

# Europeanization of Nordic Central Governments: Towards a Transnational Regulatory State?

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# Preface

This paper is part of the «Nordic project Representative democracy, administrative reforms and EU-integration». It is a revised version of a paper prepared for presentation at the Workshop on The National Control of EU Public Policies, NOPSAs Conference, Reykjavik August 11–13 2005. We wish to thank Ulf Sverdrup for valuable comments.

# Summary

This paper first describes the degree of EU regulation in the Nordic countries by focusing on the scope of EU rules and regulations in domestic administration, the monitoring and control, and the compliance and enforcement. Second, it analyzes the variation in regulation by using variables derived from a structural, a cultural, and an environmental perspective. The empirical database is surveys of all departments in ministries and central agencies in the five Nordic countries in 1998 and 2003. We show that the Nordic countries are highly integrated into the European regulatory system. There are significant variations between the areas of internal market and other policy areas, but also structural factors, such as administrative level, and cultural features, such as the Finish EU-eagerness make a difference.

# Sammendrag

Dette notatet beskriver først omfanget av EU-regulering i de nordiske land ved å fokusere på innslaget av regler og reguleringer fra EU i nasjonal forvaltning og på iverksetting og kontroll og håndheving av regelverket. For det andre analyseres variasjonen i de ulike aspektene ved regulering ved å bruke variabler avledet fra strukturelle, kulturelle og omgivelsesperspektiver. Det empiriske grunnlaget er spørreskjemaundersøkelse til alle avdelinger i departementer og sentrale forvaltningsorganer i de fem nordiske land i 1998 og 2003. Vi viser at de nordiske landene er sterkt integrerte i EUs regulerende system. Det er signifikante variasjoner mellom policyområder knyttet til det indre marked og andre sektorer. Men også strukturelle faktorer slik som forvaltningsnivå og kulturelle faktorer slik som den finske EU-entusiasmen spiller en rolle.



# Introduction

This paper focuses on how the tasks and function of control and regulation in ministries and central agencies in Denmark, Finland, Iceland, Norway and Sweden have changed as a result of increased integration into the EU. We ask what happens to the central government administration in the five small Nordic countries at the periphery of Europe when their regulatory systems to a greater extent become integrated into a broader European context (Olsen 1997).

The Nordic countries represent a regional cluster scoring high on integration effects on the politics dimension and low on the polity dimension (Dyson and Goetz 2003). But there are also significant variations between the Nordic countries in how their polities adapt to increased European integration due to variations both in form of affiliation, length of membership, and depth of membership involvement (Jacobsson, Lægreid and Pedersen 2001, 2003). The regulatory pressure from the EU varies between different policy areas and administrative levels. Thus the scope and depth of EU-related regulatory activity might differ between the countries, but also between ministries and agencies and between policy areas.

Regulation is an ambiguous concept that can be used both in a broad and in a narrow sense. According to Laffan (2001) regulation is a distinctive mode of governance infused with a specified logic, mechanisms and policy instruments. In the narrowest sense regulation means formulating authoritative sets of rules and setting up autonomous public agencies or other mechanisms for monitoring, scrutinizing, and promoting compliance with these rules. The focus here is primarily on such a narrow definition of regulation as a) goal formulation, rule-making, and standard setting; b) monitoring, information-gathering, scrutiny, inspection, audit, and evaluation; and c) enforcement, behaviour-modification, and the application of rewards and sanctions (Hood, Rothstein and Baldwin 2001). These functions may be carried out by a single organization or delegated separately to specialized agencies. Thus, the regulatory function may potentially involve a complex combination of vertical and horizontal inter-organizational specialization of the central administrative apparatus (Christensen and Lægreid 2001).

This paper sets out to do two things: 1) to describe the degree of EU regulation in the Nordic countries by focusing on the scope of EU rules and regulations in the domestic administration, the monitoring and control, and the compliance and enforcement; 2) to analyze the variation in regulation emphasising the importance of structural, cultural, and environmental features of the central government administration. Thus we primarily address the reception, or downloading, of EU regulation domestically by focusing on procedures, practices and activities developed to absorb the EU regulations into the daily work of central administrative bodies (Bulmer and Bursch 2005, Börzel 2002). Our focus is on polity features and how formal and informal regulatory structures, procedures and practices are affected by increased integration into a European regulatory system (Börzel and Risse 2003).

The data basis of this paper is a comparative survey undertaken in Denmark, Sweden, Finland, Norway and Iceland. Having one old member and two new members of the Union and two non-member states presents us with a unique possibility for a quasi-experimental design. By studying the five Nordic countries, we include small European countries that share a cultural and geographic region as well as many features of parliamentary government. They differ, however, in their formal relationship to the EU, their length of membership, the size of their administration, and the national context represented by the administrative tradition and strategy on EU integration.

The survey comprises all ministerial departments as well as departments in central agencies and directorates. The survey was first conducted in 1998 and replicated in 2003. We describe the response pattern by asking each individual department about its own experiences with EU/EEA cases. By using a standardized questionnaire with fixed response alternatives, the same questions were put to equivalent populations in the different countries in the two years. The survey forms were answered either by head of department, another person in senior position, an EU/EEA coordinator, or someone else in the unit with a reasonable knowledge of EU/EEA-related work.

The respondents were asked to answer on behalf of the unit and not on behalf of themselves. A total of 1408 units in the five countries replied the questionnaire in 1998: 370 in Denmark, 379 in Sweden, 258 in Finland, 331 in Norway, and 90 in Iceland. In 2003 1321 unit responded: 343 in Denmark 262, 364 in Sweden, 212 in Finland, 262 in Norway and 140 in Iceland. In 1998 the response rate varied from 86 per cent in Norway to 72 per cent in Iceland. Five years later the response rate varied from 81 per cent in Sweden to 61 per cent in Finland. The three other countries had a response rate between 70 and 76 per cent. In this paper we have excluded 212 departments that reported that they are not affected at all by the EU/EEA agreement<sup>1</sup>.

The dependent variables we will use in this paper are different dimensions of regulation, in line with the narrow definition of the term presented above. We will distinguish between rule making, rule implementation and monitoring, and rule enforcement. In considering *rule making* we will first examine the degree of changes in existing domestic rules and regulations or the introduction of new rules as a consequence of the EU/EEA over the past five years. Second, we ask if the EU/EEA work has implied changes in the arrangements for control and regulation within the unit's area of responsibility. Third, we examine to what degree making and changing of laws, rules, regulations, directives and standards is a primary task in the departments.

The *implementation and monitoring* variables are whether control, supervision, performance reporting, accounting, auditing and application of rewards and sanctions is a main emphasis of the section's EU/EEA related work. Second, has the extent of control and regulation increased or decreased? Third, we ask how much of their workload has been related to implementation and enforcement of EU/EEA decisions and regulations. Fourth, we ask how much autonomy is experienced within the unit's area of responsibility related to implementation of EU/EEA decisions and regulations.

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<sup>1</sup> For more information about the data set, see documentation from the Norwegian Social Science Data Services: <http://www.nsd.uib.no/data/polsys/Index.cfm?Arkivnr=25&Institusjonsnummer=4&TypeTekst=80&Sprak=Eng>

Regarding *enforcement of and compliance* to rules and regulations we first ask if the European Commission or national authorities have investigated special EU-related cases in their area of work. Second, we ask to what degree the court system has been involved in regulation and control concerning EU/EEA related cases. To what degree have national courts and the European Court of Justice been involved? And who initiated the court procedure, EU bodies, national authorities, authorities in other countries, businesses, firms, or individuals?

The outline of the paper is the following. First, we discuss the development towards a regulatory state, especially how EU can be seen as a regulatory state and the implications for the Nordic countries. Second, we present the three theoretical perspectives used and the hypotheses that we put forward, which are based on a blending of external pressure from the EU, an organizational structural perspective, as well as administrative culture and the importance of different administrative systems. Third, we present the empirical results, and finally, we discuss the findings and draw conclusions.

## Towards a regulatory state?

The view is widespread that we live in the era of the Regulatory State (Majone 1994, 1997, Loughlin and Scott 1997, McGowan and Wallace 1996, Moran 2002). The traditional sovereign state model with its command-and-control policy style, public ownership and nationalization is under pressure, despite its aims to reconcile a variety of partly conflicting goals in a multifunctional state. In contrast, the narrower goals of the Regulatory State are gaining support, namely to improve the efficiency of the economy, promote competition, and protect consumers and citizens. Other traditionally important considerations are de-emphasized.

The Regulatory State tends to favour regulation over other means of policy-making. It is more a rule-making state than a taxing and spending state. Market regulation is more important than the redistribution of income and macro-economic stabilization (Majone 1997), the application of regulation is more formal, and privatization is a central feature (Levi-Faur and Gilad 2004). It involves a shift from direct to indirect government, and important policy-making powers are delegated to independent technocratic bodies with considerable political leeway. The state is kept at arm's length from direct participation in the economy but has a well developed regulatory role (McGowan and Wallace 1996). In contrast to the traditional welfare-state model, which integrates regulatory, operating, and policy-making functions, the regulatory state separates regulatory activities from operational ones, purchasers from providers, and the policy-making role from the operational role. Greater emphasis is placed on single-purpose organizations and monitoring by autonomous agencies (Boston et al. 1996). The regulatory state is, however, not a consistent concept.

In spite of a clear trend towards regulatory policy convergence, national differences persist when it comes to institutional implementation of regulatory reforms. European regulatory pressure matters, but so do national administrative traditions (Barbieri 2004). The spread of the new regulatory paradigm has not lead to convergence in the

organizational design of regulatory agencies. Tenbücken and Schneider (2004) label this parallel process of stability and change «divergent convergence.»

The trend towards a Regulatory State is stronger in some sectors and policy areas, such as utilities, than in others, like welfare, and there are great variations in how agencies operate, depending on what their primary task is (Pollitt et al. 2004). Variation also depends on the degree of regional integration, as exemplified by the European Union, and also on domestic political and administrative processes. How EU regulation is adopted in different countries depends on local political actors and processes (Kallestrup 2005). While European agencies may in general have less autonomy than American agencies and the system of public accountability may be less developed (Majone 1999), there are also big differences between how agencies function in different EU countries (Pollitt et al. 2004).

For instance, in the Nordic welfare states, public ownership and nationalization were for a long time more popular policy tools than regulation. There is, however, also a long tradition of strong, autonomous agencies being responsible for policy implementation and service delivery. In Sweden one concern is that the capacity of ministries to control and monitor the big and powerful agencies is weak (Molander et al. 2002), even though it can be argued that the cabinet has other, more general means of control that can counteract the formal autonomy of the agencies (Lindbom 1997). Politicians might use informal channels to influence the decision-making of agencies, thus undermining their formal autonomy. In Denmark, Norway and Iceland the directors of the agencies are politically accountable to the ministries through the principle of ministerial responsibility, but there are regulatory reforms underway which might increase their autonomy (Christensen and Lægveid 2004b). Generally contextual factors such as state traditions, structures and reforms, as well as political leadership, make a difference (Thatcher 2002).

## **EU as a regulatory state**

An important factor for understanding the rise of the Regulatory State in Europe is greater European integration by stealth and the emergence of the EU as a regulatory body focusing on competition and the development of a free internal market (Majone 1994, 1999, 2005). Labelling the European Union a regulatory state can also be related to the importance of rule setting as source of legitimacy, because it lacks many other sources of traditional power (Laffan 2001). Inspired by the American model, the European Regulatory State has both an ideological and instrumental background and culturally represents a new direction for many European countries.

Regulation is the most important type of policy-making in the EU and in the last decade the EU itself has been the subject of a variety of regulatory reforms affecting both its own regulatory regime and the member states (Armstrong 2000, Everson et al. 1999). Quite a few independent regulatory agencies have been established (Flinders 2004, Groenler, Boin and Kuipers 2005). One difference between regulatory bodies at the national and the European level is that the latter also focus on regulation of the regulators (McGowan and Wallace 1996, Zeiner 2003). The creation of the single

European market required the liberalization of the utilities sectors, the abolition of national monopolies, and the establishment of independent regulatory agencies in the member states to promote competition. EU has set up rather specific guidelines for regulatory agencies in transport, communication and food safety (Egeberg 2005a). Thus the EU, as a new actor in regulation, has affected the European regulatory style.

A comparative study of Britain, Germany, Ireland, and Sweden reveals a general shift towards the Regulatory State, but at the same time it is difficult to discern a convergence towards a single and identical regulatory approach in the different countries (Lodge 2001). A similar conclusion comes from a study of the UK, France, Spain, and Germany, which shows that different domestic institutional constellations, such as the degree of fragmentation, hierarchy, and policy overlap, tend to create their own logic and dynamic in the process of regulatory reform (Jordana and Sancho 2004). Domestic institutions and traditions represent «filters» producing different outcomes in different countries, as illustrated by Busch (2002) with respect to the regulation of the banking sector. Thus, there is limited evidence of the emergence of *one* regulatory state.

The EU depends on domestic institutions to implement its rules and regulations, but there is an increased attention in the EU towards proper application of existing rules (Sverdrup 2004). There is also a growing literature on the implementation of EU regulations in domestic administrations and member countries, focusing on the transposition of EU rules into national legislation and adhering to, complying with, and enforcing them in the different member countries (Bursens 2002, Börzel 2002, Falkner et al. 2004, Sverdrup 2004, 2005, Tallberg 2002). Central issues are variations in implementation performance, the politics of implementation, the processes of implementation and the outcome. In this paper we will primarily address the question of implementation performance and how and to what extent the Nordic states are being affected by increased European regulation.

## **The Nordic states and EU regulation**

As pointed out in the introduction, this paper sets out to describe and discuss the degree of EU regulation in the Nordic countries and to analyse the variation in the regulation between the countries. A common feature of the Nordic countries is an incremental, pragmatic and consensus oriented model of governance based on high level of mutual trust in which the courts play a less important role than in many other European countries.

Despite the evidence that the Nordic countries are among the best performing countries when it comes to transposing EU directives (Sverdrup 2004) and implementation of EU rules and regulations (Börzel 2002, Sverdrup 2002), there are variations in their regulatory policies and practices because the Nordic countries have not followed the same adoption pattern to the EU and their form of affiliation differs. Denmark became a member of the European Union already in 1973, while Sweden and Finland joined in 1995. The relationship of Iceland and Norway with the EU is governed by the agreement on the European Economic Area (EEA) dating from 1994. The EEA agreement is linked to pillar one in the EU-cooperation and facilitates an

internal market between EEA countries and the EU, ensuring the free movement of capital, people, goods, and services. At the same time, the EEA agreement goes beyond the free trade area and paves the way for participation in other areas, such as environmental protection, statistics, education, research, consumers' affairs, social issues, and technological development.

As a consequence of the EEA agreement, Icelandic and Norwegian legislation has to be aligned with the EU legislation in a number of areas to ensure a congruent legal framework. Thus they have to incorporate all EU legislation of relevance to the market project (Egeberg 2005a). However, there is some uncertainty about how much of EU legislation the EFTA/EEA states have incorporated into their law<sup>2</sup>.

Norway and Iceland have access to the preparatory committees under the Commission but not to other decision making processes of the EU, such as the Council of Ministers, the European Parliament and the European Council. Despite long membership the Danes have been among the most sceptical of further integration of the EU. They are not a member of the Economic and Monetary Union (EMU), the common defence policy, nor the institutionalization of European citizenship. Neither is Sweden part of the EMU. Among the five Nordic states, Finland turns out as the most integrated state, being the only Nordic state not to have any exceptions from the European project.

Summing up, there are big differences between the member countries and the non-member countries when it comes to participating in the rule-making process in the EU, but similarities when it comes to the transposition of the EU rules domestically, especially when it comes to the area of the internal market. One difference is though that the member countries cover a broader scope of policy areas than the non-members. The responsibility for implementing the EU rules is also similar for member countries and EEA-countries.

In order to understand the degree of EU regulation in the Nordic countries it is obvious that an enforcement perspective has to be used because the European Commission and the European Court of Justice hold the competencies for monitoring and sanctioning non compliance in the EU countries. In EFTA these competencies are delegated to the EFTA Surveillance Authority (ESA) and the EFTA Court. But this perspective alone does not enable us to account for the variation in the adoption and practice of regulation. It is necessary to look at the functions of control and regulation from a much broader view.

## Understanding EU-regulation in the Nordic countries

In order to provide an understanding of the EU regulation in the Nordic countries we will distinguish between three perspectives: a structural-instrumental approach, a

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<sup>2</sup> See Norwegian parliamentary readings Dokument no. 15 (2003–2004), Question no. 15 (2003–2004), and also, <http://www.mbl.is/mm/gagnasafn/grein.html>

cultural-institutional approach, and an environmental approach, which stresses the importance of external pressure (Lægneid, Roness and Rubecksen 2005). The first perspective emphasizes the formal organizational structure, and we would thus expect to find a close link between formal structure and how the organizations adapt in regulatory issues. By contrast, the institutional perspective would attribute variations in regulatory behaviour in different administrative cultures and traditions. The external pressure, emphasized by the environmental approach, is primarily related to pressure from the EU. We will now present these perspectives in some detail and accordingly derive the hypotheses from them that we will use in our efforts to explain the degree and the variation of the EU-related regulatory activities in the Nordic countries.

## **A structural-instrumental perspective**

A main feature of many organizational approaches is the concept of bounded rationality (March and Simon 1958), which implies that decision-makers have limited time and attention and cannot address all goals, all alternatives, and all consequences. They face problems of capacity and understanding and have to make some selections. The formal organizational structure represents one important selection mechanism. Formal structures and procedures organize some actors, cleavages, problems, and solutions into decision-making processes in the public sector, while others are excluded.

Gulick's (1937) argues that there is a rather close connection between the formal structure chosen and the practice within and between organizations, underlining that the way formal authority is distributed among hierarchical levels is important for regulatory practice. Decision-makers act on behalf of formal organizations. A structural-instrumental approach presumes that one has to study how the public sector is organized in order to understand how it works.

According to this perspective formal structure matters, but it is not the only organizational feature that may be instrumentally designed. It is not enough to focus on the narrow internal organizational structure of the civil service; also their external organization may play an important role in their behaviour. Based on this general perspective we will adopt three structural variables: form of affiliation to the EU, administrative level, and administrative size. *Form of affiliation* represents the external organization, and we will distinguish between member countries (Denmark, Sweden and Finland) and EEA members (Iceland and Norway). This might be labelled a participation model: There are significant differences between member states and non members. The first group of countries have full participation in the regulatory decision making process while EEA countries only have a consulting role in the preparation phase. The EEA countries have to adopt the EU regulations concerning the internal market but are more loosely coupled to other policy areas. Adding to this the EU has more capabilities, longer traditions, and stronger enforcement capacity than the EFTA (Sverdrup 2004). Thus our first hypothesis (H1) is that member countries will be more integrated into the regulatory activities of the EU than EEA countries.

*Administrative level* refers to the internal organization of the civil service. A major distinction in the Nordic central administration is between ministries and central

agencies (directorates). The main idea is that ministries should give priorities to policy advice and planning, but also rule-making, while the primary tasks of agencies are policy implementation and monitoring. The different regulatory functions are split between different administrative levels, but there is also a general trend to delegate more regulatory activities to agencies. Thus our second hypothesis (H2) is that regulatory activities are more common in agencies than in ministries, especially when it comes to monitoring.

Furthermore, according to the importance of administrative capacity we develop the third structural variable: *size of administration*. There is a considerable difference in the size of central administrations, in terms of number of employees in the member states of the EEA. For instance, there is a direct connection between number of inhabitants in the EEA member states and the number of people employed in their Foreign Services (Thorhallsson 2002). In the case of the Nordic states there is a considerable difference in the size of the central administrations in Sweden, Finland, Denmark and Norway, on the one hand, and in the size of the central administration in Iceland on the other. Thus, one could assume that the small size of the Icelandic administration affects its capacity and how it adapts in regulatory issues and distinguish it from the other Nordic administrations (Lægreid, Steinthorsson and Thorhallsson 2004). Accordingly, our third hypothesis (H3) states that Iceland has greater difficulties in adapting to EEA regulatory issues than the other Nordic states because of its limited capacity.

## **A cultural-institutional perspective**

A second set of factors concerns the historical and cultural traditions of political-administrative systems (Selznick 1957). In institutional approaches informal norms, identities, and the logic of appropriateness are more important than interests and intentions and the logic of consequentiality (March and Olsen 1989). The point of departure is that a certain style of controlling agencies has developed over time. Norms and values within agencies and central government and internal dynamics are important. Path dependencies constrain what is appropriate and possible to move to agency status and how the agencies will operate. The reform road taken reflects the main features of national institutional processes, where institutional «roots» determine the path followed (Krasner 1988). Change is characterized by historical inefficiency and incrementalism. What happens in one country's administration is not a blueprint for developments in other administrations. Regulatory activities reinforce underlying distinctive national trajectories and historical legacies, and the effects of formal structure are mediated and constrained by contextual factors (Thatcher and Stone Sweet 2002). Administrative traditions represent 'filters' producing different outcomes in different countries.

We will distinguish between an *east Nordic administrative culture* and a *west Nordic administrative culture* (Jacobsson, Lægreid and Pedersen 2001, 2003). The eastern Nordic dualistic model finds clearest expression in the Swedish national administration. The roots of this administrative model are usually traced back to the 1770s. A clear distinction is made between the government and its offices on the one hand and the central agencies on the other hand. The agencies are formally autonomous of the

individual ministers but are subordinated to the government as a whole. Traditionally Finland has been placed in the east Nordic model, but recent changes have weakened this link. The west Nordic model finds its expression in Denmark, Norway and Iceland. In this monistic model ministries are formally responsible for their subordinate agencies based on the principle for ministerial responsibility. A minister can be held accountable by parliament for all the decisions made by the administration. The roots for this model can be found in the area in which absolute monarchy was introduced in 1660. One possible consequence of this difference between the east and west Nordic administrative tradition is that the adaptation to EU regulations will be easier in the more integrated west Nordic model than in the east Nordic model with stronger and more independent central agencies. The west Nordic Model is in many ways more compatible with the European polity style. Thus our fourth hypothesis (H4) is that the regulatory activity will be more extended in Denmark, Norway, and Iceland than in Sweden and Finland.

Moreover, administrative norms and values in terms of willingness to adapt to new traditions and to implement the bulk of regulations may have profound influence on success or failure of particular regulations. One cannot escape from the historical facts that the Nordic states have been more reluctant to participate in the European integration process than states on the Continent (Jacobsson, Lægveid and Pedersen 2001, Egeberg 2005a). On the other hand, leading politicians at present in the Nordic states, except in the case of Iceland, tend to be pro-European and to favour greater participation in European integration but are held back by a considerably numerous Euro-sceptical electorate. As a result, Finland is the only Nordic state to take a full and an active part in all aspects of the European integration process. Our concern is to what extent Euro-scepticism in the Nordic states has influenced the central administrations' willingness to adopt EU/EEA regulatory issues. In other words, *political and administrative engagement* in European integration may affect central administrations' responses to EU/EEA regulatory issues. Thus, our fifth hypothesis (H5) is that the central administrations of the partial engagement countries, Iceland, Norway, Denmark and Sweden are more reluctant to adopt EU/EEA regulatory issues than the pro-European Finland.

## **External pressure from the EU**

A third set of factors describes the autonomy and control of agencies primarily as a response to external pressure from the EU. Seen from this perspective, development within the EU plays a decisive role for what happens in the national administration. The development of the EU, its aspirations and its dynamics together with its ideas and regulations explain the actions of the national administration. We will distinguish between three variables: *Policy area, time, and experience (length of membership)*. First, the pressure from the EU as a regulatory body varies between policy areas. It started and is strongest in EU's core, related to the four freedoms; free movement of people, capital, goods, and services; the internal market, and utilities sectors. Competition policy was the first 'supranational' policy in the EU (McGowan and Wilkes 1995). This might be labelled a competence model: Policy area matters. The regulatory pressure will be

stronger in the area of economic regulation (internal market) than in welfare state areas (soft regulation). Thus our sixth hypothesis (H6) is that the regulatory activities are more extended within the economic market oriented industry and business areas than in the soft welfare state sectors, like health or education, and in security and defence issues where decisions are still dominated by domestic decision-makers.

Second, we will expect that *time* make a difference. The EU is a dynamic organization and the integration process has acquired a new pace in the last five years, representing a stronger regulatory pressure in 2003 than in 1999. Over time the EU bodies develop improved methods for controlling compliance and improving their skills and capacities. Based on such an enforcement model, time matters. There will be increasing enforcement power over time due to increased integration. 1998 differs from 2003. Thus our seventh hypothesis is that the regulatory activities (H7) are more extensive in 2003 than in 1998.

We might also add an experience model: Length of membership matters. As shown in earlier studies (Jacobsson, Læg Reid and Pedersen 2001, 2003) Denmark with more than 20 years longer membership in EU than Sweden and Finland and also the EEA countries has much more experience with handling EU-related matters. Denmark is a transposition leader in the EU (Bursens 2002). In the period 1997–2004 Denmark had the lowest transposition deficit of the EU member states (Sverdrup 2005). Thus, European matters have to a greater extent become an integrated part of the daily work in ministries and central agencies in Denmark. Thus our eighth hypothesis (H8) is that Danish units will generally report less EU-related regulatory activity due to their experience and that the EEA partners and the other countries, due to the newness as members, will report a stronger EU-related regulatory activity. Especially we expect that Denmark will score low on rule enforcement.

## **Blending the perspectives**

We will argue that environmental, cultural, and structural contexts constitute transformative preconditions and constraints that in a complex and dynamic way affect the trade-off between autonomy and control (Christensen and Læg Reid 2001, Jacobsson, Læg Reid and Pedersen 2001, 2003). Cultural factors can modify the effects of formal structure, but cultural factors can also support the regulatory activities and make the effects even stronger. In the same way, external forces by a competitive market may be enhanced or tempered by structural features or administrative culture and tradition (Christensen and Læg Reid 2004a). A main presumption is that formal organizational structures constrain organizational behaviour, but also that regulatory activities cannot be traced to one single factor such as formal structure. The type of formal structure is normally a broad category, which gives some direction but also allows a great variety of actual behaviour.

Summing up, the complexity of the context matters and the regulatory activities are the result of a blend of external pressure, path dependencies, and structural constraints (Olsen 1992, Pollitt et al. 2004). Instead of assuming that form of affiliation determines the regulatory activities in domestic administrations, that it is totally determined by

external pressure from the EU, we will argue that we have to combine these features to understand the scope, level, and variation of regulatory activities.

## EU-regulations in domestic administration. Bivariate analyses

The first question that we would like to cover in our review of the empirical material is to what extent the units are applying EU-regulations among the different dimensions of rule making, rule implementation and monitoring, and rule enforcement. The second is how the scores on the different independent variables, i.e. our indicators of structural, cultural and EU pressure, correlate with the different regulatory features, by focusing on the bivariate relations between each set of variables and the different regulatory dimensions. To describe and explain the degree and variation of different regulatory features we will primarily use cross tables, bivariate correlations of all relevant relationships, (summed up by Pearson's  $r$ ).

### Rule-making

Nearly half of the departments that have been affected by the EU/EEA agreement state that they have rule making as a primary task, as shown in table 1. Departments dealing with regulations on the internal market are more likely to have rule making as a primary task than departments dealing with other policy areas. Table 1 also shows that 1 out of 4 departments has introduced new procedures for control and auditing because of EU/EEA work. Departments dealing with regulations concerning the internal market have to a greater extent adopted new procedures than departments dealing with other sectors. This is also the case of Finland compared with the other states. Moreover, agencies are more likely to have introduced new procedures for control and auditing than ministries. One of findings is that there was not a greater pressure for increased control and auditing in the period 1999 to 2003 compared to the previous period (1995–1998) despite increased speed of integration within the EU.

Table 1. Has the EU/EEA work during the last five years implied new procedures for control and auditing and is rule making a primary task? Percentage. Pearson's r. N=2517

	Rule making as a primary task	Sign.	New procedures for control and audit	Sign.
Country:				
Denmark	42		17	
Sweden	44		25	
Finland	49		41	
Norway	46	Icel.: -.05*	20	M: -.07**
Iceland	55	Denm. .04*	21	E/W: -.15**
<i>Total</i>	<i>46</i>		<i>24</i>	Finl.: -.18**
Administrative level:				
Ministry	51		20	
Agency	44	-.06**	26	.07**
Year:				
1998	46		24	
2003	46		24	
Policy area:				
Internal market	53		29	
Other	37	..16**	18	-.13**

\*\* Significant at .01 level; \* Significant at .05 level

Table 2 indicates several interesting findings. First, it shows that nearly half of the departments state that there have been large changes in existing rules and regulations or many new rules introduced in their field of work during the past five years. Only one out of ten departments states that there have been no changes in existing rules and regulation or no introduction of new rules. Second, more than half of departments dealing with regulations related to the internal market have introduced new rules or made significant changes to their original procedures while only one third of departments concerned with other policy sectors have introduced new rules or made considerable changes to their rules.

Table 2. To what extent have there during the last five years been changes in existing rules and regulations or introduction of new rules in the department's filed of work as a consequence of EU/EEA? Percentage. Pearson's  $r$ .  $N=2203$

	Very large extent	Large extent	Small extent	Very small extent	None	Sign.
Country:						
Denmark	15	33	28	18	6	
Sweden	16	26	27	18	12	
Finland	24	33	20	15	8	
Norway	15	28	25	21	11	I: .07**
Iceland	24	33	20	15	8	F: .06**
<i>Total</i>	<i>15</i>	<i>29</i>	<i>27</i>	<i>18</i>	<i>11</i>	<i>D: -.05*</i>
Administrative level:						
Ministry	11	31	28	16	10	
Agency	19	28	26	19	11	-.04*
Year:						
1998	11	31	29	17	12	
2003	19	28	25	20	9	-.08**
Policy area:						
Internal market	18	35	25	15	7	
Other	11	22	29	23	15	.22**

\*\* : Significant at .01 level; \* Significant at .05 level

Moreover, table 1 demonstrates that there is a stronger regulation pressure in 2003 than in 1998. The central administrations in Finland and Iceland have introduced more new rules or changed their original rules to a greater extent than the other three administrations.

Our data supports the conception that rulemaking and regulation is important in Europeanization (Laffan 2001), especially in relation to the internal market. The increased intensity of the rulemaking activity is evident but moderate in departments dealing with regulatory activities. On the other hand the pressure on departments regarding control and auditing is not greater compared over time. According to Sverdrup (2004), who reports a diverging development between the European countries

in the ways they handle conflicts, the Nordic countries seek to resolve conflicts by consensus. It is important to view the above information in the light of that.

## Monitoring

Only 13 per cent of the departments report that monitoring, overseeing and control has been a primary task in the last five years, according to table 3. Thus, monitoring is a less extensive task than rule making. On the other hand, the extent of control and auditing has increased in one out of every four departments. Policy areas belonging to the internal market are significantly more affected than other sectors. Nearly half of departments in Finland have experienced increased control, while Denmark, being an early EU member state, has considerable less increase in control and audit than the others. Iceland is also an interesting case in this respect, scoring high on increase in the extent of control and auditing. Interestingly, form of affiliation does not have much impact. Table 3 also shows that agencies tend to have monitoring as their primary task to a greater extent than ministries do. They have also experienced greater control and audit than ministries in the last few years. Additionally, time (1998 versus 2003) is not a distinctive factor in this respect.

Table 3. Monitoring as primary task of the department's EU/EEA related work and increased control and audit of EU/EEA related work. Percentage. Pearson's  $r$ .  $N=2517$

	Monitoring, overseeing and control as primary task during the last year	Sign.	The extent of control and audit has increased during the last five years	Sign.
Country:				
Denmark	12		14	
Sweden	15		21	
Finland	15		47	E/W: -.13**
Norway	10		20	Finl.: -.24**
Iceland	12	M: -.05*	37	Isl.: -.08**
<i>Total</i>	<i>13</i>	E/W: -.06**	<i>25</i>	Denm.: .10**
Administrative level:				
Ministry	9		21	
Agency	15	.07**	27	.06**
Year:				
1998	12		25	
2003	15	.04*	26	
Policy area:				
Internal market	17		31	
Other	9	-.13**	18	-.15**

\*\* : Significant at .01 level; \* Significant at .05 level

Table 4 shows that nearly 2 out of every 10 departments that have been affected by EU/EEA report that a large part of their workload has been related to implementation and enforcement of European issues in the past year. EU member states experience slightly more workload than Iceland and Norway. On the other hand, departments in Finland and Sweden have more workload than departments in Denmark. Table 4 also shows that ministries have more workload related to EU/EEA cases than agencies while there is not a significant difference in the workload of departments dealing with regulations concerning the internal market versus departments dealing with other policy areas.

Table 4. How large has the department's workload related to implementation and enforcement of EU/EEA decisions and regulations been during the past year? Percentage. Pearson's  $\chi^2$ . N=1044

	Large	Some	Small/None	Sign.
Country:				
Denmark	17	20	63	
Sweden	24	22	53	
Finland	17	34	50	
Norway	15	21	64	Member. .07*
Iceland	14	31	55	East/West: .10**
<i>Total</i>	<i>18</i>	<i>25</i>	<i>57</i>	Denmark: -.05*
Administrative level:				
Ministry	28	32	41	
Agency	15	22	63	.20**
Policy area:				
Internal market	19	27	55	
Other	18	22	60	

\*\* Significant at .01 level; \* Significant at .05 level

Table 5 indicates no significant difference between the experiences of the Nordic states in terms of freedom related to implementation of EU/EEA issues, despite the fact that only three of them are members of the EU. Nearly two-thirds of departments experience none-to-small degree of freedom. However, departments dealing with internal market regulations experience less freedom than departments working within other policy sectors, i.e. 70 percent of them experiencing small to none freedom compared to 59 percent of departments dealing with other policy areas. Also, agencies have less manoeuvrability than ministries.

Table 5. *What degree of freedom is experienced within the department's area of responsibility related to implementation of EU/EEA decisions and regulations? Percentage. Pearson's r. N=977*

	Very large	Large	Small	Very small	None	Sign.
Country:						
Denmark	9	22	42	17	10	
Sweden	8	26	32	19	15	
Finland	8	32	33	21	6	
Norway	10	27	32	21	10	
Iceland	7	29	33	21	10	
<i>Total</i>	<i>9</i>	<i>27</i>	<i>34</i>	<i>20</i>	<i>11</i>	
Administrative level:						
Ministry	9	29	41	15	6	
Agency	8	26	32	22	12	.09**
Policy area:						
Internal market	5	25	38	22	10	
Other	12	30	30	18	11	-.10**

\*\* : Significant at .01 level; \* Significant at .05 level

Formally it seems that the development in the Nordic countries is more on a way to a hierarchical regulation and control system accompanied by agencification (Christensen and Læg Reid 2005). The focus is towards implementation of the regulation which resonates with Sverdrup (2004), that all states have reduced their implementation deficit. The importance of monitoring seems increasing and the respondents reveal little freedom of interpretation in the implementation. Nevertheless the information that monitoring in the Nordic countries is a less extensive task than rulemaking indicates that resolution of implementation and enforcement issues is more informal and pragmatic than formal and ideological, a characteristic of the Nordic countries that has been pointed out by Læg Reid and Pedersen (1994), Christensen, Læg Reid et al. (2002) and Sverdrup (2004).

## Enforcement/compliance

Nearly 20 percent of departments have been subject to control from EU/EEA authorities in the last year reported, as table 6 illustrates. Denmark stands out as only 8 percent of its departments have been controlled, compared to around 30 percent of

departments in Iceland, Norway, and Finland. Interestingly, ESA has executed control over Iceland and Norway more often than EU regulatory agencies have over Sweden and Denmark. Table 6 also reveals that EU related control to a greater extent comes from EU/EEA bodies than from national regulatory agencies. EU/EEA authorities and national regulatory agencies both tend to be more concerned with regulations on the internal market than regulations and decisions belonging to other policy areas. Nearly one out of every four departments in Finland has been controlled by national regulatory agencies while only 2 percent of Danish departments have the same experience. Finland and Sweden, belonging to the East Nordic Model, are more likely to have had control executed by domestic regulatory agencies than states in the West Nordic Model. There is no difference in the execution of ministries and agencies.

*Table 6. Has EU related control within the department's area of work been executed in the past year from EU authorities or from national authorities? Percentage. Pearson's r. N=2525*

	By the EU Commission, EU regulatory agencies or ESA	Sign.	By national regulatory agencies	Sign.
Country:				
Denmark	8		2	
Sweden	22	Memb: .15**	14	
Finland	30	E/W: -.11**	23	Memb: -.06*
Norway	29	Finl: -.11**	6	E/W: -.25**
Iceland	32	Isl.: -.09**	4	Finl.: -.22**
<i>Total</i>	<i>19</i>	<i>Denm.: .24**</i>	<i>8</i>	<i>Denm. .19**</i>
Administrative level:				
Ministry	21		9	
Agency	19		8	
Policy area:				
Internal market	26		11	
Other	11	-.19**	6	-.09**

\*\* : Significant at .01 level; \* Significant at .05 level

Table 7 shows that 22 and 25 percent of departments answering this question have referred to knowledge of cases within their sections area of work brought in front of National Courts and the European Court of Justice. All in all 200 departments in the five countries report knowledge of cases brought before national courts and 224 report

cases for the EU-courts. The number of actual cases is significant lower than this reported number (Sverdrup 2004). This is partly because the same case normally covers several departments in ministries and agencies and because the respondents might report both cases that have been solved at the preparatory stages of the court process as well as those cases that has gone all the way through the court system. Sweden scores highest in the case of having to face the EU court and of the EU member states Sweden and Finland (East Nordic Model) have more often had their cases presented to national courts than Denmark. On the other hand, there is not a significant difference in how often the EU member states have been brought to court compared to the EU outsiders, Iceland and Norway. In other words, Iceland and Norway, interestingly, seem to be as accountable to national and EU/EEA courts concerning European regulations as EU member states. The cases brought before courts are, not surprisingly, more likely to regard the internal market than regulations in other policy sector. Ministries, which have greater jurisdiction than individual agencies, are more likely to experience 'the Court room' both at the national and the European level than their agencies.

Table 7. Has there within the department's area of work during the past five years been presented EU/EEA related cases to national courts or EU-courts? Percentage. Pearson's r

	National courts (N=910)			EF-court(s) (N=977)		
	Several cases	One case	No	Several cases	One case	No
Country:						
Denmark	14	2	84	17	4	79
Sweden	23	3	74	20	10	70
Finland	13	9	78	7	12	80
Norway	10	8	81	18	5	76
Iceland	9	17	74	5	15	80
<i>Total</i>	<i>16</i>	<i>6</i>	<i>78</i>	<i>16</i>	<i>9</i>	<i>76</i>
Significance (Pearson's r)						
National courts: East/West: .09**						
EF-Courts: : Finland: -.08*						
Administrative level:						
Ministry	23	5	72	26	8	63
Agency	13	6	81	12	11	81
Significance (Pearson's r)						
National courts.11**						
EF-courts: .19**						
Policy area:						
Internal market	18	7	75	17	11	73
Other	13	4	83	14	6	80
Significance (Pearson's r):						
National Courts .09**						
EU Courts of Justice .07*						

\*\* : Significant at .01 level; \* Significant at .05 level

The European institutions can initiate investigations on the basis of complaints-cases or own initiative (Sverdrup 2002). The agencies report that cases are primarily brought to

courts by EU bodies (35%) and firms (31%), but in quite a few cases also by individuals (27%). National authorities and national courts also take the initiative in some cases. In Sweden initiatives to bring EU cases to court normally come from firms, EU bodies, national courts and individuals. In Finland and Denmark EU bodies are the main actors, while individuals and firms are more active in Iceland. The latter is also the case for Norway, but EU bodies also take some initiatives against Norwegian units. Ministries report more initiatives from EU bodies and from individuals than central agencies. Individuals are also more active in policy areas outside the internal market.

The fact that Norway and Iceland have been more often controlled by ESA than Sweden and Denmark have been controlled by EU regulatory agencies seems to be of some support for the statement that ESA is «more catholic than the Pope» (Sverdrup and Graver 2002). Also, of some interest in this regard are the findings reported by Sverdrup (2002) that the majority of the cases taken up by ESA are by their own initiative. The situation reported by the agencies when it comes to EU/EEA related cases presented to national courts and EF-courts is that more than 50 percent of the cases are a result of external complaints and initiatives. There seems to be a sceptical but obedient adoption of EU rules and laws by the Nordic authorities (Læg Reid 2001).

Also worth mentioning is that the issues taken up by the enforcement agencies are most of the time related to the internal market which suggests that the regulation in both the EU and in the Nordic countries is more often concerned with ensuring competition and free trade.

## Structure, culture, or pressure from the EU? Multivariate analyses

The main question in this section is to examine the relative importance of the various independent variables for the different regulatory features. This is done by multivariate analysis. We will discuss the findings in relation to the perspectives and hypotheses derived from them by using multivariate analyses of independent variables having significant bivariate correlations summed up by standardized Beta coefficients in linear regressions.

### Structure

The first perspective emphasized the formal organizational structure. Three structural variables were adopted: *external level*, i.e. form of affiliation to the EU; *internal level*, i.e. ministries versus agencies; *size of administration*, i.e. Iceland versus others. We assumed, according to these variables that: the EU member states would be more integrated into the regulatory activities of the EU than Iceland and Norway; regulatory activities were more common in agencies than in ministries; the small size of the Icelandic administration affected how it adapted in regulatory issues.

Interestingly, at the external level the EU member states are experiencing more pressures than Norway and Iceland in only two of our cases, i.e. they experience considerably more control from the Commission and more workload concerning implementing rules, as tables 8 and 9 show. As a result, form of affiliation makes a difference (H1) but it is not as decisive a matter as one could expect (Jacobsson, Læg Reid and Pedersen 2003). For instance, form of affiliation does not seem to effect changes in existing rules and regulation or introduction of new rules; new procedure for control and audit; rule making or monitoring as primary task; freedom experienced concerning implementation.

At the internal level, administration level (ministries/agencies) makes a difference in all of our cases, except for two, though not a considerable one. The most noticeable difference is that ministries experience more workload related to the implementation process than agencies do, and ministries have more often experienced having cases within their area of work brought to EU and national courts than agencies have which may not come as a surprise because of their greater jurisdictions. In addition, for instance, the data indicate that ministries have slightly more freedom of manoeuvre than agencies and they are a bit more likely to have rule making as a primary task compared to agencies. Also, ministries are somewhat more likely to have experienced changes in existing rules and regulations or introduction of new rules than agencies, as tables 8 and 9 illustrate. On the other hand, ministries and agencies seem to be under similar pressure from the Commission and national authorities in the implementation process. Thus our hypothesis H2 is only partly supported. Administrative level makes a difference. Ministries are more involved in rule making than agencies, but the monitoring and implementation give a more mixed picture than we would expect.

Contrary to our hypothesis on size (H3) the small size of the Icelandic administration seems not to make much difference except in that the extent of control and audit has increased within the Icelandic administration in the last five years and in that there have been changes in the existing rules and regulations or introduction of new rules within the administration (table 8). The small Icelandic administration is experiencing similar changes according to EU/EEA pressure as the other Nordic administrations. In other words, the small size of the Icelandic administration seems only to affect its capacity slightly concerning EU/EEA matters and how it adapts in regulatory issues. Interestingly, the Icelandic central administration, according to these findings, seems to be experiencing similar pressure from the EU/EEA engagement and to be adapting to it in a similar fashion despite being considerably smaller than the other Nordic administrations. This supports previous findings that the Icelandic administration is now fully capable of taking part in the EEA and would not have many difficulties in dealing with EU membership (Thorhallsson 2004).

Summing up, structural features make a difference, but internal structure, measured by the distinction between ministerial departments and agency departments, seems to be more important than external structure, represented by the country's form of affiliation to the European Union. In fact, internal structure makes a difference regarding all of our three perspectives; rule making, monitoring and enforcement. On the other hand, only on two of 11 indicators of regulatory activity are there significant variations between member countries and EEA countries. The small size of Iceland has limited

effect when it come to extent of new rules and increased control. As a result, our hypotheses are only partly supported: Regulatory activities are slightly more common in agencies than ministries though department levels clearly experience EU/EEA adaptation differently; the form of affiliation has some effect but much less than expected; the small size of the Icelandic administration is not such a limiting factor in coping with the adaptation process to EEA regulations.

*Table 8. Summary of regression equations by structural, cultural and environmental features affecting regulation. Standardized Beta coefficients. Linear Regression*

	<i>Rule making</i>			<i>Implementing and monitoring rules</i>			
	Rule making as primary task	New procedures for control	Extent of EU-rules	Monitoring as primary task	In-creased control	Workload on implementing rules	Autonomy in implementing rules
Structure:							
Internal (level)	-.08**	.04*	-.08**	.05*	.04*	.20**	.08**
External (member)		-.03		-.03		.10**	
Size (Iceland)	-.04		-.06**		-.11**		
Culture:							
Adm. (East/West)		-.09**		-.05*	-.01	.14**	
Political (Finland)		-.14**	.05**		-.22**		
Pressure form EU:							
Time (1998–2003)			-.08**	.04*		-	-
Policy Area	-.18**	-.12**	.24**	-.12**	-.14**		-.09**
Experience (Denm.)	.05*		-.04*			-.11**	
Multiple R	.19	.23	.27	.15	.30	.23	.12
R2	.04	.05	.07	.02	.09	.05	.02
Adjusted R2	.04	.05	.07	.02	.09	.05	.01
F-statistics	24.008	28.369	28.117	11.375	49.767	19.603	7.379
Significance of F	.000	.000	.000	.000	.00	.000	.001

\*\* : Significant at .01 level; \* Significant at .05 level; - : Question not asked in 1998

Table 9. Summary of regression equations by structural, cultural and environmental features affecting enforcement and compliance of regulation. Standardized Beta coefficients. Linear Regression

	Enforcement and compliance			
	Control from the Commission	Control from national authorities	Cases for national courts	Cases for EU courts
Structure:				
Internal (level)			.14**	.20**
External (member)	.23**	.05		
Size (Iceland)	-.02			
Culture:				
Adm. (East/West)	-.18**	-.16**	.11**	
Political (Finland)	-.06	-.11**		-.08*
Pressure form EU:				
Time (1998–2003)	-	-	-	-
Policy Area	.19**	-.09**	.12**	.10**
Experience (Denmark)	a)	.06		
Multiple R	.31	.29	.19	.22
R2	.10	.08	.04	.05
Adjusted R2	.09	.08	.03	.04
F-statistics	32.786	34.529	11.602	17.298
Significance of F	.000	.000	.000	.000

\*\* Significant at .01 level; \* Significant at .05 level; - : Question not asked in 1998.

a) Denmark could not be included in this equation due to high intercorrelations, but a separate analyses with Denmark, policy area and Member/EEA shows a Beta .22\*\* for Denmark.

## Culture

The second perspective stressed the cultural-institutional perspective. We developed two cultural variables: the *east Nordic administrative culture* (in Finland and Sweden) versus the *west Nordic administrative culture* (in Iceland, Norway and Denmark) and the *political and administrative engagement* in European integration, i.e. that European engagement may affect central administrations' responses to EU/EEA regulatory issues. We expected (H4) to find that the regulatory activity would be more extended in the West Model than in the East Model. Tables 8 and 9 show that central administrations in Finland and Sweden (the East Nordic Model) have experienced greater pressure from EU

membership than have administrations in the West Nordic Model. This is especially the case concerning the enforcement factors, i.e. control from the Commission and national authorities and cases brought to national courts. Also, the East Model countries experience greater workload on implementing rules and new procedures for control and to some extent monitoring as a primary task. Our hypothesis that the adaptation to EU regulations would be easier in the more integrated west Nordic model than in the east Nordic model with stronger and more independent central agencies seems to be partly supported. The high enforcement pressure indicate that the East Nordic model face some problems in adopting the EU-regulations. On the other side the West Nordic countries do not seem to be more integrated into the regulatory activities than the East Nordic Countries.

This analysis is however complicated by the fact that the finish administrative model Finland is in between Sweden and the West Nordic countries. Adding to this, Finland, being the only Nordic state to be fully integrated into the EU framework, would presumably be most willing to adapt to EU regulatory pressure. This hypothesis (H5) stating that Finland, being more political and administrative engaged in the European project than the other states, will experience more changes in its regulatory activities than the others, seems to be supported by the empirical analyses. There is reported considerably more of increased control and audit in Finland in the last five years than in the other states. Also, a considerable number of new procedures for control have been established and Finland reports stronger EU-related control from national authorities. Furthermore, the data indicate that fewer Finish departments have experienced several cases under their jurisdiction being brought before the EU Court than the other EU member states. Accordingly, these findings may support our hypothesis that Finland's political and administrative engagement influences its administrative experience in dealing with EU affairs. In other words, the willingness of Finland to become a good European as soon as possible is demonstrated in Finland's increased control in monitoring EU regulations, i.e. setting up new procedures for control, and in not letting cases reach the EU Court, i.e. settling disputes in early stages.

Summing up, administrative and political culture makes a difference both when it comes to rule making, monitoring and enforcement. There is a significant difference between Finland and the other countries on several dimensions, and also between countries representing the East Nordic and the West Nordic administrative model.

## **EU pressure**

The third perspective describes the autonomy and control of departments primarily as a response to external pressure from the EU. We distinguished between three variables: *Policy area*, *time*, and *experience*. We expected to find that regulatory activities were more extended in policy areas within the internal market than in policy areas outside it. Also, we assumed that the Nordic states felt stronger regulatory pressure in 2003 than in 1998 because of the ongoing integration process. Moreover, our hypothesis stated that length of membership, in terms of experience, matters: Denmark having adapted to European integration to a greater extent than the other states and thus not feeling as much EU

pressure in the last five years (particularly concerning rule enforcement). In other words, we expected other members to report stronger EU-related regulatory activity.

Tables 8 and 9 show that policy area is a distinctive factor in determining the EU pressure giving strong support to hypothesis H6. Departments dealing with policy areas in the internal market experience considerably more pressure in all of our cases, except for workload on implementing rules, than departments dealing with other issues. In particular, they have introduced a greater number of new rules or changed the original rules and regulations and felt stronger control pressure from the Commission than the others.

On the other hand, time (H7) is not such an important factor as one could expect because of new phases of European integration. Generally, the Nordic states were not under a greater pressure from the EU in 2003 than they were in 1998, with two exceptions: The load of new EU-related rules was heavier in the period 1999–2003, than in the period 1994–1998 and monitoring as a primary task is somewhat more important in 2003 than in 1998. This being said, the importance of time could not be measured for some of the indicators, because the questions were not posed in 1998. This is the case for all indicators on enforcement and complaints and for two of the indicators on implementation and monitoring. To understand that weak effect of time we also have to take into consideration that in 1998 all countries except Denmark were in an introduction phase trying to adjust to all new laws and regulations following membership and EEA agreement. This pressure might have been weakened in 2003 but could have been succeeded by stronger integration in the years after 1998.

Our hypothesis that Denmark is experiencing considerably less EU pressure because of its long engagement with European integration (H8) is supported by four features, two being for primary concern. First, Denmark is experiencing less control from the Commission than the other states. Second, Danish departments report less workload concerning implementing and enforcing EU decisions and regulations compared to other departments. On the other hand, one could argue that it is interesting that Danish departments, having been involved in the EU project for more than 30 years, are not more at ease with EU pressure than departments from the other states, which only joined the EU/EEA less than a decade ago.

Summing up, policy area seems to be a decisive factor for understanding the variation in EU-related activity in the Nordic countries. This supports our hypothesis that the pressure from the EU is greater on the internal market areas than on the welfare areas and other areas. This makes a considerable difference in the regulatory behaviour in the domestic administrative apparatuses. In fact, the data indicate that there is a significant difference regarding policy areas in 10 out of 11 of our cases. In contrast, length of membership seems to make a less important difference and the same is the case when it comes to changes over time.

## Conclusion: towards a transnational regulatory system

We will discuss the conclusions of the study in three steps. First, we summarize the research and report the main findings of the empirical study. Then we will discuss the importance of having more than one theoretical perspective when it comes to explanations and interpretation of the findings. Finally, we will comment on the impact of EU regulation on the national regulatory systems.

### **The empirical findings: The development of a domestic regulatory EU-administration**

In this paper we have shown, first, that the Nordic countries are indeed integrated into the European regulatory system of a considerable magnitude, despite the history of reluctance. This is especially the case when it comes to aspects related to rule making and transposition of rules, but less on implementation and enforcement of those rules. The research supports that the national administration in the Nordic countries has to some extent become a part of an «EU-administration» which is supposed to deliver efficient implementation of EU rules and regulations (Egeberg 2005a, Jacobsson, Læg Reid and Pedersen 2003, Statskonsult 2005). We reveal a system in which increased integration of domestic administration into the EU has produced a set of administrative routines and practices in ministries and agencies to facilitate transposition, implementation and enforcement of EU rules and regulations (Christensen 2005).

Departments report that they are considerably more involved in rule making than in implementation and monitoring concerning EU/EEA regulations. Interestingly, both Norway and Iceland report similar levels of activity as the other countries despite the fact that they are not members. All the countries seem to be less involved in compliance and enforcement than in monitoring and rule making, but Finland and Sweden report higher level of enforcement activity than the other countries. The reported pressure from external enforcement bodies is low in Denmark and it is worth noticing that there is considerably more pressure from external enforcement (EU/ESA) in Norway and Iceland than from national regulatory agencies. Overall this pattern supports the picture that the EU regulatory system is translated into compatibility with the existing traditions of Nordic central governments, representing a combination of robustness and flexibility in central government bodies (Jacobsson, Læg Reid and Pedersen 2004).

Second, we were not able to explain much of the variance in the dependent variables, i.e. rule making, monitoring and enforcement. The formulated hypotheses based on the selected variables derived from the structural-instrumental perspective, the cultural-institutional perspective, and external pressure from the EU generally do not get strong support in the empirical analysis. Some of the hypotheses do get stronger support than others. Nevertheless our data cannot explain much of the variance in the dependent variables.

Third, that said, there are some significant relationships related to variables derived from all three perspectives. Policy area is by far the most important single factor, an indication that the regulatory pressure from the EU is definitely stronger in the area of the internal market and free movement of people, capital, goods, and services than in other policy areas. This reflects that EU regulatory activities remain concentrated within the core of the common and internal market (Christensen 2005). Policy area has a significant impact on variation in 10 out of 11 indicators and has the strongest relative effect on 4 indicators. Policy area has particularly strong effect on rule making as a primary activity, changes in EU related rules over the past five years, activities and control from the EU-commission. But structural factors such as administrative level also make a significant difference in regulatory activities. Form of affiliation has an impact of some degree but size of the administration does not seem to have an effect. Cultural features also matter, such as the differences between an East Nordic and a West Nordic administrative culture when it comes to enforcement and compliance of regulation; and Finland's EU-eagerness does indeed have a considerable effect on the adoption and enforcement of EU-regulatory activities.

The data indicate that departments in Iceland and Norway are as affected by them as departments in the EU member states. Interestingly, the data indicate that the EU implementation pressure is similar on the EU outsiders as on the member states despite the reality that Norway and Iceland implement considerably fewer EU regulations than the member states. Form of affiliation only makes a difference in the cases of the EU member states experiencing greater pressure from EU/EEA regulatory agencies than do Iceland and Norway. They also experience more workload on implementing rules than the EU outsiders. EU membership results in a greater number of EU regulations being implemented but not in a considerable difference in adaptation of the central administration. In other words, all the central administrations of the EU/EEA member states feel the pressure of membership. Denmark, having had more than 30 years to adapt to EU membership, experienced similar EU pressure as the other states in the last five years. There are only two exceptions from this out of our eleven cases: Danish departments experienced less pressure from EU regulatory agencies and less workload than others.

## **The importance of blending the perspectives**

Thus, a lesson from this study is that there is no single-factor explanation for variation in regulatory activities. Accordingly, we need to blend different perspectives to explain the Nordic states' involvement in the EU/EEA regulatory activity and to get a clearer picture of their activity regarding rule making, implementing, and enforcement of EU/EEA regulations (Christensen 2005, Kallestrup 2005, Beach 2005). What our study reveals is an interesting path dependent pattern in the development and impact of EU-regulation in the Nordic countries. The impact of EU regulation is high, especially in the policy area of free trade and competitive markets, but it is not the only source of regulation. All countries are accountable and they report increased activities of

transposition over time but similar activities on implementation. They experience less freedom and considerable pressure from EU. The increased role of agencies is supported but also more workload on ministries is revealed. The increased workload is somewhat more in the East Nordic countries than the West Nordic countries. This blend of perspectives also shows that the Nordic countries retain their character of consensus seeking, informal and pragmatic way of resolving issues. What we see is an interesting mixture of robustness and flexibility in the regulatory adaptation pattern (Jacobsson, Lægreid and Pedersen 2004).

## **Towards a transnational regulatory system**

One of the characteristics of this study is that it goes beyond a state-centric approach to regulation and provides an opportunity to analyze regulatory activities from a transnational and multi-level perspective. What the study reveals, not surprisingly is that the increasing importance of the EU-regulation challenges the concept of the Regulatory State by blurring the boundaries of competence and by adding new dimensions to regulatory policy. Regulation nowadays includes not only regulation by the state or within domestic government but also regulation by organizations outside the state. The increased autonomization and Europeanization of the regulatory agencies might enhance multiple identities and make them double-hatted by enforcing EU laws in direct interaction with the European commission while they at the same time perform traditional regulatory tasks as agents for domestic governments (Egeberg 2005b). The parallel development of autonomous regulatory agencies in the EU and in the member states might create a direct link between regulatory agencies at different levels, thus bypassing the domestic ministerial structure (Egeberg 2004). This development, in which regulation seems to be on the increase but not necessarily directly by the state, indicates that we are heading toward a transnational regulatory state in which the border between national regulation and EU regulation tends to fade away. This might improve the regulatory implementation efficiency but might also increase the problems of political accountability, control and legitimacy.

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## Appendix: Independent variables

### Structural features:

*Table A1. Administrative level. Percentages*

1. Ministries	24
2. Agencies	76
N=100%	2689

*Table A2. Form of affiliation. Percentages*

1. Member state (Finland, Denmark, Sweden)	71
2. EEA states (Norway Iceland)	29
N=100%	2729

*Table A3. Size of the administration. Percentages*

1. Small (Iceland)	8
2. Big (Norway, Finland, Denmark, Sweden)	92
N=100%	2729

### Cultural features:

*Table A4. Administrative models. Percentages*

1. East Nordic (Sweden, Finland)	44
2. West Nordic (Denmark, Norway Iceland)	56
N=100%	2729

*Table A5. EU- eagerness. Percentages*

1. Eager (Finland)	17
2. Reluctant (Sweden, Denmark, Finland, Norway)	83
N=100%	2729

## Environmental EU features:

*Table A6. Time. Percentages*

1. 1998	52
2. 2003	48
N=100%	2729

*Table A7. Experience. Percentages*

1. Long (Denmark)	26
2. Short (Sweden, Finland, Norway, Iceland)	74
N=100%	2729

*Table A6. Policy area. Percentages*

1. Business/market/environment: (Agriculture, Fishery, Transport, Environment, Trade, Industry, Energy, Finance, Labour)	53
2. Other (Health, Research, Education, Culture, Social affairs, Defence, Justice, Foreign affairs, Domestic, Prime Minister's office)	47
N=100%	2729

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