Adapting European Law – the impact of Administrative Styles

Niclas Beinborn, M.A.

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Exploring the Rhein-Neckar Connection in Political Science
Panel 1.1: Governance and Regulation

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Agenda

I. Introductory remarks
II. “Administrative Styles”-Concept
III. Case Studies
IV. Conclusion
I. Introductory remarks

» General findings
   › different transpositions of one and the same directive
   › ”Compliance”-literature
   › inconsistencies

» “Styles”-approach
   › “origin”: comparative political science
   › idea: unique “way of doing things”
   › legal science: different national “understandings” of leeway

» Assumption: unique “administrative style” influences transposition success
II. “Administrative Styles”-Concept

» Analytical frame: policy cycle

» Consideration of three phases
  › initiation
  › formulation
  › implementation
  

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» several indicators for every phase indicate the respective style
  › initiation: active vs. passive
  › formulation: anticipative vs. isolated
  › implementation: optimizing vs. satisficing
III. Case Studies

» guided interviews with representatives of two German Federal Ministries
  › Federal Ministry of the Interior (BMI) and Federal Ministry for Labor and Social Affairs (BMAS)
  › recent transposition cases

» Overall findings
  › similar styles: active, anticipative and optimizing
  › absence of rigid routines or standard operating procedures
  › rather “European” than “German” understanding of directives
  › “interview bycatch”: different views of e.g. “exact-wording-obligations” in other departments
IV. Conclusion

» growing body of literature dealing with secondary law transposition

» inter-disciplinary problem

» explorative “Administrative Styles”-approach delivers first snapshot data for two administrative units

» first findings are rather promising, point to possible influence of certain characteristics of an administration

» as usual: more data and/or theoretical refinement needed
  › current research project at the German Research Institute for Public Administration Speyer tries to fill that gap
  › any input is welcome
Contact:

Niclas Beinborn, M.A.
Research Fellow
German Research Institute for Public Administration Speyer
Freiherr-vom-Stein-Straße 2
67346 Speyer
eMail: beinborn@foev-speyer.de
Phone: +49 (0) 6232 654-289