to denote the formal and informal rules of the game that shape human behaviour (North 1990; Scott 2001). Two methods of data collection have been employed to map cross-temporal patterns of institutional change. First, the author resorted to documentary analysis which covered both primary and secondary sources. As for the former the author was granted permission to search and photocopy internal documents and correspondence maintained in the public archives of the Prime Minister's Office and the Office of the Committee for European Integration. The

research was based on a final selection of 82 internal UKIE and PMO documents and 195 pieces of official correspondence (internal memos, letters, faxes). As for secondary sources, the author reviewed the academic literature on the subject available both in English and Polish, documents stored in the PMO and UKIE's library and internet websites, as well as press articles published in 1997-2002 in two Polish dailies (*Gazeta Wyborcza*, *Rzeczpospolita*), a weekly magazine (*Unia&Polska*) and the EuroPap news service (*euro.pap.com.pl*).

The second method of data collection was semi-structured interviews. Between June 2001 and March 2004 the author undertook five trips to Warsaw and one visit to Brussels during which 60 personal interviews were made with 55 interviewees. The interviews were taped and transcribed, unless the interviewee did not agree to having the conversation recorded. In that latter case, detailed notes were taken during the interview. The interviewees included directors and deputy directors (44 %), ministers (26 %), middle-ranking officials (22 %) and advisors (9 %). Most interviewees were affiliated with the UKIE Office (47 %) and the Prime Minister's Chancellery (KPRM) (25 %), others came from line ministries (11 %), European Commission (7 %), parliament (5 %), and the foreign ministry (4 %) (see Annex 3). The interviews were conducted on a non-attributable basis and the author was asked to keep the names of the interviewees confidential. The interviews followed a similar structured pattern. After a brief introduction of the research project the interviewees were prompted to respond to a pre-planned list of open questions. The questions recurred from interview to interview, though new questions were added over time and subject to context. The interviews lasted from one to one and a half hours each.

V. Wider Theoretical Significance

This research contributes to a wider theoretical debate on Europeanization (see for example Featherstone and Kazamias 2000; Goetz and Hix 2000; Heritier, Kerwer et al. 2001; Knill 2001; Caporaso, Cowles et al. 2001; Featherstone and Radaelli 2003; Laffan 2003; Bulmer and Lequesne 2005; Schimmelfennig and Sedelmeier 2005 forthcoming; Laffan 2005 forthcoming). Its contribution is twofold. It represents one of the first attempts to undertake a systematic investigation into how institutional configurations inside the national executive affect the extent to which a country complies with the Community law. EU transposition – both in pre-accession states and member states – has generally been considered to be driven mainly by the

executive branch of government (see Page 1998; Lippert, Umbach et al. 2001; Fabbrini and Dona 2002). It thus seems natural to expect that the internal life of the executive will have a significant impact on legislative outcomes. Yet, the EU compliance literature has so far paid limited attention to institutional configurations at the centre of government. This neglect stands in stark contrast to a sustained interest in the way central governments have adapted to European Union membership that informs parallel streams of Europeanization research both in its Western and Eastern variants (see Laffan 1981; Guyomarch 1993; Metcalfe 1994; Wright 1996; Kassim, Peters et al. 2000; Bulmer and Burch 2001; Lippert, Umbach et al. 2001; Laffan 2003; Nowak-Far 2004). Although implicitly assuming an important role of the 'European' core executives, this literature has stopped short of examining causal linkages between institutional configurations and policy outcomes. The thesis connects that latter research with the study of EU compliance.

This study's other contribution is to a wider understanding of the causal mechanisms by which European integration impacts on executive government. Underlying much of that research is a search for the 'European effect' inside executive organizations combined with an empirical ambition to ascertain whether EU membership leads to convergence or divergence of institutional configurations (Meny, Müller et al. 1996; Wessels and Rometsch 1996; Hanf and Soetendorp 1998; Rupp 1999; Kassim, Peters et al. 2000; Wessels, Maurer et al. 2003). More recently, attention has moved to identifying internal and external factors that mediate executive adaptation at the national level (Laffan 2003; Dimitrov, Goetz et al. 2005 forthcoming). This research contributes to that latter literature by examining variables that conditioned the development of the 'European' core in Poland. In particular, it examines how international and domestic opportunity structures have influenced the cost-benefit calculations of national actors in the process of institution-building. The study thus contributes to an emerging 'bottom-up' approach to Europeanization which focuses on the way in which domestic actors use European demands strategically to pursue their own individual interests (Goetz 2003; Radaelli 2003).

The thesis further contributes to research on national core executives in Eastern and Western Europe (see for example Rhodes and Dunleavy 1995; Weller, Bakvis et al. 1997; Peters, Rhodes et al. 2000; Rhodes 2000; Goetz and Wollmann 2001; Hayward and Wright 2002; Dimitrov, Goetz et al. 2005 forthcoming). This literature is based

on a realization that growing sectoralization, budgetary pressures and cross-cutting nature of the policy agenda have over the last decade underscored the importance of strong and effective centres of government. Responding to Rhodes and Dunleavy's appeal for more theory-guided research on core executives (Rhodes 1995, p. 27), this study develops a conceptual approach based on collective action theory. In doing so, it argues that the core executive represents a unique institutional response to collective dilemmas that impinge on the production of legal rules (or policies more broadly) that bring diffuse benefits to many voter constituencies and that entail high coordination costs. This conceptualization links up with those functional definitions of central agencies that emphasize their role in ensuring democratic control and accountability within government (see for example Daintith and Page 1998).

Research on core executives has so far employed institutional configurations at the centre of government as a dependent variable. More recently, attempts have also been made to explore the effect of core executive configurations on policy volatility (Manning, Barma et al. 1999; Evans and Manning 2000; Blondel and Manning 2002) and fiscal discipline (Brusis and Dimitrov 2001; Von Hagen 2003; Hallerberg 2004b; Dimitrov, Goetz et al. 2005 forthcoming). This thesis contributes to that new stream of core executive studies by focusing on how intra-executive relations between the centre and ministerial departments may affect the government's capacity to implement policy decisions that are integrative and welfare-maximizing. In doing so, it informs a broader debate about institutions and institutional effects within the rational choice institutionalism (North 1990; Scharpf 1997; Weingast 1998). Defining institutions as constraints on opportunistic behaviour, this tradition has spawned a rich literature exploring the role of political institutions in leading individual actors to optimal political, economic and social outcomes (see for example Shepsle and Weingast 1994; Döring 1995; Lane and Ersson 2000; Scarpetta and Tresselt 2002; Pluempert and Martin 2003; Döring and Hallerberg 2004).

VI. Chapter Preview

The thesis comprises six chapters including this Introduction. *Chapter 2* presents the theoretical framework for analyzing the transposition of the Community legislation in Poland. It demonstrates that the adoption of transposing legislation was likely to have been complicated by significant collective action problems which discouraged ministers and their staff from contributing to the transposition record. The chapter

then develops an explanatory hypothesis which focuses on the existence of selective incentives and monitoring extended by the core executive vis-à-vis line ministries. *Chapter 3* maps cross-temporal variation in institutional rules that the Polish core executive had at its disposal to provide selective incentives and monitoring to cabinet ministers and their departments in the adoption of transposing legislation. It demonstrates that between 1997 and 2002 six broad configurations of such rules were present. *Chapter 4* measures the Polish government's transposing record over time using quantitative indicators of legislative activity. It concludes by identifying four consecutive stages each characterized by a distinct pattern of the transposition record. *Chapter 5* brings together the data on core executive institutions and the transposition record checking for consistency with the predictions formulated in Chapter 2. It looks for process-tracing evidence of causal mechanisms that linked the two variables and considers the strength of that relationship by analyzing the impact of contextualizing variables. *Chapter 6* contains the conclusion. It assesses the research results in the context of their contribution to the wider theoretical debates in the literature on EU compliance, core executive and political institutions.

Chapter 2: A Domestic Institutions Approach to Studying EU Transposition

I. The Problem

The approach adopted in this thesis relies on theoretical insights from public choice theory of policy change (cf. Downs 1957; Buchanan and Tullock 1962; Mueller 2003). As such, it is based on three private interest assumptions. First, ministers use policies to maximize electoral support for their personal re-election. The most natural source of such support is the socio-economic clientele within their own policy jurisdiction. This is because the public tends to judge a minister's success in office according to how effectively he or she advances the interests of such private stakeholders. The party leadership may further bind ministers to cater for selected electoral constituency. Second, ministers use public policy to further the position and interests of their own department. In doing so, they wish to secure the loyalty of ministerial bureaucrats who are generally assumed to adopt bureau-shaping and budget-maximizing attitudes (Dunleavy 1991). The co-operation of civil servants is important because it determines a minister's ability to achieve goals as the head of department. Third, both ministers and their staff are rational utility-maximizers who seek to derive the highest possible benefits from public policy at the lowest costs. As government resources such as legislative time, finance and personnel are limited, opportunity costs must always be taken into account.

Given these interest assumptions, it may be predicted that, absent any constraints, a policy reform should be more likely if the benefits it brings to ministers and their staff are exclusive and concentrated and if the policy production involves a small number of ministerial departments (cf. Von Hagen and Harden 1994; Hallerberg 2004b). This is because political and civil service careers depend on catering for departmental interests. The utility-maximizing attitude further predisposes ministers and their staff to minimize co-operation with other departments because the more departments become involved, the higher the costs of co-ordination and the higher the uncertainty as to the final outcome of policy change. Arguing *a contrario*, one can predict that, where a policy reform brings benefits that are non-exclusive and diffuse over many electoral constituencies and where the reform requires many departments to be involved, ministers and their staff will have limited incentives to

contribute to policy change (cf. Olson 1965; Frohlich, Oppenheimer et al. 1971; Cox and McCubbins 1993; Döring 1995; Döring and Hallerberg 2004).

Three collective action problems impinge on policy development in such cases. The first problem is a public goods dilemma that stems from the non-exclusive nature of the regulatory benefits. If benefits from legislation accrue to many socio-economic groups regardless of whether they support a given minister, its production is liable to the free-rider problem. In effect, individual ministers may have strong incentives to maximize net individual benefits by not contributing to the production of such legislation. This theoretical insight is at the heart of the public goods theory (cf. Olson 1965; Hardin 1982). Second, the public goods problem is further reinforced by the collective nature of regulatory benefits. If it is impossible, or at least difficult, for individual ministers to take personal credit for providing benefits vis-à-vis their own departments and policy stakeholders, ministers will have limited incentives to produce such legislation. The contribution to a collective benefit legislation is thus likely to carry a high opportunity cost. If resources are limited (as they usually are) and ministers have opportunities to commit them to policies that yield a more favourable cost-benefit ratio, then a strategy of not contributing may be expected to dominate.

Besides the public goods dilemma, the joint production of legislation is subject to high co-ordination costs. This is particularly the case where a single legal measure covers a horizontal, cross-cutting policy problem which requires joint legislative action by several ministers or agencies. Ministers' incentives to contribute to such legislation may be dampened by the need to incur additional costs of co-ordinating positions, resolving disputes and monitoring agreements. Such co-ordination costs may be expected to be the higher, the more cross-cutting the policy problem is and the more departments are needed to provide legislative inputs. In effect, individual ministers may follow dominating strategies of defecting from joint action as contributions to joint legislation prove too costly.

The above theoretical insight is applied here to the study of transposition of the Community legislation in Poland. It is argued that the improvement of the transposition record was perceived by domestic legislators as a reform project that brought diffuse and non-exclusive benefits and that entailed high co-ordination costs. This assertion is based on two observations. First, with regard to the distribution of

benefits, Polish ministers and their staff were likely to expect transposing legislation to bring diffuse benefits because the largest gain from improving the transposition record – moving closer to EU membership – accrued to the cabinet as a whole regardless of whether a given minister contributed or not. Perhaps more importantly, lacking the experience of policy formulation, Polish ministers and their staff were uncertain about the precise benefit distribution from transposition. In effect, they were likely to perceive it mainly through the lens of policy modernization and EU accession. Even when they were able to identify concentrated private benefits from transposition (as was probably the case after the screening process was completed), they expected such benefits to materialize only after enlargement. This was because the dynamic of the integration process was such that, while most adaptation costs had to be incurred before accession, the largest financial and political benefits were to become visible only after Poland joined the EU (see Rada Ministrów 2000; UKIE 2003). Although the discount rates applied to such private benefits are certain to have fallen the closer the country moved to membership, it is important to note that the date of accession had not been pre-agreed and depended on progress in transposition. Therefore, until membership was secured, transposition costs were offset only by the diffuse benefits related to modernization and Europeanization.

The other observation, relating to mode of law production, is that EU transposition required joint legislative action from most, if not all, Polish ministries and central agencies. Like in most cabinet systems Polish ministers enjoy a monopoly of intra-executive legislative initiative within their policy remits, and rule adoption could not start without their proposal. At a most general level, the collective production of legal alignment was necessary because the Community's *acquis* contained several thousand legal measures that spanned almost the entire policy spectrum. The Polish ministries had to transpose more than 2,000 directives covering various policy fields. Besides the directives, there were also selected regulations and decisions that had to be rendered into domestic legislation to prepare domestic institutions for direct applicability of such EU laws after accession. For example, the European Commission's 1997 Single Market White Paper identified 666 priority EU measures which required action by 19 ministries and central agencies. See Table 2.1. More importantly, at a level of individual laws, many of the Community measures dealt with horizontal, cross-cutting policy problems which required the collaboration of

many different ministries for full transposition. The misfit between the scope of EU measures and national portfolios is common in the old EU member states (Page 1998; Bovens and Yesilkagit 2004) and was also pronounced in a pre-accession country. For example, more than 60 percent of the White Paper's priority measures required legislative inputs from two or more agencies for full transposition (cf. UKIE 1997).

Table 2.1. Distribution of the Community Measures by Competent Ministry

Competent Ministry	Community Measures in Ministerial Competence	Measures for which Competence Is Shared
Agriculture	219	104
Transport	128	87
Health	82	63
Economics	57	57
Finance	29	10
Customs	27	27
Communications	19	5
Environment	17	16
Labour	16	6
Justice	12	7
Nuclear Agency	11	11
Public Procurement	11	0
Competitions Office	9	5
Securities Commission	7	7
Polish Central Bank	6	6
Internal Affairs	5	5
Patents	5	3
Culture	4	2
Tourism & Sports Office	1	1
Radio & Television Commission	1	1
Total	666	423

Source: own compilation based on the 1997 White Paper Action Plan (UKIE 1997)

If transposition was expected to bring diffuse non-exclusive benefits and to entail high co-ordination costs, its production was liable to collective action problems. This means that, absent any constraints, Polish ministers and their staff would have limited incentives to improve the country's transposition record. This is because the public goods dilemma would create strong incentives for ministers to free-ride on the transposition efforts of their cabinet colleagues. The high opportunity costs of

transposition would encourage ministers and departments to commit resources to other, most likely domestic, legislative uses that could bring more favourable cost-benefit ratios. The extensive need for co-ordination was likely to provide a further bias against transposition work as ministers and their staff would prefer to focus on legislation that may be adopted through individual decision. In practice, collective dilemmas would result in the Polish executive finding it difficult to initiate and adopt transposing legislation and to comply with internal and external transposition commitments.

II. The Explanatory Hypotheses

Generic Solutions

The literature on collective action provides four broad types of explanations on what facilitates or impedes the resolution of collective action problems. These are: (i) change in the nature of the policy programme to be adopted, (ii) change in actor preferences (iii) change in action resources appurtenant to actors, and (iv) change in institutional incentives and opportunity structures. Naturally, these explanations are not mutually exclusive. Indeed, attempts have been made to incorporate all four into a single analytical framework (see Ostrom 1990, p. 182-216). The first approach focuses on the extent to which a policy programme offers actors the opportunity to obtain exclusive individual benefits in addition to the collective benefit. If such private incentives exist, the rational self-interest may lead individuals to contribute to the collective action. In the present context, if a minister and his staff could use transposition to produce some exclusive private benefits for their own clients, stakeholders and departments, then the probability of improving the collective transposition record would be increased.

Although this approach is certain to provide interesting insights, its usefulness for the study of a pre-accession state is reduced because Polish ministers and their staff will have operated under incomplete information. As argued above, Polish ministers and their staff were likely to be uncertain about the precise consequences of transposition for their electoral constituencies besides the collective benefit of an improved transposition record. Insufficient knowledge of the *acquis communautaire* may have also prevented ministries from using transposition strategically to produce individual benefits. There was also a general perception among political decision-makers that

the largest financial and political benefits from transposition would become visible only after Poland joined the EU. An official government report published in 2000 concluded that, 'although [the accession to the EU] is certain to have a positive long-term impact, it will bring short-term and medium-term adaptation costs for the Polish producers, administration and consumers' (Rada Ministrow 2000, p. 43).

The second approach links the likelihood of co-operation to actor preferences. It is often pointed out that actors may not always be guided by rational self-interest whose maximization is responsible for producing collective action problems. Specific extrarational motivations such as morality, the desire for self-development through participation, ignorance and misunderstanding may have an important impact on individual incentives and help resolve collective action problems (cf. Hardin 1982, pp. 101-124; Ostrom 1998). In the present context, this would mean that some ministers may be more inclined to contribute to the collective transposition record than others because, for example, they may have a personal desire to be seen as strong champions of European integration or if transposition was perceived as a patriotic duty. Without rejecting such arguments, it must be noted, however, that Polish ministers and their departmental staff had limited time and opportunities to develop strong internal motivations that could lead them to favour the collective EU transposition record more than individual interest benefits.

A third argument holds that a change in resource endowment may help actors resolve collective action dilemmas by changing their benefit-cost calculations. In the present context, this would imply that different level of resources such as personnel, finance or time may influence the preference that ministers and their staff may have for contributing to the production of transposing legislation. The logic would further imply that larger amounts of action resources would increase the likelihood that actors contribute to the collective action. This said, this argument is not without its problems. For one thing, although more action resources may indeed increase a pool of resources that any individual sets aside for group donations, this effect is likely to be small since actors will have strong incentives to use the additional resources to further their individual rather than group interests.

The fourth approach – pursued in this thesis – centres on changes in institutional incentives and opportunity structures (Olson 1965; Frohlich and Oppenheimer 1970; Frohlich, Oppenheimer et al. 1971; Ostrom 1990). The theory holds that collective

action problems are most acute where institutional rules exist that encourage actors to 'go it alone' or pursue their narrow self-interest. Conversely, the probability that actors resolve collective action problems is highest where there are rules that mobilize them to adopt co-ordinated strategies. Such latter conditions are posited to obtain in two institutional contexts. First, the likelihood of co-operation is positively related to the existence of rules that provide actors with *selective (private) inducements* to contribute to the collective good. Such incentives may take various forms such as rewards, sanctions, exclusion, facilitation, or other similar constraints on agenda-setting powers. Their principal function is to transform dominating defection strategies into contingent strategies of co-operation.

Second, the selective incentives must be accompanied by institutional rules that make *information* available about the behaviour of individual actors. These rules may take the form of, among others, oversight procedures, reporting requirements or disclosure mandates. Their task is to ensure the credibility of selective incentives by eliminating opportunities for shirking. Perhaps more importantly, information serves to reduce the level of uncertainty associated with any group action. This is crucial because members of a group are likely to behave strategically and to make their contribution to the collective good contingent on the actual choices of others in a group (cf. Frohlich, Oppenheimer et al. 1971; Runge 1984; Ostrom 2003). The key task of information-enhancing rules is thus to transform such contingent behaviour into dominant strategies of co-operation.

The selective incentives and monitoring may be sustained within two organizational configurations: (i) hierarchy and (ii) collectivity (cf. Frohlich, Oppenheimer et al. 1971; Fiorina and Shepsle 1989; Cox and McCubbins 1993; Andeweg 2000). The *hierarchical* relationship posits the existence of a central authority. This role has three institutional features: (i) the central authority has at its disposal selective incentives with which to reward or sanction members of the group, (ii) it incurs the cost of monitoring the behaviour of individual members, and (iii) it is rewarded for its role in solving the collective problems through a compensation mechanism which links its personal interests with the extent of the collective behaviour (Cox and McCubbins 1993, pp. 90-94). The central authority's role is essentially that of an enforcer and monitor. It provides selective incentives to change the pay-off structure in a way that makes co-ordinated behaviour desirable and supplies information to

dispel uncertainty about strategy choices. The authority may contribute to the resolution of collective dilemmas by fulfilling two other functions. It may act as an arbiter of conflicts that arise between members of a group and thus lower the costs of achieving collective interests (Cox and McCubbins 1993, pp. 94). It may also function as a competitive agenda-setter (Fiorina and Shepsle 1989). In this latter role the central authority mobilizes other members of a group towards the achievement of collective interests by constraining their agenda-setting powers.

Under the *collectivity* relationship, there is no central authority and the group is self-governing (cf. Ostrom 1990, p. 15-18). Institutional rules exist that (i) enable all individuals in a group to extend to each other selective incentives such as sanctions, rewards or exclusion, (ii) make it possible for individual members to share the costs of monitoring, (iii) establish an allocation mechanism through which the personal interests of the group members are linked to the extent of co-operation. Most commonly, such institutional rules provide for a committee-type mechanism or similar collective constraints on the individual autonomy of sequence, contingency and frequency of action. It is interesting to note that collectivity-administered selective incentives and monitoring are frequently untenable without some recourse to hierarchy. For example, absent an external monitor or enforcer, large groups may suffer from inherent problems of unobservability, while small groups will find it difficult to 'group punish' non-compliant members in such a way as to allow for further co-operation. Thus, it is a frequent practice for self-governing groups to hire an external agent to help them with internal policing (cf. Ostrom 1990, p. 15-18).

In analyzing the impact of such institutional rules on the resolution of collective action problems, this thesis adopts a regulative definition of institution (Scott 2001, pp. 71-89). Institutions are thus taken to denote rules of the game that shape human behaviour (cf. North 1990). Such rules may be less or more formal depending on the carrier or repository in which they are embedded. The formal rules will include laws, protocols, routines or standard operating procedures that have been formalized in legal texts. Informal rules will include such behavioural characteristics of a group as norms, conventions and social capital (cf. Blondel and Manning 2002). For present purposes, three categories of rules are of special importance (Hood 1983; Scharpf 2000; Ostrom 2003):

- position rules – create institutional positions that may be occupied by individual or multiple actors; in the present context, these rules mandate the existence of hierarchical or collective institutional configurations.
- authority rules – identify actions that actors in a particular position may or must take in specific situations; in the present context, these rules specify the powers to reward, sanction, exclude, facilitate or otherwise affect the behaviour of individuals in a group.
- information rules – mandate information flows among actors; in the present context, these rules specify how the actions of actors are planned and monitored.

While focusing primarily on the role of institutions in the resolution of collective dilemmas, this study recognizes that there are limits to what can be explained through an institutionalist lens. The operation of institutional rules is influenced by other variables, notably those mentioned at the start of this section. Thus, accepting the significance of such other factors, the present study qualifies its institutionalist account with references to their effect, particularly when institutions alone are not sufficient to tell the full story. Consequently, the impact that changes in policy type, actor preferences and action resources may have had on transposition outcomes is discussed in chapter 4.

Institutional Rules within the National Executive

What explanatory hypotheses may be generated from the above discussion for the study of the collective action problems that Polish ministers were likely to encounter during transposition? This thesis uses the above theoretical insights of the collective action theory to hypothesize that the probability that Polish ministers contribute to the transposition record is highest in two situations: (i) where the prime minister or some other non-sectoral minister acts as a central authority in the area of EU transposition and/or (ii) where institutional rules exist that require ministers to manage the transposition record as a group. These solutions point to hierarchy and collectivity as two strategies for delivering selective incentives and monitoring within the executive (cf. Andeweg 2000; Hallerberg 2000; Hallerberg 2004b).

Under the hierarchical solution the prime minister or a non-sectoral minister has – by virtue of his institutional position – personal incentives to act as monitor, arbiter and competitive agenda-setter with a view to ensuring that other ministers adopt co-

operative strategies. His or her ability to mobilize individual ministers toward a collective interest crucially depends on the configuration of three types of institutional rules: (i) position rules that link the personal interests of the prime minister or non-sectoral minister to the achievement of collective interests, (ii) authority rules that specify his or her powers to sanction and reward ministers, and to act as agenda-setter and/or arbiter, and (iii) information rules that determine his or her position within an information network. More specifically it is hypothesized that the ability of the prime minister or non-sectoral minister to resolve collective action problems in the improvement of the collective transposition record depends on the existence of the following rules (cf. Weller 1985; Weller 1991; Müller, Philipp et al. 1993; Aucoin 1994):

Table 2.2. Rules Facilitating the Resolution of Collective Action Problems Through Hierarchy

Position Rules	Authority Rules	Information Rules
<ul style="list-style-type: none"> ▪ There is a minister responsible for transposition (MfT) ▪ MfT reports to prime minister (PM) 	<ul style="list-style-type: none"> ▪ PM may appoint/dismiss or otherwise reward/sanction ministers ▪ MfT may alert the PM if ministers do not contribute to transposition ▪ PM/MfT may require amendment to draft legislation and may arbitrate conflicts ▪ PM may reject/accept bids for resources such as finance and legislative time ▪ PM may decide which priorities are allocated resources 	<ul style="list-style-type: none"> ▪ PM/MfT may impose transposition agenda & timetable ▪ Ministers are required to report to PM/MfT about legislative actions in transposition ▪ PM/MfT may require information on transposition ▪ PM/MfT has information on transposition and non-transposition demands on resources ▪ PM/MfT has information on the availability of resources

PM – prime minister, MfT – minister for transposition

To use such powers effectively in furthering the collective interests of the government, the prime minister or minister for transposition needs to possess appropriate resources such as organization, personnel and finance. These resources are typically concentrated in central agencies such as the prime minister's office and other specialized secretariats at the centre of government (see for example Weller 1991; Müller-Rommel 1993; Peters, Rhodes et al. 2000). These agencies are responsible chiefly for analyzing information from sectoral ministries, generating specialized advice and providing secretarial and administrative support. The resource

capacity of such units will determine the prime minister's and the minister for transposition's ability to act as a central authority.

Under the collectivity-based arrangement collective action problems are solved through the introduction of institutional rules that require ministers to make transposition decisions as a group (cf. Andeweg 2000). Such rules will facilitate the improvements of the collective transposition record by, inter alia, encouraging ministers to act as monitors or competitive agenda-setters for one another and to consider the full effect of individual legislative actions for their collective interest. The efficacy of this solution depends on the configuration of three types of rules: (i) position rules providing for the requirement to manage the transposition record as a group, (ii) authority rules that specify the powers of individual ministers to intervene in other ministers' legislative actions, and that determine what action should be taken if non-compliance is detected, (iii) information rules that specify how ministers learn about each other's actions. More specifically the possibility that collectivity will solve the collective action problems in the improvement of the collective transposition record depends on the existence of the following rules (cf. Aucoin 1986; Baylis 1989; Thiebault 1993; Andeweg 1997).

Table 2.3. Rules Facilitating the Resolution of Collective Action Problems Through Collectivity

Position Rules	Authority Rules	Information Rules
<ul style="list-style-type: none"> ▪ The full cabinet is involved in managing the transposition record ▪ There exists a permanent cabinet committee for transposition (CfT) ▪ The CfT consists of cabinet or junior ministers 	<ul style="list-style-type: none"> ▪ The Cabinet/CfT works on transposition legislation and has selective incentives for rewarding & sanctioning ▪ Conflicts are resolved in cabinet/CfT ▪ The Cabinet/CfT requests amendments to draft legislation ▪ The Cabinet/CfT rejects/accepts bids for resources ▪ The Cabinet/CfT decides which priorities are allocated resources 	<ul style="list-style-type: none"> ▪ The Cabinet/CfT determines transposition agenda & timetable ▪ Ministers are required to report in cabinet/CfT about legislative actions in transposition ▪ The Cabinet/CfT reviews progress in improving transposition record on a regular basis ▪ The individual record of ministers is clearly visible to all Cabinet/CfT members

PM – prime minister, MfT – minister for transposition, CfT – committee for transposition

For such institutional rules to bring ministers round to more co-operative strategies, they must be backed by organizational resources available to ministers as a group.

Such resources are typically housed in the Cabinet Office or other committee secretariats (see Campbell 1988; Barker and Peters 1993; Peters and Barker 1993; Bakvis 1997; Savoie 1999). These units produce assessments of legislative proposals that are independent from departmental views and are informed by the collective interest of the government. They also ensure that legislative drafts are routed according to pre-agreed operational rules and that all the cabinet or cabinet committees have enough information to monitor the behaviour of individual ministers and enforce mutual commitments.

Hierarchy and collectivity as organizational vehicles of selective incentives and monitoring are not mutually exclusive. In practice, the choice between hierarchy and collectivity is at best a question of degrees (cf. Rhodes 1995; Andeweg 1997; Elgie 1997). Hierarchy and collectivity entail similar effects for intra-executive power relations. Both postulate the strengthening of all those individual and collective actors, organizations and procedures that are located at the heart of the executive and that have come to be defined as 'core executive' (see Dunleavy and Rhodes 1990; Rhodes and Dunleavy 1995). The core executive is typically taken to comprise the prime minister, finance minister and non-sectoral ministers as well as 'the complex web of institutions, network and practices surrounding the prime minister, cabinet, cabinet committees, and their official counterparts, less formalised ministerial 'clubs' or meetings, bilateral negotiations and interdepartmental committees' (Rhodes 1995, p. 12).

That stronger core executives may be positively related to policy change is often observed in the mainstream literature on national executives (see for example Boston 1992; Weller, Bakvis et al. 1997; Peters, Rhodes et al. 2000; Wright and Hayward 2000). A more contextualized proposition holds that strong core executives tend to facilitate radical policy change, whereas weaker centres entail a more incremental pattern of change (Stark and Bruszt 1998; Lindquist 1999). Following (Hallerberg and Von Hagen 1997; Hallerberg 2004b; Dimitrov, Goetz et al. 2005 forthcoming) this dissertation develops a theoretical framework in which such empirical observations are tested and explained.

The Emergence of Selective Incentives and Monitoring

Although this study is chiefly interested in exploring the effect that intra-executive rules have on the resolution of collective action problems, its cross-temporal design makes it necessary to develop some theoretical insight into how such rules emerge over time. The first thing to note here is that the supply of institutional rules to solve collective dilemmas is itself a second-order collective action problem (Ostrom 1990). As it is difficult to exclude others from benefiting from such rules once they are supplied, individual actors will prefer to free-ride on the efforts of others. A similar dominating strategy of non-co-operation may also derive from high opportunity and co-ordination costs. Hence, to a large extent, the preconditions for institutional change within the executive mirror those for the resolution of the first-order problem in the improvement of the transposition record.

Two principal approaches may thus be discerned with regard to the mechanics of institutional change. First, institutional innovations may originate as a result of a collective commitment by all actors to provide for new rules that would govern their mutual interactions (Ostrom 1990, pp. 15-18). In the present context, the transformation of core executive institutions would thus be possible if the cabinet or a cabinet committee adopted new rules that enhance the hierarchy or collectivity of decision-making in the area of transposition. Second, institutional rules may be supplied by entrepreneurs who find it personally profitable to organize a group for the provision of a collective good. Such individuals will find this role attractive only when the total benefits they receive exceed their total costs (Frohlich, Oppenheimer et al. 1971, pp. 6-7). In the present context, the reinforcement of the core executive would be possible if some central actor, most likely the prime minister, senior cabinet member or party leader, acted as an entrepreneur for the transposition record and incurred the cost of organizing the cabinet for that purpose. It must be noted that an entrepreneur-inspired institutional change need not lead to a hierarchical configuration of selective incentives and monitoring. The prime minister or other actor may just as well provide for collectivity-enhancing rules.

The likelihood that institutional change occurs is related to three institutional factors that affect the support that a leader or group members may have for change to the status quo rules. First, there are international opportunity structures imposed by external regimes. Such institutional incentives create opportunities for profits to be

earned through group organization. In the present context, it is possible that the European Union may encourage the prime minister or the cabinet to supply institutional rules that address the collective action problem in the improvement of the transposition record. Second, similar incentives may be provided by domestic extra-executive institutions. For present purposes, it is important to note the opportunity structures extended by the electoral system, socio-economic interests and non-executive state actors such as parliament or courts. Third, the support for change to the status quo rules – and hence to solve or preserve a collective action problem – is expected to be shaped by the characteristics of the party composition of the cabinet (cf. Hallerberg 2004a; Hallerberg 2004b; Dimitrov, Goetz et al. 2005 forthcoming). The likelihood of institutional change is thus related to factors such as the internal cohesiveness of coalition parties, the ideological distance between them, and the expectation of whether they will run together or against each other in the next elections. More robust core executives are thus likely to emerge in single-party governments or coalition governments in which parties are internally cohesive, close in ideological terms, and expect to run together in the next elections.

Lastly, one needs to consider the dynamic of institutional change. At a most general level, change at each decision point in time may be expected to be relatively minor if ministers and departments are able to adapt incrementally the status quo rules. In such situations change will proceed in multiple steps as the prime minister or ministers test different institutional solutions in response to the collective action problem (see for example Argyris and Schon 1996). The assumption here is that actors will be able to respond flexibly to changes in external opportunity structures and the results of their own experiential learning. If, however, for systemic, informational or other reasons, such incremental adaptation is not possible, one may expect internal and external pressures to accumulate over time and, at some point, create a 'critical juncture' or a 'window of opportunity' at which radical institutional change may occur. This latter case would be associated with the emergence of a crisis situation involving the perceived failure of the existing rules.

Contextualizing Variables

Although the primary focus of the study is on core executive and its contribution to the solution of collective problems in the production of transposing legislation, the impact that institutional rules embodied in non-executive organizational carriers may

have on individual behaviour must also be taken into consideration. Three types of such institutional rules will be analyzed in the present context: (i) institutional opportunities generated by the European Union, and (ii) institutional incentives provided by political parties and governing coalitions, and (iii) institutional incentives extended by domestic non-executive organizations. In the language of the collective action theory all these rules may be used to extend selective incentives and monitoring to Polish ministers and departments. As such, they may directly contribute to solving the collective action problems that impinge on EU transposition.

The European Commission may act as the central authority inducing and monitoring domestic ministers and departments. The tools it may use are positive and negative inducements otherwise known as 'conditionalities'. Such conditionalities involve the offering of material and non-material rewards in return for supplying improvements to the transposition record. Material rewards may include financial assistance. The Commission may for instance make the disbursement of the Phare and other pre-accession funds conditional on the transposition of specific EU measures. Non-material rewards and sanctions would take the form of various mechanisms that shape the international and domestic image of the government (cf. Schimmelfennig, Engert et al. 2003). The chief objective of conditionality is to increase the individual cost of non-transposition (or the individual benefit of transposition) for Polish ministers. Besides conditionality, the Commission may also act as monitor. In doing so, it may impose comprehensive informational requirements on national administrations and feed the information back to the domestic arena through public or non-public channels. EU-induced selective incentives and monitoring may also originate within collectivity-based arrangements such as the association council/committee, expert meetings or negotiation sessions. The collective pressure may also originate from rules that increase natural competition among accession states in improving their individual transposition records.

Political parties contribute to the resolution of collective action problems because their organizations provide party leaders with institutional levers for mobilizing their members towards collective goals and for monitoring their behaviour. Selective incentives that party leaders may offer to their members include career advancement within the party hierarchy, membership of prestigious parliamentary committees or

senior government positions. In the present context, such incentives may be used by party leaders to mobilize ministers to contribute to transposition. The significance of political parties as a solution to collective dilemmas is most evident in two-party systems, in which parties appeal to the broad electorate and tend to form single-party governments. The situation is more complex in multi-party systems in which parties represent narrower socio-economic interests and are likely to form coalition governments. Yet, even in that latter case, collective dilemmas may be solved through party-based mechanisms if coalition parties co-operate and develop institutions that enable them to implement joint policies (see Blondel and Cotta 1996; Blondel and Cotta 2000; Müller and Strøm 2000; Thies 2001). These party-based institutions may take the form of coalition summits, overlapping jurisdictions between ministries or the shadowing role of junior ministers. These institutional levers could be used by coalition leaders to ensure that ministers contribute to the collective goal of improving the transposition record.

Finally, Polish ministers and their staff may be subject to incentives and monitoring extended by non-executive domestic organizations. Two sources of such non-executive incentives are crucial here. First and foremost, ministers and high-ranking government officials are exposed to close scrutiny from the parliament. Their preferences in this regard may be shaped in bilateral contacts with parliamentary leaders or within collective frameworks of parliamentary committees. Second, the incentives and information may be supplied within the context of linkage institutions that channel social and business interests. These may include in particular bilateral contacts with lobby groups or collective mechanisms such as tripartite commissions or similar round tables.

III. Research Methods

In testing the hypotheses outlined above this study combines the congruence method with process-tracing. The congruence method is normally employed as an alternative to controlled comparison in situations where the research objective is to analyze a single case or a few cases that are insufficiently comparable to achieve a satisfactory level of control (George and Bennett 2004). The method thus seems to be well-suited for a single-country examination of factors that facilitated and inhibited transposition of the EU legislation over time. Although in principle the longitudinal design adopted here makes it possible to split the empirical material into a number of

observations, such cases would not qualify for a controlled comparison. This is because one may easily expect that, besides changes in procedural rules within the core executive, the period under examination (1997-2002) was characterized by significant cross-time modifications to internal and external political conditions in Poland, not least due to government turnover and accession negotiations. In that case, the analysis would flout the key principle of the controlled comparative design which requires that cases should resemble one another in every respect but one (King, Keohane et al. 1994).

The congruence method consists in employing theory to predict the value of the dependent variable for a given value of the independent variable and in verifying such expectations against empirical material (see George and Bennett 2004). If the actual outcome of the dependent variable is congruent with the prediction generated by the theory, then there is a possibility of a causal relationship between the two variables. In the case at hand, the key theoretical expectation is that individual ministers should overcome collective dilemmas in the production of transposing legislation when the prime minister or some other non-sectoral minister has procedural powers to mobilize them towards the collective goals of the cabinet and/or if collectivity-enhancing institutions exist that allow ministers to manage transposition as a group. This theoretical expectation will be checked against the data on transposition paths in Poland. If the empirical material confirms the prediction, such consistency will provide some support for the theory outlined in the preceding section. The result will however be still open to challenge. The evidence of mere consistency is not a strong proof of a causal relationship and must be subject to further investigation (George and Bennett 2004). This is to safeguard against a possibility that there is a hidden variable that is responsible for the observed effect and/or to ensure that the value of the dependent variable continues to be congruent with the theory even if the impact of such other variable is taken into consideration. To this end, the present study will employ the process-tracing method which consists in identifying causal mechanisms (or causal chains) that link the independent variable with the observed effect. In the present context, the existence or absence of causal mechanisms will be determined based on the detailed analysis of the sequence of events linking the operation of core executive institutions and transposition

outcomes as well as on qualitative evidence derived from semi-structured interviews with key political and administrative actors.

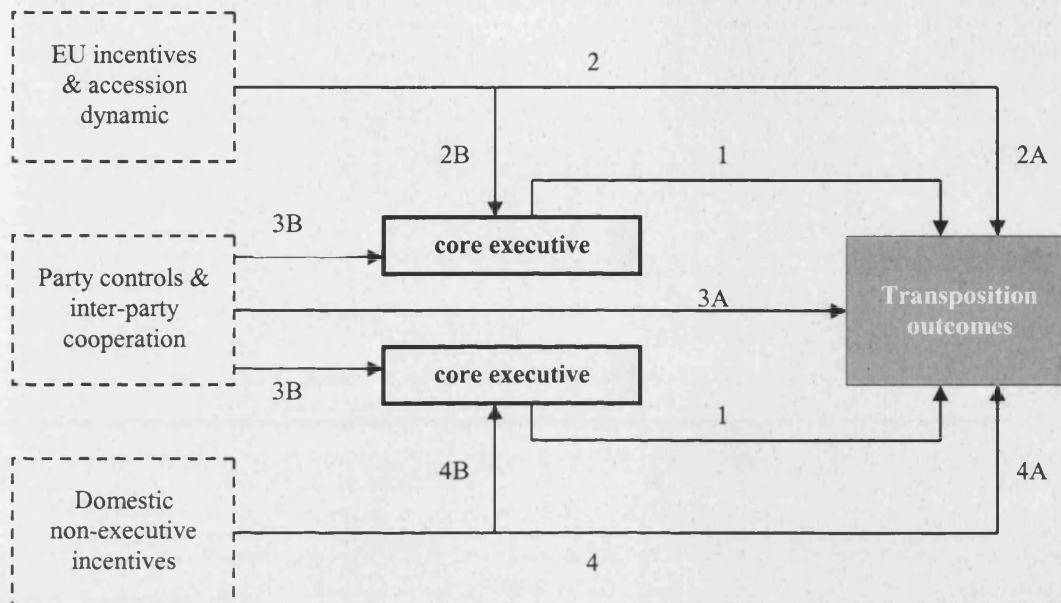
The causal relationship between core executive institutions and transposition outcomes, if any, will be subject to two further types of contextualization. First, the depth of that relationship will be analyzed by examining the influence of changes in institutional rules sustained by the party organization, EU institutions and domestic extra-executive organizations. The predictions about the influence of these variables are derived from the collective action theory. Their impact will be checked using that same combination of the congruence method and process-tracing technique that is employed to test the core executive hypothesis. If any of the three variables will be found to have mattered, the strength of the causal relationship between core executive institutions and transposition would need to be qualified accordingly (cf. George and Bennett 2004). Second, the concluding chapter will address the question of whether changes in core executive institutions are a necessary condition for the changes of the transposition record. This will be done by moving beyond the congruence and process-tracing methods and comparing the Polish case with evidence from other Central European countries that acceded to the EU in May 2004 and the existing member states.

IV. Summary

This chapter has developed a theoretical framework for examining the variation in the transposition record in Poland under pre-accession. See Figure 2.1. In doing so, it has generated the following principal causal hypothesis: *the probability that ministers and departments make improvements to the collective transposition record is over time positively related to the domestic core executive acquiring institutional levers to extend selective incentives and monitoring to line ministers and departments* (1). Provided that that causal relationship is confirmed by the empirical data, the study will pursue its enquiry by assessing the depth and causal priority of that relationship. It is hypothesized that the depth of the relationship will be determined by the impact that three other institutional variables may have on the resolution of collective action dilemmas in the production of transposition: EU constraints and accession dynamic (2A); party controls and inter-party co-operation (3A); domestic extra-executive constraints (4A). The causal priority of the relationship between core executive institutions and transposition is hypothesized to

depend on the extent to which its existence is dependent on the prior presence of any of the three variables: EU constraints and accession dynamic (2B); party controls and inter-party co-operation (3B); domestic extra-executive constraints (4B).

Figure 2.1. Causal Chains Linking Institutional Variables Hypothesized to Influence Transposition Outcomes



Chapter 3: The Emergence of Domestic 'European' Core Executive

This chapter maps cross-temporal variation in institutional rules that the Polish core executive employed in order to extend selective incentives and monitoring to cabinet ministers and their departments in the adoption of transposing legislation between 1997 and 2002.

I. The New Core Emerges

Internal and External Pressures for Institutional Change

In the mid 1990s the Polish 'European' core executive came under increasing adaptation pressures. The need for institutional change was, first and foremost, due to a new integration dynamic that emerged after the European Union reformulated its policy vis-à-vis the CEE states. Having agreed to work towards enlargement at the 1993 Copenhagen summit, the EU became more actively involved in guiding adaptation processes in Poland, putting pressure on domestic actors to respond to the new integration challenges. In the area of legal alignment the European Commission published a single market white Paper which identified the core of the *acquis communautaire* to be adopted during the first stage of the pre-accession.

At the same time, the Polish government became increasingly aware that the existing domestic institutions did not guarantee effective response to the new challenges (cf. NIK 1996). Since 1991, EU affairs had been coordinated inside the executive by a cabinet plenipotentiary, who had a non-cabinet rank of undersecretary of state and was located within the Office of the Council of Ministers (URM). The chief problem was that the plenipotentiary had too low a rank to redirect ministerial attention to EU adaptation (interview 13, p. 3; (URM 1995, p. 33). He was not a member of the cabinet and his interlocutors in line ministries typically had the rank of director or undersecretary of state, which limited his coordination role to administrative level.

The plenipotentiary's predicament was thus summarized by the parliamentary Europe Agreement Committee writing in 1994 to prime minister Pawlak,

'The present organizational structure does not ensure sufficient degree of adaptation, in particular due to lacuna in inter-ministerial coordination; the plenipotentiary for European integration and foreign assistance does not hold [sufficient] powers to perform [his] functions (...) which means that he is not able to secure and control the implementation of adjustment processes by appropriate ministries'. (Komisja ds Ukladu Europejskiego 1994)

Unsurprisingly, when the Oleksy government resolved in November 1995 to prepare a comprehensive programme for the transposition of the white Paper directives into the Polish legal system, the plenipotentiary met with serious problems in coordinating this process. Most significantly, he found it difficult to arbitrate competence conflicts where EU legislation cut through a number of ministerial portfolios. A close observer noted,

‘The plenipotentiary did not have any powers (...) he ran into serious problems because he could not arbitrate conflicts (...). It was simply not possible to solve a majority of conflicts without the involvement of the political level in the decision-making process. This is why a change was necessary’. (interview 15, p. 4)

These internal and external pressures found their window of opportunity when the Oleksy government launched a comprehensive centre of government (COG) reform in 1995. Plans for a systematic overhaul of the core executive had been developed already in early 1990s, following the break-down of a change-team model of government characteristic for the Balcerowicz reforms (Zubek 2005 forthcoming). In 1995, the SLD-PSL cabinet returned to the reform idea, after the coalition had met with acute problems when implementing its ‘Strategy for Poland’ (URM 1995; Rydlewski 2002, p. 87-88). Accompanied by a rhetoric of anticipatory adaptation to the European Union, the COG reform aimed to improve central coordination of government policies by reinforcing the powers of the prime minister, establishing new central agencies and reorganizing line ministries (cf. Zubek 2001; Rydlewski 2002). The domestic management of EU-related affairs constituted a key focus of the COG reform. The convergence of Europeanization pressures with a broader internal thrust for more effective governance thus paved the way to institutional change within the core executive.

New Position Rules: A Mixture of Hierarchy and Collectivity

In October 1996, the central agencies responsible for EU coordination went through a major reconfiguration. At political level, a Committee for European Integration (KIE) was established as a collective supreme organ of state administration with a status corresponding to that of an individual minister*. It comprised eight cabinet

* In Poland cabinet ministers function formally as supreme bodies of state administration within their policy jurisdictions. The constitutional practice also allows the creation of collective committee-type supreme bodies of state administration whose formal status is analogous to that of a cabinet minister.

ministers and had competence to coordinate Polish EU policy. The government intended the KIE to operate as an inner cabinet that would be much more powerful than traditional cabinet committees. Speaking in parliament the COG reform minister said,

‘The institution we are talking about here resembles, in some sense, a small cabinet for European integration (...). Within (...) [its] competence and if no objection has been raised, its decision has binding force for (...) [its] members and the government administration. Let me emphasize that this institution has the power to make decisions’. (Pol 1996a; Pol 1996b)

The government maintained that, if an advisory committee were to be established, ‘all its decisions of strategic nature would need to be submitted to the full cabinet. This would lengthen the decision-making process, whereas adaptation to the EU must proceed smoothly’ (Pol 1996c). This position was in line with a more general tendency within the COG reform to reinforce central coordinating units. The government may also have been influenced by the experience of intense inter-coalition conflicts that often blocked the SLD-PSL cabinets (cf. Rydlewski 2000). It thus wanted to create a small forum in which the prime minister and the KIE secretary would be able to push through decisions without the involvement of the full cabinet. By arguing for a committee with wide decision-making powers, the government was also guided by more immediate political calculations. It planned to constrain the competences of the foreign minister in EU affairs, not least because under the 1992 Small Constitution the latter was one of three presidential ministers over whom the cabinet and the prime minister had hitherto limited influence (interview 20, p. 4; (Nowina-Konopka 1996b). The KIE’s organizational format was modelled on domestic administrative blueprints, including the Committee for Scientific Research (KBN) and other similar committee-type supreme organs (Pol 1996a). It also had some functional resemblance to the Presidium of the Council of Ministers, an inner cabinet which was abolished in the early 1990s.

The 1996 decision to establish the KIE committee and its permanent secretariat (UKIE) institutionalized new position rules providing an organizational vehicle for administering selective incentives and monitoring in the area of EU transposition. The rules mandated the emergence of both collective and hierarchical relationships.

Such collective administrative bodies are then represented on the cabinet by their chairs who have the rank of constitutional cabinet ministers.

The collective relationship arose through binding selected cabinet ministers to make decisions on EU matters as a group. The KIE committee thus emerged as a primary collectivity-enhancing mechanism. The hierarchical relationship was introduced through the creation of the KIE chair and the KIE secretary. The KIE chair had a formal mandate to manage the internal and external business of the committee. The KIE secretary – a position activated whenever the prime minister chaired the KIE committee – may be viewed as an agent retained by the KIE committee to assist the KIE chair with day-to-day management of the committee. Another hierarchical relationship existed between the committee and the non-KIE members of the cabinet. The KIE enjoyed the status of an inner cabinet with powers to make binding decisions in lieu of the full council of ministers in matters related to EU integration. This arrangement was predicated on the prime ministerial chairmanship of the KIE.

The Limited Development of Authority and Information Rules

Despite its broad coordination mandate, the KIE had rather weakly institutionalized powers in EU transposition (interview 13, p. 3; interview 14, p. 3). As an UKIE official said, 'the parliamentary act establishing the KIE (...) provides for compatibility screening and refers generally to coordination and monitoring [but] this is a very soft mandate' (interview 26, p. 4). The vagueness of the KIE's brief was, in large part, a result of deliberate design. In its desire to pool ministerial competences in a committee with decision-making powers, the government was constrained by the constitutional principle of ministerial autonomy. If it had specified the KIE's powers and those of its chairman in too much detail, the entire construct would have been liable to strong opposition from cabinet ministers and, possibly, a legal challenge before the constitutional court. Hence, the KIE's position was reinforced through a supreme organ status, but the government stopped short of furnishing it with specific coordination and control powers.

In 1996-1997 the indeterminacy of the KIE's formal mandate did not become evident, not least because the principal responsibility for facilitating, monitoring and enforcing collective commitments made by Polish ministers within the KIE rested with prime minister Włodzimierz Cimoszewicz, who became the first chair of the KIE. He had both formal and informal authority to direct the work of the KIE committee and to represent it in relations with other ministers. The KIE chairman received operational support from the KIE secretary, Danuta Hübner, who headed the

Office of the KIE (UKIE). The prime minister could rely on his strong political and institutional position to provide the necessary leadership for the KIE. Thanks to his involvement, the KIE was able to review transposing legislation, adopt an adaptation programme and attempt to resolve conflicts among ministers (cf. Internal Memo KIE 26/03/1997 1997; KIE Protocol 4/1997 1997; KIE Protocol 5/1997 1997; Official Communication SekrMinDH/533/97/DK-jp 1997).

Yet, given the approaching parliamentary elections, the KIE secretary and her secretariat had little time to institutionalize their powers vis-à-vis other ministers. In effect, when Hübner was leaving in October 1997, no regular monitoring was in place to control transposition work at ministry level. Ministers were required to report progress in the implementation of the new transposition programme only every six months (cf. KIE Protocol 3/1997 1997). The first such reporting exercise was scheduled for December 1997. Neither did the KIE secretary provide routine transposition guidance. The only instrument in this regard was provided by a largely reactive EU compatibility assessment carried out for all government-initiated legislative drafts. However, a proposal to redesign the compatibility screening procedure in such a way as to authorize the KIE secretary and the UKIE to issue legislative guidelines was not implemented (Official Communication SEkrMinDH/174/97/DHP 1997; UKIE Internal Document March 1997 1997; interview 13, p. 3-4; interview 21, p. 6-7]. Finally, the KIE secretary developed limited enforcement powers independent of the prime minister and frequently had to rely on the latter's personal intervention in case of ministerial non-compliance (interview 14, p. 3-4; interview 15, p. 3).

To summarize, between autumn 1996 and autumn 1997, the position rules creating the KIE committee and the KIE chair/secretary operated with limited related authority and information rules. The latter had to be developed through separate institution-building processes which would require time and resources. Hence, in the meantime, selective incentives and monitoring were extended primarily by invoking the established authority and information rules attached to the position of the prime minister who acted as the KIE chair. The prospect of sanctions or rewards from the prime minister provided a central incentive for ministers and departments to make contributions to the transposition record. Of course, given the overloaded schedule of any prime minister, such mobilizations were likely to be erratic and limited to

specific issues. In any case, given the availability of alternative rules and the prospect of the on-coming parliamentary elections, only a few authority and information rules emerged in the period that were directly attached to the position of the KIE committee and the KIE chair/KIE secretary. Three such rules stand out. First, ministers agreed to implement a joint transposition programme and to review progress twice-yearly within the KIE, while the KIE secretary was asked to act as the monitor. Second, the KIE committee also started to acquire competence to consider transposing legislation, though mainly in emergency situations. Third, the KIE secretary retained the power to screen legislation for EU compatibility but attempts to widen the scope of that competence were unsuccessful.

II. The Core Declines

In October 1997, at the start of the Jerzy Buzek government, the extent to which line ministries were mobilized in EU transposition by the core executive declined. The key contributing factor was the internal incohesiveness of the AWS-UW governing coalition which pushed the Buzek cabinet towards ministerial-type government. Not without significance was also a relative lack of domestic and external incentives for the strengthening of the existing core executive institutions. Under such conditions, party political configurations led to a general downgrading of central coordination and control, and largely prevented ministers from responding promptly to revealed organizational deficiencies.

The Impact of Party Configurations

The Solidarity Electoral Action (AWS) and the Freedom Union (UW) – two parties that formed the coalition supporting the Buzek government – were in many ways strange political bedfellows. The UW was a strongly liberal party headed by Leszek Balcerowicz, former finance minister in the first non-communist government of Tadeusz Mazowiecki. The AWS was a diverse mixture of trade unionists, Christian democrats and conservative nationalists, headed by the head of the Solidarity Trade Union, Marian Krzaklewski. Despite such fundamental differences, the two parties came together, mainly based on historical post-dissident lineage. The programmatic incohesiveness of the AWS-UW coalition was also marked in the area of EU-related domestic alignment. Although both the AWS and the UW were committed to European integration in principle, major differences persisted at the level of practical

policy choices. The AWS opted for a gradual alignment sensitive to the interests of large state enterprises and lent a sympathetic ear to reports from socio-economic interests about difficulties in complying with EU requirements. The UW was much more euro-enthusiastic, advocating a much quicker adaptation that would benefit the emerging small and medium-sized private sector.

It must also be noted that, at the start of the Buzek government, ministers did not consider EU accession a top priority for the cabinet. The negotiations had not started until spring 1998, and the European Union institutions had not yet exerted strong pressures on the Polish government. The cabinet's and prime minister's interest was firmly with national politics and the four ambitious reforms launched in local government, health care, education and social insurance (interview 14, p. 6-7; interview 15, p. 5). These issues received most attention in parliament, the media and within linkage institutions with socio-economic interests, while EU accession was only beginning to stir some political interest. It must also be noted that euro-sceptic factions inside the AWS further pushed the cabinet's policy on Europe towards the lowest common denominator (interview 15, p. 5).

The combination of party configurations and weak internal and external incentives led to a decline in the position of the European core executive. The position of the KIE chairman deteriorated after Buzek had conceded to his party's pressure to appoint Ryszard Czarnecki to the post. Although a full cabinet member, Czarnecki commanded little authority among his ministerial colleagues, mainly on account of his young age, relative political inexperience and limited expertise in European affairs. An UKIE official said,

Minister Czarnecki (...) found it extremely difficult to mobilize other ministers. (...) He was just one of cabinet ministers and, although he was responsible for EU affairs, he had no expertise in this area. A situation in which minister Czarnecki would arbitrate a conflict between, say, Balcerowicz [finance minister and deputy prime minister] and Tomaszewski [home minister and deputy prime minister] was simply unthinkable'. (interview 27, p. 5)

Further, despite inheriting a weakly institutionalized position in EU transposition, Czarnecki had limited personal incentives to push for more powers in this area. As a leader of the euro-sceptic National Christian faction, Czarnecki wished to improve the UKIE's legitimacy within government by, *inter alia*, making it known that he

considered transposition commitments undertaken by the previous government as too ambitious (interview 20, p. 5).

Czarnecki's position as the KIE chair was checked by Bronislaw Geremek, foreign minister and senior member of the Freedom Union, who frequently contested the former's policies (interview 20, p. 4; interview 27, p. 5; interview 38, p. 1). Their conflicts were, of course, as much political as structural. The KIE removed one of the most prestigious policy areas from the foreign ministry's remit and turf wars between the KIE chairman and the foreign minister were to some extent inevitable (interview 27, p. 5). Inside his own secretariat, Czarnecki was also kept in check by Piotr Nowina-Konopka, a Freedom Union-nominated deputy minister. A public conflict with Nowina-Konopka was later a major contributing factor in Czarnecki's dismissal in the mid 1998 (Subotic 1998).

More significantly, unlike Hübner, Czarnecki could not rely on the prime minister's support. EU integration was not a major priority for Jerzy Buzek, not least because he had little personal experience in foreign affairs (interview 20, p. 1-2; interview 36, p. 2). Buzek himself was also sceptical about the relative benefits of the integration process and, early in his term, considered renegotiation of the Europe Agreement (interview 15, p. 5). Perhaps more importantly, prime minister Buzek suffered from a weak political stature. His leadership was undermined, first and foremost, by the incohesiveness of his own party, the Solidarity Electoral Action (AWS). Marked programmatic differences and on-going internal disputes within the AWS pushed Buzek into a constant balancing act between different factions of his own party. His role as prime minister was further weakened by the presence of the AWS leader, Marian Krzaklewski, outside the government. Buzek's authority in cabinet was often challenged by Leszek Balcerowicz, deputy prime minister, finance minister and leader of the AWS's coalition partner, the Freedom Union. Having no independent power base, the prime minister was frequently held hostage by deals struck between Krzaklewski and Balcerowicz (Zubek 2001; Zubek 2005 forthcoming).

Organizational Fragmentation of the European Core

Rather than strengthening the role of the European core, the AWS and the UW were thus more interested to shackle the KIE chair and to downgrade the competencies of the UKIE and the KIE committee. This was most evident in the organizational

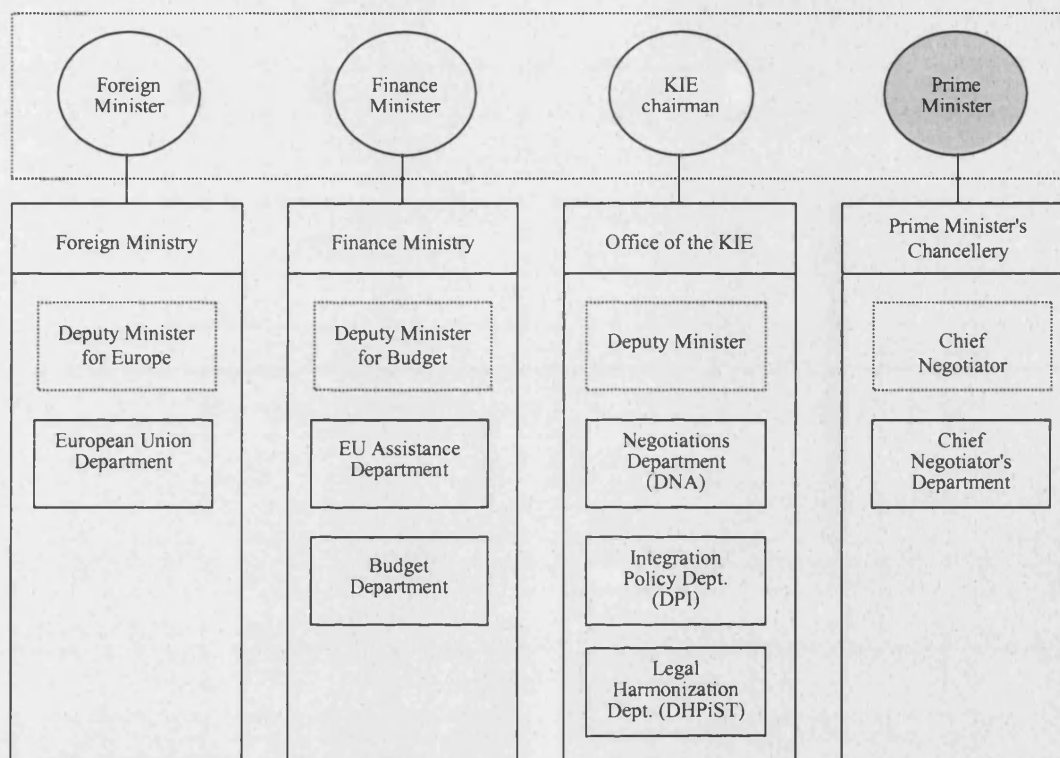
fragmentation of the core when, after protracted political bargaining between the two coalition parties, the chief negotiator and his accession coordination machinery were located outside the KIE and the UKIE. Buzek and Czarnecki were opposed to placing the chief negotiator within the Freedom Union-dominated foreign office but the attachment within the UKIE was contested by the UW leaders (interview 34, p.2). The main candidate for the job, Jan Kulakowski, former ambassador to the EU also rejected the latter option (interview 49, p. 1). A high-level UKIE official said, 'Kulakowski himself did not agree [to the UKIE attachment], since he believed the problems that the negotiations entailed would be of the kind that he could be effective only if he were deputy foreign minister or was located close to the prime minister' (interview 34, p. 7).

In the end, a compromise solution was chosen, and Jan Kulakowski was appointed cabinet plenipotentiary at secretary of state level within the Prime Minister's Chancellery (KPRM). The chief negotiator stood at the head of a negotiation team that comprised undersecretaries of state nominated by line ministries, though appointed in a personal capacity by the prime minister. Kulakowski had two deputies at secretary of state level, one from the foreign ministry and the other from the UKIE. The team's permanent secretary was an undersecretary of state from the UKIE. The negotiation team was assisted by an interministerial committee for the accession negotiations which had operated at undersecretary level since the mid 1997 to screen domestic legislation for negotiations problems. The committee was led by the KIE chairman, and Kulakowski became its deputy chair. See Figure 3.2.

The separation of the UKIE from the Chief Negotiator led to intense inter-organizational rivalries. Having lost his bid to have the chief negotiator as his deputy, Czarnecki had an ambition to control his staff at operational level (interview 34, p. 6; interview 30, p. 3). An KPRM official said, '[The relations] were terrible. The Christian Democrats' appointees [at the UKIE] wanted to have the widest possible control over us but had no professional justification, for these people had limited expertise in EU affairs. They took every chance to incapacitate us. It was a fierce fight' (interview 30, p. 3). The rivalry was also evident in Czarnecki's refusal to second some of the UKIE personnel to Kulakowski. Since mid 1997, the UKIE had had a Department for Accession Negotiations (DNA) providing administrative support to the interministerial committee for accession negotiations. As Kulakowski

was not able to retain a large staff at the KPRM for budgetary reasons, he asked for the DNA personnel to be placed under his control (interview 30, p. 5). It was only after Buzek's intervention that Czarnecki reluctantly agreed to delegate one section of the DNA to work directly for the chief negotiator, though it remained organizationally part of the UKIE (cf. Official Communication SJK/7-37/98 1998).

Figure 3.2. Individual and Collective Actors in EU Affairs within the Core Executive in 1998



source: own compilation

The hybrid organizational arrangement fuelled further rivalries between the UKIE and the KPRM. The seconded section, called the Centre Supporting the Accession Negotiations (CONA), though formally part of the DNA department, became increasingly alienated from the rest of the UKIE, working more and more closely with Kulakowski's small team in the KPRM (cf. Internal Memo DNA/1632/98 1998). It quickly marginalized the remaining part of the DNA – in November 1998 it already employed 14 staff, while the rest of the DNA had a personnel of four including the director. An UKIE minister said,

'This [institutional arrangement] posed many problem. In formal terms the [CONA] answered to the UKIE management, but at an operational level it was accountable to minister Kulakowski. But any attempt to exercise the formal lines of accountability was considered an attack on the chief negotiator, and the CONA management or Kulakowski complained that we put pressure on them (...) later (...) Kulakowski was aware that the CONA

worked without any supervision and had become alienated in the sense that it only did what it wanted'. (interview 15, p. 11)

The complex organizational matrix inhibited information flows between the CONA and the rest of the UKIE (interview 13, p. 12). A DPI official said, '[The cooperation] was not too good. The [CONA] had an odd status: we were all on the same budget but they answered to the chief negotiator who was in the KPRM. Even our minister sometimes did not have any influence over what they did. This gives you some idea how hard it was for someone like a department director to be able to affect their work' (interview 8, p. 7).

The inter-party competition and a general malaise in EU affairs further prevented ministers from addressing organizational problems that were revealed in the process of transposition. The KIE chairman was, for example, hampered in his role as facilitator of EU transposition by weak institutional linkages between his secretariat and other central agencies within the core executive. This was particularly apparent in the UKIE's relationship with the Prime Minister's Chancellery. During the semi-annual planning cycle the Chancellery's Cabinet Agenda Department did not verify whether line ministries included transposition commitments in their inputs into the cabinet legislative plan (interview 7, p. 13; interview 2, p. 5). A Chancellery official said, 'cooperation with them [UKIE] is limited. There is also limited information with regard to the decisions made in the KIE committee (...). Our role has been limited to routing of documentation from the UKIE to the cabinet' (interview 4, p. 11).

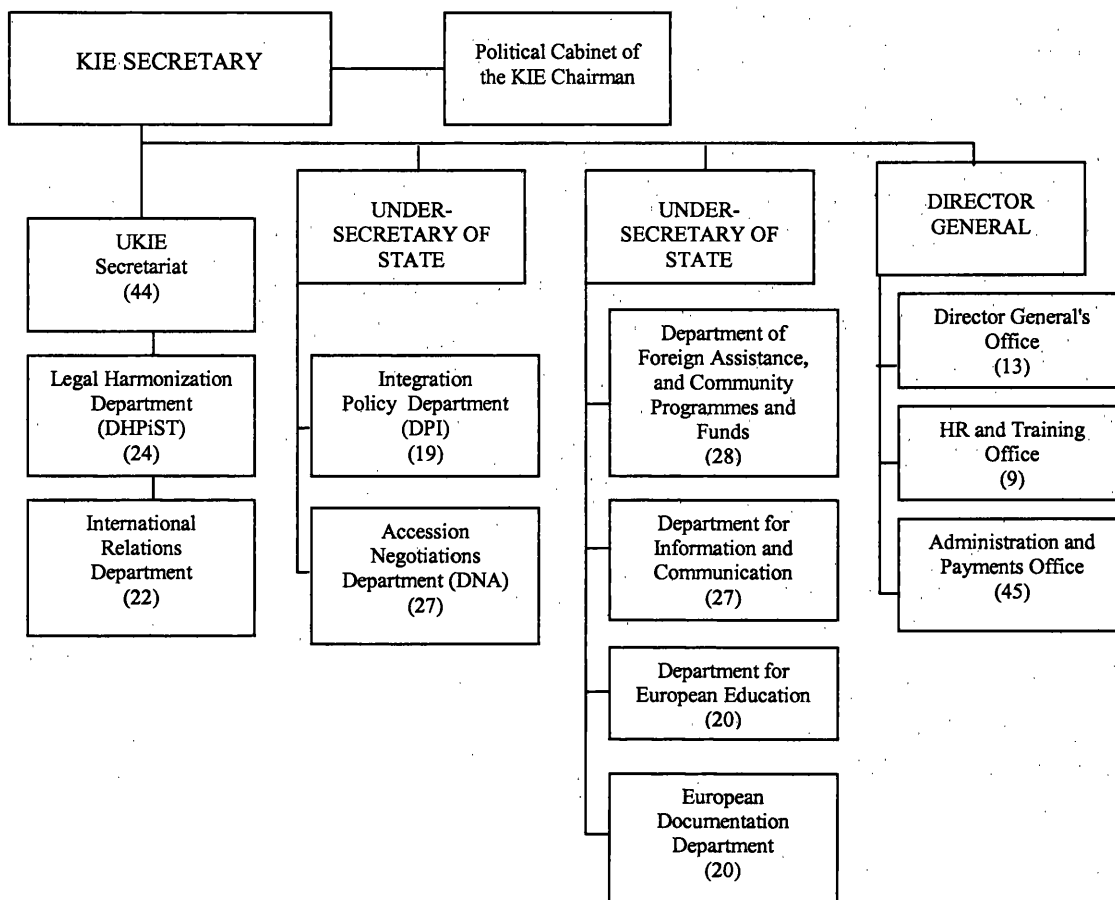
There was also limited communication with the finance ministry led by Leszek Balcerowicz. The transposition planning process was weakly coordinated with the budgetary cycle. An UKIE minister said, 'the translation [of transposition commitments] into the budget was delayed in time (...) unfortunately the two processes were not correlated. The work on the national programme for the adoption of the *acquis* was finalized in mid-year, at a time when the discussions on the next budget only started' (interview 16, p. 1). Furthermore, since 1994 the finance ministry had blocked proposals to introduce EU-related expenditure into the formal budgetary classification, concerned that this might legitimize ministerial bids for more budgetary resources (Komisja ds Ukladu Europejskiego 1994; Komisja ds Ukladu Europejskiego 1996). In effect, line ministries had subsumed EU-related

expenditure under existing budget heads which made it difficult for the centre to control what resources were in fact allocated to transposition (cf. Official Communication SekrMinPS/1296/99 1999).

Finally, besides problems resulting from the UKIE-KPRM divide, there were also organizational tensions within the UKIE itself. See Figure 3.3. The key issue was limited cooperation between the two main departments involved in legal adaptation. The Department of Integration Policy, employing 19 staff mostly with an economics background, was the lead department for supporting interministerial coordination. Its brief covered, in particular, the planning and monitoring of adaptation action at ministry level. The other department was the Department of Legal Harmonization (DHPiST), staffed with 24 lawyers, which had a more analytical profile and concentrated mainly on checking all government initiated drafts for compliance with the EU law. To a large extent these two departments worked independently. An UKIE official said, 'There were no stable, binding procedures requiring the two departments to work together closely. And, if there are no such procedures or similar frameworks, then bureaucratic units have a tendency to work and function autonomously' (interview 26, p. 9-10).

The weak cooperation was most evident during interministerial consultations. Acting on behalf of the KIE chairman, the DHPiST prepared a legal compatibility assessment, while the DPI provided more general comments on the compliance with national transposition commitments. Despite a complementary character of these tasks, the two departments had developed no standard operating procedure for communication at an operational level (interview 25, p. 5-7; interview 8, p. 10-11). In effect, the two opinions frequently provided competing assessments (cf. Internal Memo DHPiST/173/98 1998). The relationship between the DHPiST and the DPI was hindered, in large part, by different professional profiles of their staff and personal ambitions of their directors (interview 26, p. 10). The sympathies of the UKIE leadership also mattered. Under Czarnecki the rivalry between the DHPiST and the DPI was further fuelled by the KIE chairman's close collaboration with the DHPiST and his relative mistrust for the undersecretary of state supervising the DPI (interview 25, p. 5-7; interview 40, p. 1).

Figure 3.3. UKIE's Organigram in December 1998 (staff level in brackets)



Source: own compilation based on Executive Regulation No 6 of the KIE Chair of 3 June 1998 and Executive Regulation no 1 of the KIE secretary of 30 September 1998, staff figures were supplied to the author by the UKIE secretariat

The Impact on Authority and Information Rules

Problematic political leadership combined to dampen the central control over the process of EU transposition. In late 1997 and early 1998, this was clearly evident when the Buzek government set out to prepare a national programme for the adoption of the *acquis* (NPAA). In response to the EU-formulated accession partnership, Polish ministries for the first time had to plan transposition of the entire Community legislation. In December 1997 the KIE committee approved a list of adaptation priorities to be addressed and a general template that ministries had to follow in the preparation of the programme (cf. UKIE Internal Document 10/12/1997 1997). But the KIE chairman and the UKIE left ministries far-reaching freedom in the practical 'who, when and what' of transposition (interview 8, p. 5; interview 46, p. 5). Responsibility for identifying EU measures and domestic legislative actions

was firmly with line ministers. The UKIE only collated and checked their inputs for compliance with the pre-agreed format. An UKIE official said,

The first NPAA (...) contained information that a particular ministry wanted it to contain. Ministries were not required to identify all EU legal measures for each priority they addressed [and] (...) identified only those EU measures that they thought they would be able to transpose, given the cabinet legislative plan and the like. So [commitments] were a bit accidental. For instance, if a ministry was working on a new energy law, it would decide to implement this and that [directive] on the margins of that new law'. (interview 21, p. 3)

The ministries alone were responsible for making provisions within their budgets to implement the NPAA. The same decentralized rule applied to the NPAA's integration with the cabinet's semi-annual legislative planning cycle (cf. Official Communication SekrMinRCZ/2047/w/98/DPI-TBG 1998).

Most importantly, the Czarnecki-led KIE departed from a practice that slowly had evolved under Cimoszewicz that the committee had competence to process EU-related legislation. Draft transposing measures were prepared by line ministries and then routed through the standard interministerial procedures and cabinet committees together with non-transposing legislation. This change was part of a more general downgrading of the KIE's status. The committee's predicament was revealed in the low frequency of its meetings, the secondary rank of its participants and the general nature of its agenda. Between October 1997 and June 1998, the KIE met on a monthly basis and held only eight sessions. Each meeting lasted approx. 2.5 hours on average. Its agenda was dominated by formal presentations of reports and documents rather than real decision-making. To salvage the KIE's authority, the prime minister attended and chaired the committee meetings, despite Czarnecki being formally in the chair (interview 20, p. 3). Even so, the KIE evolved towards a monthly debating forum, attended mainly by junior ministers, civil servants and numerous guests including academics and parliamentarians (interview 14, p. 4; interview 15, p. 4-5). A close observer said,

'The KIE did not have any legislative initiative. All in-coming draft laws were only screened [for EU compatibility] by the UKIE and the Foreign Office. The KIE's role was a mere formality. (...) The KIE heard reports. (...) It had no control powers or powers to take initiatives'. (interview 36, p. 4)

Denied the opportunity to set the legislative agenda within the KIE committee, the KIE chairman and the UKIE confined their role to reactive comments on draft legislation within interministerial consultations. Like all other ministries, it received draft legislation for comments and could review its compliance with transposition commitments (interview 8, p. 11; interview 46, p. 7). But the UKIE's position in the process was on a par with other ministries and its opinion had the status of one ministry's comment on another's draft.

A slightly more authoritative instrument was provided by the EU compatibility assessment, a procedure under which the KIE chairman screened all legislation for compliance with the Community law. Based on the authority of the cabinet bye-laws, such assessments had to be attached to all cabinet submissions. However, their effectiveness as a transposition guidance was limited, since they focused on legal conformity *per se* rather than on implementation of transposition commitments (interview 45, p. 8). An UKIE lawyer thus summarized the approach adopted in the compatibility assessment,

'We [the DHPiST] concentrated more on legal implementation rather than on planning legal adaptation. (...) in all honesty, we did not care when, in what sequence and by whom such adaptation will be carried out. For us, it was the result that mattered. We made sure that changes that must be made were made in compatibility with the EU directives. The deadlines and timing were of secondary importance to us'. (interview 13, p. 2)

The UKIE staff were rarely involved in the law-making process at operational level. Only sporadically did they participate in interministerial conciliation committees (cf. Internal Memo DPI 12/10/1999 1999), while legislation-focused task forces involving the UKIE staff were the exception rather than the rule (interview 52, p. 7-8). A high-level UKIE lawyer admitted that the DHPiST had interacted with line ministries only when the latter had disagreed with their compatibility assessment (interview 25, p. 10). This passive role of the UKIE's legal services was confirmed by an agriculture ministry official who said, 'they [UKIE lawyers] maintained – which was probably true – that they had too much work to be able to help us or offered to help us at such future times that we were able to solve the problems ourselves by then' (interview 42, p. 4).

Transposition work at line ministry level was not subject to weekly or monthly monitoring procedures that could mobilize ministerial officials on a regular basis.

When adopting the NPAA in May 1998, the KIE committee asked its chairman to report on progress only once a year. Part of the problem was that the transposition commitments contained in the NPAA provided too general an indication of the transposition tasks and the timetable for their implementation. A minister said, 'the national programme [NPAA] was not liable to week-to-week or month-to-month monitoring given that transposition deadlines were identified with yearly precision' (interview 15, p. 7).

Admittedly, the UKIE secretariat did track legislative changes on the margins of parallel processes (interview 15, p. 6-7; interview 27, p. 1; interview 46, p. 5). This was chiefly done during the preparation of the Polish input into the Commission's regular progress report (interview 8, p.1). The first such report was to be published in autumn 1998 and, already in mid-year, line ministries were asked by the UKIE to prepare the necessary information (cf. Official Communication SekrMinJP/355/w/98/DPI-ES 1998). Another opportunity, although perhaps less effective, was provided by the meetings of the Europe Agreement institutions, at which Polish ministries presented the Commission with an update on transposition (interview 46, p. 1). The final monitoring channel was a bimonthly updating by line ministries of the Harmonogram Database, which since early 1996 had been maintained by the Taiex office in Brussels (interview 21, p. 6). Besides such institutionalized processes, the UKIE secretariat also undertook ad hoc interventions in crisis situations (interview 46, p. 5). While taken together these information channels ensured that the UKIE had a fairly good idea about the progress of transposition, they had the effect of mobilizing ministerial officials in irregular – at best six-monthly – intervals.

The KIE chairman and the UKIE had also limited institutional levers to sanction non-compliance if transposition delays were detected. Neither the KIE committee nor the cabinet considered transposition progress on a regular basis which made it difficult for the KIE chairman or the prime minister to provide positive or negative incentives to non-compliant ministers. Enforcement was thus undertaken only in crisis situations through the KIE chairman's *ad hoc* interventions with the prime minister. An UKIE official said,

'If one of our experts at the department saw there was a problem, for example, a particular draft law was scheduled for the end of May, and came

April no work was under way, he or she would alert his boss and the department director who would, in turn, check what the status was, and if that did not help, we would take the matter up [to the minister]'. (interview 46, p. 5)

The effectiveness of such interventions was, however, adversely affected by the KIE chairman's weak political position and his gradually deteriorating relationship with the prime minister (interview 20, p. 3). This lack of enforcement from the centre was recalled by a economics ministry official who said, 'I remember my surprise when a large number of tasks that had had to be undertaken in a given year or within some time brackets were subsequently deferred to a new deadline, [and this was done] completely without any consequences' (interview 19, p. 7-8).

Finally, after the accession negotiations were launched in March 1998, the core did not mobilize line ministers and their departments to translate the screening lists and negotiation positions into specific legislative blueprints. In large part, this lack of control seems to have stemmed from the confidential nature of negotiation documents. An UKIE official said, 'In the beginning we adopted very restrictive rules as to the accessibility of negotiation-related documentation. Most of it was confidential and so it did not reach ordinary staff. And certainly this was a mistake. (...) [The documents] were only distributed to the members of the negotiation team at junior minister level' (interview 30, p. 6). In effect, by retaining the monopoly of negotiation-related information, the core made it difficult for ministerial staff to integrate negotiation commitments into their day-to-day work. An internal document thus summarized the situation, 'The draft negotiation positions are prepared and analyzed by a small group of people and so the exact nature of negotiation commitments is not generally known to ministerial staff. As a result, when preparing programmes and draft laws central government staff do not take account of negotiation commitments' (UKIE Internal Document 12/07/1999 1999).

It is also important to note that transposition commitments fell between two stools within the core executive. Kulakowski's negotiation team focused initially on technical administrative support to line ministries during the screening process. An official at the Department for Accession Negotiations said,

'Our role was that of pure organizational support. We focused on mundane but necessary things such as arranging travel, routing and consulting documents. And this is where our job ended. (...) At the start of the negotiations we were involved in the technical support of interministerial

consultation meetings where screening lists A and B were discussed. (...) We were responsible for the flow of the entire [screening] documentation, i.e. sending lists to ministries, electronic communication, collating documents, attending the interministerial meetings. (...) We also kept all records'. (interview 32, p. 1)

When the negotiations were extended to cover the most sensitive issues, Kulakowski's focus shifted to the identification of the key negotiation problems (UKIE Internal Document 1998b). His team became more actively involved in shaping the nature of Polish negotiation commitments, in particular by developing arguments to substantiate ministerial requests for transitional periods (interview 30, p. 6). It also tackled regulatory and budgetary impact assessment (interview 10, p. 1; interview 58). But it had limited interest to assess legislative consequences of the negotiations. Some analytical work in this area was conducted in the DNA but their reports were rarely practical enough and were not used as transposition guidance for ministries (interview 11, p. 2). In effect, the chief negotiator's team did not maintain regular monitoring or enforcement of the transposition commitments made during the negotiations. An UKIE official said,

'In my assessment the DNA had an important role to play when it came to the preparation of negotiations sessions, instructions, explanatory notes, etc. But they completely lost interest the moment a session was closed. They did not mind what happened afterwards. Of course there were certain crucial issues that captured their interest but these were [selected] issues that made it to the headlines'. (interview 46, p. 6)

Neither did the UKIE become involved in mobilizing ministries to make good on their screening and negotiation commitments. For one thing, they too had problems with accessing confidential negotiation documents. In September 1998, an UKIE junior minister wrote to the chief negotiator indicating that negotiation documents were not passed over the UKIE, which made it difficult to monitor the implementation of adaptation commitments (Official Communication SekrMinMKF/644/98/os 1998). The communication problems persisted and were again signalled by the UKIE the following year (cf. Internal Memo DHPiST/141/99 1999). Also, one needs to note that the UKIE did not play a prominent role in the formulation of the negotiation positions which, counter to the formal procedure established in July 1998, were first approved by Kulakowski's Negotiation Team and, only then, passed on to other ministries, including the UKIE, for interministerial consultations. In effect, the interministerial committee for the preparation of the

accession negotiations, formally chaired by the UKIE head, was by-passed (Internal Memo DNA/355/99 1999).

Most significantly, the UKIE did not develop any regular procedure for integrating the screening and negotiation commitments into the NPAA. A DPI official said,

‘We relied on institutional memory of our staff. Someone who had attended a negotiation session looked into his or her notes and suggested that the NPAA should be supplemented with this or that task. (...) We [also] received all formal protocols and instructions. There were also many personal contacts. (...) So it was informal cooperation, informal exchange of information’. (interview 46, p. 6)

The situation was not much improved by an arrangement that each negotiation chapter had a central note-taker who attended all screening and negotiation sessions. These staff were recruited from three different central agencies – the UKIE, KPRM and the Foreign Office – and hence provided little added-value for coordination within the core executive. The KIE committee discussed transposition mainly in the context of the NPAA (cf. UKIE Internal Document 1998c). Similarly, the Department of Integration Policy (DPI) continued to focus predominately on the NPAA programme as the bearing mark for EU transposition. The NPAA was thus quickly losing relevance as the key guidance instrument in EU transposition. The same was true of the transposition annex to the NPAA, which the UKIE’s legal department, DHPiST, prepared in the second half of 1998. The DHPiST did not incorporate the specific issues disclosed during the screening sessions, but based it on much less precise original formulations made in early 1998. Unsurprisingly, the annex was quickly discarded as adding little value (interview 15, p. 15).

To summarize, between September 1997 and July 1998 (when Czarnecki resigned), the position rules relating to the KIE committee and the KIE chair remained unchanged. What changed, however, was the opportunity which existed under the Cimoszewicz government to invoke the formal and informal authority and information rules attached to the position of the prime minister. As demonstrated above, that possibility disappeared for two reasons. First, the Buzek government departed from the practice of prime ministerial chairmanship of the KIE committee and appointed a cabinet minister to the KIE chair. Second, and perhaps more importantly, the prime minister’s weak political standing frequently prevented him

from invoking his formal prerogatives, even though, in practice, he often presided over the KIE meetings.

Under these circumstances, ministers and departments faced only the limited authority and information rules attached directly to the position of the KIE chair and the KIE committee. These, however, had not been well institutionalized, as shown at the start of this chapter. Worse, the external and domestic incentives as well as the institutional setting did not facilitate the development of such rules. For one thing, neither Czarnecki nor Buzek had strong personal incentives to act as a political entrepreneur for such new rules. In any case, both had too weak a standing to make such an attempt likely to succeed. Moreover, the intra-coalition conflicts prevented ministers from entering into collective commitments to new rules within the KIE. In fact, the KIE committee became less and less operational as the frequency of the meetings dropped, the agenda grew ceremonial and ministers began to send junior deputies. Also, the ability of the KIE chair and the KIE committee to extend selective incentives and monitoring was undermined by a competition with the chief negotiator and the negotiations teams, fragmentation of resources such as personnel and finance, and organizational conflicts at departmental level within the UKIE. Finally, the accession negotiations only just started and there was no pressure from the EU that would provide ministers incentives to develop new rules.

As a result, the authority and information rules attached to the position of the KIE chair/secretary and the KIE committee remained limited, both in number and scope, throughout the period. The dearth of institutional incentives was most evident with regard to authority rules. In a departure from the practice developing under the Cimoszewicz chairmanship, the KIE committee did not work on transposing legislation. Its involvement in the legislative process was limited to passive screening for EU compatibility performed by the KIE chair. Neither the KIE committee nor its chair had any authority to encourage ministers and departments to actively contribute to the transposition record. Also, the rivalry between the UKIE and the chief negotiator's team prevented the development of authority rules that would encourage the translation of screening tables into legislative commitments.

The situation looked slightly better when it came to information rules. But, although the KIE committee and the KIE chair were involved in planning and monitoring transposition, the applicable rules provided rather lightweight constraints on

ministers and departments. In planning, only general templates were provided to ministries and programmes were collated from ministerial inputs without much substantive involvement by the KIE chair or the KIE committee. In monitoring, progress was comprehensively assessed by the KIE committee only once a year, with no week-to-week or month-to-month checks at operational level.

III. The Neglected Core Persists

Between July 1998 and December 1998 a significant, albeit unsuccessful, attempt was undertaken to provide for new authority and information rules that would enhance intra-executive incentives that ministers and departments faced in EU transposition. The opportunity for institutional change within the core executive arose when prime minister Buzek assumed the KIE chairmanship, following the departure of minister Czarnecki in July 1998. Czarnecki's position in cabinet had been on the decline since early 1998, not least because the smaller coalition party, the Freedom Union (UW), lobbied for the prime minister to chair the KIE, an arrangement that would allow more manoeuvring space to the UW-nominated foreign minister (interview 20, p. 2-3; (Rzeczpospolita 1998). But Czarnecki was more generally perceived as a weak Europe minister, and he was dismissed after Poland had lost a significant share of the Phare resources (Grobowski 1998; Subotic 1998). Standing at the KIE's helm, the prime minister appointed a new undersecretary of state within the UKIE, Maria Karasinska-Fendler, who became a provisional KIE secretary.

Having carried out a stock-taking exercise, Karasinska-Fendler alerted Buzek in September 1998 to serious transposition delays that had accumulated under Czarnecki. An UKIE minister said,

'Based on ministerial reports [Karasinska-Fendler] had the implementation of the NPAA measured in a single table with pluses and minuses where a law had been adopted or not adopted. The table generated a major turmoil in cabinet because it turned out that ministers undertook commitments but were not able to deliver'. (interview 36, p. 5)

The new KIE secretary proposed to Buzek that the negotiation team should be replaced with a smaller committee of state undersecretaries from the UKIE, Foreign Office and the Economics Ministry (interview 36, p. 11). The KIE secretary further recommended that junior line ministers should be required to produce – after each screening session – a detailed list of legislative initiatives that had to be undertaken

to transpose relevant EU measures. The UKIE would then integrate the list with the NPAA on a regular basis (Bielecki 1998). In addition, Karasinska-Fendler wanted to establish a 'rolling' catalogue of outstanding legislative drafts (KIE Protocol 8/1998 1998; UKIE Internal Document SS/2/1/009 1998). Finally, she proposed to reorganize the UKIE by dismissing around 150 people (interview 36, 11). Karasinska-Fendler's proposals were largely in line with similar suggestions made at the time by chief negotiator Kulakowski and other members of the Negotiation Team (cf. KPRM Internal Document 17/12/1998 1998; KPRM Internal Document SS/2/1/034 1998).

These proposals, however, remained largely unimplemented culminating in Karasinska-Fendler's resignation in December 1998. There seem to have been two principal factors that contributed to the collapse of her reform plan. The first factor was Karasinska-Fendler's lack of wider political legitimacy within the government. Due to an internal coalition deadlock, she was appointed only a provisional KIE secretary at undersecretary of state level. After prime minister Buzek had assumed the KIE chairmanship, the Freedom Union (UW) evoked an unwritten rule that guaranteed that if the minister came from one party, his first deputy had to be nominated by the other coalition party (interview 16, p. 7). Buzek being a member of the AWS, the UW wanted to nominate his deputy, the KIE secretary (Sarjusz-Wolski 1999; Wielowieyska 1999; Subotic 1999b). The AWS failed to honour this arrangement and the UW blocked a permanent appointment to the post. Karasinska-Fendler's provisional status and a relatively low rank within the administration proved a major handicap. An UKIE minister thus summarized Karasinska-Fendler's predicament, '[she] had no political power base and nobody supported her, neither the SLD, nor the Solidarity' (interview 36, p. 3). A high-level UKIE official confirmed,

'There is a natural restraint when someone who is a provisional appointee contacts a full minister (...) also for a person who holds a position equivalent to an undersecretary of state it is more difficult to negotiate with a cabinet minister. (...) I think this is one of the reasons why the secretariat [the UKIE] was not able to achieve what it planned to do (...) our authority to convince others or to impose what we had planned was inadequate'. (interview 16, p. 8)

The second, and perhaps more important, factor was Karasinska-Fendler's inability to rely on the full support of the prime minister (interview 36, p. 7). Buzek, who

despite becoming the KIE chair continued to have a weak political position within his cabinet and party, had neither personal motivation nor sufficient authority to back Karasinska-Fendler's proposals. Also, at the end of 1998 his government was finalizing work on the legislation introducing the social and economic reforms that were to be launched from January 1999. Buzek's attention was thus firmly on domestic politics (interview 36, p. 2). A minister said, 'the most serious problem then was that [Karasinska-Fendler] could not convince the prime minister that, while he would not win elections on European integration alone, he would be certain to lose them [if his government failed on that issue]. But because this was not a political priority, [Karasinska-Fendler] was a redundant minister' (interview 36, p. 7).

This episode demonstrates that, between June and December 1998, the position, authority and information rules that the core executive had at its disposal to induce ministers and departments to contribute to EU transposition remained unchanged in their scope and substance. This was despite Karasinska-Fendler's entrepreneurship undertaken in the face of mounting evidence of transposition delays. Karasinska-Fendler's failure to trigger institutional change raises two important points. First, it shows that the outcome of entrepreneurship in institution-building was heavily dependent on the prime minister's support, the preferences of the main coalition parties and Karasinska-Fendler's own political and institutional standing. In a situation where such conditions were not favourable, the KIE secretary's mission could hardly succeed. Second, it is interesting to note that, although Buzek assumed the KIE chairmanship, his weak political standing largely prevented him from exercising the formal and informal prerogatives attached to the prime ministerial position. This was in stark contrast to prime minister Cimoszewicz in the years 1996-1997. Hence, the weak institutionalization of the rules attached to the position of the KIE committee and the KIE chair could not be compensated by strong incentives extended by prime minister Buzek. In any case, due to an overloaded schedule of any premier, his interventions could only be *ad hoc* and limited to specific issues.

IV. External and Domestic Conditions Change

The conditions that had until then prevented the reinforcement of the authority and information rules began to change from early 1999. As a result, both prime minister Buzek and chief negotiator Kulakowski emerged as key entrepreneurs seeking to

develop institutional levers with which to mobilize ministers to adopt transposing legislation.

The Prime Minister as Rule Entrepreneur

In spring 1999, EU transposition attracted the close attention of prime minister Buzek. There were a number of reasons for the prime minister's new interest, most notably (i) a gradual evolution of his personal stance on EU affairs, (ii) the prospect of an impending crisis in accession negotiations and (iii) domestic political calculations within the AWS-UW cabinet. The first point to note is that Buzek's personal preferences as prime minister evolved from relative indifference to increasing engagement in EU affairs. An UKIE minister said, 'since he took the office, the prime minister had undergone a major personal transformation, that is, he changed from a largely unknown politician with a rather simplistic worldview to a politician who appreciated Poland's position in the external world' (interview 15, p. 13). In this, Buzek was aided by his advisors. A senior advisor recollected,

'Arkuszewski [the *chef de cabinet*] managed to organize a really exceptional exercise - a personal workshop in European integration for the prime minister. We took him away for one whole day. (...) And three people lectured the prime minister on what the European Union was. (...) We covered it all, from the Treaty of Paris to the present day, going through all the EU policies one by one.' (interview 35, p. 2)

In large part, the prime minister's new interest in EU-related affairs was also a function of the negotiation dynamic which in early 1999 had reached an advanced stage. Increasingly drawn into the accession process, Buzek soon realized that the slow pace of domestic adaptation was becoming Poland's chief liability and, if unaddressed, it might seriously undermine the country's bid for membership (interview 29, p. 13; interview 15, p. 5; interview 16, p. 4). Most significantly, his attention was caught by alarming signals from the European Union (interview 49, p. 4). An UKIE official said,

'There were official visits by European Commissioners who directly said what they thought about the situation (...) There was an exchange of letters, perhaps not yet at political level but no longer at official level, for example, communications from Poland Director at DG Enlargement to the KIE secretary or minister Pietras, the secretary of the negotiation team. All these contributed [to increased awareness of the prime minister]'. (interview 46, p. 2)

The decisive moment came at the end of April 1999 when a negative assessment was repeated by the European Commission during the 7th meeting of the Association Committee. The Commission clearly stated that, unless Poland improved its adaptation record, it would not be admitted in the first round of enlargement and would lose a substantial share of the financial assistance (UKIE Internal Document June 1999 1999, p. 2). An UKIE minister said,

'In April 1999 we had a meeting of the association committee where the Commission indicated that it would take an extremely critical position [in the forthcoming progress report on Poland]. And that information reached the prime minister – it managed to get through all the organizational shields that usually surround the prime minister and reached him. And the prime minister decided to take this up'. (interview 15, p. 13)

But equally important were domestic signals indicating that EU transposition lagged behind. Most significantly, the revision of the NPAA programme in March 1999 revealed serious hold-ups in the transposition process (interview 16, p. 4) (Apanowicz 1999). As a follow-up, the UKIE provided a detailed report to the prime minister and identified a list of priority areas where immediate action had to be taken (cf. KIE Protocol 03/1999 1999).

The prime minister's final conversion to EU transposition came when he saw the opportunity for using integration with Europe as a way of injecting new impetus into his government. By mid 1999, the socio-economic reforms that formed the core of the AWS-UW coalition had been well-advanced, and the Buzek government looked for new challenges (cf. Paradowska 1999a). The introduction of fresh policy issues was also hoped to prop up the waning popularity of the government. Although the coalition parties were split on what the government should concentrate on, both the AWS and the UW agreed that EU integration had to be addressed (cf. Paradowska 1999b). An UKIE minister said, 'Looking for [new] objectives for his cabinet [Buzek] identified European integration as an objective that he was able to realize, and one that would both let him avoid a crisis and achieve something' (interview 15, p. 13). Accordingly, in September 1999 the prime minister identified EU-related legal adaptation as one of five major priorities for the last two years of his cabinet's term (Gazeta Wyborcza 1999; Official Communication SekrMinPS/1768/99/DPI-mk 1999).

Additional Rule Entrepreneurship by the Chief Negotiator

Buzek's interest in transposition was matched by an increasing attention that the chief negotiator and his staff paid to the process of internal adaptation. Around the early 1999, when the negotiations started to cover the most crucial chapters of the *acquis communautaire*, Kulakowski and his team began to realize that the slow pace of transposition was adversely affecting their ability to achieve further progress (interview 27, page 2). A close observer said,

'(...) the chief negotiator did not have any influence over the cabinet, did not have any lever to force full ministers to implement what the members of the negotiation team at a deputy minister rank declared. All were under the illusion that the negotiations would last long, and so they did not have to rush things, there being so much other more important business. And at some point we realized that there was a large number of things which we had promised to do but which were lagging behind.' (interview 30, p.3)

Kulakowski's new interest was also a direct result of a significant change in the negotiation tactics on the part of the European Union. Since the early 1999, the European Commission had started to place more emphasis on the pace of adaptation as a measure for assessing the candidate country's progress towards accession. The Polish ambassador to the EU wrote, 'The emphasis has clearly shifted from measuring negotiation progress by the number of closed chapters to measuring progress by the degree of [internal] adaptation, and the pace of accession negotiations is now determined by the pace of internal alignment in the candidate countries' (Official Communication SJK/456-406/99 1999).

Realizing that further progress in the accession negotiations was not viable unless the transposition backlog was dealt with, Kulakowski's negotiation team started looking internally for ways in which to influence the transposition process (interview 27, page 2). A member of Kulakowski's staff thus captured this new dynamic, 'we tried to save the negotiations. We understood very quickly that unless we gave them a major shake-up, found some way to give a jolt to the structures responsible for transposition, then in some areas we would have major problems. And so this was a very pragmatic decision' (interview 35, page 4).

The Failure of Existing Rules as a Window of Opportunity

In mid 1999 both prime minister Buzek and chief negotiator Kulakowski realized that, without the creation and enforcement of new authority and information rules, it

would not be possible to extend effective selective incentives and monitoring to ministers and departments. This realization came as a result of two related events. First, in spring 1999, Buzek failed to secure a prerequisite condition for change to institutional rules – the appointment of a permanent KIE secretary and the head of the UKIE. That post had been vacant since December 1998 and, as the KIE chairman, the prime minister was interested to solve the protracted impasse. In line with his new interest in EU transposition, Buzek made it known in March 1999 that he wanted Jan Kulakowski, the chief negotiator, to become the KIE secretary, thus merging the UKIE and the KPRM teams (cf. Kublik 1999; Subotic 1999b).

But the Freedom Union refused to accept this arrangement and put forward Jerzy Osiatynski, a former UW finance minister, for the KIE secretary. In return, the UW offered to give up the post of culture minister. The AWS initially agreed but later changed tack, fearing that the UW would in effect have full control over foreign policy (Subotic 1999a). Consequently, Buzek suggested that the UW nominate Jacek Saryusz-Wolski, former cabinet plenipotentiary for European integration in 1991-1996, but the Freedom Union leaders refused. A minister said,

‘Mr Saryusz-Wolski is not a member of the Freedom Union or a person recommended by our party. [If he were to be appointed as the KIE secretary] we would need to receive back the post of the culture minister or an equivalent post. This would be a good solution. But the problem is that prime minister Buzek wants the UW to nominate Mr Saryusz-Wolski’. (Saryusz-Wolski 1999, p. 3)

As a result the situation within the UKIE did not improve. Buzek appointed Saryusz-Wolski his personal advisor at the KPRM and the deadlock continued precluding any further change. In the event, in April that year, Buzek appointed Pawel Samecki as yet another provisional KIE secretary at state undersecretary level.

The second event came when, in mid 1999, Buzek tried, and failed, to mobilize his ministers in the area of EU transposition through the existing institutional framework. Seeking to avoid an openly negative assessment in the forthcoming Commission’s progress report, the prime minister convened three KIE meetings devoted entirely to transposition in May and June (KIE Protocol 05/1999 1999; KIE Protocol 06/1999 1999; KIE Protocol 07/1999 1999). A list of most pressing issues was prepared based on assessments from the UKIE, Kulakowski and the Polish ambassador to the EU (UKIE Internal Document 28/06/1999 1999; UKIE Internal

Document DPI 16/06/1999 1999). At the accession conference in Brussels in June, the Polish foreign minister made a firm commitment to submit outstanding legislation to parliament by July (UKIE Internal Document 16/06/1999 1999). Inviting the ministers responsible for major delays to the special KIE meetings, Buzek asked them to present realistic action plans. The KIE imposed specific deadlines on ministers and asked the UKIE to monitor implementation. A few *ad hoc* meetings were convened between Buzek and individual ministers to resolve the most contentious issues.

But this attempt largely failed (Apanowicz and Bielecki 1999). Although some transposition activity was registered in June-July, it did not translate into a new sustainable dynamic. The prime minister did not convene a KIE meeting in June which were to review the implementation progress, perhaps knowing he would need to openly admit defeat. The failure proved to Buzek and Kulakowski that without new rules the process of transposition would be difficult to accelerate. This mood was best captured by one government minister who said, 'Buzek was scared, he was really terrified by the situation and he wanted to change this. But he had too high a position to do it himself and he did not have the right people' (interview 29, p. 13).

In summary, a change in external and internal opportunity structures transformed the preferences of the key core executive actors – the prime minister and the chief negotiator – who identified EU transposition as an area in which rapid remedial action was necessary. At the same time, the mid 1999 attempt to bolster the pace of EU transposition demonstrated that, without new institutional rules, personal leadership was not sufficient to produce desired outcomes. The impending transposition crisis also provided a new opportunity for Jerzy Buzek to use the issue strategically to bolster his standing within the governing coalition. As a result, in mid 1999 Buzek and Kulakowski emerged as political entrepreneurs for the development of new authority and information rules. In organizing his cabinet for addressing the collective action problem in the improvement of the transposition record, prime minister Buzek knew that he could capture a leader's profit. If successful, he would, first, avoid a collective bad of a major transposition debacle and, second, emerge as a true leader within his own party. In supporting Buzek, chief negotiator Kulakowski and his staff were acutely aware that any reinforcement to the existing rules would

benefit them directly since they would be able to revitalize the accession negotiations.

V. The Core Reforms Hastily

Having realized that institutional levers they had at their disposal were insufficient for generating a new legislative dynamic, Buzek and Kulakowski started to look for ways in which to institutionalize a more forceful role of the centre in EU transposition. Since an internal coalition impasse continued to block change within the UKIE secretariat, it was the Prime Minister's Chancellery (KPRM) that, in the following months, emerged as the dominant institutional actor in EU transposition. In June 1999, prime minister Buzek asked Wojciech Arkuszewski, his former *chef de cabinet* and the then secretary for parliamentary affairs at KPRM, to become involved more closely in the coordination of transposition legislation.

A political old hand, Arkuszewski commanded great personal authority among both the AWS and UW ministers and high-level civil servants (interview 35, p. 5). Furnished with an appropriate mandate, he could use his staff and organizational resources located at the KPRM's Department of Parliamentary Affairs and Department of Coordination to plan and monitor transposing legislation (interview 27, p. 2; interview 33, p. 5-6). In contrast to the UKIE secretariat, both these departments were closely involved in the regular legislative process within the executive and parliament and, hence, were able to rely on well-developed personal networks within the governmental administration. Last but not least, the organizational proximity between Arkuszewski's and Kulakowski's staff quickly locked these two teams in regular cooperation (interview 39, p. 6). A member of the chief negotiator's team thus characterized Arkuszewski's position, 'It was a combination of three elements: he had personal authority, in some cases he could invoke the prime minister's authority and he could invoke our [Kulakowski's] authority' (interview 35, p. 5).

Arkuszewski's first move was to establish a detailed catalogue of all outstanding transposition measures, a catalogue that for the first time linked commitments made during accession negotiations and those undertaken in the national programme for the adoption of the *acquis* (NPAA) (Internal Memo DPI/7/12/1999 1999; Official Communication MJP/859/99/TN 1999; Official Communication

SekrMinPS/1497/99/DHP/ap 1999). In planning transposition, Arkuszewski and his staff were assisted by two junior ministers in the UKIE and members of Kulakowski's team (interview 16, page 4; interview 27, p. 1). A close observer thus recollected the process,

'[Arkuszewski] asked the deputy director of the Audit Department in the Prime Minister's Chancellery (...) and two secretaries to collect data. [He] first wrote to all deputy ministers to ask what had to be transposed and when. And then [he] put all that information into a single database. (...) This data was incomplete but in a sequence of fierce arguments [he] was able to find out the rest. (...) The UKIE maintained their data in such a way that it had no practical implications (...) nobody really knew what exactly had to be done. (...) The UKIE sent [Arkuszewski] long lists of things to do but these catalogues did not agree with the information [he] received from ministries. A large part of our work was to clarify which drafts were which'. (interview 29, p. 9-10)

By developing a detailed listing of pending transposing laws the core executive actors were able to gain a clear and complete picture as to what remained to be done, when and by whom. Arkuszewski started from short listings of most pressing issues ("The List of Nine") and gradually moved to more medium-range planning instruments such as 'the List of Sixty-Seven' and the plan for the first half of 2000 (Official Communication SWA-45-39/99 1999). Arkuszewski and his staff soon operationalized the listing or – in their own words – 'made it fit for effective governing' (interview 29, p. 10). As well as providing for precise (monthly) deadlines, they specified, by name and ministry, the junior ministers responsible for preparing individual measures and prioritized all transposing legislation using a one-to-five star categorization (Official Communication SWA-10-28/99 1999; Official Communication SWA-45-39(3)/1999 1999). In effect, each ministry's transposition record became readily measurable and visible to all actors concerned.

Arkuszewski was asked by prime minister Buzek to extract from those draft laws whose preparation was in progress the EU-related provisions and have them compiled into special 'transposition drafts' (cf. KIE Protocol 18/1999 1999). The progressive operationalization of the transposition planning instrument was appreciated by both Kulakowski and the UKIE staff. An UKIE minister said,

'Thanks to the newly forged partnership between the Prime Minister's Chancellery and the UKIE, we were able to prepare a more advanced document, a plan which assigned accountability to specific people who now bore [personal] responsibility for both delays and successes. So I would say

that, yes, the UKIE did have a good idea of what should be done but at the same time the prime minister's chancellery played a central role by assigning a higher priority [to transposition] and pushing things through. By the authority of the prime minister's staff the chancellery held much greater sway than a regular office [such as the UKIE] which, no matter how important, had simply none of the chancellery's influence and powers of persuasion'. (interview 16, p. 4)

Detailed planning was soon matched by close monitoring and evaluation. Arkuszewski harnessed the KPRM's authority and technical resources to monitor progress in line ministries on a week-to-week basis (interview 27, p. 2; interview 33, p. 5-6). The KPRM parliamentary secretary himself became involved in monitoring. A close observer noted, '[Arkuszewski] made up a list of outstanding issues and started ringing ministers. And so he spent six months on the phone, talking to ministers from morning to evening' (interview 29, p.7). The regular monitoring from the KPRM shifted the attention of junior ministers in line ministries from non-EU to EU-related legislation. Arkuszewski's position within the KPRM and his close linkage to the prime minister helped ensure more effective enforcement. If delays were detected, Arkuszewski was able to take the matter directly to the prime minister. A KPRM official said, '[Arkuszewski] talked individually to people responsible for a particular issue at a given ministry (...) [and if consensus could not be reached] went to the prime minister and told him [he] had a problem' (interview 29, p. 14). The parliamentary secretary had also sufficient authority to cut through long drawn-out conflicts that in many instances blocked interministerial consultations for long years (interview 29, p. 12).

As parliamentary secretary at KPRM, Arkuszewski was also able to alert the prime minister to the fact that transposition drafts had to be assigned sufficient legislative time. In early January 2000, he criticized the draft cabinet legislative programme as 'completely unrealistic' given the number of transposition commitments to be fulfilled in the course of that year (interview 7, p. 8; Wielowieyska 2000). In a letter to the head of the Prime Minister's Chancellery, Arkuszewski contended that line ministers had proposed to submit over 200 draft parliamentary laws in the year 2000, whereas the parliament was able to adopt only approximately 100 per year (Official Communication SWA-20-1/2000 2000). More importantly, the draft programme omitted a large number of transposing drafts that had to be adopted. He recommended that the cabinet assign most of the legislative time remaining until the

2001 parliamentary elections to priority EU-related legislation. In the event, Arkuszewski's intervention was only partially successful, but he succeeded in ensuring that the proportion of time assigned to EU transposition drafts did indeed increase (cf. KPRM Internal Document RM-20-1-00 2000).

Arkuszewski's institution-building actions were complemented by new initiatives undertaken by chief negotiator Kulakowski and his staff. Three types of new institutional rules must be mentioned in this context. First, at the chief negotiator's request, the Negotiation Team introduced in July 1999 a new procedure for preparing draft negotiation positions (Official Communication SJK/456-315(1)/mcm/99 1999; UKIE Internal Document 12/07/1999 1999). From mid 1999 junior ministers responsible for negotiations in line ministries were required to provide detailed timetables for the transposition of the EU legislation within their remit. Analogous programmes had to be provided for all negotiation position that had been already adopted (cf. Official Communication DWZ.V.078/88/99/PKM 1999; Official Communication IE60/sjr/ask/725/99 1999; Official Communication IE/WHP/1383/EP/99 1999; Official Communication MI-1/22.21/1139/KM/99 1999). The data from the timetables was cross-checked with Arkuszewski's listings and entered the rolling catalogue of outstanding transposition commitments. Second, the meetings of the Negotiation Team began to monitor progress in the preparation of transposing legislation. A close observer said,

'At the time the Negotiation Team played a role that was largely disproportionate to its original mandate. It often replaced the KIE committee, that is, tackled adaptation and other alignment issues (...) there were numerous matters that landed on the agenda of the Negotiation Team even though they should not have been discussed there'. (interview 39, p. 3)

Furthermore, Kulakowski's staff at KPRM used the December 1999 Helsinki summit's decision to review progress in legal adaptation to undertake an internal stock-taking exercise (cf. KPRM Internal Document 2000). In doing so, they had line ministries prepare detailed reports on how far they had progressed in EU transposition. These reports provided a fundamental basis for transposition monitoring undertaken by the chief negotiator from January 2000 (cf. UKIE Internal Document 1998b; Official Communication SKJ/458-11/BZ/00 2000). Kulakowski's staff at the KPRM also developed more short-range monitoring tools. An official said, 'we started implementing monitoring instruments which we did not have at the

start (...) for example lists of outstanding negotiation commitments. And we tried to get the cabinet or the KIE committee to adopt them in some form or the other so that they had some binding force [for ministries]' (interview 30, p. 5).

Finally, the chief negotiator's involvement helped coordinate transposition planning with the budgetary process, not least because the finance ministry provided a budget line for the implementation of the negotiation positions, while this was not the case for the UKIE-led NPAA programme (cf. Official Communication SJK/4561-5/99 1999; Official Communication SJK/4561-9(1)/MDW/2000 2000). The chief negotiator's increasing interest in EU transposition also meant that budgeting for transposition started to be discussed in the subcommittee for the budgetary implications of the accession negotiations, a committee that worked predominately for the Negotiation Team.

To summarize, between autumn 1999 and spring 2000, a major institutional change occurred within the core executive that resulted in the development of new position, authority and information rules. As regards position rules, the parliamentary secretary, chief negotiator and the Negotiation Team took the place of the KIE chair, KIE secretary and the KIE committee respectively as the key organizational vehicles for administering selective incentives and monitoring in EU transposition. The new rules mandated the emergence of both collective and hierarchical relationships. The meetings of the Negotiation Team provided the main collectivity-enhancing mechanism. The hierarchical relationship existed in two dimensions. First, it arose in the relationship between state secretary Arkuszewski and senior/junior ministers. Second, it existed between chief negotiator Kulakowski and the members of the Negotiation Team. The new position rules came with new authority and information rules. The change with regard to authority rules relied mainly on Arkuszewski's strong position within the KPRM, his high standing within the AWS party, and his closeness to the prime minister. Arkuszewski harnessed his institutional authority to sanction junior ministers who failed to contribute to the transposition record. If his personal intervention was not successful, ministers knew he could at any time take the matter directly to the prime minister. Arkuszewski also used his authority to facilitate interministerial consultations by seeking to resolve disputes.

The largest improvements, however, occurred with regard to information rules. A detailed transposition plan was prepared which made it possible to assign

responsibility if contributions to the collective record were not made. For the first time, the plan prioritized drafts and imposed deadlines on ministers and departments. Regular week-to-week monitoring was undertaken by Arkuszewski's team and progress was also double-checked within the collective framework of the negotiation team. The negotiation team introduced further information rules by requiring ministers to submit reports on transposition progress. Although the new position, authority and information rules brought real constraints on the behaviour of ministers and departments, it must be noted that most of these rules were weakly institutionalized. Not having been formalized in legal texts, they were underwritten mainly by the personalities that called them into existence. In large part, the weak institutionalization of the rules contributed to their rapid transformation in spring 2000, as is demonstrated in the next section.

VI. The Core Rebounds

The Resolution of the Coalition Deadlock

The KPRM lost its central role in EU transposition after Arkuszewski resigned in mid March 2000. Besides a general disillusionment with Buzek's record in office, his resignation was prompted by an increasing realization that, by becoming closely involved in EU transposition, he was creating a structure parallel to the UKIE secretariat which in many respects added to, rather than alleviated, coordination problems within the centre. A close observer said,

'[Arkuszewski] came to the conclusion that what he was doing was partly destructive since he was in essence providing an interim cover for a vacancy in the position of the KIE secretary (...). And it was that vacancy that was a major problem. (...) In [his] view a full KIE secretary had to be appointed'. (interview 29, p. 14)

Following Arkuszewski's resignation, the planning and monitoring system reinforcing the KPRM's role in transposition quickly unravelled, not least because it heavily relied on Arkuszewski's personal commitment and authority. The new parliamentary affairs secretary at the KPRM simply lacked the necessary political clout and personal influence to underwrite it further.

Having lost Arkuszewski, who over the previous nine months had been responsible for accelerating EU transposition, prime minister Buzek realized that, if the slowly emerging new legislative dynamic were to be maintained, he quickly had to find new

personal and institutional support. This was all the more important because he was already alerted to the risk of a slowdown in transposition (cf. Official Communication SekrMinPS/920/2000/TN 2000). Against this backdrop, the prime minister made yet another – though this time successful – attempt to unblock the appointment of the KIE secretary and the head of the UKIE.

There were three main factors that helped to resolve this long-standing impasse. First, Buzek was able to use the media and parliamentary pressures for a solution to the UKIE issue. Following the publication of an unfavourable Commission report in autumn 1999 and an intense parliamentary debate in mid February 2000, the Sejm passed a resolution requiring the government to 'more clearly correlate the competencies and functions of the Committee for European Integration, Government Legislative Centre and departments responsible for transposition in individual ministries' (Sejm RP 2000). In an article published in the daily press the speaker of the Sejm and, at the same time, a high-ranking member of the AWS called for an end to the deadlock over the UKIE leadership (Plazynski 2000). An UKIE official said, 'From July 1998 the UKIE had not had a permanent leader and so it was evident to anyone who wanted to know that things were not right. (...) So it was natural to expect that this had to be changed. (...) I think it was the protracted limbo that led to change – that is the main explanation' (interview 16, p. 7).

The second factor was that the prime minister's support for Jacek Saryusz-Wolski, the main candidate for the KIE secretary since early 1999, increased significantly after the latter had proved his worth as prime minister's advisor. A close observer said, 'I think that over time Buzek became convinced that Saryusz-Wolski was the right person for the job. By spring 2000, Saryusz-Wolski had become Buzek's right-hand man in EU affairs and the prime minister knew he could trust him' (interview 60). Finally, both the AWS and the UW began to realize that, if a major crisis were to be avoided, the UKIE needed a strong leadership which could be provided only by a person with high political and professional authority. In the event, the domestic pressures, Buzek's strong support for Saryusz-Wolski and the converging preferences of the coalition parties made the Freedom Union drop its objections. In effect, in April 2000 Buzek nominated Saryusz-Wolski as the KIE secretary and the head of the UKIE.

Jacek Saryusz-Wolski was highly respected both within the UKIE and among EU-related personnel in line ministries. For one thing he was a renowned expert in EU affairs and vice-rector of the College of Europe, an academic who 'had a long-term vision and understood the integration processes within a broader context' (interview 46, p. 3). More significantly, Saryusz-Wolski was an experienced minister. Between 1991-1996, he was government plenipotentiary for European integration with undersecretary of state rank within the Office of the Council of Ministers (later transformed into the Prime Minister's Chancellery). This meant that most of the key civil servants within the UKIE had owed their jobs to Saryusz-Wolski (interview 60). Saryusz-Wolski also had a forthright strong-minded personality and was well-known for his assertive management style (interview 29, p. 14; interview 27, p. 4).

Significantly, Saryusz-Wolski's authority hinged on staunch support from prime minister Buzek. Speaking of Saryusz-Wolski's ability to rely on the prime minister's support, an UKIE official said,

Saryusz-Wolski was in close contact with Buzek. (...) He held great influence over the prime minister and – though he met with significant resistance from his colleagues in other ministries – I think ministers were aware that he could easily make their life difficult by informing the prime minister which minister was not doing what he or she was supposed to be doing'. (interview 46, p. 3)

Saryusz-Wolski was skilful in reinforcing the image of his close relationship with the prime minister. Although nominated to the UKIE, he retained a small office close to Buzek's office at the KPRM where he had the benefit of a private line to the prime minister (interview 52, p. 4; interview 60).

This episode demonstrates that the mounting accession crisis acted a catalyst for the resolution of the long-standing deadlock over the appointment of the KIE secretary and the position of the UKIE. Thanks to pressures arising from within the accession process, by early 2000, both the AWS and the UW realized that their individual costs of compromise would be much smaller than the collective bad of a failed EU accession. Not without significance for achieving this result were the incentives and opportunities arising inside the domestic arena. National actors both channelled and amplified external EU pressures, but also guided the government's response towards specific changes to intra-executive institutional rules whose deficiency was widely perceived as the main source of the problem. The domestic pressure reverberated all

the more strongly since, rather unexpectedly, the electoral fate of the AWS-UW cabinet and that of its individual parties became linked to their ability to deal with the accession crisis.

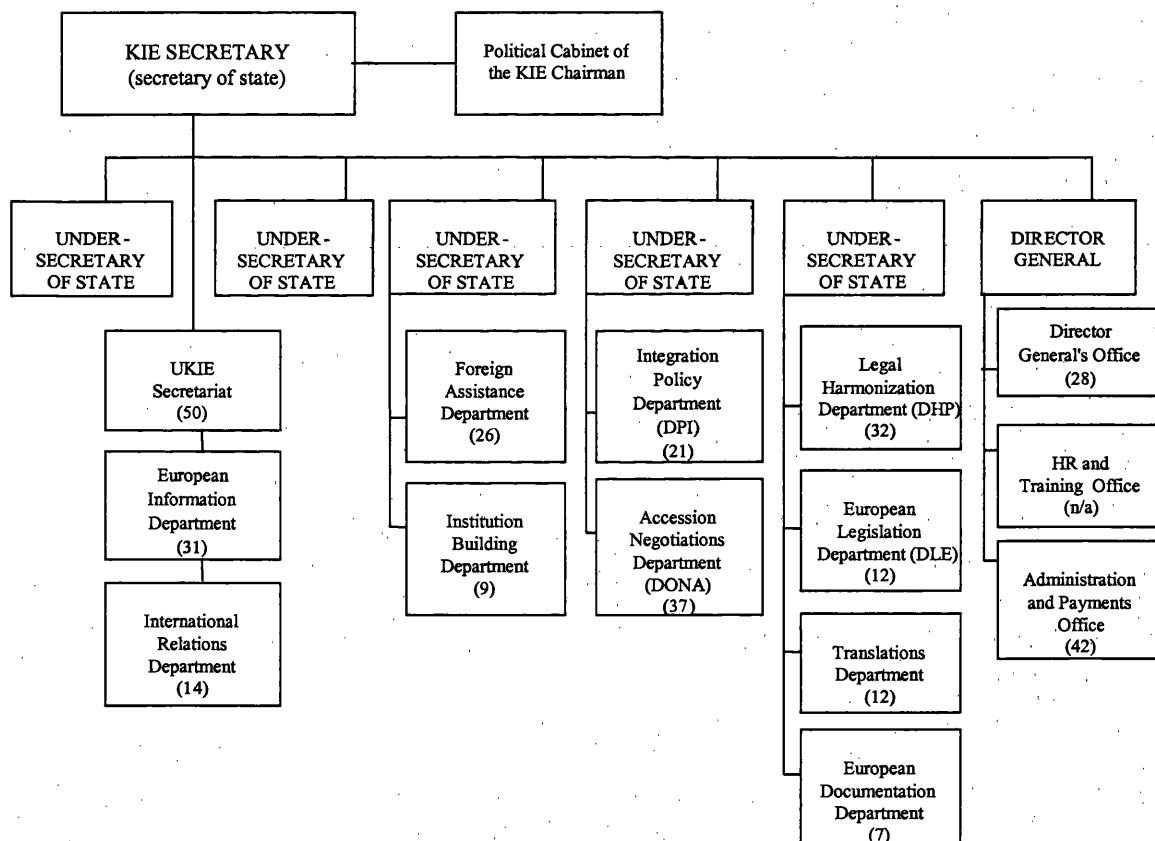
The Creation and Enforcement of New Rules

Although building on some of the earlier instruments, Saryusz-Wolski and his staff developed a new institutional framework for planning, monitoring and enforcing EU transposition, one which moved the onus for coordination from the KPRM and the Negotiation Team to the UKIE and the KIE committee. For one thing, Saryusz-Wolski was quick to reorganize the UKIE, notably by creating internal structures that functioned largely in parallel to the existing ministerial departments and were staffed with people he brought into the office. An UKIE official said, 'The UKIE was in a complete organizational mess. It was overstaffed and many of the personnel were ill-qualified political appointees from Czarnecki's Christian Democrats Party. But Saryusz-Wolski did not have the time and the energy to deal with all this. He simply by-passed it' (interview 60). He placed loyal staff in strategic positions within the UKIE – his political cabinet, the secretariat of the UKIE and the director general's office. Most importantly, Saryusz-Wolski appointed a junior minister for transposition, Cezary Banasinski, with an explicit coordination brief. Banasinski by-passed the UKIE's existing lawyers and established a new Department for European Legislation (DLE) with twelve staff. Its management was hand-picked by Saryusz-Wolski and Banasinski from the Accession Negotiations Department. An UKIE official said, '(Banasinski) created a elitist department where people worked much more than eight hours a day, had the highest pay in the UKIE and treated their work as a public mission rather than a bureaucratic job' (interview 17, p. 2). See Figure 3.4 for the UKIE's internal organigram in December 2000.

In transposition planning, Saryusz-Wolski further operationalized instruments that had been earlier developed by Arkuszewski and Kulakowski. Several days before his nomination, the KIE committee had adopted a list of all outstanding transposition commitments to be fulfilled before the date of accession and had recommended it for adoption by the full cabinet (cf. KIE Protocol 07/2000 2000) (interview 15, p. 14). As KIE secretary, Saryusz-Wolski used that list to select measures that had to be adopted in 2000, if the Commission were to note progress in its forthcoming regular report. In May 2000, the KIE adopted a formal resolution asking line ministers to

prepare all such parliamentary drafts by June and September 2000. The resolution had a binding force and was published in a reactivated Official Journal of the Committee for European Integration which significantly increased its standing in the eyes of junior ministers and civil servants (UKIE Internal Document 2000). In preparing the KIE resolution, the UKIE secretariat for the first time used external time constraints to impose formal transposition deadlines on ministries (interview 11, p. 8). The catalogue of outstanding transposition drafts replaced all previous lists created by Arkuszewski and Kulakowski. A new list for the year 2001 was adopted by the KIE committee in November 2000 (KIE Protocol 16/2000 2000; Official Communication SekrMinJSW/1797/2000 2000).

Figure 3.4. UKIE's Organigram in December 2000 (staff levels in brackets)



Source: own compilation based on Executive Regulation no 2/2000 of the KIE chair of 21 September 2000 and Executive Regulation no 3/2000 of the KIE chair of 29 December 2000; staff figures were supplied to the author by the UKIE secretariat

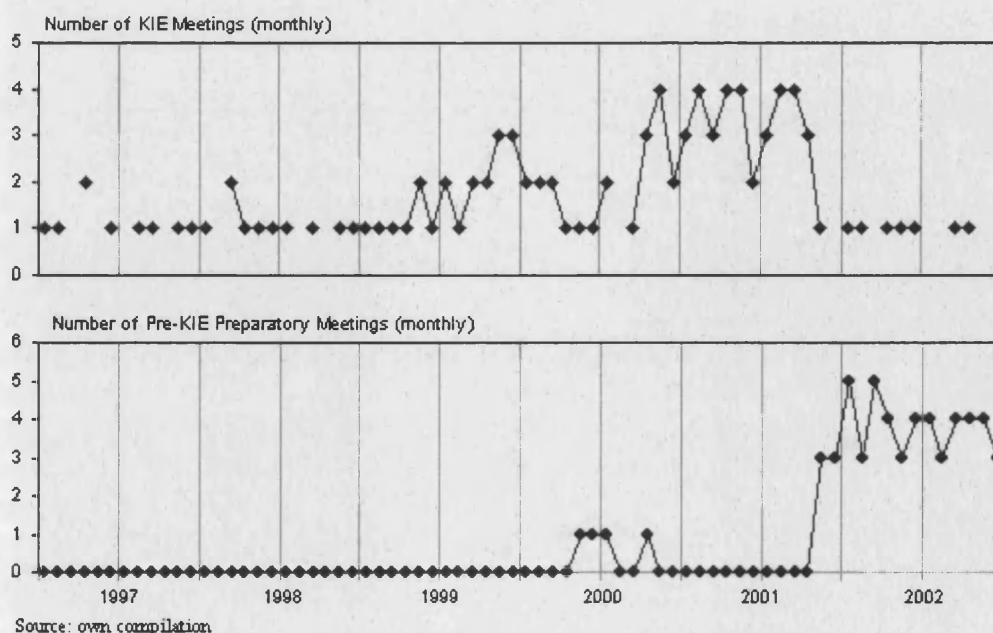
More significantly, Saryusz-Wolski transformed the KIE into a committee dedicated to work on EU-related legislation (cf. UKIE Internal Document 2000). A close observer said, '[Saryusz-Wolski] made the KIE committee function in that same way as KERM [cabinet economic committee] or other standing cabinet committee, that is,

work on legislation. Every week we pushed through two to four draft laws. This meant that EU-related laws by-passed the regular cabinet committees and were debated by the KIE (...)’ (interview 14, p. 8). From October 2000, the KIE committee started to meet weekly and the prime minister continued to chair the meetings. See Figure 3.5. The KIE was shadowed by meetings at lower levels. Saryusz-Wolski wanted to organize a regular pre-KIE meeting at undersecretary of state level but this was soon replaced by *ad hoc* conferences at director and minister level. An UKIE minister said,

‘At the start we tried to create a pre-KIE meeting but we quickly gave up. (...) This forum was disregarded by ministries and was attended not by junior ministers but department directors. As a result, it had limited decision-making powers so we quickly replaced it with a weekly full KIE meeting. The technical coordination role was fulfilled by *ad hoc* conferences at director level. (...) These conferences were organized by the UKIE only with the ministries concerned (...). And so if something could not be resolved at the KIE meeting, then the committee directed that by such and such time tomorrow the ministries concerned would meet together with the UKIE representative and would prepare a solution’. (interview 14, p. 10)

The *ad hoc* conferences also served to control time. If a disagreement blocked progress on an issue, the KIE asked undersecretaries of state from the UKIE and line ministries to find a solution by a specific deadline lest the matter should be passed on to cabinet (interview 11, p. 13).

Figure 3.5. The Number of KIE Meetings between 1997 and 2002 (based on KIE protocols accessed by the author at the UKIE archives)



The responsibility for transposition monitoring moved from the Negotiation Team and the KPRM to the KIE committee and the UKIE. From July 2000 legislative progress started to be verified at the beginning of each KIE session. A system was introduced whereby once a week all line ministries were subject to close scrutiny, their legislative record was debated and checked draft by draft (interview 14, p. 8). An UKIE official said,

‘The regular KIE meetings were used to check legislative progress. So between 50-90 per cent of the KIE agenda was occupied by EU-related legislation. (...) It looked as follows. The ministry responsible introduced a draft and then minister Banasinski presented a preliminary EU compatibility assessment. If there were problems, they were dealt with at the KIE or were referred to separate meetings with the ministries concerned. (...) If drafts were delayed, ministries were questioned and then regularly monitored. Once in a while a list of outstanding drafts was prepared to show which ministries did not comply with their commitments’. (interview 12, p. 3)

The KPRM continued to offer assistance in monitoring legislative progress and, at some point, a list of outstanding parliamentary and secondary laws started to be made available at every cabinet meeting (interview 17, p. 3). The regular verification had a clearly mobilizing effect on line ministers and their staff. An UKIE official said, ‘All [ministerial staff] got used to the fact that regular requests for information and verification of implementation from the UKIE set the pace of the process’ (interview 12, p. 5).

Like Arkuszewski, Saryusz-Wolski and Banasinski combined close monitoring with strict enforcement. In the latter they heavily relied on the prime minister’s support. A close observer said, ‘The UKIE informed on ministries by writing reports for the prime minister that, for example, ministry X was late by six weeks. Then the prime minister would raise the issue with the minister during a cabinet meeting or would call a junior minister and ask why something had not been done and demanded immediate action’ (interview 16, p. 6). Another official concurred,

‘If delays were identified, letters were sent from the KIE secretary to ministers, and if delays persisted, meetings were organized with the prime minister. (...) Besides the premier, such meetings were attended by the minister concerned, his deputy for EU affairs, [Saryusz-Wolski] and his UKIE staff. (...) If there were still delays, the prime minister would send reprimands to his ministers which we [the UKIE] had drafted’. (interview 14, p. 8)

To ensure effective enforcement of transposition commitments, Saryusz-Wolski wanted the prime minister to chair all KIE sessions, knowing that with Buzek's presence the KIE decisions and their implications were much more significant (interview 16, p. 6-7). Buzek also made it known in his cabinet that he considered transposition record as an important benchmark for assessing a minister's performance in office (interview 35). This new rule allowed Saryusz-Wolski and Banasinski to place additional pressure on line ministers and their staff (interview 26, p. 14). An UKIE official said, 'Banasinski was able to use arguments to the extent that any delays or errors could have negative personal consequences for the ministers responsible for transposition in a given area. (...) He would say to a minister, 'if this issue is not dealt with, then I will need to refer it up to the cabinet, and then you would have to provide an explanation personally to the prime minister' (interview 26, p. 14).

Besides the monitoring and enforcing role, the UKIE began to operate as a facilitator of transposition. Banasinski's team moved beyond passive compatibility checks in their legal work. An UKIE official said, 'The DHP [old legal department] focused on compatibility assessment (...) but did not actively initiate legislative work which was really essential at that stage. And this is what the DLE [new department] did. They looked at the [transposition] process from a different perspective – what remains to be done to achieve legal alignment' (interview 27, p. 4). Banasinski and his new legal staff became actively involved in all inter-ministerial meetings involving transposition legislation. The DLE lawyers guided drafts through the legislative process and chaired or otherwise facilitated ad hoc conciliations mandated by the KIE. They also started to be seconded to line ministries to help with drafting (interview 16, p. 6; interview 17, p. 2; interview 25, p. 18). A DLE lawyer said,

'Our role was not limited to issuing a compatibility assessment. We became involved at very early stages, already when the main tenets of a particular draft law were being discussed. (...) either [we] were approached by the ministry for legal assistance and I seconded a lawyer to that department for some time or we took the initiative and approached the ministry to point out some problems and offered out assistance'. (interview 11, p. 14)

In some cases, where a ministry was not able to deliver on time, the DLE drafted the transposing measure themselves (interview 17, p. 1; interview 18, p. 5; interview 45,

p. 5). In this, it was helped by the Government Legislative Centre, a new institution established in early 2000.

Significantly, the UKIE's facilitation of EU transposition often went beyond simple drafting and extended to assistance with substantive policy choices (cf. Official Communication SEkrMinCB/336/2000/mk 2000). Frequently, the DLE lawyers developed alternative policy solutions or demonstrated the level of discretion that a particular ministry had in regulating a particular issue (interview 12, p. 1-2). An UKIE official said, 'when policy problems arose, (...) (Banasinski) proposed optional solutions to the prime minister and informed him of the position taken by the minister' (interview 11, p. 13). To reinforce his capacity to offer such policy advice, minister Banasinski forged strong links with the UKIE's Accession Negotiations Department (DONA) which provided similar analysis principally for Kulakowski (Internal Memo 06/07/2000 2000)(interview 12, p. 5; interview 39, p. 5; interview 49, p. 4). A DONA official said, 'Banasinski needed us to provide non-legal advice on policy issues (...) He was interested in economic analysis or some other comprehensive impact assessments for a particular directive' (interview 32, p. 9). The information he received from the DONA enabled Banasinski to rise above the legal arguments and embrace the political context (interview 25, p. 19).

Finally, the core executive actors provided close guidance to line ministries on the methodology of EU transposition. Banasinski joined forces with the Legislative Council to develop a set of original legislative tools for the transposition of the Community measures into the Polish legal order (interview 17, p. 3). Departing from a modernization or 'creative transplant' approach to transposition, the UKIE developed a new model of a 'European' parliamentary law (Subotic 2000). The special 'EU-related' laws allowed Banasinski to technically separate transposition-related amendments from non-EU-related provisions which lowered the potential political salience of parliamentary bills. In many ways, after the AWS-UW coalition collapsed in mid 2000, the new 'EU' parliamentary law became a necessity for the new minority Buzek cabinet because the opposition made its support for transposition conditional on a clear separation of EU-related provisions (interview 15, p. 13). Furthermore, the KIE's internal byelaws were amended to specify new formal requirements that had to be fulfilled by line ministries in preparing such special EU laws (cf. UKIE Internal Document 2000).

Although the institutional rules described above remained unchanged until the parliamentary elections in September 2001, numerous political observers and government officials noted that the position of the KIE secretary and the UKIE declined vis-à-vis line ministries towards the end of the Buzek cabinet (interview 52, p. 2; interview 60; interview 6). This seems to have been primarily due to changes in the preferences of prime minister Buzek and line ministers that occurred in response to the forthcoming elections. In early 2001, Buzek and his ministers realized that the AWS was heading for an electoral defeat and this may have dampened their resolve to support controversial legislation. Perhaps more importantly, the close and direct relationship between Buzek and Saryusz-Wolski faltered in 2001 as the prime minister's *chef de cabinet* started to wield more influence (interview 7; interview 52, p. 2). A public debacle in May 2001 regarding the preferred date of membership further undermined Buzek's confidence in Saryusz-Wolski, as did the latter's decision to join a newly established party, the Civic Platform (Pszczolkowska 2001). Last but not least, another contributing factor was the natural reluctance of central government officials to engage in policy-making before an impending change of government. All in all, the UKIE's grip on the process of transposition lessened towards the end of the Buzek government.

In summary, the period from spring 2000 to autumn 2001 brought another major change in position, authority and information rules. As regards position rules, the resolution of the intra-coalition deadlock over the appointment of the KIE secretary made it possible to activate the institutional rules related to the KIE chair, KIE secretary and the KIE committee. As a result, from spring 2000 these rules replaced those relating to the parliamentary secretary, chief negotiator and the Negotiation Team as the main organizational vehicles for extending selective incentives and monitoring to ministers and departments within the area of EU transposition. There were also new position rules that became important for EU transposition. The full cabinet became increasingly involved in monitoring progress in transposition and a position of a junior minister for EU transposition was established within the UKIE.

Besides the position rules, a substantial change occurred at the level of authority rules. The KIE secretary and the transposition minister were able to administer sanctions by asking the prime minister for direct intervention. They could also name and shame non-contributing ministers and departments within the KIE committee or

the full cabinet. Furthermore, from mid 2000 – after the UW had withdrawn from the coalition – prime minister Buzek's authority to reward and sanction ministers increased substantially in what was now a minority single-party cabinet. Apart from administering sanctions/rewards, the KIE secretary and the transposition minister started facilitating ministerial contributions to the transposition record by helping them to resolve interdepartmental conflicts and providing methodological guidelines. In this context, it is important to note that the UKIE finally translated the screening and negotiation commitments into detailed legislative advice on what issues needed to be addressed through specific legislation.

The authority rules were also enhanced within the KIE committee and the cabinet. The KIE started to function as a dedicated cabinet committee working on EU-related legislation. It met weekly and, through regular review mechanisms, exerted peer pressure on ministers and departments. It further developed a set-aside mechanism by referring conflictual issues for resolution to smaller working groups. It is also interesting to note that the new authority rules led to a reinterpretation of the position of the KIE committee. The hierarchical relationship between the KIE (as a supreme administrative organ) and the non-KIE ministers gave way to a more collective relationship as the committee began to function as just another cabinet committee.

As for information rules, the institutional solutions developed between autumn 1999 and spring 2000 were further enhanced within the framework of the new position rules. A rolling catalogue of outstanding legislation was maintained by the UKIE's transposition minister who insisted on making the data on required legislative action as detailed as possible. Progress was verified at the start of each KIE session and, with time, also at the full cabinet meetings. The changes in the transposition record were visible to all KIE members and responsibility for delays or omissions was easy to allocate. Finally, it must be mentioned that, unlike under the previous institutional regime, at least some of the new authority and information rules were institutionalized into legally binding KIE resolutions. This said, the operational force of many of the authority rules was heavily dependent on the personal relationship between Buzek and Saryusz-Wolski, and hence these rules may have been less effective in constraining ministers and departments when that relationship started to break down in 2001.

VII. The Core Consolidates

Pressures for Further Institutional Change

In late 2001 the new Miller government consolidated the UKIE's central role in planning, monitoring and enforcing the transposition of the Community legislation. Determined to achieve further progress in EU accession negotiations, prime minister Miller – like Buzek in the second part of his term – put his personal and institutional authority behind the UKIE. It must be noted that, in contrast to Buzek, Miller had a higher capacity for strong prime ministerial leadership. This was mainly because he combined his post with the leadership of the largest parliamentary party – the Democratic Left Alliance (SLD). The SLD party clearly dominated the cabinet and was in a close programmatic alliance with one of its coalition partners, the Labour Union (UP). Moreover, Miller was a seasoned political actor with extensive parliament and government experience going back to the communist time and had served as labour minister and the minister-head of the Office of the Council of Ministers under the 1993-1997 SLD-PSL government. All this meant that prime ministerial leadership in EU affairs improved further from the late 2001.

The new government introduced organizational changes to consolidate the capacities of the 'European' core executive. Several factors occasioned the redesign of institutions. The people who were instrumental in creating and underwriting the existing institutional configuration (Kulakowski, Saryusz-Wolski, Banasinski) left the government. The new actors – Włodzimierz Cimoszewicz as foreign minister, Danuta Hübner as KIE secretary and Jan Truszczyński as chief negotiator – brought with them new ideas on how European integration should be handled organizationally at the centre of government. Not without importance was their previous government experience: Cimoszewicz had been prime minister in 1996-7, Hübner had been KIE secretary under Cimoszewicz, Truszczyński had been the Polish ambassador to the EU under the Buzek government. More significantly, their perception of what had to be changed was shaped by the evidence of institutional failures under the Buzek government, resulting in particular from internal fragmentation within the 'European' core executive (interview 38, p. 1). Problems were most evident in the organizational separation of competences for accession negotiations, foreign affairs and internal adaptation. A close observer said,

‘The rationale for change was to avoid a situation that was characteristic for the previous government, one in which functions and competences in European integration were split among the Foreign Office, the Prime Minister’s Chancellery and the UKIE. This split was damaging because, despite good interpersonal relations, it often resulted in policy discrepancies which is inevitable when three institutions deal with the same issues and do not operate within clearly defined boundaries’. (interview 37, p. 1)

Another important factor was that the government changeover offered a critical juncture for dealing with Saryusz-Wolski’s organizational legacy within the UKIE. Entering the office after the 2001 parliamentary elections, the new KIE secretary had much greater leeway in shaping the internal structure of the UKIE than her predecessor in April 2000. As a result, Hübner quickly moved to bring down the parallel structures that Saryusz-Wolski had erected within the UKIE, and sought to integrate them with the rest of the secretariat. Finally, it is important to note that the core executive institutions had to be adjusted to the new coalition character of the SLD-PSL-UP government and, perhaps more importantly, to the much greater institutional authority of the prime minister who for the first time since 1989 combined his office with the leadership of the largest parliamentary party.

In a first step, the organizational units responsible for accession negotiations and internal adaptation institutions were integrated. An UKIE official said,

‘The idea was to integrate the three institutions – KPRM with Kulakowski, UKIE and the Foreign Office – which under the previous government were responsible for European integration. Since it was difficult to initiate radical structural changes when the new government was being formed, a decision was taken to pool competences with one person and channel all actions (...) through one institution. And that was done and this is what the UKIE is for’. (interview 11, p. 10)

The new KIE secretary, Danuta Hübner, combined her position with that of deputy foreign minister, while the chief negotiator was moved from the KPRM to become her immediate subordinate in the Foreign Office (MSZ). Integrated through Hübner’s double institutional role, the UKIE and the MSZ’s EU pillar started to operate under the banner of a ‘European secretariat’. Further integration occurred at the department level. The chief negotiator’s staff from the KPRM and the UKIE’s Accession Department merged with the MSZ’s EU department. Regular meetings of all directors from the UKIE and the MSZ started to be held to reinforce the team spirit and facilitate information-sharing (interview 15, p. 12). An official said,

‘There were two types of meetings. First, there were weekly briefings of all department directors [from the UKIE and the MSZ EU pillar] on Friday afternoon where we had a *tour de table* in which every director briefed everyone else on what priorities they had. (...) The idea was to let everyone know what was happening in the system and, at the same time, to deal with issues that required improvement or resolution. Such meetings were chaired by minister Hübner or minister Pietras. And the second type of meetings were those of the senior management of the European secretariat, that is, minister Hübner, Truszczynski, Pietras, Kozek (...). These meetings were also attended by directors who had special coordinating role – director of the DOKIE and director of the EU department in the MSZ (...) These meetings were held ad hoc and their frequency fluctuated with events’. (interview 37, p. 2)

Due to an informal arrangement, Hübner, Pietras (UKIE state undersecretary) and Truszczynski could issue direct instructions to departments both within the UKIE and the MSZ (its EU pillar) circumventing the regular interministerial channels (interview 38, p. 6). Within the UKIE, the DLE merged with the DHP department, forming a European Law Department (DPE), the UKIE’s second largest department employing 36 staff. See Figure 3.6. Significantly, the DPE senior management was recruited from the DLE rather than the DHP, thus ensuring that the department retained its active profile in EU transposition. Further, Hübner refrained from appointing a minister for transposition but split Banasinski’s competences between state undersecretary Pietras, the DPE director and a newly established Department Supporting the KIE Committee (DOKIE). An UKIE official said,

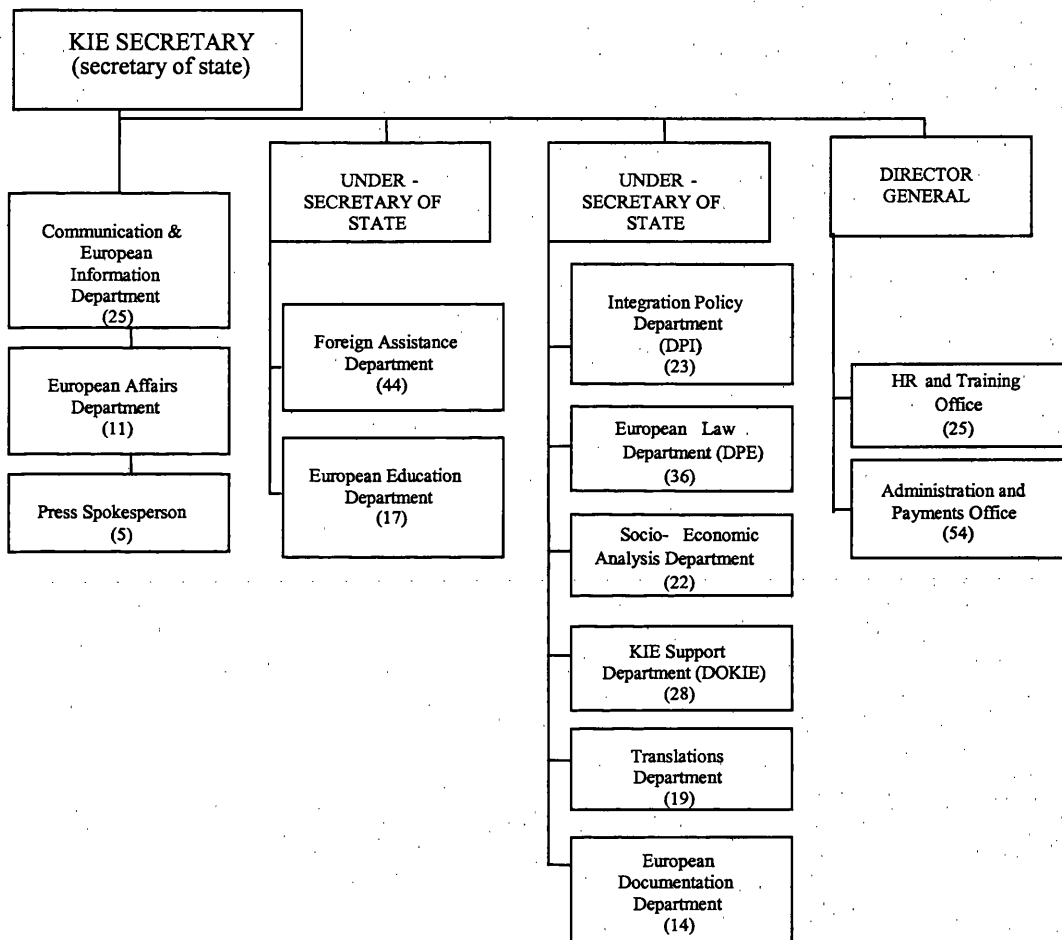
‘At the moment there is no special minister for transposition, and there is only minister Pietras, so we have had to organize our work differently. The concern was not to place the entire coordination burden on Pietras or the DLE director (...). So under Banasinski we [the DLE] reviewed the implementation of the timetable, while now (...) this is done by the Department Supporting the KIE Committee (DOKIE) (...) this is because it is the KIE committee that accepts the timetable and the full cabinet that approves it’. (interview 11, p.6-7)

A principal role for the DOKIE was to ensure cohesive action within the UKIE by integrating the inputs from the DPE lawyers, DPI economists and the Foreign Assistance Department. An UKIE official said,

‘This department has no competences (...) besides technical coordination. But this is where many very important issues come together (...) and [our] role is to ensure cohesion in the work of [UKIE] departments. There are three departments which deal with legislative issues: Department for Integration Policy (...) European Law Department (...) and the EU Department in the Foreign Office (...). And there has to be a single place

where [their opinions] come together. Our department fulfils this role since all documents come here and leave from here. [Our director] does not intervene directly in the work of other directors. (...) But whenever we see a problem, we take it up to minister Pietras and he decides'. (interview 27, p. 7)

Figure 3.6. UKIE's Organigram in January 2002 (staff levels in brackets)



Source: own compilation based on Executive Regulation no 1 of the KIE chair of 18 January 2002 and Executive Regulation of the KIE chair of 21 January 2002; staff figures were supplied to the author by UKIE

Finally, the weekly KIE meeting at cabinet minister level was replaced by a weekly meeting at junior minister level chaired by the KIE secretary (ZPKIE). This was essentially an evolutionary change as in many ways the ZPKIE confirmed what became the norm in the last months of the Buzek government. An UKIE official explained,

'The ZPKIE was established as a response to the situation that obtained in the last few months of the previous government when the prime minister would come to the KIE meeting which was not attended by even one full cabinet minister and where directors often filled in for junior ministers (...)

And so we decided to have a formal meeting at a level that would make it possible for the KIE secretary to chair it'. (interview 15, p. 8)

Besides practical considerations, the personal preferences of prime minister Miller were also crucial for stimulating the change (interview 27, p. 6). A close observer said, 'Buzek would chair the KIE even though it was attended only by undersecretaries of state. [But] Miller said he wanted full ministers at the KIE' (interview 11, p. 12). In the event, ZPKIE's ascendancy marginalized the full KIE which met only eight times between October 2001 and December 2002. The latter's role was now more ceremonial, though it sometimes debated strategic issues relating to accession negotiations (interview 37, p. 6). The ZPKIE, in turn, became a nodal point for processing all EU-related legislation. Although additional review by other standing cabinet committees did occur, most transposing drafts were routed only through the ZPKIE committee. Hübner and Pietras retained the practice developed under Saryusz-Wolski of organizing *ad hoc* director conferences to tackle most sensitive issues (interview 37, p. 5; interview 41, p. 5; interview 46, p. 8). This time, however, there was an increasing tendency for such meeting to involve only experts and ministerial officials. An UKIE official said, 'There are no [ad hoc] meetings at the state undersecretary level but there are frequent meetings at the expert level which have the same function. The only difference is that decisions that have to be approved by a minister are [later] passed on to a given minister or state undersecretary' (interview 12, p. 8).

In sum, changes at the centre of government occurred chiefly in response to a shift in domestic political circumstances. The urgent need for crisis management which was so marked in the second half of the Buzek term had all but disappeared by the time the Miller cabinet came to power in late 2001. The parallel structures within the UKIE were thus either dismantled or more firmly embedded in general structures. Perhaps more importantly, the extensive evidence of inter-organizational rivalries between the UKIE secretariat, the Foreign Office and the chief negotiator which troubled the Buzek cabinet even in 2000-1 provided the new government with a powerful motivation to push for consolidation of the core. The SLD's dominance inside the cabinet made such consolidation possible, though it is interesting that it was achieved in large part through personal rather than structural means. Finally, Miller's personal preference for a close prime ministerial control in EU affairs

provided a further incentive for tightening the European core's grip over ministerial departments.

More Institution-Building

In transposition planning the DPE continued to maintain the rolling catalogue of outstanding transposition measures, while paying more and more attention to the adoption of secondary laws (cf. UKIE 2002). The catalogue became further operationalized to provide for monthly deadlines for the adoption by the KIE and the full cabinet. An UKIE official said, 'I think a positive development was to specify planning and monitoring with monthly precision. There are now short-range plans for May, June, July etc. which specify a fixed amount of legislation that must be adopted' (interview 26, p. 14). Unlike under Buzek and Saryusz-Wolski, the UKIE no longer unilaterally imposed transposition deadlines but, based on negotiation positions and the NPAA, put forward proposals which were now much more widely consulted (interview 11, p. 8). Perhaps most significantly, the UKIE integrated legislative, institutional and financial commitments in a single document. This work was undertaken by the DPI department (interview 8, p. 2-3). In November 2001, a systematic action plan (*bilans otwarcia*) was prepared for the following nine months, one that prioritized work from the point of view of accession negotiations, legislation and financial assistance (UKIE 2001). In mid 2002, a new edition of the action plan (*bilans przygotowan*) was prepared and, in many respects, it replaced the NPAA as a fully operational rolling catalogue of all integration-related actions to be undertaken before accession (UKIE 2002).

Progress in transposition continued to be monitored on a weekly basis. All the ZPKIE sessions started by examining transposition progress and ministers were asked to provide explanations for hold-ups. An UKIE official said, 'A report is presented at the ZPKIE stating which laws were planned for adoption by the cabinet in a given month and which were in fact adopted. And [if a law has not been adopted] [Pietras] asks for explanation and each minister must provide an answer' (interview 12, p. 7). The UKIE developed a rigorous system for collecting the information on transposition progress (interview 19, p. 7). The system of regular data collection was supported by a dedicated IT software developed by the DOKIE (interview 38, p. 3). An official from one line ministry's EU department said,

'[We] sent the entire list of all legislative commitments to other departments (...) on Friday afternoon, directors reported back to [us] by Tuesday, and on Wednesday we could send the file to [the European Law Department] at the UKIE. Based on our files the UKIE prepared a report which was presented at the ZPKIE on Friday. (...) After the ZPKIE approved the report, it was passed on to cabinet ministers on Monday, and during the Tuesday cabinet meeting minister Hübner informed the prime minister which ministers were overdue with legislative work'. (interview 43, p. 6)

To bolster the ZPKIE's authority, prime minister Miller introduced a permanent point on the full cabinet's agenda devoted entirely to reviewing transposition progress. This new instrument provided the KIE secretary with an opportunity to regularly 'name and shame' ministries that do not deliver on time or at all (interview 12, p. 8).

The direct involvement of the prime minister and the weekly review of transposition progress at cabinet level were crucial for facilitating enforcement by the UKIE *vis-à-vis* the line ministries (interview 37, p. 5). A line ministry official said, '[If delays are identified] there is always a risk that the issue may be raised at the cabinet meeting. No minister likes to be told in cabinet that one of his documents (...) is overdue' (interview 41, p. 3). The implicit threat of raising an issue at the cabinet meeting enabled the UKIE to use *ad hoc* director conferences as a time-control mechanism as did the pre-2002 KIE. In such situations the UKIE would ask line ministries to come up with a resolution by a particular deadline lest the matter was referred to the cabinet (interview 38, p. 5).

Another official confirmed, 'the most common instrument is a strong appeal made in the presence of other ministers to a minister who is in delay. This may be done rather harshly at times (...) and stir ministers' ambition' (interview 37, p. 5). This said, in late 2002 Hübner and Miller concluded that the ZPKIE needed further institutional reinforcement. The first step was to increase the status of the transposition timetable by passing a formal cabinet resolution that contained it (interview 39, p. 8). The other instrument was the organization of trilateral meetings attended by the prime minister, Hübner and the minister concerned at which delays and problems were discussed (interview 39, p. 9). Hübner used Miller's presence at such meetings to increase the authority of the commitments that ministers made. An UKIE official said, '[at a meeting with the prime minister] one tends to be careful with what one says. I can agree on a deadline with ministers from some ministry but it will be easy for them to

write to me some time later and defer the deadline by two months. But when one talks to the prime minister, one accepts much greater responsibility for what one says' (interview 46, p. 4).

Finally, the UKIE continued to fulfil the role of a transposition facilitator. This was chiefly done at the expert level and mostly had the form of legislative and drafting assistance by the DPE lawyers. The DPE was also aided by the Government Legislative Centre. An UKIE official said,

[Our] staff got engaged in areas where the line ministries had largest problems, weakest professional staff and most pressing deadlines. Our staff were seconded there, and frequently were given competence to work and co-draft the laws. The good thing about it was that such drafts received our compatibility acceptance at that early stage and most often there were no problems later'. (interview 26, p. 15)

The facilitation was also undertaken at political level by minister Hübner or Pietras within the context of the ZPKIE. A close observer said, 'usually we know in advance that there is some dispute. So [minister Hübner] or minister Pietras is ready with some pre-prepared alternative solutions. Having long experience with these kind of problems, they are both able to convince our side or the other' [interview 27, p. 7]. There is, however, some evidence that, unlike under Buzek and Banasinski, assistance provided by the UKIE under Hübner was more successful on drafting issues than on substantive policy choices. When political issues were at stake, the ZPKIE often lacked the necessary authority to resolve them and matters were referred to the cabinet standing committee (KRM) or the full cabinet (interview 25, p. 14).

To sum up, in 2002, the position, authority and information rules that the core executive actors used to mobilize ministers and departments to adopt cooperative strategies in the area of EU transposition were further reinforced. As for position rules, the Miller government integrated some of the loosely-bound position rules within a tighter hierarchical framework. The chief negotiator was made directly accountable to the KIE secretary who, in turn, was subordinated to the foreign minister. This change made it possible for the KIE secretary to better manage selective incentives and monitoring taking into account not only the internal but also the external implications of EU transposition. Another transformation of the position rules occurred when the KIE committee was replaced by the ZPKIE, a junior

committee at undersecretary of state level. Although, as observed above, this change was a formal endorsement of what had become the norm since the end of the Buzek government, it was likely to have further enhanced the collective relationship among junior ministers who became permanent members of the committee. Finally, the position of the minister for transposition was removed and its competences were distributed among other junior ministers and directors within the UKIE and the Foreign Office.

As regards the authority rules, like Saryusz-Wolski, the KIE secretary was able to refer matters to the prime minister for direct intervention. The trilateral meetings between the prime minister, KIE secretary and the minister concerned provided a further opportunity to sanction, reward and enforce the behaviour of departments. As before, the UKIE junior ministers and departmental staff facilitated the adoption of transposing legislation, though perhaps more so at an administrative rather than political level. The authority rules were enhanced also within the ZPKIE and the full cabinet. The ZPKIE provided a collectivity-enhancing instrument for exerting peer pressure on ministers and departments. The set-aside technique was maintained, though this time referrals were made more to the technical rather than political level. Significantly, prime minister Miller introduced a permanent point on the cabinet agenda which made it possible for the KIE secretary to 'name and shame' ministers at a level higher than the ZPKIE. The information rules were also further enhanced. Besides those developed under Buzek and Saryusz-Wolski, two new ones require special mention. The transposition plans were extended to cover processes parallel to transposition. Perhaps most importantly, reporting requirements for individual departments expanded substantially as ministries were expected to provide detailed feedback to the UKIE every week using dedicated IT software.

VIII. Conclusion

This chapter has mapped the institutional rules that the Polish 'European' core executive had at its disposal to provide incentives and opportunity structures to ministers and departments in the area of EU transposition. It has demonstrated that between 1997 and 2002 six broad configurations of such rules were present. Between autumn 1996 and mid 1999, the core adopted three distinct configurations, each characterized by rather limited institutional levers for mobilizing departments in EU-related law-making. The development of more robust rules was precluded by, most

notably, weak leadership from the prime minister and the KIE chair as well as the intra-coalition conflict over the organization of the KIE and the UKIE. Between the mid 1999 and the end of 2002, the core executive assumed three configurations, each characterized by highly developed institutional levers for mobilizing ministers to contribute to the collective transposition record. The new rules were developed through political entrepreneurship of the prime minister and the KIE secretary as well as through collective commitments made by ministers with the KIE committee and the ZPKIE. The table below summarizes the evidence of the cross-temporal variation in the configuration of the explanatory variable.

Table 3.4. A Summary of Variation in the Explanatory Variable

Period	Position Rules	Authority Rules	Information Rules	Overall Assessment
autumn 1996 – autumn 1997	KIE committee KIE chair/PM KIE secretary	<ul style="list-style-type: none"> ▪ <i>Ad hoc</i> sanctions and rewards by prime minister ▪ <i>Ad hoc</i> facilitation by the KIE committee ▪ The KIE chair/UKIE does not participate in law-making besides EU compatibility assessment 	<ul style="list-style-type: none"> ▪ Transposition plans collated from ministerial inputs ▪ Twice-yearly monitoring 	Limited mobilization from core
autumn 1997 – mid 1998	KIE committee KIE chair	<ul style="list-style-type: none"> ▪ Limited <i>ad hoc</i> sanctions and rewards by prime minister ▪ The KIE committee and KIE chair/UKIE do not participate in law-making besides EU compatibility assessment 	<ul style="list-style-type: none"> ▪ Transposition plans collated from ministerial inputs ▪ Twice-yearly monitoring ▪ <i>Ad hoc</i> monitoring on the margins of parallel processes 	Limited mobilization from core
mid 1998 – mid 1999	KIE committee KIE chair/PM KIE secretary	<ul style="list-style-type: none"> ▪ Limited <i>ad hoc</i> sanctions and rewards by prime minister ▪ The KIE committee and KIE chair/UKIE do not participate in law-making besides EU compatibility assessment 	<ul style="list-style-type: none"> ▪ Transposition plans collated from ministerial inputs ▪ Twice-yearly monitoring ▪ <i>Ad hoc</i> monitoring on the margins of parallel processes 	Limited mobilization from core
mid 1999 – spring 2000	Negotiation Team Parliamentary secretary Chief Negotiator	<ul style="list-style-type: none"> ▪ Parliamentary secretary and prime minister provide sanctions ▪ Parliamentary secretary facilitates transposition ▪ Chief negotiator works closely with the parliamentary secretary 	<ul style="list-style-type: none"> ▪ Parliamentary secretary imposes a detailed programme with deadlines ▪ Parliamentary secretary monitors daily ▪ Negotiation Team requires progress reports from ministers 	High mobilization from core
spring 2000 – mid 2001	KIE committee Full cabinet KIE chair/PM KIE secretary Minister for transposition	<ul style="list-style-type: none"> ▪ KIE secretary, transposition minister and prime minister provide sanctions ▪ Transposition minister facilitates transposition ▪ KIE committee is involved in work on legislation ▪ EU compatibility assessments extended to cover negotiation 	<ul style="list-style-type: none"> ▪ Transposition minister provides a detailed catalogue of legislative actions ▪ Transposition plans specify in detail what issues need to be addressed ▪ The KIE (and often the full cabinet) verifies progress at the start of each 	High mobilization from core

		<p>commitments</p> <ul style="list-style-type: none"> ▪ A set-aside mechanisms for conflictual issues 	<p>session</p> <ul style="list-style-type: none"> ▪ Individual record is clearly visible to all concerned 	
autumn 2001 – end 2002	<p>ZPKIE committee Full Cabinet KIE chair/PM KIE secretary</p>	<ul style="list-style-type: none"> ▪ KIE secretary and prime minister provide sanctions ▪ UKIE staff facilitate transposition ▪ ZPKIE committee is involved in work on legislation ▪ Trilateral meetings held between prime minister, KIE secretary and minister concerned ▪ EU compatibility assessments extended to cover negotiation commitments ▪ A set-aside mechanisms for conflictual issues ▪ ZPKIE provides peer pressure on ministers ▪ KIE secretary to name and shame ministers at full cabinet meeting 	<ul style="list-style-type: none"> ▪ Cabinet adopts a detailed catalogue of legislative actions ▪ Transposition planning extended to cover parallel processes ▪ The ZPKIE and cabinet verify progress at the start of each session ▪ Individual record is clearly visible to all concerned ▪ Detailed weekly reporting requirements for all ministries 	High mobilization from core

Chapter 4: Measuring Transposition Record Over Time

This chapter finds that in 1997-2002 the Polish government's transposition record varied significantly. In 1997-1999, Poland had a low transposition record. From 2000, the transposition record had improved and remained at a high level until 2001 when it deteriorated to a medium level. The year 2002 brought a return to a high level of transposition. The chapter closes by concluding that, although policy type, actor preferences and ministerial resources were likely to have some impact on the variation in the transposition record, the effect of those variables is not sufficient to fully account for the variation and leaves ample room for other explanations.

I. Introduction

Transposition is typically taken to denote the incorporation of Community directives into the national legal system through the passage of appropriate domestic measures (cf. Ramsey 1996; Samuels 1998). Such an incorporation is necessary because, unlike regulations and decisions, directives are binding as to the result to be achieved but leave the choice of form and methods to the member states (cf. Craig and De Burca 1998, p. 108-9). National governments must thus adopt domestic legislation to realize the objectives set out in directives (cf. Nicolaides 1999, p. 10-11). For present purposes, it is important to note that, in a pre-accession state, transposition is often required for Community measures that are not normally subject to it. This extension is necessary because domestic institutions need to be prepared in advance for the direct applicability of selected Community regulations and decisions. The relevant domestic measures are, of course, transitory in character and are repealed when a country gains full membership (cf. Herrnfeld 1996, p. 102).

In Poland, transposition may take the form of an act of parliament (*ustawa*) or an executive regulation (*rozporządzenie*) adopted by the prime minister, the council of ministers or an individual minister (cf. UKIE 2003). A rough estimate put the number of directives that had to be transposed through parliamentary legislation in Poland at 300 out of a total of 980 (EuroPap 2001). The remaining 680 directives had to be transposed through secondary law. It must be noted, however, that parliamentary legislation is central to transposition since, in a closed system of sources of law such as Poland's, no secondary legislation may be adopted without an earlier express delegation of implementing powers in an act of parliament. Thus,

transposition frequently had to start with parliamentary legislation, while secondary legislation could follow only later.

Transposition as defined above began in Poland only in the second half of the 1990s. Until then, domestic adaptation to the Community law had been dominated by the logic of modernization and had largely proceeded through a mimetic transplantation of selected EU and/or member states' policy models into the Polish legal system. This had been the time when Polish economic legislation was undergoing a process of rapid transformation and national legislators looked to the Community legislation and the national laws of the EU member states for policy blueprints. Indeed, the 'pick & choose' method of legal adaptation had been strongly advocated by leading law professors and practitioners (Rada Legislacyjna 1994; Soltysinski 1996).

Besides creative transplants, legal adaptation had also focused on passive screening of all new Polish legislation for compliance with the *acquis*. This process was initiated as early as in 1991 and was gradually extended to cover all government legislative drafts (Wojciechowski 1996; Wojciechowski 1998; Jaskiernia 1999). Transposition in the strict sense was largely absent, and where it was attempted, it rarely succeeded at the adoption stage. A Polish commentator noted 'the major problem with [early adaptation plans] was the absence of any reference to specific provisions of the Community law that the planned measures sought to implement' (Gorka 1997, p. 14). The closest the Polish government came to active transposition of the Community legislation was in conceptual preparatory work but its real impact was rather limited (Drabczyk 1998, pp. 13-14).

The first significant move towards transposition came when, in mid 1995, the Polish government resolved to incorporate into national law 666 directives listed in the European Commission's Single Market White Paper. Ministers and departments were required to draw up a list of Polish legislation in areas covered by the White Paper directives, examine their compatibility with the Community *acquis*, and specify what legislative actions had to be taken to achieve full compatibility. In a second step, legal adaptation was reoriented towards transposition with the onset of pre-accession alignment in 1997-8. In response to the 1997 Accession Partnership in which the European Commission set out priority areas for Poland's legal adaptation, the Polish government prepared a national programme for the adoption of the *acquis* (NPAA). The first such programme was prepared in June 1998 and was subsequently

revised on an annual basis (1999, 2000, 2001). The NPAA consisted of thirty two chapters, each devoted to a separate policy sector. The chapters identified action to be undertaken, the ministry or agency responsible, the timetable for implementation, and the financial resources available. The first two versions of the NPAA were accompanied by detailed annexes listing all legislative tasks assigned to individual ministries with deadlines for their adoption.

The final upgrading to a fully-fledged transposition of the Community law occurred within the framework of accession negotiations. Launched in March 1998, the negotiations focused first on the screening of existing Polish legislation for compliance with the *acquis*. The screening results were subsequently incorporated into Polish negotiation positions, which identified areas in which the Polish government asked for transitional arrangements to delay transposition. At regular negotiation sessions, both at working and official level, the Polish government reported on its progress in fulfilling commitments made during the screening and negotiation process.

This chapter measures how the Polish government's transposition record changed over time. The transposition record is defined here as the extent to which the Polish government transposed the Community measures into the Polish law. This definition mirrors the concepts applied in existing studies on transposition patterns in the old EU member states (see for example Mendrinou 1996; Azzi 2000; Börzel 2001; Mbaye 2001; Börzel 2002; Sverdrup 2002). Such research typically measures variation in the transposition record in two dimensions. The first such dimension is the level of substantive adaptation, i.e. the extent to which EU member states correctly transpose a Community directive. Changes in the transposition record are mapped using three indicators: the number of letters of formal notice, reasoned opinions and referrals to the European Court of Justice.

The other dimension is the timeliness of transposition, i.e., the extent to which member states transpose a directive within a jointly agreed deadline. Here, the most common proxy is the transposition deficit, i.e. the number of directives not yet transposed as a percentage of all directives with transposition deadlines up to a given point in time. The focus on timeliness is adopted, for example, in the European Commission's Internal Market Scoreboard whose data is based on notifications from member states (cf. European Commission 2002).

Unfortunately, none of the indicators commonly used in the existing transposition literature may be readily applied in a pre-accession state since, for obvious reasons, it is not possible to rely on such proxies as the initiation of infringement proceedings or the violation of formal transposition deadlines. Therefore, although this thesis measures the transposition record using the dimensions of substantive adaptation and timeliness, it controls for pre-accession specificities by developing own original indicators of legislative activity (cf. Manning, Barma et al. 1999; Evans and Manning 2000; Evans and Evans 2001). The substantive level of transposition is thus measured by looking at two indicators. The first indicator is the number of transposition measures adopted by the cabinet over time. The assumption here is that the fewer such measures the cabinet adopts, the lower the overall level of substantive adaptation. Admittedly, this indicator is a rather crude instrument but it nevertheless provides some picture of the transposition dynamic. The other indicator is the proportion of Polish domestic measures that are fully compatible with the Community law. The assumption here is that the smaller the percentage of such measures, the worse the overall transposition record. This indicator permits a more sophisticated measurement of substantive adaptation though, significantly, it provides a less precise assessment of whether transposition has been completed or not.

The timeliness of transposition is mapped using two quantitative indicators. The first indicator is the proportion of Polish transposing measures envisaged for adoption in a given year (or shorter period) that are actually adopted that year (or within such a shorter period). The expectation is that the lower the percentage of such laws, the more problematic the overall transposition record. This measure is not without problems as deadlines for transposition may be subject to a strategic manipulation by the Polish government or the European Commission. Nevertheless, having been publicized, deadline commitments assume additional credibility as they influence the domestic assessment of the government. The other indicator of timeliness is the length of time required for the cabinet to adopt a transposing measure. The assumption here is that the timeliness of transposition will be the lower, the longer it takes the cabinet to adopt a transposing measure. See Table 4.5.

Table 4.5. Dimensions and Indicators of Variation in Transposition Record

Dimensions	Indicators
Substantive adaptation	The number of transposing measures adopted by the cabinet over time.
	The proportion of Polish domestic measures that are fully compatible with the Community law.
Timeliness of transposition	The proportion of Polish transposing measures envisaged for adoption in a given year (or shorter period) that are actually adopted that year (or within such a shorter period).
	The length of time required for the cabinet to adopt a transposing measure.

Source: own compilation

In mapping the values of such indicators over time attention is paid to two principal aspects of the dynamic of the transposition record (cf. Monge 1995). The first one is the magnitude of change. Magnitude refers to how much the amount of a variable changes from one point in time to another. Over time, magnitude may change slightly or significantly or remain constant. The second aspect is the rate of change which denotes how fast the magnitude changes over time. Magnitude can change rapidly or it can increase or decrease over a longer period of time.

II. Evidence

Substantive Adaptation

The first indicator is the nominal number of transposing measures adopted by the cabinet between 1997 and 2002. To compile the dataset for this indicator, one must first single out EU-related drafts from among all legislation submitted to the cabinet. This is rather difficult since, in the period under examination, the Polish government did not operate a reliable flagging system that would facilitate such a selection. This is particularly true for secondary transposing legislation which incorporated the EU legislation almost without any indication that the legislative action was undertaken for transposition purposes. Although such information may have been disclosed in the explanatory notes, those documents are not publicly available for all secondary legislation. The situation looked better for parliamentary bills. Since early 2000, the government had formally declared to parliament whether a draft law it submitted was a transposing or domestic legislation. This said, that system was started rather late and did not systematically cover the years 1997-1999, though the parliamentary and government services made some efforts to back trace transposing bills (see for example UKIE 2000). Besides limited coverage, it must also be noted that the

decision to flag a law as a transposing measure was political rather than technical in character. This means that, due to strategic calculations, drafts could be submitted to parliament as EU-related measures, though, in fact, they did not contain transposing provisions, and vice versa (interview 25, p. 17-18).

Given the scarcity of reliable and comprehensive public data, the decision was made here to review all draft acts of parliament submitted by the cabinet to parliament between 1997 and 2002 and to select those measures whose explanatory notes made explicit reference to the Community legislation. In effect, 265 drafts were identified as transposing measures out of a total of 840 draft parliamentary laws submitted to parliament. Out of the 265 drafts, 216 had a formal government declaration of transposition status, while the remaining 49 were included based on the information in the explanatory notes. The full dataset is available in Annex 1.

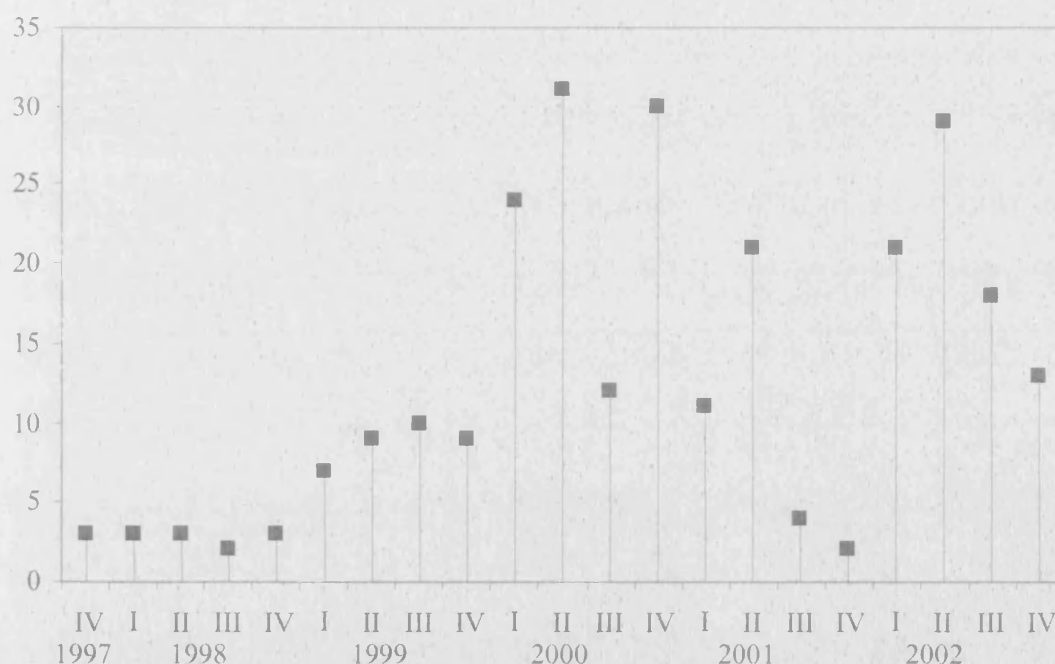
The data demonstrates that between October 1997 and December 2002 transposition proceeded unevenly. See Figure 4.7. In 1997 (fourth quarter) and 1998 the Polish cabinet adopted a total of 14 draft transposing acts of parliament. There was almost no change quarter-on-quarter as the cabinet adopted two or three drafts every three-month period. Some increased legislative activity was registered in 1999. Between the first and the fourth quarter of that year the cabinet adopted 35 EU-related parliamentary bills – more than twice as many as in the previous five quarters. The change was of medium magnitude and its rate was rather incremental (increase from three through seven to ten), but the year 1999 marked a clear, though minor, departure from the previous pattern. The most significant change in the nominal number of transposing drafts came in the year 2000. Between the first and the fourth quarter of that year the cabinet adopted 97 draft laws – three times as many as the year before. What is striking is the magnitude of change. The score for the first quarter of 2000 stood at 24 drafts up from only nine the quarter before. Also, the change occurred at a fairly rapid rate. Whereas in 1998-1999 it took four quarters for the number of transposing drafts to treble from three to ten, the jump from nine to 24 occurred over only two quarters.

The new transposition dynamic was sustained in the first two quarters of 2001, though the peak value in the second quarter was lower than the analogous values in 2000. The cabinet adopted a total of 32 drafts, twice as many as in the equivalent period in 1999. The transposition almost halted in the third and the fourth quarter in

2001 but this was largely due to the parliamentary elections in September 2001 and the changeover from the AWS to SLD-PSL-UP government. In 2002, the transposition pattern was back to the high of the year 2000. Between the first and the fourth quarter, the cabinet adopted 81 draft parliamentary laws, with the quarterly score ranging between 13 and 29 drafts.

The overall picture that emerges from this data is that of rather limited legal adaptation in the years 1997-1999, perhaps with a minor acceleration in 1999, and rapid transposition in the years 2000-2002, with a slight slowdown in the second half of 2001 due to the parliamentary elections. Finally, one needs to notice the prominent periodicity of transposition during the years 2000-2002. The peaks in the number of transposing legislation seem to alternate every other quarter, and the highest yearly scores occurred in the second quarter of the year 2000, 2001 and 2002. Interestingly, such periodicity is not found in the data for the years 1997-1999.

Figure 4.7. Nominal Number of EU Transposition Drafts Adopted by the Cabinet (quarterly)



Source: own compilation based on the data available on www.sejm.gov.pl

The other indicator for substantive adaptation is the proportion of domestic measures that are fully compatible with the Community law. To develop a dataset for this indicator, one would need to find a way, first, to select domestic measures that cover a policy area regulated by the Community legislation and, second, to measure substantive compatibility of such measures over time. For the latter, special attention would need to be paid to domestic legislation that catches an area covered by more

than one Community measure. In such cases, one must allow for the possibility that a domestic law is compatible with one Community measure but not compatible with another. Such information could hardly be drawn from generalized assessments of EU compatibility contained in domestic studies or the Commission's regular progress reports (cf. URM 1995; UKIE 1998).

Accordingly, with permission from the Office of the Committee for European Integration in Warsaw, access was gained by the author to the data stored in the European Commission's Progress Database. The database was originally developed in 1997 by the Technical Assistance and Information Exchange Office (TAIEX) in Brussels to monitor the adoption of Polish domestic legislation implementing the European Commission's Single Market White Paper. The Progress Database was later extended to cover the entire *acquis communautaire* as well as the screening process. The database was updated every two to three months based on inputs from the Polish ministries. The information contained in the database was well-suited for the present purposes. For one thing it listed all Polish legislation that operated in substantive areas covered by Community measures. The database also contained information on how compatible domestic measures were with the corresponding Community acts. Four degrees of compatibility were used: full, partial, none or unknown.

The precision of the data stored in the database must be approached with caution. The information on compatibility was updated based on the assessments provided by the Polish government, and the quality of these inputs may have varied over time as the Polish staff developed their expertise in Community law. In some instances, the data may have also reflected strategic games behind the adaptation process. Finally, the database does determine the precise time at which measurements were taken because there may have been a lag between the compilation of data by the Polish authorities and the uploading of the database. Nevertheless, the potential for such bias aside, the Progress Database provided the best available source for assessing the way in which substantive adaptation changed over time in aggregate terms.

This analysis used Microsoft Word tables generated from nine updates of the Progress Database to arrive at comparable information on cross-temporal changes in substantive adaptation. A domestic measure was defined as a group of legal provisions corresponding to a single Community law rather than as a self-contained

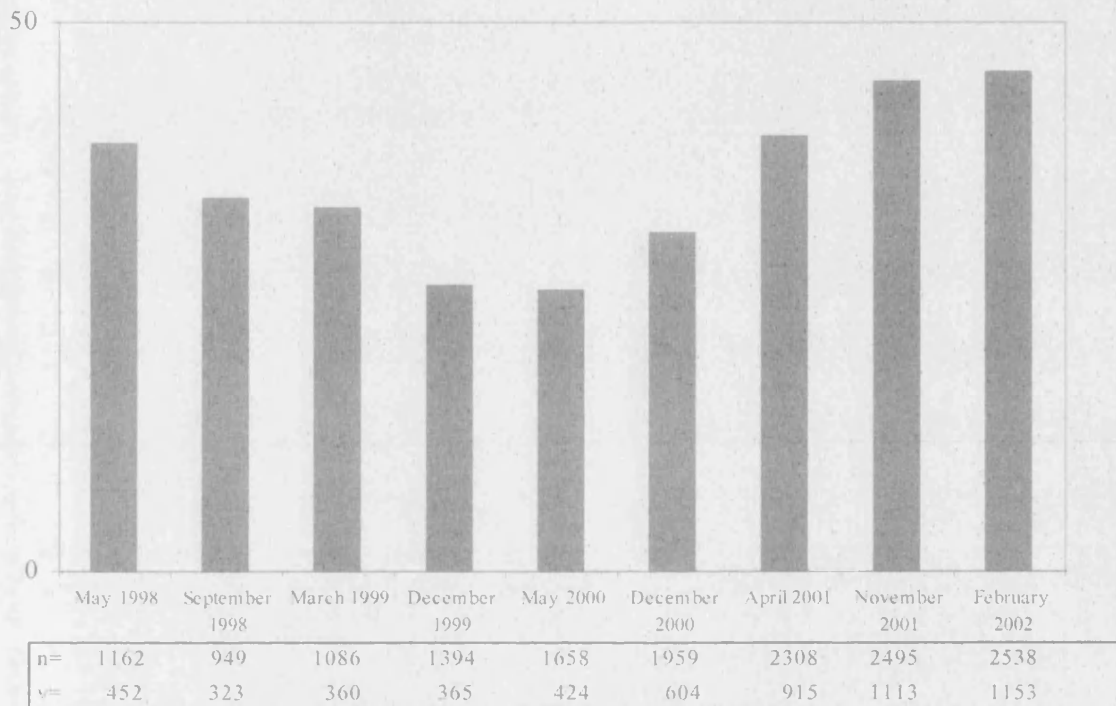
piece of domestic legislation. In this way, it has been possible to control for cases where a domestic law contained provisions corresponding to many different Community measures. The analysis was performed on a sample consisting of Polish measures corresponding to the Community legislation listed in the European Commission's 1997 White Paper. It was necessary to use a sample because the earlier versions of the database did not contain information on the entire *acquis*.

The analyzed data demonstrates that, between May 1998 and February 2002, the level of substantive adaptation varied significantly. See Figure 4.8. Between May 1998 and December 1999, the percentage of fully compatible measures declined as a proportion of all domestic measures corresponding to the White Paper's *acquis*. The drop was from 39 to 26 per cent over the one and a half year period. As is clear from the data in Figure 4.8, the decline in percentage values occurred against the backdrop of a rising nominal number of all domestic measures within the catchment of the Community laws. After an initial decline, their total number increased from 1,162 in May 1998 to 1,658 in May 2000. The new legislative measures were, however, partially compatible or non-compatible, which resulted in the lower percentage values of the compatibility indicator. Although, after an initial drop, the nominal number of fully compatible measures rose too, from 323 to 424, the rate of change was not high enough to compensate for the rapid increase in the overall legislative activity. This trend was reversed from May 2000. Although the Polish government continued to add substantially to the total number of domestic measures corresponding the White Paper's *acquis*, the legislative measures adopted between May 2000 and February 2002 had a higher compatibility with the Community *acquis* on average. The total number of domestic measures increased by more than a third from 1,658 to 2,538, but the nominal number of fully compatible measures also rose sharply from 424 to 1,153. This resulted in a relatively high increase in the proportion of fully compatible domestic measures from 26 to 45 per cent.

It is interesting to note that the change to higher levels of adaptation occurred at a rate slightly higher than the rate of decline in the period from May 1998 to December 1999. This data seems to be consistent with the information presented in Figure 4.7. Between 1997 and 1999, the Polish government adopted very few draft parliamentary laws whose primary objective was to bring domestic legislation in line with the Community law. New domestic legislation, though falling within the

catchment of the White Paper's *acquis*, served mainly domestic purposes and less attention was paid to compatibility issues. Hence, the proportion of fully compatible laws declined. This changed in 2000 when the Polish government began to adopt more draft laws specifically aimed at transposing the Community *acquis*. Hence, the proportion of fully compatible measures increased.

Figure 4.8. Percentage of Fully Compatible Domestic Measures (White Paper Sample) Based on Data from Progress Database



Source: own compilation (v = nominal number of fully compatible measures)

Timeliness

The first indicator for timeliness is the proportion of Polish transposing measures envisaged for adoption in a given year (or shorter period) that were actually adopted that year (or within such a shorter period). To develop a dataset for this indicator, one needs to find reliable deadlines against which deviation from schedule could be captured. In addressing the issue, this thesis uses the data on transposition deadlines contained in the four consecutive national programmes for the adoption of the *acquis* (1998, 1999, 2000, 2001). Admittedly, this choice is not without problems. Besides the credibility problems mentioned at the end of the previous section, the precision of the transposition deadlines as well as the quality of the information on what transposing measures would be adopted varied both across policy areas and across programmes. The problem was addressed by limiting the focus of the analysis only

to bills to be submitted to parliament and by selecting measures that were clearly identified by name and deadline. Excluded from the selection were (i) measures with no deadlines (ii) measures which had been passed before the date of the programme, and (iii) measures with deadlines dependent on an external event (e.g. economic situation). Also, only deadlines for cabinet adoption were used.

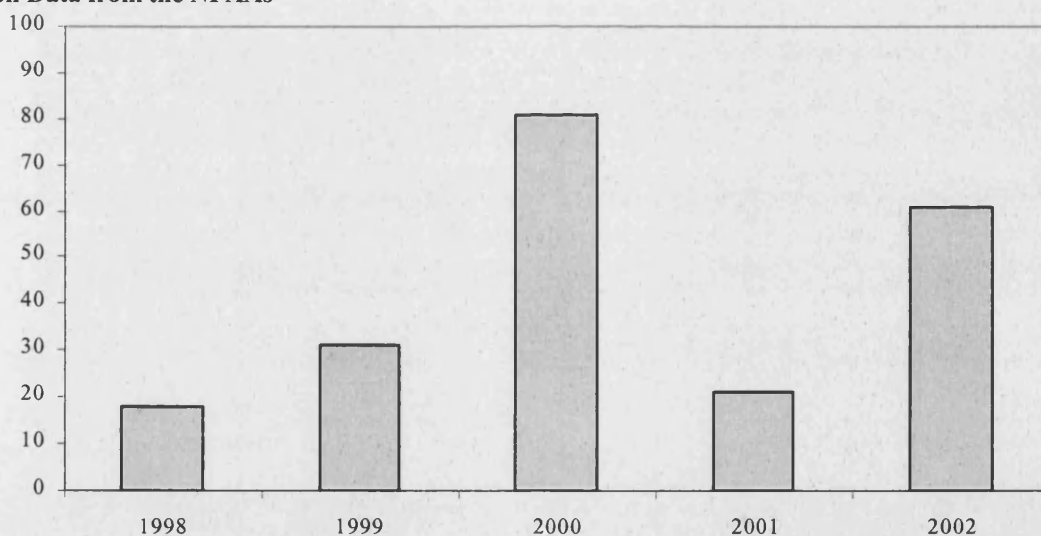
Another problem with the data arose because, as a rule, the NPAA programmes were adopted in mid-year and, though planned transposition for the following one and a half years, were updated in yearly cycles. As a result, there was an overlap of around six months, and deadlines for many measures were provided simultaneously in two consecutive programmes. The problem was solved by selecting only the transposing measures that were scheduled for adoption during the half-year period until the end of the year in which the programme was adopted. So, for example, the score for 1999 is based on the sample of measures to be adopted between mid-1999 and the end of that year. Besides the yearly NPAA programmes, our analysis also uses data on deadlines derived from short-range planning instruments. Those took the form of internal transposition agendas adopted by the cabinet or the KIE committee for periods ranging from three to twelve months. Four such plans were used (January-May 2000, May-September 2000, January-September 2000, January-December 2002).

Having selected transposing measures scheduled for adoption in a given year (or a shorter period), their individual transposition record was traced using data from three principal sources. First, the parliament's on-line database was searched, and where two or more acts with similar names were adopted, reference was made to the explanatory notes. Second, the transposition statistics were cross-checked with the information contained in the official annual reports on the implementation of the transposition programmes. Finally, reference was made to the dataset developed for the indicator presented in Figure 4.7 above.

The data demonstrates that the extent to which transposition deadlines were kept changed very considerably over time. See Figure 4.9. Between 1998 and 1999, the proportion of the domestic measures scheduled for adoption that were indeed passed by the cabinet remained at a relatively low level. The scores were 16 and 31 per cent respectively. In 1998, only four measures were adopted out of the scheduled 24. The score improved in the following year as 14 out of 45 measures were adopted within

deadline. See Annex 2 for detailed listings and scores. The most significant change in the value of the timeliness indicator occurred in the year 2000. Out of the 63 drafts scheduled for cabinet adoption in 2000, 51 were submitted to parliament. In effect, the percentage score rose to 81 per cent. As compared to the earlier shift between 1998-9, the magnitude of change in 1999-2000 was slightly higher – the percentage score in 2000 was two and a half times higher than that in 1999 relative to a twofold increase in 1998-99. Significantly, timeliness took a major dip in 2001. The percentage of measures adopted within the deadline declined to a low level of 21 per cent. This change is, however, likely to have been due to the parliamentary elections in September 2001 that disrupted the flow of the government's business in the second half of that year. The score was back to a high level in the year 2002. As many as 8 out of the 13 parliamentary measures scheduled for adoption were passed by the cabinet. As a result, the percentage score rose to 61 per cent.

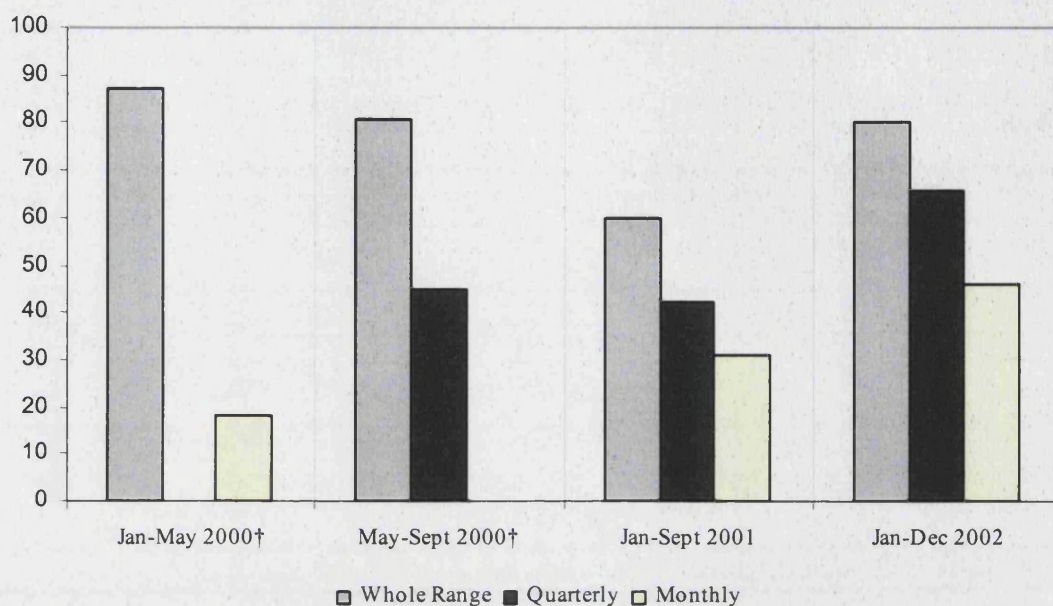
Figure 4.9. Compliance with Transposition Commitments (Percentage of Adopted Drafts) based on Data from the NPAAs



Source: own compilation († 2nd half of each year except 2002 where data for the whole year was used)

The results for 2000-2002 are confirmed by the data derived from the short-range planning instruments. See Figure 4.10. The first thing to note is that all four plans were implemented to a high degree. The whole-range score varied between 60 and 87 per cent. Between January and May 2000, 33 out of 38 scheduled transposing measures were adopted by the cabinet during the five-month period. The May-September plan contained 38 measures out of which 31 were adopted on time. In January-September 2001, 29 out of 48 measures were adopted, while in 2002 the score was 51 out of 63 measures.

Figure 4.10. Compliance with Short-Range Transposition Commitments (Percentage of Adopted Drafts)



Source: own compilation based on data obtained from the UKIE (†quarterly values are missing for Jan-May 2000; monthly values are missing for May-Sept 2000)

The second observation is that the quarterly and monthly deadlines were more likely not to have been complied with. The score for the former remained within the range of 45-66 per cent, while that for the latter was between 18-46 per cent. This said, it is possible to discern an upward tendency in such short-range timeliness. The monthly and quarterly scores rose from a low level in 2000-2001 to a much higher level in 2002. Finally, it is important to notice a relative decline in the values of the indicator for the first three quarters of 2001. This seems to indicate that the drop identified in Figure 4.9 for the implementation of the 2001 NPAA was part of a more general downward trend that started already in the first half of 2001.

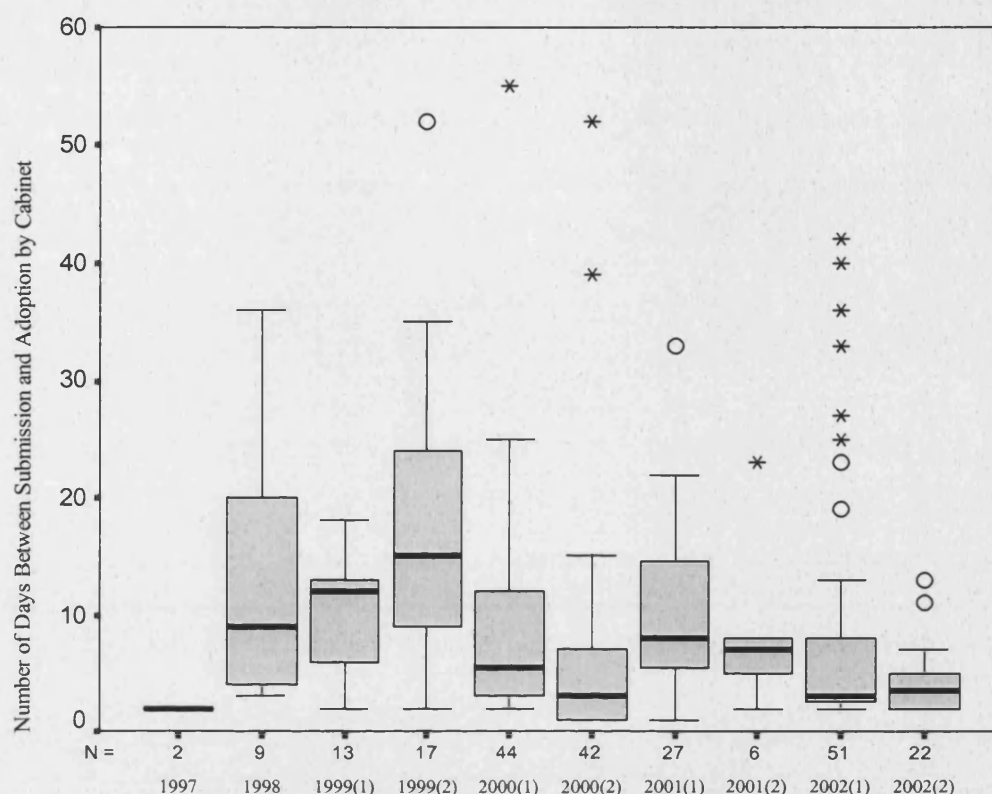
The other timeliness indicator is the length of time required for the cabinet to adopt a draft transposing law. To develop a dataset for this indicator, one would need to measure cross-temporal variation in the time between formal submission to cabinet and final cabinet adoption of domestic transposing measures. In compiling this data, the author gained authorized access to the written records maintained by the Cabinet Agenda Department at the Prime Minister's Chancellery. These records contained information about all draft laws submitted to cabinet as well as their submission and adoption dates, sponsoring ministry, evidence of comments and remarks by other ministries, and progress updates.

The dataset was compiled using two selection criteria: (i) draft parliamentary legislation identified as a transposing measure in the dataset prepared for the indicator in Figure 4.7, and (ii) legislation submitted and adopted by the cabinet between 1 October 1997 and 30 December 2002. Excluded were transposing measures that the cabinet adopted according to a written procedure, since this may have introduced a bias into the time scores for such legislation. The time score was determined using the NETWORKDAYS function in Microsoft Excel which returns the number of whole working days between start date and end date. Working days exclude weekends and any dates identified as holidays. See Annex 1.

The data shows that the timeliness of transposition changed in two major shifts between 1998 and 2002. See Figure 4.11. The box plot presents mean values as well as the first and third quartiles for thirteen consecutive periods. The scores of 56 days and over were disregarded as 95 per cent of all cases were within the range of 1-55 days. Until the end of 1999 draft transposing legislation that reached the cabinet spent on average between 9 to 15 days before adoption. The longest 25 per cent spent between 13 and 36 days between submission and adoption by cabinet. This pattern changed from the first half of 2000. The mean cabinet time dropped to between 3 and 6 days. The longest 25 per cent of bills spent between 7 and 25 days at cabinet level.

The scores for 2001 show a deterioration, though there is no reversal to the pre-2000 values. The mean rose to between 7 and 8 days and the third quartile was between 8 and 22 days. The other major change in the length of time needed for cabinet adoption occurred from the first quarter of 2002. The mean times fell to just 3 to 4 days. The longest 25 per cent of cabinet times remained within a range of 5 and 13 days. It is important to note, however, that the improvement was gradual as the score for the first half of 2002 shows an unusually high number of outliers and extremes (represented as circles and crosses in the graph).

Figure 4.11. Means and Quartiles for Length of Time between Cabinet Submission and Adoption



Source: own compilation based on the records made available by the Prime Minister's Chancellery. The box represents the middle 50 % of the data for each period. The bold line in the middle of the box denotes the median. The bottom and top whiskers identify the first and fourth quartile respectively. The circles and stars denote outliers and extremes respectively.

Overall Assessment

The picture that emerges from the above data demonstrates that the period between 1998 and 2002 may be divided into four consecutive stages each characterized by a distinct pattern of the transposition record. See Table 4.6. First, in 1998 and 1999, the Polish government had a low transposition record. Three out of four indicators registered low scores for the whole period. Although the first indicator (nominal number of transposing measures) had a slightly improved score for 1999, this does not provide sufficient evidence for a major upgrading in the overall assessment.

Second, the year 2000 was characterized by a high transposition record. Three out of four indicators registered a high score. Indicator 2 showed a negative score until May 2000 as the compatibility of domestic legislation with the White Paper *acquis* continued to decline but the score improved for the rest of that year. Third, in the year 2001, the Polish government had a medium transposition record. Except for Indicator 2, two indicators had a medium score and one had a medium to high score.

Fourth and finally, the year 2002 was characterized by a high transposition record. All the four indicators showed a highly positive score.

Table 4.6. A Summary of Variation in the Dependent Variable

Period	Indicator 1 All over time	Indicator 2 Compatibility	Indicator 3 Deadline Compliance	Indicator 4 Cabinet Time	Overall Assessment
1998	low	declining level of substantive adaptation	low	low	Low
1999	Low to medium		low	low	Low
2000	high	Increasing level of substantive adaptation	high	high	High
2001	medium to high		medium	medium	Medium
2002	high		high	high	High

Source: own compilation

III. The Effects of Policy Type, Actor Preferences and Ministerial Resources

This section explores the effect of variables that do not constitute the main focus of the study but nevertheless have been identified in Chapter 2 Section II as having potential impact on the resolution of collective dilemmas in the improvement of the transposition record.

Policy Type

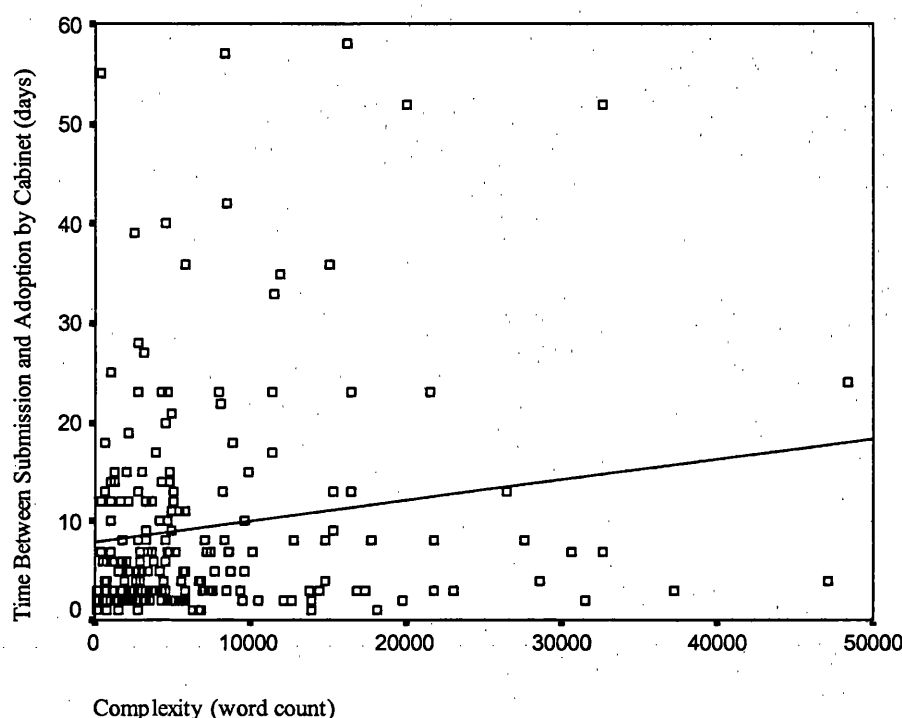
The first such variable that may affect the likelihood that ministers and departments solve the collective action problem in the improvement of transposition record is the nature of the policy issue to be transposed. The theoretical prediction under this heading is that the likelihood that ministers and their staff contribute to the transposition record is positively related to the opportunities for deriving an individual benefit from transposing legislation. For present purposes, it is assumed that the ability to derive an individual benefit is the lower, the higher the cost of

production of a law. To check for the impact of production costs, this thesis uses the nominal word count of individual laws as an indicator of production costliness. The assumption here is that the longer a law is, the most costly its production is since it tackles more complex issues and more ministers must be involved. Admittedly, the choice of the indicator is not without problems (Tsebelis 1999; Huber and Shipan 2002). For instance, a simple word count will not reflect complexity where a law contains a large number of small administrative details. Nevertheless, the length of a law provides a convenient, if crude, way of checking whether the complexity variable provides some insight into cross-temporal variation in the transposition record. To create a data set for this indicator, the word count was calculated for all transposing legislation between 1997 and 2002. This was done based on the final texts of these laws available at the Polish parliament's website using the automatic word count function supported by Microsoft Word 2000. See Annex 1.

The obtained word count is used to look for correlation with the length of time taken by the cabinet to adopt a transposing measure. The latter indicator thus serves as a proxy for the entire transposition record. The analysis aims to capture situations in which the cross-temporal variation observed in the dependent variable is caused by variation in the complexity of transposition issues addressed by the executive. Figure 4.12 plots the length of time (in days) on the vertical axis and the total word count along the horizontal axis. To improve statistical significance, the outlier scores (56 days and over) in the length of cabinet time were disregarded (95 per cent of all cases lie within the range of 1-55 days). The regression line is specified using the least squares regression model. The analysis demonstrates that there is a positive linear relationship between the two variables. Longer laws tend to require more time for cabinet adoption. It is interesting to note that most cases are located within the lower ranges of the horizontal axis and yet are still fairly variable in the number of cabinet time required. The relationship between the two variables is a modest one. The Pearson's correlation coefficient is 0.157 and is significant at the .05 level. The coefficient of determination (r^2) is .025, which means that legislative complexity explains 2.5 per cent of the variation in the time required for cabinet adoption. It is important to note that if the scores of 56 and over in the length of cabinet time are included, the correlation coefficient drops to 0.093 but is not statistically significant (.181). All in all, it seems that although complexity of

legislation does indeed have some impact on the likelihood that the collective transposition record is improved, this effect is rather small and leaves ample room for other explanations.

Figure 4.12. Length of Cabinet Time by Legislative Complexity



Opportunities for deriving a private benefit may be further related to how costly transposition is for domestic addressees. To check for the impact of adaptation costliness, one would need to find a way to measure cross-temporal variation in the extent to which legislation entailed adaptation costs. A quantitative measurement over many cases may prove difficult since, in the strict sense, it would require the substantive examination of individual laws as well as preference tracing for domestic regulatees. Faced with such difficulties, a decision has been made to use a much simpler indicator by exploring the ministry distribution of planned transposing measures. Given that some ministries are generally considered to have a more cost-intensive *acquis* to implement than others (cf. Rada Ministrow 2000; UKIE 2003), such data should make it possible to capture cross-temporal shifts in costliness for domestic addressees. See Table 4.7. The obtained data shows the association between adaptation costliness and transposition record to be at best limited. In 1998-2002, the bulk of transposition measures were invariably planned in areas in which the *acquis* entailed high adaptation costs (transport & telecoms, finance, economics and agriculture). Although the proportion of commitments made in areas in which

transposition was less cost-intensive (justice, home, culture, education) increased gradually, it is important to note that in 2000 – the year in which the transposition record improved substantially – the share of such measures in planned transposition actually declined.

Table 4.7. Ministry Distribution of Planned Transposing Measures

Ministry	1998	1999	2000	2001	2002
Transport & Telecoms	12	10	5	2	11
Finance	5	6	12	5	8
Economics	3	2	10	8	7
Agriculture	3	8	14	11	12
Labour	0	0	4	4	3
Environment	0	1	2	1	3
Health	0	0	6	4	5
Competitions Office	0	10	2	0	2
Justice	0	6	3	6	4
Home Affairs	0	0	3	2	4
Culture	1	2	0	1	3
Education	0	0	2	1	1
Foreign Affairs	0	0	0	1	0
State Treasury	0	0	0	3	0
Total	24	45	63	49	63

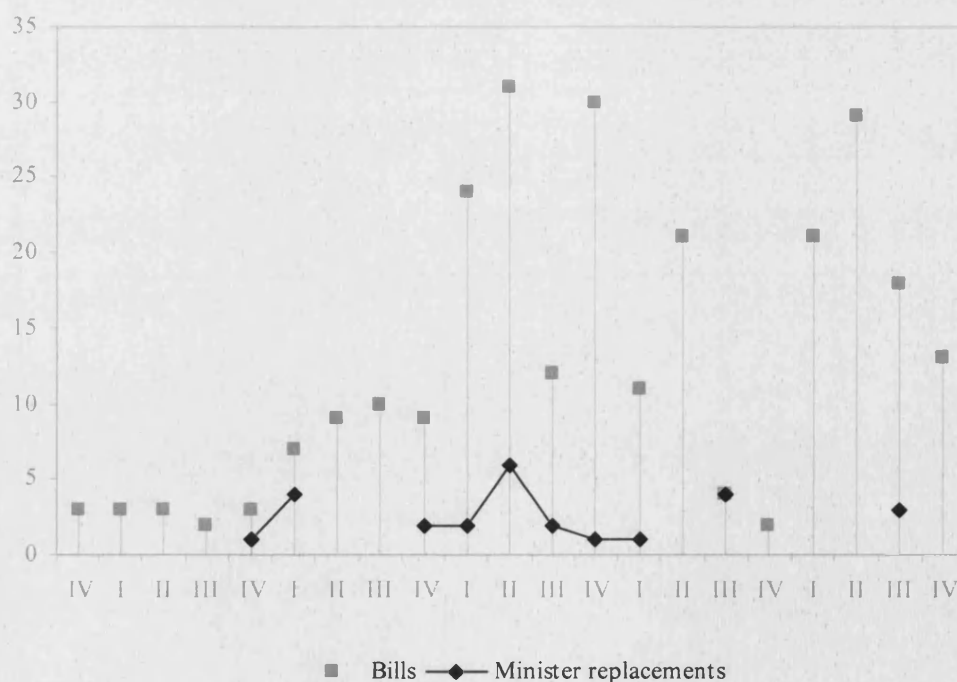
Source: own compilation based on the NPAA programmes (1998, 1999, 2000) and short-term plans (2001, 2002). The score for economics ministry covers measures allocated to the Public Procurement Office, Measures Office, Exchange Commission, Standardization Office, Regional Ministry. The score for justice ministry covers measures assigned to Personal Data Protection Office.

Actor Preferences

The second variable is actor preferences. The theoretical prediction here is that the likelihood that ministers and their staff contributed to the transposition record may have been related to their individual preferences and capabilities. For example, some ministers may have had a higher personal desire to be seen as strong champions of European integration or wanted to be perceived as team players complying with collective decisions. Similarly, some ministers may have had better management skills than others. To check for the impact of such idiosyncratic factors, one would need to identify all personal qualities that are likely to have affected transposition, measure the incidence of such qualities in the population of Polish ministries over time and then cross-tabulate it with evidence of the transposition record. For present purposes, a simpler test is employed by checking whether any of the cross-temporal changes has been associated with a prior major cabinet reshuffle. Admittedly, this a rather crude measure but nevertheless it gives us some idea regarding the potential impact of individual preferences.

The data on ministerial replacements indicates that in 1997-2002 there were four major cabinet reshuffles. The first one occurred in early 1999 when four ministers were changed. The second shake-up came in the second quarter of 2000 when the Freedom Union withdrew six ministers. Interestingly, the fourth round of changes took place in the third quarter of 2001, when Buzek replaced four ministers only months before parliamentary elections. The last major reshuffle occurred in the third quarter of 2002 when prime minister Miller replaced three ministers. This data tentatively suggests that ministerial replacements may have had some impact on the transposition dynamic. For example, the cumulative effect of cabinet changes in 1999 may have altered the constellation of actor preferences within the cabinet. The change of UW ministers may also have added a further boost to transposition in mid 2000. This said, the cabinet reshuffles either in late 2001 and in 2002 do not seem to have coincided with changes in the transposition record. All in all, although actors preferences may have had some effect, their impact seems at best limited.

Figure 4.13. Cabinet Reshuffles and Adoption of Parliamentary Bills by the Cabinet



Source: own compilation based on data from Prime Minister's Chancellery

Ministerial Resources

The third variable is resource endowment. The theoretical assumption is that the more resources a minister has at his or her disposal, the higher the likelihood that he or she makes voluntary donations to collective action. The resource that is likely to

have a significant effect on the transposition record is the number of staff that deal with EU-related legislation in line ministries. These officials played a crucial role in supporting line departments in transposition, and it seems logical to expect that their resource endowment should affect the transposition record. To create a data set for this indicator, all Polish ministries were approached for information on cross-temporal changes in the semi-annual staff figures for EU Divisions. Nine out of the fourteen ministries provided the data: ministries for economics, labour, home affairs, transport, communications, justice, agriculture, health and education. Three ministries (economics, labour and agriculture) provided only annual figures for periods ending December each year. In those latter cases, a decision was taken to retain the semi-annual periodicity and use the annual figure for both half-year periods. Staff levels have been measured in full-time equivalents rather than in head count, with the exception of the Home Affairs Ministry. To control for the impact of resource endowment of departments other than the EU departments, the data on the total number of staff in ministries was obtained. Finally, the data on staff changes has been compared over time with variation in the transposition record.

The data demonstrates that there is some positive association between transposition record and staff levels in European integration departments. See Table 4.8. The first observation is that the two upward shifts in the transposition record did coincide with increases in the level of EU-related staffing. In the first half of 2000, the full-time staff increased to 244 from 227 in the previous half-year period and the high level persisted in the following six months. In the first half of 2002, the staff level rose to 270 from 231 in the second half of 2001 and increased further in the following six months. The other observation is that a decline in the transposition record in 2001 is associated with a reduction in staffing. The number of staff declined in the first half of 2001 to 233 from 244 in the previous half-year period. The finding is confirmed by the data on total ministerial staff levels. The largest growth in all staff occurred in the first half of 2000, when the number of personnel increased by 246 staff, and in the first half of 2002, when it increased by more than 180 staff. The data for 2001 is, however, ambiguous with the total staff increasing in the first half of 2001 but falling in the second half.

Table 4.8. Ministerial Staff Numbers and Transposition Record

Ministry	I-1997	II-1997	I-1998	II-1998	I-1999	II-1999	I-2000	II-2000	I-2001	II-2001	I-2002	II-2002
Economics	33,67*	33,67	35,5*	35,5	38,67*	38,67	41*	41	44*	44	43*	43
Labour	26,88*	26,88	29*	29	25*	25	26*	26	21*	21	45*	45
Home Affairs	14*	14	20	23	26	25	28	30	31	32	35	44
Transport	14,5	17,05	18,75	25,75	25,75	21,75	21,75	18,75	21,75	27,75	28,75	27,75
Communications	15,5	17,5	20	21	18,5	16	19	18	13			
Justice	25,5	25,5	25	31	33	35,5	36,5	37,5	37	41	42,5	47,5
Agriculture	37*	37	21*	21	27*	27	32*	32	26,5*	26,5	34,8*	34,8
Health	0	12	11	15	13	12	13	13	15	14	16	16
Education	28	30	31	31	23	26	27	26	24	25	25	28
Total EU Departments	195,05	213,6	211,25	232,25	229,92	226,92	244,25	242,25	233,25	231,25	270,05	286,05
All Staff	4084,98	4155,53	4239,14	4396,16	4404,91	4429,47	4675,91	4577,15	4730,89	4610,1	4792,82	4833,62
Transposition Record	Low	Low	Low	Low	Low	Low	High	High	Medium	Medium	High	High

Source: own compilation based on the data obtained from individual ministries under the Freedom of Information Act

* annual figures are used to fill in semi-annual gaps

shaded area – in autumn 2001 the Communications Ministry was merged with Transport to form the Infrastructure Ministry

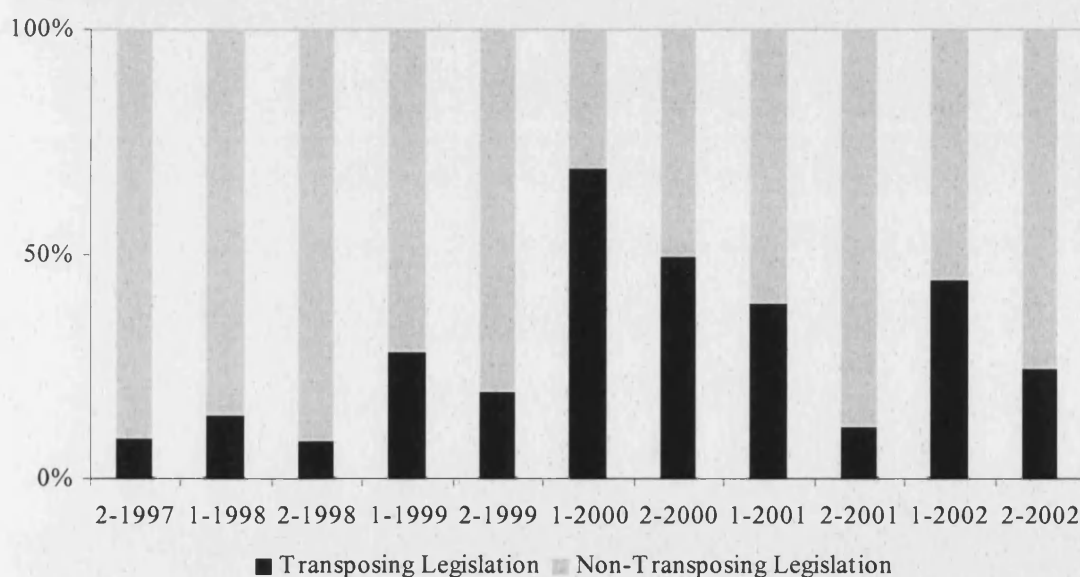
This said, there are four major problems with treating these observations as evidence of a causal relationship. First, the transposition record remained unchanged despite fairly high staff increases in EU departments in mid 1997 and mid 1998 (9,5 and 10 per cent respectively). It was only from the year 2000 that staff variation started to be associated with changes in the transposition pattern. This would suggest that there was some other factor that activated the personnel variable. Second, personnel changes have had asymmetric effects. A staff increase by 10 per cent led to a major change from low to high transposition record, while the change from medium to high record was accompanied by a 17 per cent rise in staff numbers. Third, none of the changes in the EU-related staff levels marked a major departure from the overall growth trend and amounted, at best, to an average increase of two to four full-time equivalents per ministry. As such, they were unlikely to make a substantial contribution to the resolution of the collective action problem. Fourth and finally, the lack of time lag between the movements in staff numbers and the changes in the transposition record casts some doubts on the direction of the causality. Though staff increases may have led to higher transposition record, it is just as probable that higher transposition record necessitated staff growth. In that latter case, some external variable may have been responsible for the transposition effect, while ministries may have used the sustainability of transposition to justify new recruitment. All in all, the result is inconclusive and, as such, invites further research.

Besides changes in absolute terms, resource endowment may also vary over time in relative terms. In the present context, this means that resources available to transposition would be the higher, the less non-EU-related demands are placed on the total government resources. To check for the effect of relative changes in resource endowment, one may examine cross-temporal changes in the proportion of legislative output devoted to transposition. The theoretical prediction is that improvements in the transposition record would be associated with major increases in the relative resources committed to transposition. In developing a data set for this indicator, the data in Annex 1 was supplemented with information about all non-EU related draft parliamentary laws adopted by the Polish cabinet between 1997 and 2002.

The data confirms that changes in relative resource endowment are indeed associated with variation in the transposition record. See Figure 4.14. The upward shift from low to high transposition record in the year 2000 occurred against the backdrop of a major

reallocation of government resources to transposition. Almost 70 per cent of the cabinet's total legislative output in parliamentary drafts was devoted to the transposition of the Community legislation. Similarly, the shift from medium to high record in 2002 was, in part, due to a relative increase in resources committed to transposition. The proportion of transposing laws rose from 11 per cent in the second half of 2001 to 44 per cent in the first six months of 2002. Conversely, a decline in the relative share of government resources devoted to transposition coincided with a downward shift in the transposition record which started already in the second half of 2000. Yet, as already indicated above, although changes in relative resource endowment may have led to higher transposition record, it is just as probable that higher transposition record necessitated shifts in resources. In that latter case, some external variable may have been responsible for inducing ministers to assign relatively more resources to transposition.

Figure 4.14. Transposing Laws as a Percentage of the Cabinet's Total Legislative Output of Draft Parliamentary Laws



Source: own compilation based on data from www.sejm.gov.pl

IV. Conclusion

This chapter has mapped cross-temporal variation in the Polish government's transposition record in two principal dimensions: substantive adaptation and timely compliance with transposition commitments. It has first shown that transposition *per se* had not started until autumn 1997. Although some early attempts had been made since 1991, they had been mainly informed by the logic of policy modernization and creative transplant of EU policy models. The chapter has further demonstrated that in the period

under investigation the transposition record varied significantly. In 1997-1999, the Polish government had a rather low record in both substantive adaptation and timely transposition of EU legislation. From 2000, the transposition record had improved and remained at a high level until 2001 when it deteriorated to a medium level. The year 2002 brought a return to a high level of transposition. Last but not least, the chapter has analyzed the effect of variables that do not constitute the main focus of the study but have been identified in Chapter 2 Section II as having a potential impact on the resolution of collective dilemmas in the improvement of the transposition record. The key findings from that analysis are that policy type, actor preferences and ministerial resources were likely to affect the changes in the transposition record. This said, the effect of these three variables is not sufficient to fully account for the variation in the transposition record, and hence leaves ample room for other explanations.

Chapter 5: The Impact of Core Executive Rules on Transposition

This chapter brings together the data presented in the two preceding chapters. It finds, first, that the variation in core executive rules has been over time consistent with changes in the transposition record. To further substantiate such congruence, the chapter provides process-tracing evidence of causal mechanisms that linked the two variables. The analysis also finds that incentives and opportunity structures originating outside the executive had an effect on the transposition record. Out of the three variables considered, the EU incentives and party configurations provide the most insight.

I. Consistency with Theoretical Predictions and Causal Mechanisms

The picture that emerges from the data presented in Chapter 3 and 4 indicates that the theoretical predictions formulated in Chapter 2 find confirmation in the empirical evidence (see Table 5.9). The impact of configuration one (1996-7) is not discussed since transposition of EU legislation *per se* had not started until mid 1997 and, even then, was immediately interrupted by parliamentary elections in September 1997.

The Impact of Configuration Two: Autumn 1997- Mid 1998

Between late 1997 and mid 1998, limited core executive mobilization coincided with a low transposition record. This is consistent with the theoretical prediction that collective dilemmas are likely to hinder transposition if institutional rules are absent that would allow the core executive to extend selective incentives and monitoring to ministerial departments. Three causal mechanisms lend support to the above claim of consistency with theory. First, limited mechanisms for sanctioning and rewarding ministers for transposition could have hardly solved the problem of high opportunity costs that arises when ministers must improve a collective transposition record. At the planning stage, in the absence of central prioritization, ministers and line departments paid only limited attention to the practical necessities of transposition and the feasibility of plans. An UKIE official thus described the implications of such limited mobilization from the centre,

‘The way in which the timeline [for transposition] was specified was ridiculous... But this problem arose because we did not have any way or institutional lever with which to discipline ministerial departments and make them commit, for example, to transposing this or that directive in 1998’.
(interview 19, p. 3)

Table 5.9. Congruence of Empirical Findings with Theoretical Predictions

Period	Core Executive	Theoretical Prediction	Transposition outcome	Overall Congruence
autumn 1997 – mid 1998	Limited mobilization from core executive	Unresolved collective dilemmas and low transposition record	<ul style="list-style-type: none"> ▪ Low number of transposition drafts ▪ Declining level of substantive adaptation ▪ Low compliance with transposition deadlines ▪ High average time before cabinet adoption 	+ + + +
mid 1998 – mid 1999	Limited mobilization from core executive	Unresolved collective dilemmas and low transposition record	<ul style="list-style-type: none"> ▪ Medium number of transposition drafts ▪ Declining level of substantive adaptation ▪ Low compliance with transposition deadlines ▪ High average time before cabinet adoption 	-/+ + + +
mid 1999 – spring 2000	High mobilization from core executive	Resolved collective dilemmas and high transposition record	<ul style="list-style-type: none"> ▪ High number of transposition drafts ▪ Declining level of substantive adaptation ▪ High compliance with transposition deadlines ▪ Low average time before cabinet adoption 	+ - + +
spring 2000 – mid 2001	High mobilization from core executive	Resolved collective dilemmas and high transposition record	<ul style="list-style-type: none"> ▪ High to low number of transposition drafts ▪ Increasing level of substantive adaptation ▪ High to low compliance with transposition deadlines ▪ High to medium average time before adoption 	+/- + +/- +/-
autumn 2001 – end 2002	High mobilization from core executive	Resolved collective dilemmas and high transposition record	<ul style="list-style-type: none"> ▪ High number of transposition drafts ▪ Increasing level of substantive adaptation ▪ High compliance with transposition deadlines ▪ Low average time before cabinet adoption 	+ + + +

Source: own compilation

Neither did the prime minister or the KIE sanction or reward transposition at the implementation stage. Hence, ministers and departments tended to devote only a small share of their resources to transposition saving larger donations for more pressing and beneficial tasks. A high-ranking official at the Prime Minister's Office thus described the reason why transposition had been delayed,

'It is likely that the emphasis on other policy issues such as (...) the four social reforms (...) led to the neglect of the active verification of adaptation tasks. (...) Some work was underway and had been begun in most areas, but there was likely to be an insufficient supervision over whether such work had been in fact completed'. (interview 6, p. 13)

The limited mobilization thus caused the nominal number of transposing legislation to remain within a low range (indicator 1) and the level of substantive adaptation to decline as new legislation was not compatible or partially compatible with the Community *acquis* (indicator 2).

Second, limited monitoring precipitated widespread shirking. The twice-yearly reporting cycle, combined with the poor precision of transposition programmes, offered ministers and their staff ample opportunities to free-ride on the efforts of other departments. This causal linkage was further confirmed by the UKIE minister who said, 'If one could report once a year that some things had not been implemented, and there were no consequences, then one had limited incentives to make any major efforts in that area' (interview 15, p. 6). Another official explained,

'The [transposition delays] occurred because the cabinet was not well organized. (...) When the council of ministers decided on something, ministers [often] forgot about that. (...) The implementation of the decisions was not exacted from them. Political decisions were made but these did not translate into action at the bureaucratic level'. (interview 46, p. 4)

Unsurprisingly, the implementation of the NPAA commitments proved patchy and difficult, with only 16-31 per cent of them actually realized (indicator 3).

Finally, limited facilitation from the centre did little to lower coordination costs associated with transposition. Given the cross-cutting nature of transposition as well as the high learning costs, the executive actors took much longer to work out compromises and push legislation through interministerial consultation and committees. Consequently, EU-related legislation was found to provoke prolonged debates at cabinet level, if it ever got pushed that far (indicator 4). Speaking about the causes of

transposition delays, a lawyer at the UKIE secretariat thus described what had been a major shortcoming in the centre's role in 1997-1998,

'As well as urging them [ministerial departments] to adopt and change laws, we should have followed this up with concrete substantive assistance. For example, we could have provided more detailed guidance on what should be transposed by not only identifying the titles of directives but also by specifying which problems should be addressed in a given amendment. This would have been helpful since at that early time ministerial departments did not have strong legal expertise while such knowledge was concentrated within the UKIE'. (interview 26, p. 9)

The cost of contributions to the transposition record was further increased since the core executive agencies kept most negotiation-related documents highly confidential and did not inform ministerial departments about the precise nature of transposition commitments. As a result, any ministerial official working in that area had to expend additional resources on simple identification of adaptation tasks. An internal government memo thus described the key reason behind delays in transposition,

'Draft negotiation positions are prepared and reviewed by only a small circle of people which means that the precise nature of the final commitments undertaken in these documents is not generally known to staff within the administration. This, in turn, means that those staff that prepare government programmes and draft legislation in individual ministries and central agencies do not take such negotiation commitments into account. (...) These problems cause adaptation commitments that Poland makes vis-à-vis the European Community to be implemented in an untimely manner'. (UKIE Internal Document 12/07/1999 1999)

The Impact of Configuration Three: Mid 1998 - Mid 1999

The efforts to bolster the pace of legal adaptation between mid 1998 and mid 1999 (see chapter 3 section III) were taken without prior institutional change to the position of the core executive. This was because the intra-coalition impasse over the appointment of the KIE secretary had prevented both Karasinska-Fendler and, later, prime minister Buzek from reinforcing the institutional levers available to the European core. The data on the transposition record demonstrates that the collective dilemmas in the improvement of the transposition record continued to persist. This result is consistent with the theoretical expectation.

Three general causal mechanisms may be identified in this context. First, despite a closer involvement by the prime minister, his practical ability to shift ministerial attention to transposition continued to be limited. This was because, as one would

expect, Buzek's interventions could only be undertaken sporadically, while the operational responsibility for extending the threats of sanctions and/or prospects of rewards to ministers and departments was with the KIE secretary and the UKIE secretariat. The latter, however, lacked the necessary institutional tool-kit to undertake such actions. In effect, ministers continued to commit only limited resources to transposition. Even if they did react to Buzek's new ambition, the new interest was likely to be short-lived given that the new agenda was not translated into action at the operational level. A minister said,

'Ministries made declaratory statements but then it was not the full minister who supervised concrete actions but a junior minister responsible for that area. And there was frequently a problem with the translation of that verbal commitment by the head of ministry into concrete action which was within the competence of a junior minister or department director. This problem persisted even when the prime minister started to chair the KIE'. (interview 20, p. 3)

Second, the free-rider problem associated with transposition was left unaddressed as monitoring mechanisms remained provisional and ministers and departments had many opportunities to obfuscate the real extent of their contribution to the collective transposition record. The passive compatibility checks by the UKIE did not provide the necessary incentives to ministerial departments. An UKIE minister said,

'when a draft law was sent to the UKIE, the UKIE assessed whether it was compatible or not but did not check whether that same minister was supposed to draft ten or twenty other laws which were needed to close a given negotiation chapter'. (interview 17, p. 1)

Another official confirmed, 'The UKIE and the KIE committee's role was (...) to collate [documents from ministries] (...) but neither had the power to push a ministry to undertake work on a draft law if that ministry did not want to do that' (interview 13, p. 4). In effect, the implementation of the new commitments continued to be patchy, with only two out of the six promised laws adopted on time and the overall score for the 1999 at 31 per cent.

Finally, the KIE secretary and the UKIE continued to lack effective instruments to undertake facilitation at operational level. The UKIE lawyers did not take active interest in the law-making processes involving transposing legislation. In effect, coordination costs remained high and, combined with a short-lived intensification of transposition work, produced the worst result in the average length of time needed for cabinet to adopt legislation (mean 15 days) in the entire period under examination.

The Impact of Configuration Four: Mid 1999-Spring 2000

From mid 1999, the institutionalization of stricter core executive constraints *vis-à-vis* line ministers lay foundations for a definitive shift in the transposition record starting from the year 2000. This finding is in congruence with the theoretical expectation outlined in Chapter 2. The core executive effect was mediated through a number of causal mechanisms. Thanks to the new instruments for sanctioning and rewarding that became available with the involvement of the parliamentary secretary and the chief negotiator in transposition, the Polish core executive was able to impose a stricter framework on the legislative priorities of individual ministers and departments. The centre took over the transposition planning function from the line ministry level and harnessed it to the negotiation process. The close relationship between Arkuszewski and prime minister Buzek as well as the former's political standing within the AWS party lent sufficient credibility to the threats of sanctions and prospects of reward. In effect, the nominal number of transposing legislation rose to a high level (indicator 1). A minister said,

'[Arkuszewski] would go to the prime minister and would say [he] had a problem. The prime minister would yell at the minister, and things started rolling. (...) The problem was that they were all stuck in a general malaise. And when one started pushing (...) redirecting the focus of line ministries on a given draft legislation, then the entire process started moving on'. (interview 29, p. 14)

Second, the regular week-to-week monitoring from the Prime Minister's Office helped shift the attention from non-EU to EU-related legislation. Perhaps more importantly, it also made the transposition record of individual ministers and their departments clearly visible and measurable. This limited any opportunities for shirking and free-riding that hitherto dampened the incentives to contribute to the collective transposition record. A minister at the Prime Minister's Office thus described the nature of the problem and the effect of Arkuszewski's institution-building,

'The problem is in the internal flow of documents since the same administrative machinery processes now five to six times as many documents as twelve years ago. (...) This is a very significant increase. The time that officials previously had available to work on a single document must now suffice to deal with six to eight such documents. So how did they deal with this problem? (...) he or she selected the document that they thought was the most important, and wrote 'no comments' on the remaining ones. (...) The draft laws that officials wrote 'no comments' on were then passed on further up, and were soon blocked for lack of agreement. (...) And so, if one wanted to deal with this problem [in

transposition], then either one had to modify the system through which document passed – this [we] could not do – or ensure that some documents moved more quickly than others. The latter was simple. One had to draw up a list of required drafts and start calling ministers every week to remind them. (...) Of course [Arkuszewski] did not have any special powers but it was enough for some junior minister to receive a regular call from the Prime Minister's Office for things to get moving'. (interview 29, p. 7)

The close monitoring improved compliance with transposition deadlines. As a result, the implementation of the transposition commitments rose to a high level of above 80 per cent (indicator 3).

Third, the PMO became involved in the facilitation of transposing legislation, thus lowering the coordination costs. Arkuszewski had sufficient authority to cut through drawn-out conflicts that in many instances blocked interministerial consultations for long years. As a result, the average length of time the cabinet needed to pass transposing legislation dropped to between two to seven days (indicator 4). A minister at the Prime Minister's Office gave the following example,

'The best case in point is the water law. (...) The work on that law started in early 1990s. But because there was some serious dispute with the environment ministry there was no progress for several years (...) No one [at the centre] took any interest in what was really blocking it and it was only [Arkuszewski] who intervened and made all the parties drop objections. (...) Two months later work was resumed on the law. It was enough to scold someone for things to start moving'. (interview 29, p. 13)

Although, on the whole, the empirical evidence seems consistent with the theoretical prediction, it is nevertheless interesting to note the speed with which the new institutions affected the behaviour of line ministers and their staff. The emergence of new institutional rules preceded the change in the transposition record by only three to six months. Some doubts may arise whether the new core executive institutions alone could have exerted so deeply transformative an impact on actor preferences and transposition outcomes over such a short period of time. One explanation may be that weakly institutionalized rules may create stronger effects than deeply entrenched institutions incentives but this interpretation would run counter to much of institutional theory. Another explanation – which will be explored in the next section – is that ministers and their staff were concurrently subject to other mobilizing incentives originating outside the executive.

The Impact of Configuration Five: Spring 2000-Mid 2001

While the next wave of institutional change in spring 2000 had a significant effect on the configuration of institutional rules, it did not reduce the intensity and scope of the selective incentives and monitoring the core executive extended to ministers and departments. Hence, in keeping with the theoretical expectation, configuration five had a largely consolidating effect on transposition outcomes, though its impact was not constant over time. The causal mechanisms at work were as follows. The problem of opportunity costs was tackled through the setting of clear transposition priorities by the KIE secretary and their formal endorsement through a resolution by the KIE committee. An UKIE official thus described what unblocked the transposition process, 'The trick was rather simple and consisted in the detailed planning of transposition and then regular exacting of implementation from ministries' (interview 52, p. 4). Another official confirmed,

'In my view the crucial contributing factor was that some organizations were forced to undertake efforts which they should have expended as a matter of course but had not. This change was achieved through institutional mobilization and coordination of the process; earlier (...) work [on transposition] had not been as centrally planned and vigorously enforced as later. So, in brief, the key element was to provide an over-arching framework, plan the process, enforce, monitor...'. (interview 11, p. 16)

The commitment to the transposition priorities was sanctioned and rewarded by the prime minister with operational assistance from the KIE secretary and the minister for transposition. In effect, the nominal number of transposing legislation remained high throughout the year 2000 (indicator 1).

The free-rider problem was addressed through close monitoring. Regular reporting to the KIE and the full cabinet made it difficult for ministers and departments to conceal the real size of their contribution to the collective transposition record. An official said,

'The system of regular verification and the methodical processing of individual drafts (...) took us to the point where adaptation timetables which were adopted by the [KIE] committee (...) were implemented at 100 per cent or with only slight delay, whereas other government programmes had a 50 per cent or lower implementation record. The regular routine proved a very effective instrument of pressure'. (interview 12, p. 3)

The impact of close monitoring by the UKIE was confirmed by a line ministry official who thus described the way in which central pressures entered law-making processes at the ministry level, 'we organized regular meetings at ministry level to review draft

legislation which was to be discussed at the KIE committee (...). If any of our line departments was found to be in delay or otherwise in default, its representative was asked to provide explanation at that intra-ministerial meeting' (interview 19, p. 9). Unsurprisingly, compliance with transposition commitments stayed at high level (indicator 3) and the percentage of fully compatible domestic measures finally began to climb (indicator 2).

The coordination cost problem received perhaps the most attention. The close professional support from the UKIE lawyers at all stages of the law-making process helped to lower the costs of reaching consensus. The new time-control techniques provided a further incentive for junior ministers to solve problems at lowest possible level and to avoid taking up matters in cabinet unless it was really of fundamental importance. As a result, the length of the average time needed for cabinet adoption was reduced to an all-time low of two days (indicator 4). The causal link between the UKIE substantive involvement and the pace of transposition was confirmed by a line ministry official who said,

'They [UKIE lawyers] started to take interest in what was happening outside their secretariat. (...) Until then the legal department only provided written compatibility assessments. (...) But later UKIE lawyers started to attend interministerial meetings where many line departments were represented. This was a very good practice because it allowed us to solve a given problem right away'. (interview 19, p. 9-10)

The positive impact of configuration five faltered in 2001, despite there being no evidence of a major institutional reconfiguration at the centre of government in that year. Does this observation run against the theoretical expectation? Not necessarily. It is possible to argue that, while the configuration of the authority and information rules remained intact, important changes occurred in the extent to which such rules could be invoked. Recent in origin, the new rules were underwritten by individuals rather than through valued internalized conventions. Hence, when the position of the prime minister and the KIE secretary declined in 2001, so did the operational force of the new rules they had created. The credibility crisis occurred because Buzek's authority crumbled as the AWS ministers realized that they were heading for an electoral defeat and, no matter what they did, the prime minister could not deliver re-election. This said, it is clear that the core executive variable cannot fully account for the transposition outcome in 2001. As will be seen in the next section, the effect of other variables, most notably the

changes within the Polish party system on the eve of parliamentary elections in September 2001, must be considered to capture countervailing influences on the preferences of ministers and departments.

The Impact of Configuration Six: Autumn 2001-End 2002

In 2002, the consolidation of the position, authority and information rules under the Miller government coincided with a second upward shift in the transposition outcomes. Several causal mechanisms were at work. First and foremost, new prime minister Miller and his KIE secretary Hübner lent new credibility to the authority and information rules that had lost their operational force towards the end of the Buzek government. These included, among others, the prime minister's powers to sanction and reward ministers, transposition facilitation by UKIE lawyers, a set-aside mechanism for conflictual issues, and regular monitoring by the UKIE and the KIE committee. In a press interview, prime minister Miller said,

'After a few weeks into the government's term, I introduced a practice that all cabinet meetings should start with minister Hübner's presentation about the accession negotiations and related interministerial consultations. This was because I realized that not only the negotiation issues but also the adoption of draft laws, decrees and other decisions, was subject to such controversies and line ministries were putting up such opposition, that progress could only be assured at the cabinet level'. (Paradowska and Wladyka 2002)

An UKIE official confirmed, '[Progress] is reviewed weekly in cabinet. There is a permanent point on the cabinet agenda and the prime minister receives full information on who did not do what. This system is very effective (...) because insubordinate behaviour towards the prime minister is a serious problem. And everyone does their best to avoid it' (interview 12, p. 8). Besides hierarchical instruments, the Miller cabinet reinforced collectivity-based rules through the creation of the ZPKIE committee which further helped the UKIE to enforce the transposition timetable (interview 41, p. 3; interview 46, p. 8). A minister said,

'A collective pressure in the form of appropriate decisions by the ZPKIE imposing deadlines for preparing transposition measures was an effective instrument because a deputy minister for European integration [at a line ministry] could apply not only his own pressure but also the collective pressure of the ZPKIE on his colleagues within the ministry'. (interview 37, p. 4)

Thanks to increased mobilization from the core, the transposition record returned to a high level. The nominal number of transposing legislation increased to between 13 and

29 drafts per quarter (indicator 1). Similarly, timely compliance with transposition commitments rose to a higher level (indicator 3).

But, besides honing the legacy rules, both the prime minister and the KIE secretary introduced new institutions which paved the way for additional improvements to the collective transposition record. First, the problem of high coordination costs was addressed by a combination of the deeper involvement of the UKIE technical level and more extensive punishments for unnecessary referrals to the cabinet. The coordination costs were further lowered through a practice of trilateral meetings between the premier, KIE secretary and the minister concerned. Second, the new monitoring mechanisms combined with peer pressure within the ZPKIE committee to reduce opportunities for shirking and free-riding. The written reporting system locked ministries in a rigid routine which allowed all hold-ups to be quickly identified and made visible to all the parties concerned. Another significant instrument was provided by the set-aside technique employed to manage the timely resolution of inter-ministerial conflicts.

The new rules contributed to major improvements in the transposition outcomes. The reliability of transposition commitments rose substantially, especially at the monthly and quarterly level (indicator 3). The length of time needed for cabinet adoption was also characterized by the lowest means ever of between two and five days (indicator 4). On the one hand, the exceptional character of such improvements in the transposition record was likely to have been due to a progressive institutionalization of the core executive rules that were employed to extend selective incentives and monitoring to departments. But, on the other hand, such a gradual institutionalization must have been made more difficult by a change of government, the arrival of new political actors, and the organizational changes to the Prime Minister's Office, the UKIE and the Foreign Office. Hence, it seems that, again, the effect of other contextualizing variables must be explored to more fully explain the size of the changes in the transposition record.

II. Contextualizing the Impact of the Core Executive

This section analyzes the depth of the causal relationship between core executive and transposition outcomes by exploring the influence of incentives and opportunity structures originating outside the executive: (i) the European Union institutions, (ii) political parties and (iii) non-executive state and non-state organizations.

The Impact of EU Incentives

The theoretical expectation outlined in Chapter 2 is that, where institutional rules exist that enable EU actors to extend selective incentives and monitoring to Polish ministers and their staff, then such rules should facilitate the resolution of collective action problems and the improvement of the transposition record. Indeed, since mid 1998, the European Union had developed an increasing array of institutional levers which should have allowed it to make the collective dilemmas in transposition much less pronounced. These rules included, first and foremost, sanctions and rewards within the technical assistance programmes. The EU provided financial resources to the Polish government on the condition that it demonstrated progress in legal adaptation. Such conditionality was particularly emphasized during the 7th association committee in April 1999. An internal government document noted that, 'the EU delegation (...) made it clear that the financial assistance for Poland in this [internal market] area was conditional on further legislative progress' (UKIE Internal Document June 1999 1999, p. 10-11). Besides conditionality, the Commission had more direct instruments to extend selective incentives. One such instrument was provided by personal interventions by EU officials with Polish ministers. This took the form of letter exchange and personal contact. The members of the negotiation team personally travelled to negotiation sessions in Brussels and were subject to direct pressure from the EU officials. Also, Poland had many visits by the EU officials who held talks in line ministries and put strong pressure on ministers (interview 49, p. 5).

From mid 1998, the European Commission had acquired institutional tools to facilitate transposition through the screening process. At multilateral screening sessions, held jointly with other acceding countries, the Commission provided Polish officials with educational guidance on how the *acquis* should be understood and implemented. Between 1998 and 1999, over eighty such sessions were held in Brussels (KPRM 1999). Such close exchanges with the Commission services and member states' officials provided incentives for domestic ministers and their staff to identify individual benefits in transposing legislation. The on-going negotiation process allowed the Commission to develop new instruments to exert pressure on Polish government ministers and departments. For one thing, the Commission could take advantage of the natural competition among acceding states and harness peer pressure to mobilize Polish decision-makers. But most importantly it could affect the Polish government by the

threat of reopening, or delaying the closure of, negotiation chapters. A Commission official thus explained its logic,

I remember one chapter (...) where they [Poland] promised to adopt by a particular date some law that would go in this and that direction. There had been experts working together with them, sitting around the table and telling them what exactly had to be done, so they said "ok we will do it" and that was taken as a commitment in the negotiation draft common position and the common position. We closed the chapter provisionally but six months later the experts who had been working on that chapter became alarmed realizing that they [Poland] were not going to do what they told us. The big alarm bell started ringing, the member-states were informed and asked us what the Commission was going to do now as Poland was not doing what it had promised. So we sent very high level letters to whatever minister was in Poland telling them that if you were not going to rectify the situation, we would be obliged to re-open the chapter'. (interview 51, p. 3)

The European Commission also had instruments to function as an external monitor for Polish ministers keeping a watchful eye on their progress in EU transposition. The Commission had the opportunity to name and shame Polish ministries in its regular progress report. The accession negotiations offered the Commission further opportunities to undertake monitoring. During the negotiations, the Commission developed new monitoring tools ranging from general tables to specific transposition databases (Official Communication SekrMinJSW/5558/2000 2000; Official Communication SekrMinJSW/7041/2000 2000). The Commission services could also act as competitive agenda-setters in domestic law-production since Polish ministries often sent draft legislation to Brussels for a final check before adoption (interview 10, p. 2; interview 51, p. 5). A Commission official said,

'if there was good cooperation, dialogue and confidence, then the ministry would send the draft to us for opinion, especially, when the directive was not easy to transpose (...). But the member states themselves also wanted to see the draft and to provide comments. This happened very, very frequently'. (interview 53)

These EU incentives were likely to have an independent impact on transposition. Although a detailed analysis of cross-temporal congruence of the EU incentives with patterns of transposition is beyond the scope of this study, the effects of external mobilization seem to have been broadly in line with the theoretical predictions. The transposition record improved from early 2000 after the EU had begun to extend selective incentives and monitoring to Polish ministers and departments. The process-tracing material also reveals that the EU incentives did play an important role in shaping

the actions of ministers and their departments. It has been argued, for example, that the absence of EU mobilization in 1997 and 1998 may have adversely affected the individual preferences of ministers and their staff. A line ministry official said,

‘The perception that these tasks should be undertaken was not very high among government officials (...) This [lack of awareness] was perhaps due to the limited importance of the negotiations process [in their work]. It is understandable that when the [accession] process went slowly, then nobody here was in a hurry to carry out these tasks’. (interview 19, p. 8)

The incentives originating from the accession negotiations may have further contributed to a higher transposition record in 2000. An official said, ‘Later [after the negotiations had started] when the effects of one’s work were immediately visible, then the commitment of staff increased’ (interview 16, p. 8). A crucial function in changing expectations of ministers and their staff was fulfilled by the screening of domestic legislation which opened the negotiations process. For the first time, Polish ministerial officials came into intensive contact with the Commission officials and, where necessary, had to supply information on how they intended to transpose EU measures. By addressing the problem of high opportunity costs of transposition, the screening had a clearly mobilizing effect on line ministries (interview 21, p. 4). An UKIE official said,

‘I think [the negotiations] introduced a significant change (...). The line ministries became closely engaged in the screening process, since the Polish delegation was composed of line ministry officials responsible for a particular policy area. The delegation was headed by a line minister who bore responsibility for political and technical positions that were taken. And so all became stakeholders in the process, all became involved’. (interview 26, p. 5)

The institutional levers originating within the negotiation process clearly shaped the calculations of ministers and their staff. The Commission’s threat of reopening, or delaying the closure of negotiation chapters was a particularly effective instrument (interview 16, p. 9; interview 7, p. 12). An official confirmed,

‘The Commission employed instruments that shaped the actions of Polish actors. It could always exert political pressure by declining to close or open a particular negotiation chapter. And then we looked what the problem was and (...) some official had to quickly work to close the gap’. (interview 52, p. 4)

It has also been argued that domestic actions were responsive to monitoring by the European Commission. This causal link was confirmed by an UKIE minister who said,

‘The EU was very good at verifying our compliance with transposition commitments. If we declared that we would do something in six months, then

the EU would come back in six months time and ask if we have done it. (...)
This was an important element of pressure on our administration'. (interview
16, p. 9)

Perhaps most importantly, the EU contributed to the improvement of the Polish transposition record by threatening Poland with ejection from the first round of enlargement in mid 1999. As a result, the mounting evidence of serious delays in transposition combined with a credible external threat produced a widespread sense of national crisis in late 1999. If Poland had been denied EU membership, this would have been considered the most serious setback in foreign affairs for decades. The special circumstances are likely to have made it incumbent on ministers and their staff to contribute to the transposition record as a patriotic obligation. That EU membership was considered at the time as an objective of utmost national importance is attested to by unprecedented written agreements concluded by, on the one hand, the executive and parliament, and on the other hand, by all major political parties (Pakt 2000; Trojporozumienie 2000). A PMO official said,

'the acceleration of transposition work in 2000 reminded me sometimes of the 1989-1990 transformation when the cabinet was caught in a fever of legislative work. Many drafts were submitted to cabinet spontaneously in response to developments in the accession negotiations. (interview 7, p. 12)

In sum, the above evidence demonstrates that the EU incentives were likely to have an independent effect on the behaviour of individual ministers and hence to affect the transposition outcomes. Indeed, the EU effect may help to explain, for example, the rapid nature of the change in transposition patterns in early 2000. This is because, by gradually redirecting the attention of Polish governmental ministers to EU transposition since the late 1998, the Commission may have created conditions favourable for a strong and immediate reversal in the path of transposition that occurred once the core executive had been strengthened. This linkage would thus help to explain the puzzle indicated in the preceding section of weak institutions having quick and strong effects. The impact of EU incentives may have also become more pronounced closer to the accession date, thereby facilitating the exceptionally high levels of the transposition record. Having said that, it must be noted that the process-tracing evidence in Chapter 3 demonstrates that the EU incentives alone were not sufficient to unblock transposition in mid 1999. It was only after the new core executive rule had been in place that the trajectory of the legal adaptation changed. Furthermore, the EU incentives are not able

to explain the sudden decline in the transposition record in the year 2001. Even though the on-going accession negotiations provided the European Commission with a growing array of new institutional levers, the domestic transposition declined that year.

The Impact of Party Constellations

Another variable that needs to be considered here is the incentives and opportunity structures originating within political parties. The theoretical prediction presented in Chapter 2 is that where party-based rules exist that allow party leaders or the coalition as a group to extend selective incentives and monitoring to individual ministers and their staff, then such rules should facilitate the resolution of the collective dilemmas and, hence, should contribute to a better transposition record. In the period under investigation, Poland had three governments, each characterized by a different configuration of party discipline and intra-coalition cooperation. The AWS-UW government (autumn 1997–mid 2000) was characterized by limited rules for party-based mobilization (cf. Zubek 2001; Rydlewski 2000, 2002). Although the UW had fairly well-developed internal party controls, the AWS party – the senior coalition member – was a loose conglomerate of small parties and had extremely scant institutional levers with which to mobilize its members towards collective policies. More significantly, major policy differences in the area of EU-related domestic alignment (see Chapter 3 Section II) prevented the coalition from developing internal party-based rules for coalition management in that area.

The minority AWS cabinet established after the UW withdrew from the coalition in June 2000 was characterized by limited internal party controls within its supporting party. For a brief spell, in the second half of 2000, prime minister Buzek was able to reinforce his grip on the party when he replaced Marian Krzaklewski at the AWS's helm (interview 35, p. 6-7). Yet, that improvement turned out to be rather short-lived. Already in 2001, the AWS party began to disintegrate and the internal discipline declined substantially. The internal dissension within the AWS was mainly caused by a widespread realization among its members that their party was heading for an electoral defeat in the forthcoming parliamentary elections. As a result, many of the AWS's constituent parties began to dissociate themselves from the government, starting to run independent election campaigns. The AWS's disintegration was further facilitated by a parallel split within the UW party. In January 2001, a large number of UW members set up a new party, the Civic Platform, which acted as a magnet for many AWS members.

The SLD-UP-PSL government was able to rely on relatively well-developed internal party controls and institutional procedures for inter-coalition cooperation (Zubek 2005 forthcoming). The SLD and the PSL had a highly centralized internal organization inherited from the apparatus of their communist predecessors. Leszek Miller, SLD leader, further tightened his grip over the party after in April 1999 the SLD had transformed from a coalition of several parties into a unitary political party. The internal cohesiveness of the SLD, the UP and the PSL facilitated the development of more centralized coordination mechanisms under the Miller government. The SLD entered into a stable electoral coalition with the UP, and the two parties were widely expected to run together in the next elections. Although there were major policy differences between the SLD and the PSL, the two parties had governed together in 1993-1997 and were quick to develop institutions that would facilitate cooperation, including party summits and coalition management conferences.

The empirical evidence confirms that the party-based configurations had some direct impact on actions of individual ministers in the area of EU-related legal adaptation. The direction of that relationship is consistent with the theoretical predictions made in Chapter 2. It has been pointed out, for example, that the absence of cooperation within the coalition adversely affected the tempo of transposition in 1998-1999 (interview 46, p. 4). An official confirmed that individual parties often bound their ministers to realize party ideal point policies,

‘The coalition nature of the government had an impact. Many different interests collided here, and [legal adaptation] did not always match the interests of the environment or agriculture minister because their own party opposed a particular solution. (...) So it all depended on [personal] relations between ministers, particularistic interests, and on whether EU requirements ran with or against one’s preferences’. (interview 26, p. 5)

The party configurations are perhaps less well-placed to explain the acceleration of transposition in early 2000. The new transposition dynamic emerged despite that there were no major changes in internal party controls or inter-party cooperation. There is some evidence, however, that the temporary improvement in Buzek’s ability to control the AWS in late 2000 may have positively affected the transposition process to some extent. A senior advisor at the Prime Minister’s Office said,

‘After the Freedom Union had left the government (...) the cabinet’s operation became smoother for a while (...) the government was more cohesive, the decision chains became shorter and so certain decisions could be taken more

quickly, though we did not succeed every time because that government was not cohesive in ideological terms'. (interview 35, p. 7)

The disintegration of the AWS in 2001 may also largely account for the decline in the transposition record. The lower enforceability of party-based sanctions and rewards was certain to produce increased shirking on the part of line ministers and their staff. This was especially likely given that relative benefits from private interest actions became more attractive for ministers who wished to individually avoid the collective electoral fate of the AWS party. Another contributing factor was that Jacek Saryusz-Wolski, the KIE secretary, joined the new Civic Platform in 2001 which eroded his relationship with the prime minister and, consequently, his ability to rely on the latter's authority in relations with line ministers. Finally, under the SLD-PSL-UP government, the reinforced party-based lines of accountability facilitated the solution of the collective dilemmas in the transposition of EU legislation. Prime minister Miller combined premiership with the leadership of the SLD and was able to heavily rely on party-based lines of accountability to sanction and reward his ministers, though his powers in this area were somewhat constrained by the coalition nature of his government.

The Impact of Parliament and Non-State Organizations

Two other variables that need to be considered here are institutional incentives originating from parliament and non-state actors. With regard to the former, there is evidence that the parliament had shaped the actions of ministers in the transposition of EU legislation. In 1997-1998 ministers and departments were subject to limited mobilization from parliament. The European integration committee dealt with legal adaptation only a few times a year when it reviewed the government's reports. The actual work on transposition was decentralized and conducted by individual sectoral committees. That limited mobilization from parliament was likely to contribute to delays in transposition. A parliamentary observer was sceptical about the effects of parliamentary work during that time,

'The parliament did not block or hinder [transposition] but perhaps the Sejm did not fully grasp what it was all about. (..) Since 1995 the Europe Agreement Committee, later the European integration committee, had moved into this area with difficulty, and every year devoted one session to transposition but it was more of a ritual than real decision-making'. (interview 18, p. 2-3).

The impact of selective incentives and monitoring may be also traced in 1999-2000. The change in the transposition record from the start of 2000 had been preceded by an

institutionalization of new constraints on the executive by the Polish parliament (interview 18, p. 6). In October 1999, the European Integration Committee in the lower chamber debated the Commission's progress report and, dissatisfied with what it found, required the executive to present a list of all transposing laws that had to be implemented until the mid 2000 and to take rapid remedial action to accelerate the pace of legislative work (Sejm RP 1999). The parliament's most vital contribution to the improvement of the transposition record came in the first half 2000. In February-March 2000, the lower and upper chambers passed resolutions asking the government to prioritize transposing legislation and to prepare a detailed legislative programme (Sejm RP 2000; Senat RP 2000). In mid 2000 the lower chamber set up a special parliamentary committee to work exclusively on transposition which mobilized and monitored government ministers to prepare and submit relevant draft legislation (interview 1; interview 33). An official said,

'It was parliament who demanded outstanding drafts to be calculated, required detailed lists [of planned legislative activity] to be developed, identified delays in the submission of such drafts, and forced the government to take action. So this is a clear success of the [European Law] committee'. (interview 18, p. 8-9)

The parliamentary incentives are perhaps less useful in explaining the improvement in transposition patterns in 2002. The upward shift in that year was not associated with the institutionalization of any new constraints from parliament. Indeed, one could argue that such parliamentary mobilization declined as the lower chamber decided not to set up a special committee to work on transposition only.

As regards the impact of non-state actors the picture is rather mixed. It is possible to argue, on the one hand, that the Polish executive operated within a dense network of socio-economic entanglements and that such embeddedness may have hindered the process of transposition since many sectoral groups were able to persuade ministers to delay costly adaptation. That the executive-society linkage is rather porous in Poland is well-documented (Staniszki 1999; Hausner, Marody et al. 2000; Staniszki 2000; Pedersen and Zubek 2003). The causal linkage between such embeddedness and transposition patterns has been identified by some interviewees. For example, a line ministry official said,

'I think that there was a strong pressure from different lobbies (...) miners, steel workers, farmers (...). These lobbies are part of the electorate (...) and, if a government has the prospect of a four-year term, if it is that lucky, then not

everyone wants to (...) risk their political future. And so, it required a lot of effort to push some things through'. (interview 39, p. 3)

On the other hand, the years 1998-2002 did not bring any moves towards greater executive autonomy that could contribute to improvements of the transposition record in situations where domestic constraints blocked policy change. Neither was institutional connectedness reinforced in such a way as to generate new incentives and monitoring facilitating transposition (interview 31; interview 57). In sum, the impact of institutional incentives originating from parliament and non-state actors, though evident, seems to be slightly less pronounced than in the case of the previous two contextualizing variables.

III. Conclusion

This chapter has assessed the consistency of the theoretical predictions outlined in Chapter 2 with the empirical data presented in Chapters 3 and 4. In doing so, it has found that the variation in transposition has been over time causally related with the changes in core executive rules. Between late 1997 and mid 1998 the limited core mobilization contributed to a poor transposition record by failing to address the collective action dilemmas that impinged on the adoption of transposing measures. Between mid 1998 and mid 1999, despite prime ministerial efforts, the failure to reinforce the core executive rules prevented the Polish cabinet from improving its transposition record. It was only the institutionalization of stricter core executive constraints vis-à-vis line ministries in mid 1999 that pushed the transposition record onto a new trajectory. The chapter has also found that the core executive variable is not sufficient to fully account for the cross-temporal variation in the transposition record. The incentives and opportunity structures originating outside the executive have significantly affected the depth of the impact of the core executive. Two variables that provide the most insight are EU incentives and party constellations. The EU incentives have been particularly helpful in explaining the rapid character of the shift in transposition from 2000. The party constellations have been best placed to account for the slowdown in transposition in 2001.

Chapter 6: Conclusion

This chapter assesses the research findings in the context of their contribution to the wider theoretical debates in the literature on Europeanization and core executives. It first draws on the secondary evidence from other CEE countries and the old member states to demonstrate that core executive institutions may be considered a necessary condition for improving a country's transposition record. The cross-sectional data help to contextualize the principal findings of this study and explore their broader implications for research on EU compliance. The chapter then considers the factors that facilitate the emergence of stronger core executives against the existing findings of the literature on the Europeanization of national governments. In doing so, it develops a narrative that systematically links the impact of external and domestic factors on institutional development. The chapter concludes by assessing theoretical, conceptual and normative implications that this study holds for research on executive institutions and state capacity to formulate and implement public policies.

I. A Strong Core As a Necessary Condition for Better Transposition?

Comparison with Other Accession Countries

The preceding chapter has shown that variation in core executive institutions has been over time congruent with changes in Poland's transposition record. This result has been further substantiated with process-tracing evidence of causal links between core executive and transposition. However, the analysis has found that incentives and opportunity structures originating outside the executive have also had an effect on the transposition record. The question then arises about the status of the core executive explanation. Is the core executive variable a necessary condition for the improvement of a country's transposition record? This issue, of course, is difficult to resolve within a single-case research design. To address it effectively, one needs to compare across cases, checking whether the same transposition outcomes may arise even in the absence of the reinforced domestic core executive.

A comparison with other countries in Central and Eastern Europe (CEE) that joined the EU in May 2004 seems to be particularly well-suited for this purpose. If any of the accession states in CEE is found to have transposed the *acquis communautaire* even in the absence of core executive mobilization, such a result would suggest that this independent variable is not a necessary condition for achieving a better transposition

record. A comprehensive cross-sectional comparison is of course beyond the scope of this research project. Some evidence, however, may be drawn from other research projects on EU compliance in CEE. Although this literature is still in early stages of development, a brief survey of its preliminary findings indicates a linkage between core executive institutions and transposition outcomes. Writing about the reasons for transposition delays in Lithuania, Nakrosis has found that both the formulation and implementation of the NPAA programme had been seriously hindered by the lack of central coordination and control. He wrote,

‘In an environment characterised by a high degree of ministerial autonomy and weak control by the political executive, sectoral institutions were not willing to present detailed measures, which would have to be formally executed in a tightly controlled process. (...) The European Committee, which was formally responsible for the NPAA’s administration did not check (and actually had no capacity to check) the extent to which the implementation of sectoral measures was consistent with the Accession Partnership priorities. (...) As a solution, some officials suggested more effective monitoring of the NPAA, possibly including regular reports on the NPAA’s implementation’. (Nakrosis 2003)

Other scholars explicitly linked the reinforcement of the Lithuanian core executive between 1998 and 2000 to an improved legislative performance. In their view, the closer involvement of the prime minister and his office guaranteed a swift progress in EU transposition (Dimitrova and Maniokas 2004).

A similar finding has been made by Scootla and Scootla in the case of Estonia (Scootla and Scootla 2004). Their research indicates that in 1994-1999 the fragmentation of the Estonian core executive and weak political coordination contributed to rendering EU-related policy-making ‘too slow and too dependent on experts’ advice to ensure targeted outputs’ (ibid, p. 13). Scootla and Scootla further find that the acceleration of domestic adaptation from 1999 had been preceded by a major upgrading of core executive institutions, in particular at the political level. They wrote that, ‘[prime minister] Laar called ministers to full responsibility for the preparation of Estonian proposals at negotiations and harmonization of Estonian legislation with the *acquis*. (...) This made collegial decision-making at the closed cabinet meetings (...) very fast’ (ibid, p. 14). Thus, like in the Polish and Lithuanian case, transposition seems to have been unblocked when the Estonian prime minister acquired institutional levers for mobilizing his ministers.

The Czech and Hungarian cases provide further evidence that the transposition of the *acquis* before accession was hardly possible without some reinforcement of central control and coordination. Kabele and Linek note, for example, that the Czech cabinet delegated extensive powers to the deputy prime minister for legislation who controlled the timing and substance of EU-related legislative output (Kabele and Linek 2004). Evidence for the Hungarian case is provided by two separate studies by Ágh and Vida (Vida 2002; Ágh and Rozsas 2003). Ágh points out that, since mid 1995, the Hungarian government had delegated strong coordination powers to the Minister of Justice who monitored line departments and kept the cabinet well-informed of the transposition progress (Ágh and Rozsas 2003, p. 34). Vida confirms,

‘The Ministers of Justice and Foreign Affairs draw up a quarterly report about the timely implementation of the programme by all ministries, and inform the government about it when necessary. The government regularly (at least once a year) evaluates the progress made in the legal harmonisation process and the NPAA. While preparing draft laws, the government pays special attention to the tasks arising from the preparations for membership, in particular regarding commitments made to the EU during the accession negotiations. All these measures help eliminate or prevent serious delays in the legal harmonisation process across the Hungarian public administration’. (Vida 2002, p. 61)

Although, as demonstrated above, the European core has been reinforced in Poland, Lithuania, Estonia, Hungary and the Czech Republic, the nature of that centralization has been by no means identical. It seems that the key differentiating factor is the extent to which the core executive rules have been institutionalized (cf. Laffan 2003, p. 19; Brusis 2004). In countries such as Poland, Hungary and Lithuania, the new position, authority and information rules employed by the European core to extend selective incentives and monitoring to line ministries have undergone a progressive bureaucratization and formalization (see Chapter 4, Ágh 2004; Dimitrova and Maniokas 2004). In contrast, the Estonian and Czech cabinets continued to rely on weakly institutionalized rules attached to individual political actors (prime minister, minister for legislation, foreign affairs minister) (Kabele and Linek 2004, p. 16-18; Scootla and Scootla 2004, p. 15-16). This variation in the development of European core executives across the CEE states is likely to have been caused by different domestic administrative traditions and political party constellations (cf. Dimitrov, Goetz et al. 2005 forthcoming). The states in which line ministries enjoyed extensive statutory autonomy and incohesive parties or coalitions blocked administrative reform (the Laar cabinet in Estonia and the Zeman and Spidla cabinets in the Czech Republic) resolved collective

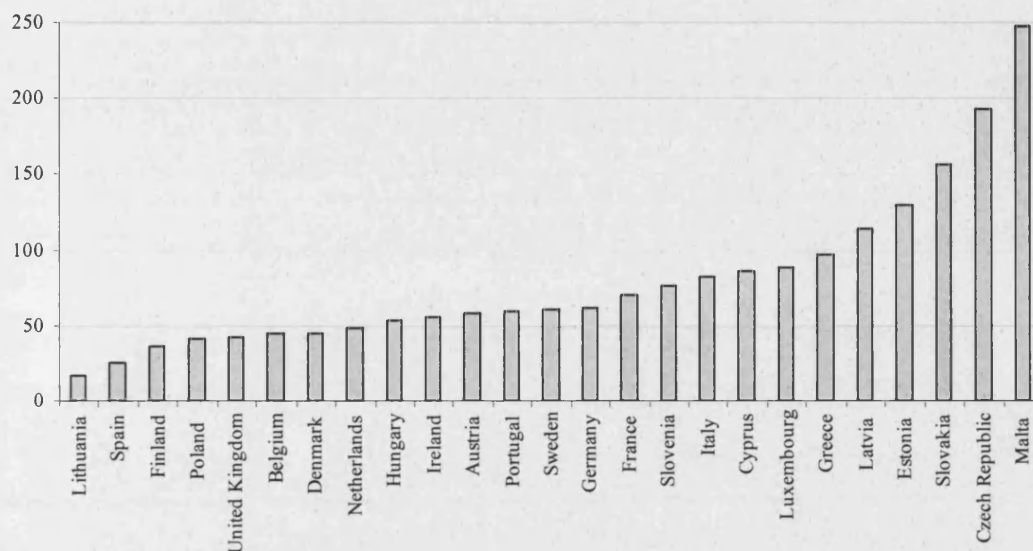
dilemmas through recourse to personal and political levers of mobilization. The countries in which both administrative traditions and party configurations had been more conducive to the emancipation of the central agencies (the Buzek minority government and the Miller government in Poland, the Orban government in Hungary) moved towards higher institutionalization of the new core executive rules.

The variation in the level of institutionalization significantly influenced the core executive trajectories after accession. Once the political and media attention has turned away from EU membership to domestic concerns, political coordination and control mechanisms were quick to unravel in the states with weakly institutionalized European cores. Estonia offers a striking example in this regard. Scootla and Scootla note that the Estonian cabinet has reverted to ministerial-type governance in the area of EU transposition. Once the accession has been completed, 'there are no devices of administrative coordination and even no regular system of information feedback to central coordinating institutions about the preparation of directives and proposals at ministries' (Scootla and Scootla 2004, p. 16). In contrast, where core executive rules were more deeply institutionalized, the end of the pre-accession did not have a significant transformative effect. Ágh estimates that the role of the Hungarian centre in EU-related policy-making will continue to be 'the strongest part of the Hungarian EU management' (Ágh 2004, p. 42). Poland has also retained a tight system of central coordination control and coordination at both cabinet and pre-cabinet levels (Bielecki 2004).

In line with the theoretical expectations outlined in Chapter 2, one may expect that the states which have developed and continued to operate highly institutionalized systems for core executive mobilization in EU transposition would have on average better transposition records. Arguing *a contrario* one may assume that the countries whose European cores had fewer or less institutionalized instruments would perform less well in the area of transposition. The preliminary evidence of variation in post-accession transposition records among the new member states seems to confirm this theoretical expectation. The data published in November 2004 demonstrates that Lithuania, Poland and Hungary (countries which retained strong European cores) are among the transposition leaders while Estonia and the Czech Republic (countries with weaker European cores) are among the worst laggards. See Figure 6.15. This evidence lends

further credence to the argument that the core executive should be treated as a necessary condition for the improvement of the transposition record.

Figure 6.15. The Number of Non-Transposed Directives by Country as of 15 November 2004



Source: http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm

Application of the Present Findings to Old Member States

Although the preceding section has observed that the core executive variable played a critical role in shaping transposition patterns in CEE, some doubts may arise as to whether this lesson has broader application. It is possible that the special conditions of Eastern enlargement may have made the operation of the core executive variable more pronounced. If this has been the case, the core executive variable will hold a more limited explanatory power beyond the CEE states. Two features of the accession process may point in this direction. First, as already indicated in Chapter 2, the CEE ministers and their staff lacked the experience of policy formulation and had limited expertise in EU law which made it difficult for them to identify private benefits related to EU transposition. These conditions do not normally arise in the old EU member states where the EU transposition is often undertaken by ministries to realize their private sectoral interests. In such cases the core executive mobilization would not, strictly speaking, be a necessary condition for a better transposition record. Second, it has often been noted that the essential role of European core executives for shaping transposition patterns in the CEE states may be due to the relative under-development of other institutional levers that facilitate the adaptation of public policy such as electoral competition, bureaucratic autonomy, coalition management devices, and external socio-

economic networks (cf. Dimitrov et al., 2005 forthcoming). The operation of these institutional variables in more mature democracies in Western Europe may thus further undermine the status of the core executive as a necessary condition for better transposition results.

To examine the wider applicability of this research, it is important to check how the present findings resonate with the literature on EU compliance in the old member states. The first thing to note is that an explicit core executive focus has been so far largely absent from research on legal adaptation in the European Union. There are, however, two interesting exceptions that provide some interesting parallels with the approach taken in this study. The first work is a cross-temporal analysis of the Greek transposition patterns by Dimitrakopoulos (Dimitrakopoulos 2001). In his assessment, Dimitrakopoulos has emphasized the role of organizational factors within the central administration for shaping Greek transposition outcomes in the 1980s and 1990s. He writes,

‘The process of transposition illustrates clearly that the Greek central government was, and partly remains, dominated by sectoral logics which transform the policy process into a power struggle between ministries and ministers. Repeated calls for a co-ordinated approach to transposition are frequently ignored by major actors, who seem to be more interested in pursuing their narrow goals rather than acting as parts of a larger body’.
(Dimitrakopoulos 2001, p. 616)

In his view a critical change in the transposition patterns occurred due to the emergence of ‘steering’ mechanisms that helped to overcome the fragmentation of the Greek central administration. The steering levers enabled ministerial decision-makers to influence EU transposition and implementation in the desired direction (Dimitrakopoulos 2001, p. 613). It is interesting to note the striking parallels between Dimitrakopoulos’s analysis of the obstacles to transposition in Greece and the arguments made earlier about the Polish case. Furthermore, it is hard to overlook the similarity between the concept of ‘steering’ and that of selective incentives and monitoring employed in this research.

The other relevant contribution is Hallerberg’s recent study of national adaptation to the budget deficit criteria of the Economic and Monetary Union (Hallerberg 2004a). Although not dealing with transposition *per se*, this work applies theoretical insights based on collective action theory to studying the Europeanization of public policy. Hallerberg argues that, although the European Union provided inducements for member

states to adjust their fiscal policies, it was the presence or absence of specific coordination mechanisms at the domestic level that determined the pattern of national convergence. The cabinets which delegated budgetary powers to finance ministers or coordinated policy through 'fiscal contracts' were able to bring their budget deficits below 3 % of GDP. In contrast, the cabinets which adopted a fiefdom form of internal governance – characterized by extensive ministerial autonomy – found it extremely difficult to maintain the required fiscal rectitude. Although Hallerberg does not use the concept of the core executive, it is interesting to note that delegation and fiscal contracts imply the reinforcement of the core executive rules through hierarchical and collectivity-based instruments. Furthermore, cabinets with a fiefdom structure presuppose a limited availability of central institutional levers for extending selective incentives and monitoring to line departments.

The above findings from the Western variant of the Europeanization literature show that, notwithstanding the reservations voiced earlier, the core executive variable may have a broader application in the study of EU compliance. Indeed, it is not difficult to see that it is compatible with – and may be used to improve the predictive power of – the two models that have recently come to dominate the literature on EU compliance. The first model relies on the predictive power of the veto player theory (Tsebelis 1995; Tsebelis 2002). Following Haverland (Haverland 2000), Giuliani has analyzed the transposition patterns in the old 15 member states to find that a country's record is strongly related to the number of veto players (Giuliani 2003). This finding is compatible with our results to the extent that ideologically incohesive cabinets with many supporting parties may find it difficult to develop and maintain a strong core executive. But difficult does not necessarily mean impossible. As shown in Chapter 3, administrative traditions, critical junctures and external pressures may combine to facilitate the reinforcement of the core even where cabinets are characterized by many veto players and are ideologically incohesive. The Buzek majority government in late 1999 is a case in point. A focus on the core executive may thus contribute to the explanatory power of the veto point approach.

The other model has been proposed in a recent study by Falkner, Treib, Hartlapp, Leiber (Falkner, Hartlapp et al. 2004; Falkner, Treib et al. 2005 forthcoming see also Sverdrup 2004). Inspired by insights from normative institutionalism, Falkner et al. argue that variation in the transposition records may be explained with reference to a 'domestic

compliance culture in the field of EU law' Falkner, 2005 forthcoming #46, p. 306]. Accordingly, they categorize all of the old EU member states into three worlds of law observance, domestic politics and neglect. A key differentiating factor is the political importance of compliance with EU law which, in turn, is contingent on whether the society expects compliance and exerts relevant pressures on the political elites. In brief, transposition depends on the 'political will' of the national government. An issue on which Falkner et al. are perhaps less specific is how political systems organize to give effect to political intentions. If the findings from the present study may be of any guidance, it is to show that national governments must organize internally before they achieve better levels of transposition. Hence, an explicit focus on the core executive may offer interesting insights about factors that determine the effectiveness of political determination in the area of EU compliance.

II. Europeanization of Core Executive Institutions

If a strong core executive is the answer to better transposition, what are the factors that facilitate the emergence of such favourable institutional arrangements? The literature on adaptation of national executives usually starts with the notion of an institutional misfit between the demands of EU membership and the performance of national executives (cf. Knill and Lenschow 1998a; Knill 1998b; Knill 2001; Knill and Lenschow 2001). Such a misfit – if it exists – generates adaptational pressures that may or may not translate into domestic alignment depending on four groups of mediating factors. First, the EU institutions such as the European Commission may change the relative weight of the misfit by exerting pressure on national governments. For example, in the context of the old EU member states, Dimitrakopoulos has argued that the Commission may act as a 'fixer' to facilitate the development of steering mechanisms (Dimitrakopoulos 2001). In the case of new member states, studies by Schimmelfennig and Grabbe demonstrate how the EU may use 'accession conditionalities' to increase the local value of the misfit in the eyes of the national political actors (Grabbe 2001; Schimmelfennig and Sedelmeier 2005 forthcoming).

The second group of mediating factors is related to whether domestic actors perceive change to core executive institutions (and adaptation to the EU more generally) as an appropriate course of action and a promising avenue for pursuing their own private interests (Goetz 2003; Radaelli 2003). The third mediating factor is the 'reform capacity' of political institutions which is mainly determined by the number of political parties

supporting the cabinet, the ideological distance between them, the influence of bureaucrats and the entrenchment of administrative structures (Heritier and Knill 2001; Knill 2001; Bursens 2002; Dimitrov, Goetz et al. 2005 forthcoming). The final group relates to the dynamic of European integration as a factor mediating the effect of institutional misfits. It is argued that the constantly evolving structure of the European Union creates new challenges for domestic governance thus affecting the relative weight of institutional misfits. The same argument may be made for the accession states whose institutions came under increasing adaptational pressures as they became increasingly integrated into the EU system (Ágh 1999).

The findings from the present study confirm that all these factors identified in the literature on Europeanization played an important role in the development of the Polish core executive. But, perhaps more significantly, they also make it possible to develop a narrative that systematically links all these factors into a comprehensive account of Europeanization. As demonstrated in Chapter 3, the narrative starts when the dynamic of the EU accession increases the institutional misfit between domestic executive arrangements and the new external challenges. Domestic actors realized that the existing coordination rules did not guarantee an effective response to the new stage of EU-Poland relations. The operation of the plenipotentiary's office in 1991-1995 was a crucial learning experience for the Polish political actors, while more immediate problems with the implementation of the Commission's White Paper in late 1995 had a further catalytic effect. For the reconfiguration itself to occur, however, it had to be actively supported by domestic actors. A domestic window of opportunity opened when the SLD-PSL cabinet decided to undertake a comprehensive overhaul of the centre of government. The European core was thus reinforced in 1996 as part of a more general push towards tighter central control and coordination when domestic actors. It must be noted, however, that the extent of that strengthening was blunted by the coalition nature of the cabinet, opposition from PSL ministers and the constitutional principle of collegiality in cabinet decision-making.

Further adaptation was, however, blocked by party configurations within the Buzek government. The incohesiveness of the AWS, ideological differences within the coalition, and the expectation that both governing parties would run independently in the next elections combined to downgrade the core executive institutions in the area of EU-related alignment. Neither hierarchical nor collective institutions were a viable

option. Delegation of control and coordination powers to the KIE secretary was blocked by the UW party because Czarnecki was expected to implement the ideal point policy of the most eurosceptic faction of the AWS. Similarly, delegation to the Foreign Minister did not occur since Geremek was not trusted by the AWS. The cabinet also found it difficult to enter into credible collective commitments in the area of EU transposition because of the widely disparate preferences of the AWS and UW ministers. Finally, prime minister Buzek had too weak a political position to act as a successful entrepreneur for new core executive rules. His failure to support Karasinska-Fendler's attempts to bolster central control and coordination serves as a case in point. In effect, party configurations pushed his cabinet towards ministerial-type government with a weak European core executive.

The increasing misfit between domestic arrangements and the exigencies of EU accession (and the resulting performance problems) activated direct EU pressures which affected the cost and benefit calculations of the Polish government. Three channels of influence may be discerned in this context. First, changes in the external opportunity structures increased the potential private benefit that could be derived by the prime minister and chief negotiator from organizing the cabinet to solve collective dilemmas in transposition. In doing so, they opened up opportunities for domestic rule entrepreneurship. In effect, Buzek and Kulakowski availed themselves of the opportunity to act as political entrepreneurs, establishing new rules for core executive control and coordination. The impending accession crisis in late 1999 changed the relative value of the institutional misfit for both these actors, and the failed attempt to bolster the transposition within the existing institutional set-up reoriented their focus to institution-building. In organizing his cabinet for transposition, prime minister Buzek knew that he could capture a leader's profit. If successful, he would avoid a collective bad of a major accession debacle and reinforce his leadership within the AWS party. Chief negotiator Kulakowski and his staff were aware that they too stood to gain from stronger core executive institutions. Any reinforcement to the existing rules would benefit them directly since they would be able to revitalize the accession process.

Second, the EU external incentives helped to empower central government actors to force changes to the institutional status quo. This causal mechanism is best illustrated by an official at the Prime Minister's Office who said,

'Many drafts were submitted to cabinet spontaneously in response to developments in the accession negotiations. The chief negotiator would say this is where the EU thinks we have a problem with a given law, and so the cabinet would require a particular minister to accelerate work on that draft law'. (interview 7, p. 12)

Another official confirmed,

'When the delays in legal adaptation and accession negotiations began to push Poland towards the bottom of the league, the prime minister would [go abroad and] be reprimanded by (...) President Prodi or some other Chancellor or prime minister (...), and he would come back and reprimand us'. (interview 35, p. 1)

Third, the EU institutions facilitated the diffusion of institutional templates. Most significantly, the chief negotiator's team and the UKIE staff modelled their monitoring tools on those developed by the Commission (Official Communication SekrMinJSW/5558/2000 2000; Official Communication SekrMinJSW/7041/2000 2000). An official said,

'During the negotiations they [the Commission] developed new monitoring tools ranging from general instruments to very specific databases (...) and gradually we adopted the tools developed by the Commission. This was sensible because (...) if we had to report in their format, we could just as well use their tools in practice'. (interview 30 p. 2)

But, while such EU mobilization clearly helped to change the core executive rules, the transformation itself occurred when a combination of domestic factors produced another window of opportunity. The key element here was a strong sense of a national crisis that developed in late 1999. Most domestic political actors agreed at the time that if Poland had been denied EU membership, this would have been considered the most serious setback for the country in many decades. These special circumstances were likely to reduce the ideological gap between the AWS and the UW and thus unblock the intra-coalition impasse over the European core (cf. Tsebelis, 1999, note 12). That EU membership was considered as an objective of utmost national importance is attested to by unprecedented written agreements concluded by, on the one hand, the executive and parliament, and on the other hand, by all major political parties (Pakt 2000; Trojporozumienie 2000). The domestic crisis was further fuelled by parliamentary calls that pointed to EU transposition delays as a major political problem. The parliament was also key in reorienting Buzek's attention to institution-building by identifying the absence of central control and coordination within the executive as a major impediment

to transposition. For example, the February 2000 resolution explicitly asked the executive to appoint a junior minister for transposition who would coordinate all issues related to legal adaptation (Sejm RP 2000). The centre was able to use such incentives strategically to legitimize the move to a more forceful role of the core executive in transposition.

In 2002 the consolidation of the European core was driven by a combination of external and domestic considerations. The urgent need for crisis management that was marked in 1999-2000 disappeared as the transposition backlog was being cleared. The accession negotiations entered a stage in which high-level diplomacy started to play a crucial role and so the European core was reorganized to reflect this change in external conditions. The reinforcement was also aided by the internal cohesiveness of the SLD, its close relationship with the UP, and Miller's position as both prime minister and SLD leader. The party configurations facilitated delegation of authority and information powers to the Foreign Minister and the KIE secretary. Previous coalition experience with the PSL further helped the Miller cabinet to reinforce collective decision-making mechanisms such as the ZPKIE.

In sum, the cross-temporal variation in the core executive variable has been caused by a combination of external and domestic factors. The changes in the accession dynamic increased the relative value of the institutional misfit in the eyes of the local political decision-makers. Effective adaptation was, however, hindered, and later blocked, by political party constellations. As the accession process accelerated, the relative level of the institutional misfit increased. This, in turn, triggered direct pressures from EU and domestic institutions. Yet, neither EU nor domestic pressures were successful in inducing institutional change. Only when the misfit between the challenges of Europeanization and the domestic institutional set-up created a domestic crisis by seriously threatening the prospect of Poland's accession did a critical juncture facilitate domestic alignment. A key role in shaping the institutional developments was played by the prime minister's and the chief negotiator's rule entrepreneurship, whereas the party constellations under the Miller government facilitated the consolidation of the new core executive rules.

III. Implications for Further Research on Core Executive

This study holds interesting implications for further research on core executives and their impact on state capacity to formulate and implement public policies. From an empirical perspective, an attractive avenue for further research would be to develop a more sophisticated categorization of core executive rules that may be employed to extend selective incentives and monitoring to line ministries. The empirical findings in Chapter 3 already offer some preliminary ideas in the regard. For example, the authority rules may be further subdivided into rules that specify powers to act as agenda-setters or arbiters, and the rules that specify powers to sanction and reward. A promising new category of 'temporal rules' may be created to cover mechanisms such as the 'set-aside' practice developed under the Buzek and Miller governments for dealing with more contentious issues. The core executive mobilization may also take the shape of 'restrictive rules' through which the prime minister and the cabinet may make it increasingly difficult to amend legislative drafts as they move through the governmental machinery. The development of more sophisticated typologies of core executive rules will facilitate a more informed investigation of how such instruments vary across countries and time. Better typologies of core executive rules should, in turn, make it possible to measure the effects of such institutional configurations with greater precision.

The findings of this research resonate well with the existing theoretical propositions in the literature on core executives. They lend support to a long-standing argument about a strong positive correlation between the success of policy reform and centralization of authority in the executive (cf. Hall 1983; Boston 1992; Geddes 1994; Brusis and Dimitrov 2001). Above all, this proposition stresses the importance of 'change teams' located at the heart of the executive and operating with strong political backing but in relative isolation from bureaucratic and societal demands. Yet, at the same time, this study recognizes that the radical nature of the policy reforms required by the EU accession may have rendered the operation of the core executive variable more pronounced. Poland and other acceding countries had to transpose in a few years the legislation that the EU took over four decades to develop. It is thus possible that strong centres (core executives) tend to be necessary for implementing radical policy reforms, while gradual policy change could be undertaken without a major reinforcement of the centre (cf. Stark and Bruszt 1998; Lindquist 1999).

The latter proposition ties in with arguments that the effectiveness of organizational designs depends on 'selective centralization on a small number of functions and a good deal of decentralization on the rest' (Aucoin 1990, p. 130). Centralization within the executive is said to work best when it applies to a small number of issues that should be managed personally by the prime minister and the cabinet, whereas decentralization is a favourable solution when priorities are not sufficiently specific. Further research on core executives configurations and their impact on policy would thus benefit from a more contextualized approach. It would, for example, need to be sensitive not only to examples of under-centralization but also to cases in which governments tend to over-centralize by extending central coordination and control too widely. The risk of over-centralization may be particularly high in governments which have limited capacities at the ministerial level since core executive agencies may then have a natural proclivity for accumulating more tasks in order to address resource problems at lower levels. The need to demonstrate selectivity in institutional design also raises the issue of the core executive capacity to 'distinguish between pressing political problems and specific political priorities' (Aucoin 1990, p. 130).

Last but not least, besides empirical and theoretical considerations, the present study holds some interesting implications for the normative notion of 'good government'. It argues that the key problem with effective democratic governance is related to the resolution of the institutional tension between collective and sectoral rationalities within government. To achieve maximum democratic responsiveness, parliamentary and executive actors need to produce policies that bring diffuse benefits to many voter constituencies. But, individually, all have strong incentives to maximize the interests of narrow geographical, sectoral or other voter constituencies. This is because the electoral mechanism increases the diversity of interests that government actors stand for. Democratic parliaments consist of hundreds of deputies, each of whom represents a distinct geographical or other voter constituency. The same applies to ministers who come under pressure to cater for the interests of sectoral or party clientele. To solve such tension between collective and sectoral rationalities, institutional mechanisms must be developed that mobilize individual actors towards achieving collective goals. The present study identifies the existence of a strong core executive as a necessary precondition for the resolution of such collective action dilemmas and, consequently, for effective democratic governance.

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Annex 1: Parliamentary Bills Transposing European Community Measures (dataset compiled based on data obtained from the Prime Minister's Chancellery and the Sejm's website www.sejm.gov.pl)

Cabinet Number	Sejm Number	Title of the Draft Law	Cabinet Submission	Cabinet Adoption	Days	Word Count	Transposition Record
RM-10-19-1997	248	Draft the industrial property law	1997-04-14	1998-03-03	232	N/a	-
RM-10-36-1997	151	Draft law on chemical substances and preparations	1997-05-05	1997-11-25	147	N/a	-
RM-10-46-1997	741	Draft law to amend the law on testing and certification	1997-07-14	1998-11-03	342	N/a	-
RM-10-104-1997	64	Draft law to amend the law on goods and services tax and excise tax	1997-11-24	1997-11-25	2	446	L
RM-10-107-1997	58	Draft law to amend the law on prices	1997-11-24	1997-11-25	2	280	L
RM-10-9-1998	227	Draft law to amend the law on goods and services tax and excise tax	1998-03-06	1998-03-10	3	1302	L
RM-10-18-1998	299	Draft foreign exchange law	1998-03-26	1998-03-31	4	6811	L
RM-10-29-1998	357	Draft law to amend Customs Code	1998-04-15	1998-05-12	20	4580	L
RM-10-35-1998	479	Draft law on arms and ammunition	1998-04-28	1998-06-16	36	5847	L
RM-10-36-1998	342	Draft law on public finance	1998-05-05	1998-05-14	8	21741	L
RM-10-52-1998	1118	Draft law on permissibility of and supervision over public aid for undertakings	1998-06-15	1999-02-16	177	6261	L
RM-10-58-1998	1368	Draft law on commercialization, restructuring and privatization of state undertaking "Polskie Koleje Państwowe"	1998-06-29	1999-09-08	313	13871	L
RM-10-72-1998	624	Draft law to amend the law on corporate income tax with amendment submitted by promoters of the draft	1998-08-28	1998-09-25	21	4970	L
RM-10-63-1998	638	Draft law to amend the law on insurance business	1998-09-10	1998-09-22	9	3293	L
RM-10-93-1998	715	Draft business activity law	1998-10-07	1998-10-27	15	9910	L
RM-10-124-1998	988	Draft law on fertilizers and fertilization	1998-12-11	1999-03-02	58	16145	L
RM-10-125-1998	1050	Draft law on customs service	1998-12-15	1999-04-13	86	8664	L
RM-10-126-1998	943	Draft the telecommunications law	1998-12-28	1998-12-30	3	23025	L
RM-10-127-1998	945	Draft law on remote contracts and contracts executed outside business premises and on amendments to Civil Code, Code of Civil Procedure and Misdemeanours Code	1999-01-06	1999-01-09	3	4580	L
RM-10-95-1998	897	Draft law to amend the law on certified auditors and their professional association	1999-01-13	1999-01-20	6	3787	L

RM-10-8-1999	986	Draft law to amend the law on regulation of sugar market and ownership transformations in sugar industry	1999-02-11	1999-02-16	4	4396	L
RM-10-13-1999	1002	Draft law on agricultural producer groups and their associations	1999-02-22	1999-03-09	12	2152	L
RM-10-20-1999	1051	Draft law to amend the law on seed production	1999-03-04	1999-03-18	11	5786	L
RM-10-25-1999	1605	Draft law on patent attorneys	1999-03-12	1999-11-17	179	6458	L
RM-10-40-1999	1346	Draft law on principles of supporting regional development and on amendments to certain laws	1999-05-05	1999-07-22	57	8318	L
RM-10-41-1999	1269	Draft law on maritime security	1999-05-14	1999-06-08	18	8884	L
RM-10-45-1999	1235	Draft law to amend the law on combating unfair competition and on amendments in radio and television law	1999-05-28	1999-06-22	18	649	L
RM-10-46-1999	1193	Draft law on personal income tax	1999-06-02	1999-06-18	13	n/a	L
RM-10-47-1999	1192	Draft law on corporate income tax	1999-06-02	1999-06-18	13	n/a	L
RM-10-48-1999	1190	Draft law to amend the law on goods and services tax and excise tax	1999-06-02	1999-06-18	13	2824	L
RM-10-52-1999	1213	Draft law to amend the law on games of chance and wagers and to amend certain laws	1999-06-14	1999-06-22	7	4625	L
RM-10-54-1999	1292	Draft law on the system of authorization, accreditation and compliance of goods, processes or services with fundamental requirements, other requirements and technical specifications, and on amendments to certain laws	1999-06-14	1999-06-29	12	5002	L
RM-10-55-1999	1260	Draft law on general product safety	1999-06-21	1999-06-22	2	2186	L
RM-10-69-1999	1297	Draft law to amend the law on bonds and certain other laws	1999-07-09	1999-07-22	10	4687	L
RM-10-73-1999	1311	Draft law to amend the law on accounting	1999-07-19	1999-07-27	7	30591	L
RM-10-75-1999	1407	Draft law to amend the mining and geology law	1999-07-28	1999-09-14	35	11951	L
RM-10-76-1999	1433	Draft law to amend the road traffic law	1999-07-30	1999-09-07	28	2772	L
RM-10-81-1999	1378	Draft law to amend certain laws related to the functioning of public administration	1999-08-13	1999-09-14	23	21553	L
RM-10-91-1999	1380	Draft law to amend Customs Code and Code of Civil Procedure	1999-08-27	1999-09-23	written procedure	written procedure	L
RM-10-92-1999	1447	Draft law to amend the law on Teacher's Charter and to amend certain other laws	1999-08-27	1999-09-28	23	11357	L
RM-10-101-1999	1382	Draft law to amend the law on copyright and neighbouring rights	1999-09-10	1999-09-14	3	2330	L
RM-10-106-1999	1471	Draft law to amend the law on radio and television and the law on communication	1999-09-14	1999-10-19			L

RM-10-110-1999	1437	Draft law on the functioning and associations of co-operative banks, their association banks, and on amendments to certain laws	1999-09-15	1999-10-05	15	4819	L
RM-10-130-1999	1498	Draft law on civil transaction tax	1999-10-04	1999-10-19	12	3692	L
RM-10-133-1999	1476	Draft law to amend the law on environmental protection	1999-10-06	1999-10-12	5	9627	L
RM-10-134-1999	1478	Draft law on counteracting introduction into the financial system of proceeds coming from illicit or undisclosed sources	1999-10-11	1999-10-12	2	5556	L
RM-10-137-1999	1573	Draft law on the ratification of Energy Charter Treaty and Energy Charter Protocol on Energy Efficiency and Related Environmental Aspects	1999-10-14	1999-12-08	written procedure	written procedure	L
RM-10-138-1999	1547	Draft law on the ratification of Convention Against Bribery of Foreign Public Officials in International Business Transactions	1999-10-17	1999-11-22	written procedure	written procedure	L
RM-10-156-1999	1708	Draft law on professional associations of architects, civil engineers and urban architects/town planners	1999-10-26	2000-02-08	76	6282	L
RM-10-162-1999	1721	Draft aviation law	1999-11-29	2000-02-08	52	32630	L
RM-10-166-1999	1616	Draft law on environmental impact assessment procedures and on access to environmental and environmental protection information	1999-12-01	1999-12-14	10	9601	L
RM-10-173-1999	1687	Draft Commercial Companies Code	1999-12-16	2000-01-18	24	48318	L
RM-10-175-1999	1686	Draft law to amend the road traffic law	1999-12-23	2000-01-04	9	15271	L
RM-10-176-1999	1696	Draft law on inland navigation	1999-12-24	2000-01-25	23	8020	L
RM-10-178-1999	1722	Draft postal law	1999-12-31	2000-02-15	33	n/a	L
RM-10-2-2000	1681	Draft law on the ratification of Agreement between parties to North Atlantic Treaty Organization regarding co-operation on atomic energy information, done in Paris on 18 June 1964	2000-01-12	2000-01-18	written procedure	written procedure	H
RM-10-3-2000	1720	Draft law on public procurement	2000-01-12	2000-02-15	25	n/a	H
RM-10-6-2000	1707	Draft law to amend the law on toll motorways	2000-01-31	2000-02-08	7	5210	H
RM-10-8-2000	1705	Draft law to amend the law on special enterprise zones and to amend certain laws	2000-02-01	2000-02-08	6	2919	H
RM-10-7-2000	1702	Draft law on Road Transport Inspection	2000-02-04	2000-02-08	3	n/a	H
RM-10-9-2000	1700	Draft law on establishment of Polish Business Development Agency	2000-02-04	2000-02-08	3	2519	H
RM-10-10-2000	1703	Draft law on waste	2000-02-04	2000-02-08	3	17308	H
RM-10-11-2000	1699	Draft law to amend Civil Code	2000-02-04	2000-02-08	3	3290	H
RM-10-12-2000	1701	Draft law on the protection of purchasers of the right to use a building or an apartment within a specific time each year and on amendments to Civil Code, Misdemeanours Code and the law on real estate registers and	2000-02-04	2000-02-08	3	2376	H

		mortgage					
RM-10-13-2000	1723	Draft water law	2000-02-10	2000-02-15	4	28562	H
RM-10-14-2000	1724	Draft nuclear law	2000-02-11	2000-02-15	3	14487	H
RM-10-15-2000	1718	Draft law to amend Criminal Code, Code of Criminal Procedure, the law on combating unfair competition, the law on public procurement, and banking law	2000-02-11	2000-02-15	3	2994	H
RM-10-16-2000	1719	Draft law on the ratification of annexes B.2, B.3, B.4, B.5, B.6, B.7, B.8, B.9, C, D and E to Convention on Temporary Admission (so-called Istanbul Convention)	2000-02-11	2000-02-15	written procedure	written procedure	H
RM-10-17-2000	1768	Draft law on the ratification of Agreement concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, done in Geneva on 20 March 1958.	2000-02-17	2000-03-07	written procedure	written procedure	H
RM-10-20-2000	1791	Draft law on the ratification of Convention on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime	2000-02-21	2000-03-22	written procedure	written procedure	H
RM-10-21-2000	1769	Draft law to amend the energy law	2000-03-06	2000-03-14	written procedure	written procedure	H
RM-10-23-2000	1856	Draft law on environmental protection	2000-03-16	2000-03-21	4	47121	H
RM-10-24-2000	1864	Draft law on introduction of law on environmental protection and law on waste and on amendments to certain laws	2000-03-16	2000-03-21	4	14752	H
RM-10-27-2000	1819	Draft law on the common agricultural census 2002	2000-03-20	2000-04-04	12	1037	H
RM-10-30-2000	1859	Draft law on insurance business	2000-03-24	2000-04-04	8	27563	H
RM-10-31-2000	1860	Draft law on insurance intermediation	2000-03-24	2000-04-04	8	4588	H
RM-10-32-2000	1857	Draft law on mandatory insurance, Insurance Guarantee Fund and Polish Traffic Insurance Bureau	2000-03-24	2000-04-04	8	14828	H
RM-10-34-2000	1895	Draft law on protection against imports into Polish customs area of goods at dumping prices	2000-03-27	2000-04-18	17	11332	H
RM-10-35-2000	1891	Draft law on protection against excessive imports of goods into Polish customs area	2000-03-27	2000-04-26	23	4715	H
RM-10-36-2000	1893	Draft law on protection against excessive imports of goods into Polish customs area in relation to certain textiles and clothes	2000-03-27	2000-04-26	23	16422	H
RM-10-37-2000	1858	Draft law to amend the law on foreigners and to amend certain laws	2000-03-31	2000-04-11	8	17747	H
RM-10-40-2000	1879	Draft law on method to calculate the value of annual gross domestic	2000-04-03	2000-04-18	12	409	H

		product					
RM-10-43-2000	1894	Draft law on ecological agriculture	2000-04-05	2000-04-18	10	4122	H
RM-10-41-2000	1934	Draft law on requirements for undertakings related to management of certain waste and on product and deposit fees	2000-04-06	2000-04-11	4	5540	H
RM-10-42-2000	1892	Draft law to amend the law on protection of cultivated plants	2000-04-07	2000-04-11	3	7499	H
RM-10-52-2000	2048	Draft law to amend the law on standardization	2000-04-12	2000-06-27	55	331	H
RM-10-44-2000	1888	Draft law to amend the law on establishment of Agency for Restructuring and Modernization of Agriculture and to amend certain laws	2000-04-13	2000-04-18	4	n/a	H
RM-10-49-2000	1887	Draft law on packaging and package waste	2000-04-17	2000-04-18	2	2462	H
RM-10-48-2000	1881	Draft law on animal feeds	2000-04-17	2000-04-21	written procedure	written procedure	H
RM-10-50-2000	1996	Draft law on protection of competition and consumers	2000-04-17	2000-04-26	8	12776	H
RM-10-46-2000	1995	Draft law on prices	2000-04-17	2000-05-09	17	3914	H
RM-10-47-2000	1992	Draft law on the organization of certain agricultural markets	2000-04-17	2000-05-16	22	8142	H
RM-10-55-2000	1989	Draft Maritime Code	2000-04-28	2000-05-16	13	26423	H
RM-10-56-2000	1990	Draft law on provisions introducing Maritime Code	2000-04-28	2000-05-16	13	683	H
RM-10-54-2000	1965	Draft law to amend Customs Code and certain other laws	2000-05-05	2000-05-09	3	16879	H
RM-10-58-2000	1994	Draft law to amend the law on investment funds	2000-05-05	2000-05-23	13	15265	H
RM-10-51-2000	1991	Draft law on protection against imports into Polish customs area of subsidized goods	2000-05-22	2000-05-23	2	n/a	H
RM-10-68-2000	2015	Draft law on technical inspection	2000-06-02	2000-06-06	3	5862	H
RM-10-69-2000	2013	Draft law to amend Labour Code and to amend certain laws	2000-06-02	2000-06-06	3	7118	H
RM-10-66-2000	2014	Draft law to amend the law on Border Guard	2000-06-12	2000-06-13	2	13902	H
RM-10-74-2000	2117	Draft law to amend the law on export contract insurance guaranteed by State Treasury	2000-06-20	2000-06-27	6	1629	H
RM-10-75-2000	2115	Draft law on interest subsidies for fixed-rate export credit	2000-06-21	2000-06-27	5	2695	H
RM-10-79-2000	2060	Draft law on trading quality of agricultural and food products	2000-06-26	2000-06-30	5	4147	H
RM-10-80-2000	2049	Draft law on Trade Inspection	2000-06-26	2000-06-30	5	3477	H
RM-10-78-2000	2127	Draft law on controlling cross-border trade in goods, technologies or services of strategic importance for national security and for maintenance of international peace and security and on amendments to certain laws	2000-06-30	2000-07-14	11	5431	H
RM-10-82-2000	2088	Draft law on alignment to the laws of European Union of the law on	2000-07-07	2000-07-11	3	21808	H

		administrative enforcement procedure, the law on local taxes and charges, the law on interest subsidies for certain bank credits, the public trade in securities law, the Tax Ordinance, the law on public finance, the law on corporate income tax, and the law on commercialization and privatization of state undertakings					
RM-10-85-2000	2089	Draft law on alignment to the laws of European Union of the law on higher education, the law on schools of higher vocational education, the law on export contract insurance guaranteed by State Treasury, the law on transport by rail, and the law on tourist services	2000-07-12	2000-07-18	5	5708	H
RM-10-76-2000	2214	Draft law to amend the law on goods and services tax and excise tax	2000-07-13	2000-07-14	2	n/a	H
RM-10-88-2000	2190	Draft law on alignment to the laws of European Union of the law on acquisition of real estate by foreigners, the law on games of chance, wagers and automatic gaming machines, the law on radio and television, the law on tax consulting, the law on Polish language and the business activity law	2000-07-20	2000-08-07	13	n/a	H
RM-10-89-2000	2287	Draft law to amend the law on combating infectious animal diseases, health inspection of cull animals and meat and Veterinary Inspection and to amend certain other laws in connection with alignment of Polish veterinary law to the laws of the European Union	2000-07-24	2000-08-01	7	n/a	H
RM-10-92-2000	2152	Draft law on alignment to the laws of European Union of the law on tax audits and the law on Customs Inspection	2000-07-31	2000-08-01	2	302	H
RM-10-102-2000	2315	Draft law on structural benefits	2000-08-29	2000-10-21	39	2543	H
RM-10-103-2000	2268	Draft law on collection and use of accounting data from farms	2000-09-01	2000-09-20	14	1041	H
RM-10-104-2000	2286	Draft law on health conditions of food and catering	2000-09-04	2000-09-12	7	10104	H
RM-10-106-2000	2240	Draft law to amend the law on Bank Guarantee Fund and banking law	2000-09-11	2000-09-20	8	2729	H
RM-10-108-2000	2316	Draft law on community water supply and waste water disposal	2000-09-14	2000-10-03	14	4834	H
RM-10-111-2000	2241	Draft law to amend the law on National Court Register, the bankruptcy law, the law on administrative enforcement procedure, and the business activity law	2000-09-22	2000-09-26	3	7533	H
RM-10-112-2000	2242	Draft law to amend the business activity law and the law on provisions introducing the law on National Court Register	2000-09-22	2000-09-26	3	1680	H
RM-10-110-2000	2282	Draft law to amend the law on the profession of nurse and midwife	2000-09-22	2000-10-12	15	1969	H
RM-10-125-2000	2280	Draft law to amend the law on the system of education	2000-10-11	2000-10-12	2	809	H
RM-10-127-2000	2376	Draft law on the manufacture of spirit, manufacture and bottling of spirits	2000-10-11	2000-10-24	10	1067	H

		and manufacture of tobacco products					
RM-10-124-2000	2281	Draft law on cosmetics	2000-10-12	2000-10-12	1	2783	H
RM-10-132-2000	2326	Draft law on the treatment of substances that impair the ozone layer	2000-10-20	2000-10-21	1	6363	H
RM-10-133-2000	2300	Draft law to amend the law on security of persons and property	2000-10-20	2000-10-21	1	77	H
RM-10-134-2000	2302	Draft law on alignment of the law on acquisition of real estate by foreigners to the laws of European Union	2000-10-20	2000-10-21	1	722	H
RM-10-135-2000	2301	Draft law on alignment to the laws of European Union of the law on games of chance, wagers and automatic gaming machines	2000-10-20	2000-10-21	1	n/a	H
RM-10-136-2000	2304	Draft law on alignment of the law on radio and television with the laws of European Union	2000-10-20	2000-10-21	1	n/a	H
RM-10-137-2000	2303	Draft law on alignment of the law on tax consulting with the laws of European Union	2000-10-20	2000-10-21	1	n/a	H
RM-10-139-2000	2331	Draft law to amend the law on establishment of Agricultural Market Agency and the law on establishment of Agency for Restructuring and Modernization of Agriculture and to amend certain other laws	2000-10-20	2000-10-21	1	1531	H
RM-10-140-2000	2361	Draft law on regulation of market for milk, dairy products, meat and certain cultivated plants	2000-10-20	2000-10-21	1	6687	H
RM-10-150-2000	2392	Draft law to amend the law on mortgage bonds and mortgage banks	2000-11-13	2000-11-14	2	89	H
RM-10-151-2000	2680	Draft law on medical products	2000-11-13	2000-11-30	14	4285	H
RM-10-154-2000	2519	Draft law on principles of recognizing regulated profession qualifications obtained in European Union member states	2000-11-20	2000-11-28	7	7254	H
RM-10-160-2000	2587	Draft law on genetically modified organisms	2000-11-27	2000-12-05	7	8556	H
RM-10-161-2000	2527	Draft law on agricultural market research	2000-11-27	2000-12-05	7	987	H
RM-10-157-2000	2677	Draft pharmaceutical law	2000-11-27	2001-02-06	52	19949	H
RM-10-166-2000	2510	Draft law to amend Criminal Code, Code of Criminal Procedure, Post-Sentencing Code and certain other laws	2000-11-30	2000-12-08	7	32596	H
RM-10-164-2000	2604	Draft law on fisheries	2000-12-01	2000-12-05	3	7285	H
RM-10-167-2000	2566	Draft law on measures	2000-12-04	2000-12-12	7	3431	H
RM-10-169-2000	2536	Draft law to amend the law on the National Bank of Poland	2000-12-08	2000-12-12	3	n/a	H
RM-10-168-2000	2577	Draft law on pursuit of the business activity of manufacturing and trading in explosives, arms, ammunition and products or technologies having military or police applications	2000-12-08	2000-12-20	9	4994	H
RM-10-170-2000	2535	Draft law to amend banking law	2000-12-11	2000-12-12	2	12142	H

RM-10-174-2000	2646	Draft law on consumer credit and on amendments to certain laws	2000-12-15	2000-12-20	4	2870	H
RM-10-177-2000	2521	Draft law to amend the law on public procurement in connection with alignment to the laws of the European Union	2000-12-19	2000-12-20	2	5643	H
RM-10-178-2000	2676	Draft law on biocide products	2000-12-19	2000-12-20	2	n/a	H
RM-10-175-2000	2644	Draft law on transport by road	2000-12-20	2000-12-20	1	13881	H
RM-10-176-2000	2575	Draft law on forest reproductive material	2000-12-20	2000-12-20	1	6819	H
RM-10-7-2001	2678	Draft law on provisions introducing the pharmaceutical law, the law on medical products, the law on biocide products and the law on the office of the President of the Office for Registration of Medical, Medicinal and Biocide Products	2001-01-17	2001-02-06	15	3008	M
RM-10-6-2001	2681	Draft law on the office of the President of the Office for Registration of Medical, Medicinal and Biocide Products	2001-01-17	2001-02-06	15	1245	M
RM-10-8-2001	2645	Draft law to amend the law on financial restructuring of undertakings and banks and certain laws, the law on national investment funds and their privatization and the law on the commercialization and privatization of state undertakings	2001-01-22	2001-01-30	7	423	M
RM-10-14-2001	2828	Draft law on provision of legal assistance in the Republic of Poland by foreign lawyers	2001-01-30	2001-03-15	33	n/a	M
RM-10-15-2001	2651	Draft law on electronic signature	2001-01-31	2001-02-06	5	8702	M
RM-10-17-2001	2732	Draft law on historical monuments	2001-02-12	2001-03-13	22	n/a	M
RM-10-18-2001	2834	Draft law to amend the law counteracting drug addiction and on amendments to other laws	2001-02-14	2001-02-20	5	2299	M
RM-10-19-2001	2733	Draft law on electronic payment instruments	2001-02-16	2001-02-27	8	n/a	M
RM-10-21-2001	2709	Draft law to amend the law on sea ports and harbours and certain other laws	2001-02-23	2001-03-06	8	1803	M
RM-10-30-2001	2944	Draft law on the national record of farms and farmed animals and on amendments to certain laws	2001-03-15	2001-03-20	4	1927	M
RM-10-32-2001	2953	Draft law on final settlement in payment systems, on securities clearing and settlement systems and on principles governing supervision over those systems	2001-03-23	2001-04-03	8	3239	M
RM-10-34-2001	2854	Draft law on materials and goods designed to have contact with food	2001-04-03	2001-04-10	6	1984	M
RM-10-44-2001	2954	Draft law on the manufacture, bottling and trading of wine products	2001-04-11	2001-05-22	written procedure	written procedure	M
RM-10-49-2001	2984	Draft law to amend the building law	2001-04-23	2001-05-08	12	1697	M

RM-10-48-2001	2916	Draft law to amend Labour Code and to amend certain other laws	2001-04-23	2001-05-12	written procedure	written procedure	M
RM-10-50-2001	2963	Draft law on pre-packaged products	2001-04-23	2001-05-22	written procedure	written procedure	M
RM-10-53-2001	2965	Draft law on working time of drivers	2001-04-24	2001-05-22	written procedure	written procedure	M
RM-10-54-2001	2967	Draft law on combating infectious diseases and infections	2001-04-26	2001-05-22	written procedure	written procedure	M
RM-10-58-2001	3109	Draft law to amend the law on the profession of medical doctor and on amendments to other laws	2001-04-27	2001-05-15	13	5010	M
RM-10-56-2001	3110	Draft law on the profession of pharmacist	2001-04-27	2001-05-23	19	n/a	M
RM-10-57-2001	3111	Draft law on Pharmacists' Chambers	2001-04-27	2001-05-23	19	n/a	M
RM-10-64-2001	3133	Draft law on explosives for civil uses	2001-05-14	2001-06-05	17	n/a	M
RM-10-63-2001	3053	Draft law on the organization of fish market	2001-05-15	2001-05-23	7	n/a	M
RM-10-69-2001	3035	Draft law on payment deadlines in commercial transactions	2001-05-16	2001-05-23	6	467	M
RM-10-70-2001	3121	Draft law on database protection	2001-05-17	2001-06-05	14	1262	M
RM-10-73-2001	3147	Draft law to amend the law on state reserves and mandatory fuel reserves and to amend certain laws	2001-05-28	2001-05-29	2	2603	M
RM-10-77-2001	3093	Draft law to amend the law on goods and services tax and excise tax	2001-06-01	2001-06-13	9	n/a	M
RM-10-79-2001	3197	Draft law to amend the law on the protection of animals	2001-06-05	2001-06-08	4	n/a	M
RM-10-81-2001	3123	Draft law to amend the law on the profession of veterinary medical doctor and Veterinary Chambers, the law on combating infectious animal diseases, health inspection of cull animals and meat and Veterinary Inspection and the law on organization of breeding and rearing of farmed animals	2001-06-08	2001-06-08	1	18075	M
RM-10-85-2001	3171	Draft law to amend the law on personal data protection	2001-06-20	2001-06-27	6	1140	M
RM-10-86-2001	3265	Draft law to amend the law on radio and television	2001-06-20	2001-06-27	6	n/a	M
RM-10-89-2001	3267	Draft law on European works councils and procedures in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees	2001-06-28	2001-07-03	4	n/a	M
RM-10-90-2001	3301	Draft law on the principles of recognizing qualifications obtained in European Union member states for taking up or pursuing certain activities	2001-07-02	2001-07-11	8	n/a	M
RM-10-91-2001	3274	Draft law on the organization of market for processed fruits and vegetables	2001-07-06	2001-07-17	8	n/a	M
RM-10-100-2001	3289	Draft law to amend the law on goods and services tax and excise tax	2001-07-31	2001-08-07	6	703	M

RM-10-140-2001	51	Draft law on European works councils and procedures in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees	2001-11-09	2001-11-12	2	4678	M
RM-10-145-2001	332	Draft law on explosives for civil uses	2001-11-13	2002-02-26	written procedure	written procedure	M
RM-10-169-2001	352	Draft law on the provision of legal assistance in the Republic of Poland by foreign lawyers	2001-11-22	2002-03-19	84	6625	M
RM-10-173-2001	156	Draft law to amend the law on goods and services tax and excise tax	2001-11-27	2001-12-03	5	5863	M
RM-10-178-2001	248	Draft law on standardization	2001-12-14	2002-01-15	23	2792	M
RM-10-2-2002	249	Draft law to amend the industrial property law	2002-01-07	2002-01-15	7	3642	H
RM-10-13-2002	267	Draft law to amend the law on games of chance, wagers and automatic gaming machines	2002-02-14	2002-02-19	4	n/a	H
RM-10-15-2002	333	Draft law to amend the law on the profession of medical doctor	2002-02-14	2002-02-19	4	727	H
RM-10-16-2002	268	Draft law on the principles of recognizing qualifications obtained in European Union member states for taking up or pursuing certain activities	2002-02-14	2002-02-19	4	6732	H
RM-10-20-2002	373	Draft law on the ratification of agreement between the European Community and the Republic of Poland concerning Poland's participation in the European Environment Agency and the European Environment Observation and Information Agency	2002-02-14	2002-04-08	written procedure	written procedure	H
RM-10-12-2002	269	Draft law on electronic payment instruments	2002-02-15	2002-02-19	3	6960	H
RM-10-14-2002	271	Draft law to amend the law on the professional association of nurses and midwives	2002-02-15	2002-02-19	3	210	H
RM-10-18-2002	300	Draft law to amend the industrial property law	2002-02-15	2002-02-19	3	3642	H
RM-10-17-2002	367	Draft foreign exchange law	2002-02-15	2002-02-26	8	8320	H
RM-10-21-2002	317	Draft law to amend the law on employment and counteracting unemployment	2002-02-18	2002-02-26	7	1055	H
RM-10-24-2002	368	Draft law to amend the law on Pharmacists' Chambers and the pharmaceutical law	2002-03-08	2002-03-12	3	4345	H
RM-10-25-2002	339	Draft law to amend the law on the protection of animals	2002-03-11	2002-03-12	2	4262	H
RM-10-27-2002	395	Draft law to amend the law on health conditions of food and catering and to amend other laws	2002-03-15	2002-03-19	3	3953	H
RM-10-28-2002	350	Draft law to amend the law on chemical substances and preparations	2002-03-15	2002-03-19	3	1281	H
RM-10-29-2002	353	Draft law on the protection of certain services provided electronically and	2002-03-15	2002-03-19	3	820	H

		accessible conditionally and on the services of providing conditional access					
RM-10-33-2002	341	Draft law to amend the law on radio and television and other laws	2002-03-15	2002-03-19	3	n/a	H
RM-10-32-2002	351	Draft law to amend the energy law	2002-03-18	2002-03-19	2	4714	H
RM-10-34-2002	403	Draft law to amend the law on regulation of sugar market	2002-03-19	2002-03-26	6	551	H
RM-10-36-2002	366	Draft law to amend the law on the protection of competition and consumers, the law on combating unfair competition and Code of Civil Procedure	2002-03-25	2002-03-26	2	2149	H
RM-10-40-2002	505	Draft law to amend the pharmaceutical law	2002-03-29	2002-04-02	3	9405	H
RM-10-41-2002	508	Draft law to amend the law on medical products	2002-03-29	2002-04-02	3	2477	H
RM-10-42-2002	466	Draft law to amend the law on the provisions introducing the pharmaceutical law, the law on medical products and the law on the Office for Registration of Medical, Medicinal and Biocide Products	2002-03-29	2002-04-02	3	1145	H
RM-10-39-2002	517	Draft law on compliance system assessment and on amendments to certain laws	2002-03-29	2002-04-09	8	7087	H
RM-10-46-2002	465	Draft law on specific terms of consumer sale and on amendments to Civil Code	2002-04-04	2002-04-30	19	2180	H
RM-10-51-2002	377	Draft law on protection against imports into Polish customs area of subsidized goods	2002-04-05	2002-04-09	3	13756	H
RM-10-50-2002	380	Draft law to amend the industrial property law	2002-04-05	2002-04-09	3	162	H
RM-10-48-2002	453	Draft law on the organization of fish market	2002-04-05	2002-04-16	8	n/a	H
RM-10-49-2002	464	Draft law on principles and conditions of entry and exit of European Union citizens and their families on territory of the Republic of Poland	2002-04-05	2002-05-07	23	4352	H
RM-10-67-2002	450	Draft law to amend the law on the National Bank of Poland	2002-04-15	2002-04-16	2	2310	H
RM-10-72-2002	409	Draft law on the provision of electronic services	2002-04-15	2002-04-16	2	3304	H
RM-10-65-2002	411	Draft law to amend the law on corporate income tax	2002-04-15	2002-04-16	2	5502	H
RM-10-77-2002	492	Draft law on permissibility of and supervision over public aid for undertakings	2002-04-22	2002-04-30	7	7415	H
RM-10-79-2002	533	Draft law on the ratification of Amendment to Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal	2002-04-24	2002-05-22	written procedure	written procedure	H
RM-10-78-2002	656	Draft law on spirits	2002-04-24	2002-06-18	40	4589	H
RM-10-84-2002	624	Draft law on historical monuments	2002-05-10	2002-05-28	13	16481	H
RM-10-87-2002	732	Draft law to amend the law on waste, the law on packaging and package	2002-05-11	2002-07-09	42	8528	H

		waste, the law on requirements for undertakings related to management of certain waste and on product and deposit fees, the law on introduction of the environmental protection law, the law on introduction of the law on waste, and to amend certain laws					
RM-10-91-2002	544	Draft law on insurance business	2002-05-13	2002-05-14	2	31564	H
RM-10-94-2002	585	Draft law on insurance intermediation	2002-05-13	2002-05-14	2	5443	H
RM-10-93-2002	543	Draft law on mandatory insurance, Insurance Guarantee Fund and Polish Traffic Insurance Bureau	2002-05-13	2002-05-14	2	19775	H
RM-10-95-2002	557	Draft law to amend the law on public finance	2002-05-13	2002-05-14	2	2020	H
RM-10-92-2002	584	Draft law on insurance and pension supervision and Insurance Ombudsman	2002-05-13	2002-05-28	12	3323	H
RM-10-96-2002	658	Draft law on the organization of market for processed fruits and vegetables	2002-05-15	2002-06-18	25	1039	H
RM-10-97-2002	582	Draft law to amend the law on establishment of the Agency for Restructuring and Modernization of Agriculture (relates to SAPARD)	2002-05-16	2002-05-21	4	729	H
RM-10-98-2002	583	Draft law on biocide products	2002-05-17	2002-05-21	3	6963	H
RM-10-99-2002	743	Draft law on postal services	2002-05-17	2002-07-05	36	15050	H
RM-10-104-2002	779	Draft law to amend the telecommunications law	2002-05-24	2002-07-09	33	11463	H
RM-10-109-2002	660	Draft law on port facilities for receipt of waste and load residues from ships	2002-06-03	2002-06-04	2	3251	H
RM-10-108-2002	739	Draft law on Inland Navigation Fund and Reserve Fund	2002-06-03	2002-07-09	27	3185	H
RM-10-111-2002	707	Draft law on the ratification of Act of 29 November 2000 revising the Convention on the Grant of European Patents	2002-06-04	2002-07-10	written procedure	written procedure	H
RM-10-117-2002	703	Draft law on transport of dangerous goods by road	2002-06-17	2002-06-18	2	5857	H
RM-10-121-2002	706	Draft law on criminal liability of collective entities	2002-06-18	2002-06-25	6	4518	H
RM-10-124-2002	771	Draft law on games of chance, wagers and automatic gaming machines and on amendments to certain other laws	2002-06-21	2002-07-09	13	8177	H
RM-10-126-2002	687	Draft law on the organization of fish market	2002-06-24	2002-06-25	2	4900	H
RM-10-132-2002	735	Draft law to amend the law on copyright and neighbouring rights	2002-06-28	2002-07-02	3	3001	H
RM-10-138-2002	1154	Draft law on European patent filings and effects of European patent in the Republic of Poland	2002-07-08	2002-07-09	2	1063	H
RM-10-141-2002	803	Draft law on transport by rail	2002-07-08	2002-07-09	2	10446	H
RM-10-145-2002	856	Draft law on the organization of certain agricultural markets	2002-07-08	2002-07-16	7	2921	H
RM-10-151-2002	804	Draft law on administration of cross-border trade in goods and on amendments to Customs Code and other laws	2002-07-15	2002-07-16	2	9500	H

RM-10-155-2002	786	Draft law to amend the road traffic law and to amend certain other laws	2002-07-22	2002-07-23	2	1368	H
RM-10-162-2002	966	Draft law to amend the law on work onboard sea-going merchant ships	2002-08-05	2002-08-06	2	1785	H
RM-10-166-2002	809	Draft bankruptcy and corporate recovery law	2002-08-09	2002-08-13	3	37167	H
RM-10-173-2002	917	Draft law on the organization of fish market and financial assistance in fishing industry	2002-08-14	2002-08-20	5	2982	H
RM-10-180-2002	1012	Draft law to amend the law on combating infectious animal diseases, health inspection of cull animals and meat and veterinary inspection and to amend certain other laws	2002-08-30	2002-09-03	3	8489	H
RM-10-179-2002	1044	Draft law to amend the law on transport by road and to amend certain laws	2002-08-30	2002-10-24	written procedure	written procedure	H
RM-10-181-2002	869	Draft law to amend Criminal Code, Code of Criminal Procedure, Post-Sentencing Code, the law on crown witness and banking law	2002-09-02	2002-09-03	2	3487	H
RM-10-187-2002	1010	Draft law on the system of quality monitoring and control for liquid fuels	2002-09-17	2002-09-24	6	1835	H
RM-10-217-2002	1048	Draft law to amend the law on arms and ammunition	2002-09-30	2002-10-01	2	5113	H
RM-10-225-2002	1173	Draft law to amend certain laws in connection with recycling of decommissioned vehicles	2002-10-11	2002-10-29	13	n/a	H
RM-10-232-2002	1052	Draft law to amend certain laws in connection with alignment to the laws of European Union	2002-10-22	2002-10-30	written procedure	written procedure	H
RM-10-233-2002	1118	Draft law to amend the law on the profession of medical assistant	2002-10-23	2002-10-29	5	2096	H
RM-10-234-2002	1162	Draft law to amend Labour Code and to amend certain other laws	2002-10-28	2002-10-29	2	12702	H
RM-10-235-2002	1155	Draft law on specific principles of terminating employment for reasons that do not concern employees individually	2002-10-28	2002-10-29	2	3103	H
RM-10-239-2002	1116	Draft law to amend the law on the treatment of substances that impair the ozone layer	2002-10-31	2002-11-05	4	583	H
RM-10-244-2002	1223	Draft law to amend the law on the profession of nurse and midwife	2002-11-13	2002-11-27	11	4886	H
RM-10-246-2002	1224	Draft law to amend the law on the profession of medical doctor	2002-11-22	2002-11-27	4	2688	H
RM-10-248-2002	1263	Draft law to amend Customs Code	2002-11-27	2002-12-03	5	7727	H
RM-10-250-2002	1287	Draft law on legal protection for plant varieties	2002-12-09	2002-12-17	7	4842	H
RM-10-251-2002	1281	Draft law to amend the law on public procurement	2002-12-11	2002-12-17	5	1580	H

Annex 2: Implementation of NPAA's and Short-Range Transposition Programmes (dataset compiled based on data obtained from the UKIE Secretariat and the Sejm's website www.sejm.gov.pl)

NPAA 1998	Deadline	Score
Postal law	1998	0
New the telecommunications law	1998	1
Law on the establishment of State Financial Information Agency and on counteracting introduction into the financial system of proceeds coming from illicit or undisclosed sources	1998	0
Ratification of the convention on customs treatment of pool containers	1998	0
Law on customs service	1998	0
Amendment to Customs Code or to the law on establishment of a customs exemptions system	1998	0
Law on numerical real estate cadaster	1998	0
Law on real estate tax and general appraisal of real estate	1998	0
Amendment to the law on public procurement	1998	0
Law on fertilizers and fertilization	1998	1
Law on permissibility of and supervision over public aid for undertakings	1998	0
Law on sea fisheries	1998	0
Law on Sea Fisheries Agency	1998	0
Law on the system of fishing control	1998	0
Law on Road Transport Inspection	1998	0
Law on the restructuring of state undertaking PKP	1998	1
Amendment to the law on commercialization and privatization of state undertakings	1998	1
Aviation law	1998	0
Amendment to the law on Maritime Chambers	1998	0
Law on inland navigation	1998	0
Law on safety at sea	1998	0
Amendment to the law of 16 March 1995 on pollution from ships	1998	0
Amendment to Maritime Code	1998	0
Amendment to the law on radio and television	1998	0
		4
		16 per cent

NPAA 1999	Deadline	Score
Amendment to the law on copyright and neighbouring rights	1999	1
Companies law	1999	1
Amendment to Civil Code (agency agreement)	1999	0
Law on the national system of compliance assessment	1999	1
Law on insurance business	1999	0
Law on insurance intermediation	1999	0
Law on mandatory insurance	1999	0
New law on the protection of competition and consumers	1999	0
Postal law	1999	1
Amendment to the law on radio and television	1999	1
Law on protection of plants	1999	0
Enactment of the law on Unified System of Farm Accountancy	1999	0
Law on production of potato starch	1999	1
Law on tobacco market	1999	0
Law on organization of market for hops	1999	0
Draft Polish feeds law	1999	0
Amendment to the law of 20 August 1997 on the organization of breeding and rearing of farmed animals	1999	0
Law on sea fisheries of 18 January 1996	1999	0
The law on commercialization, restructuring and privatization of state undertaking "Polskie Koleje Państwowe"	1999	1
Aviation law	1999	1
The law on safety at sea	1999	1
Law on Maritime Chambers	1999	0
The law on International Register of Ships (PMRS)	1999	0
Amendment to the law on toll motorways	1999	0
Amendment to the law on sea ports and harbours	1999	1
Law on Road Transport Inspection with secondary legislation	1999	0
New law on environmental protection	1999	1
Laws on general product safety requirements	1999	1

Amendment to the law on combating unfair competition	1999	1
Law on consumer credit	1999	0
Introduction of changes in Civil Code, Code of Civil Procedure and Misdemeanours Code concerning prohibited contractual clauses and their control and product liability	1999	0
The law on purchase of time sharing rights to use residential buildings or premises	1999	0
Amendment to the law on prices	1999	0
Law regulating relations between the state and consumer organizations	1999	0
Regulations on simplified procedures for enforcement of claims at courts and on out-of-court procedures	1999	0
Amendment to nuclear law	1999	0
Amendment to Criminal code (bribery of foreign public officials)	1999	0
Amendment to Post-Sentencing Code (execution of foreign judgements on forfeiture of property)	1999	0
Amendment to banking law (information privileged for courts)	1999	0
Law on counteracting introduction into the financial system of proceeds coming from illicit or undisclosed sources	1999	1
Amendment to the law on public procurement (persons convicted of bribery banned from tenders)	1999	0
Amendment to the law on combating unfair competition (criminal liability of legal entities for bribery)	1999	0
Ratification of the Convention on POOL containers	1999	0
Ratification of Annexes to the Istanbul Convention	1999	0
Amendment to the road traffic law	1999	0
		14
		31 per cent

NPAA 2000	Deadline	Score
Law on medical products	2000	1
Law on measurements	2000	1
Law on technical inspection	2000	1
Amendment to the law on standardization	2000	1
Law to amend the law of 10 Oct 1991 on pharmaceuticals, medical materials, pharmacies, wholesalers and pharmaceutical supervision	2000	1
Law on Agency for Medicines (Office for Registration of Medicinal Products)	2000	0
Law on prices	2000	1
Law on cosmetics	2000	1
Law to amend the law of 26 November 1970 on health conditions of food and catering	2000	1
Law on principles of recognizing regulated profession qualifications obtained in European Union member states	2000	1
Amendment to the law of 21 Dec 1990 on the profession of veterinary medical doctor and Veterinary Chambers (<i>Journal of Laws</i> No 8, item 27)	2000	0
Amendment to the law of 5 Jul 1996 on the professions of nurse and midwife (<i>Journal of Laws</i> No. 91, item 410) and law of 19 Apr 1991 on the professional association of nurses and midwives (<i>Journal of Laws</i> No. 41, item 178)	2000	1
Amendment to banking law	2000	1
Amendment to the law on mortgage bonds and mortgage banks	2000	1
Amendment to the law on Bank Guarantee Fund	2000	1
Amendment to bankruptcy law	2000	1
Amendment to the law on public trading in securities	2000	1
Amendment to the law on investment funds	2000	1
Amendment to the law of 29 Aug 1997 on tourist services	2000	1
Amendment to the law on national court register	2000	1
Law on the protection of competition and consumers	2000	1
Law on structural benefits	2000	1
Amendment to the law of 24 April 1997 on combating infectious animal diseases, health inspection of cull animals and meat and on Veterinary Inspection	2000	1
Amendment to the law of 21 August 1997 on protection of animals	2000	0
Amendment to the law of 20 August 1997 on the organization of breeding and rearing of farmed animals	2000	0

Amendment to the law on establishment of the Agricultural Market Agency	2000	1
Law on regulation of market for milk and dairy products	2000	1
Amendment to the law on county authorities	2000	1
Amendment to the geodesic and land survey law	2000	0
New law on introduction of Integrated Management and Control System with secondary legislation	2000	0
Law on the organization of agricultural market research	2000	1
Law on trading quality of food products	2000	1
Law on the organization of certain agricultural markets (including the markets for hops, fruits, dried feed, tobacco, etc.)	2000	1
Law on sea fisheries	2000	1
Publication of the law on transport by road	2000	1
Amendment to the law of 2 August 1997 on the requirements for international transport by road	2000	1
Amendment to the law of 27 June 1997 on transport by rail	2000	1
Publication of Maritime Code	2000	1
Amendment to the law on goods and services tax and excise tax	2000	1
Amendment to Labour Code	2000	1
Amendment to the law of 28 Dec 1989 on specific principles of terminating employment for reasons attributable to the employing establishment	2000	1
Law on European works councils and procedures in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees	2000	0
Law on preventing, detecting, treating and combating infectious diseases	2000	0
Law on public benefit activities	2000	0
Amendment to the law on system of education	2000	1
Amendment to the law on tax audits	2000	1
Law on water supply and waste water disposal	2000	1
Law on genetically modified organisms	2000	1
Law on trading in forest reproductive material	2000	1
Draft law on consumer credit	2000	1
Amendment to the law on border guard	2000	1
Amendment to the law on protection of national border	2000	1
Amendment to Customs Code	2000	1
New law on the protection against excessive imports	2000	1

New law on protection against excessive imports of certain textiles and clothes	2000	1
New law on protection against subsidized goods	2000	1
Amendment to the law of 7 July 1994 on export contract insurance guaranteed by State Treasury	2000	1
Draft law on the official financial support for exports with medium- and long-term credit based on fixed CIRR rates	2000	1
Law on control in public administration	2000	0
Law on the system of cadaster	2000	0
Amendment to the law on agricultural tax	2000	1
Draft law on forest tax	2000	1
Law authorizing the President to ratify the Arbitration Convention on the elimination of double taxation in connection with the adjustment of profits or associated enterprises	2000	0
		51
		81 per cent

NPAA 2001	Deadline	Score
Law of 14 December 1994 on employment and counteracting unemployment - Amendment	2001	0
Amendment to law on Teacher's Charter	2001	0
Law on the principles of recognizing requirements for taking up or pursuing professions other than regulated professions in relation to nationals of European Union member states (working title)	2001	1
Amendment to law of 19 Apr 1991 on the professional associations of nurses and midwives (<i>Journal of Laws</i> No. 41, item 178)	2001	0
Law to amend the foreign exchange law	2001	0
Law to amend industrial property law	2001	0
Law on the ratification of Act of 29 November 2000 revising the Convention on the Grant of European Patents	2001	0
Law to amend the law of 29 Dec 1993 on establishment of Agency for Restructuring and Modernization of Agriculture	2001	0
Law on administration of cross-border trade in agricultural and food products	2001	0
Law on the organization of market for processed fruits and vegetables	2001	1
Law on the manufacture and examination of spirits	2001	0
Law to amend the law on pollution from ships	2001	0
Amendment to law of 12 January 1991 on local taxes and charges	2001	0
Amendment to law on goods and services tax and excise tax	2001	1
Amendment to law of 23 May 1991 on trade unions	2001	0
Law on European works councils and procedures in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees	2001	1
Amendment to law of 23 May 1991 on work onboard sea-going merchant ships	2001	0
Amendment to energy law	2001	0
Amendment to law on radio and television	2001	1
Amendment to law on public finance	2001	0
Law on forestation of forest land	2001	0
Amendment to law on standardization	2001	0
Law on the execution of agri-community programs	2001	0
Amendment to the telecommunications law	2001	0
		5
		21 per cent

NPAA 2001 for 2002	Deadline	Score
Law on entry and stay of nationals in the territory of the Republic of Poland (working title)	2002	1
Amendment to law on co-operative banks, associations of co-operative banks, their association banks, and on amendments to certain laws	2002	0
Amendment to law on copyright and neighbouring rights	2002	1
Law on supporting agriculture in less favoured areas	2002	0
Amendment to law of 29 November 2000 on the organization of markets for fruits and vegetables, hops, tobacco and dried feed	2002	0
Amendment to road traffic law of 20 June 1997	2002	1
Amendment to law of 19 November 1987 on technical inspection	2002	0
Amendment to building law of 7 July 1994	2002	0
Amendment to law of 21 December 2000 on inland navigation	2002	1
Law on port facilities for receipt of waste and load residues from ships	2002	1
Amendment to Labour Code of 26 Jun 1974 (<i>Journal of Laws</i> of 1998 No. 21, item 94)	2002	1
Law on electronic commerce	2002	1
Amendment to law on Trade Inspection	2002	1
		8
<i>This list was prepared on the basis of the 2001 NPAA because there was no NPAA in 2002.</i>		61 per cent

Short-Range Plan (January-May 2000)	Deadline	Monthly	Whole Range
Amendment to Customs Code	Feb	0	1
Law on common agricultural census	Feb	0	1
Law on prices	April	0	1
Law on insurance business	March	0	1
Law on insurance supervision	March	0	0
Law on insurance intermediation	March	0	1
Law on mandatory insurance	March	0	1
Law on Gross Domestic Product	April	1	1
Amendment to law on special enterprise zones	January	0	1
Law on establishment of Polish Business Development Agency	January	0	1
Law on protection against excessive imports of goods into Polish customs area in relation to certain textiles and clothes	March	0	1
Law on protection against imports of subsidized goods into Polish customs area	March	0	1
Postal law	March	1	1
Amendment to law on sectors of administration	March	0	0
Amendment to law on protection of cultivated plants	March	0	1
Law concerning the national system of information on the situation in agricultural markets	January	0	0
Amendment to Criminal Code	January	0	1
Amendment to Civil Code regulations on agency agreement and leasing agreement	January	0	1
Amendment to Code of Criminal Procedure regulations on enforcement of foreign court judgements on forfeiture of proceeds of crime and on taking interim measures in relation to such proceeds	January	0	1
Law on time sharing rights to residential buildings and premises	January	0	1
Commercial companies law	January	1	1
Amendment to law on foreigners	March	0	1
Draft law on the ratification of certain annexes to the Convention on temporary admission done in Istanbul on 26 June 1990	January	0	1
Law on product fee and deposit fee	March	0	1
Amendment to law on waste	January	0	1
Law on packaging and packaging waste	Feb	0	1

Water law	January	0	1
Law on environmental protection	January	0	1
Law on international register of ships	March	0	0
Aviation law	January	0	1
Law on inland navigation	January	1	1
Law on Road Transport Inspection	January	0	1
Law on the Agency for Medicines	March	0	0
Nuclear law	January	0	1
Law on protection of competition and consumers	April	1	1
Amendment to law on public procurement	January	0	1
Amendment to law on controlling cross-border trade in double-use products and technologies	June		
Law on trading quality of food	June		
Law on animal feeds (the feed law)	May	1	1
Law on the organization of certain agricultural markets (fruits and vegetables, hops, tobacco and dried feeds)	May	1	1
Amendment to law on combating infectious diseases of cull animals and meat and on State Veterinary Inspection	July	0	0
Law on breeding and rearing of framed animals	July	0	0
Amendment to law on Border Guard	June	0	0
Law on the official financial support for exports with medium- and long-term credit based on fixed CIRR rates	June	0	0
		7	33
		18 per cent	87 per cent

Short-Range Plan (May-September 2000)	Deadline	Quarterly	Whole Range
Law on technical inspection	June	1	1
Law on standardization	June	1	1
Law on trading quality of food	June	1	1
Law on State Trade Inspection	June	1	1
Amendment to law on tourist services	June	0	1
Amendment to public trade in securities law	June	0	1
Amendment to law on investment funds	June	1	1
Amendment to law on public finance	June	0	1
Law on the organization of certain agricultural markets (fruits and vegetables, hops, tobacco, and dried feeds)	June	1	1
Amendment to Maritime Code	June	1	1
Amendment to law on transport by rail	June	0	1
Amendment to law on goods and services tax and excise tax	June	0	1
Amendment to law on administrative enforcement procedure	June	0	1
Amendment to Tax Ordinance	June	0	1
Law authorizing the President to ratify the Arbitration Convention on the elimination of double taxation in connection with the adjustment of profits or associated enterprises	June	0	0
Amendment to law local taxes and charges	June	0	1
Amendment to Labour Code	June	1	1
Amendment to law on the specific principles of terminating employment for reasons attributable to the employing establishment	June	0	0
Amendment to higher education law	June	0	1
Amendment to law on the police	June	1	1
Amendment to law on Border Guard	June	1	1
Law on the official financial support for exports with medium- and long-term credit based on fixed CIRR rates	June	1	1
Law on protection against imports of subsidized goods into Polish customs area	June	1	1
Amendment to law on controlling cross-border trade in double-use products and technologies	June	0	1
Law on cosmetic products	September	0	1

Pharmaceutical law	September	0	0
Amendment to law on health conditions of food and catering	September	1	1
Law on the Agency for Medicines	September	0	0
Amendment to law on the profession of veterinary medical doctor and Veterinary Chambers	September	1	1
Amendment to law on professional associations of nurses and midwives	September	0	0
Law on a general system for the recognition of higher-education diplomas and second general system of recognition of professional education	September	0	0
Amendment to law on Bank Guarantee Fund	September	1	1
Law to amend the law on the organization of breeding and rearing of farmed animals and to amend the law on combating infectious diseases of cull animals and meat and on Veterinary Inspection	September	1	1
Law on regulation of market for starch	September	0	1
Law on regulation of market for milk and dairy products	September	0	0
Law on structural benefits	September	0	1
Law on the unified system of farm accountancy	September	1	1
Law on water supply and waste water disposal	September	0	1
		17	31
		45 per cent	81 per cent

Short-Range Plan (January-September 2001)	Deadline	Monthly Score	Quarterly Score	Whole Range
Law on electronic payment instruments	January	0	1	1
Law on final settlement in securities clearing, settlement and payment systems	January	0	0	1
Law authorizing the President of the Republic of Poland to ratify the Protocol of Amendments to International Convention on the Simplification and Harmonization of Customs Procedures with Addenda I, II and III (Kyoto Convention)	September	0	0	0
Amendment to the foreign exchange law	September	0	0	0
Law on electronic signature	January	0	1	1
Amendment to law on protection of personal data	September	1	1	1
Law on the conditions and forms of provision by foreigners of legal assistance in Poland and on amendment to certain laws	February	1	1	1
Law to amend Criminal Code, Code of Criminal Procedure, Post-Sentencing Code and certain laws	March	1	1	1
Amendment to Code of Civil Procedure	June	1	1	1
Amendment to decree of President of the Republic of Poland – Bankruptcy law	June	1	1	1
Amendment to law on certified translators	September	0	0	0
Law on the national record of farms	February	0	1	1
Law regulating financing of agricultural policy	February	0	0	0
Law on the organization of market for processed fruits and vegetables	March	0	0	1
Amendment to law on the manufacture, bottling and trading of wine products	March	0	0	1
Law on the organization of fish market	March	0	0	1
Law on structural aid in fisheries	March	0	0	0
Law on the principles of defining, labelling, presentation and testing of spirits	June	0	0	0
Law on regulation of food supply during crises and martial law situations	June	0	0	0
Law on forestation of farm land	June	0	0	0
Law on explosives	March	0	0	0
Law to amend industrial property law	March	0	0	1
Law on mandatory reserves of petroleum products	June	1	1	1
Law on pre-packaged products	June	1	1	1
Amendment to energy law	September	0	0	0

Law on administration of cross-border trade in goods and services	September	0	0	0
Amendment to law on financial restructuring of undertakings and banks	June	1	1	1
Amendment to law on national investment funds	June	1	1	1
Law on European works councils	June	0	0	1
Amendment to law on amendment to law on trade unions	June	1	1	1
Amendment to Labour Code	June	1	1	1
Amendment to law on employment and counteracting unemployment	June	1	1	1
Law on combating infectious diseases	February	0	0	1
Law on materials and goods designed to have contact with food	March	0	0	1
Amendment to law Pharmacists' Chambers and to law on pharmaceuticals, medical materials, pharmacies, wholesalers and Pharmaceutical Inspection	April	0	1	1
Amendment to law on the profession of medical doctor and to law on Medical Doctors' Chambers	April	0	1	1
Law on working time of drivers	June	1	1	1
Amendment to law on work onboard sea-going merchant ships	June	0	0	0
Amendment to law on Teacher's Charter	September	0	0	0
Law on a general system for the recognition of higher-education diplomas and second general system of recognition of professional education	September	1	1	1
Amendment to law on standardization	September	0	0	0
Law on database protection	September	1	1	1
Building law	March	0	0	1
Law on protection of national border	February	0	0	0
Law on the principles of execution of agri-community programs	June	0	0	0
Law on supporting agriculture in less favoured areas	September	0	0	0
Amendment to the mining and geology law	September	0	0	0
Law concerning an implementation procedure for economic sanctions (arms supplies embargo) imposed by international organizations	March	0	0	0
		15	20	29
		31 per cent	42 per cent	60 per cent

Short-Range Plan (2002)	Deadline	Monthly	Quarterly	Whole Range
Law on standardization	January	1	0	0
Amendment to law on health conditions of food and catering	March	1	0	0
Amendment to pharmaceutical law	March	0	1	0
Amendment to law on compliance assessment system, accreditation and on amendment to certain laws	March	0	1	0
Amendment to law on substances and preparations	March	1	0	0
Amendment to building law	June	1	0	0
Amendment to law on arms and ammunition	November	1	0	0
Amendment to law on the professional association of nurses and midwives	March	1	0	0
Law implementing Directive of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals	April	0	0	0
Law implementing Directive 94/80 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals	April	0	0	1
Amendment to law on the profession of medical doctor	March	1	0	0
Law on the principles of recognizing qualifications obtained in European Union member states for taking up or pursuing certain activities	Feb	1	0	0
Law on entry and stay of nationals in the territory of the Republic of Poland	April	0	1	0
Law on the conditions and forms of provision by foreigners of legal assistance in Poland	May	1	0	0
Law to amend the law on games of chance, wagers and automatic gaming machines	Feb	1	0	0
Law on electronic payment instruments	Feb	1	0	0
Law on the protection of certain services provided electronically and accessible conditionally and on the services of providing conditional access	March	1	0	0
Law on insurance business	May	1	0	0
Law on insurance intermediation	May	1	0	0
Law on mandatory insurance, Insurance Guarantee Fund and Polish Traffic Insurance Bureau	May	1	0	0
Foreign exchange law	Feb	1	0	0
Amendment to industrial property law	March	1	0	0
Amendment to law on copyright and neighbouring rights	June	0	1	0
Law introducing the convention on grant of European patents	March	0	0	1

Amendment to law on permissibility of and supervision over public aid for undertakings	March	0	1	0
Law to amend the law on protection of animals	March	1	0	0
Law on the manufacture and examination of spirits	March	0	0	1
Law on the organization of market for processed fruits and vegetables	May	0	1	0
Law on supporting agriculture in less favoured areas	June	0	0	0
Law on the execution of agri-community programs	June	0	0	0
Law on regulation of market for grain and certain field crops	June	0	0	0
Amendment to Customs Code and amendment to law on the administration of cross-border trade in goods and services	June	0	1	0
Law on forestation of farm land	December	0	0	0
Law on regulation of meat market	December	0	0	0
Law on prevention of shortages of foods, feeds and seed lot in emergency situations	June	0	0	0
Law on regulation of fish market	March	0	1	0
Law on structural aid for the fishing industry	March	0	0	1
Aviation law	January	0	0	0
Law on port facilities for receipt of waste from ships	June	1	0	0
Amendment to law on pollution from ships	July	0	0	0
Amendment to road traffic law	July	1	0	0
Amendment to law on transport by rail	June	0	1	0
Amendment to law on inland navigation	June	0	1	0
Law on corporate income tax	December	0	0	0
Amendment to law on the National Bank of Poland	April	1	0	0
Amendment to law on work onboard sea-going merchant ships	July	0	1	0
Law to amend Labour Code	December	1	0	0
Law on the conditions of terminating employment for reasons attributable to employer	December	1	0	0
Amendment to energy law	March	1	0	0
Law on public benefit activities	December	1	0	0
Amendment to the telecommunications law	May	0	0	1
Postal law	May	0	0	1
Law on electronic commerce and provision of telecommunications and networking services	May	1	0	0
Law on radio and television	Feb	0	0	1

Law on protection of national treasures	May	1	0	0
Amendment to law on the introduction of the environmental protection law and the law on waste and on amendment to certain laws	April	0	0	1
Law to amend the environmental protection law, the law on waste and the law on obligations of undertakings concerning management of certain waste	April	0	0	1
Law to amend the law on Environmental Protection Inspection	June	0	0	0
Amendment to law on protection of competition and consumers	April	1	0	0
Law concerning certain aspects of sale of consumer goods and related warranties	April	1	0	0
Law on general product safety	May	0	0	0
Law on protection against imports of subsidized goods into Polish customs area	March	0	1	0
Amendment to Criminal Code	July	0	1	0
		29	13	9
		46 per cent	66 per cent	81 per cent

Annex 3. List of Interviews

Interview Number	Interviewee Position	Organization	Transcript Available
1	Advisor	Parliament	No
2,3	Minister	KPRM	No, Yes
4	Director	KPRM	Yes
5	Middle-ranking Official	KPRM	No
6	Minister	KPRM	Yes
7	Middle-ranking Official	KPRM	Yes
8	Director	UKIE	Yes
9	Director	UKIE	No
10, 11, 12	Director	UKIE	No, Yes, Yes
13	Director	UKIE	Yes
14	Minister	UKIE	Yes
15	Minister	UKIE	Yes
16	Minister	UKIE	Yes
17	Minister	UKIE	Yes
18	Director	Parliament	Yes
19	Middle-ranking Official	Line Ministry	Yes
20	Minister	UKIE	No
21	Middle-ranking Official	UKIE	No
22	Minister	Line Ministry	Yes
23	Advisor	KPRM	Yes
24	Minister	Line Ministry	Yes
25	Director	UKIE	Yes
26	Director	UKIE	Yes
27	Director	UKIE	Yes
28, 29	Minister	KPRM	Yes, Yes
30, 31	Director	UKIE	Yes, No
32	Middle-ranking Official	UKIE	Yes
33	Middle-ranking Official	UKIE	Yes
34	Director	UKIE	Yes
35	Advisor	KPRM	Yes
36	Minister	UKIE	Yes
37	Director	Foreign Ministry	Yes
38	Minister	Foreign Ministry	Yes
39	Director	UKIE	Yes
40	Director	UKIE	No
41	Director	Line Ministry	Yes
42	Director	Line Ministry	Yes
43	Director	Line Ministry	Yes

44	Middle-ranking Official	Parliament	Yes
45	Middle-ranking Official	UKIE	Yes
46	Director	UKIE	Yes
47	Director	KPRM	Yes
48	Director	KPRM	Yes
49	Minister	KPRM	Yes
50	Middle-ranking Official	UKIE	Yes
51	Middle-ranking Official	European Commission	No
52	Middle-ranking Official	UKIE	Yes
53	Director	European Commission	No
54	Advisor	European Commission	No
55	Middle-ranking Official	European Commission	No
56	Director	KPRM	Yes
57	Minister	KPRM	Yes
58	Director	UKIE	No
59	Director	KPRM	Yes
60	Advisor	UKIE	No