

This article by Börzel is a case study of the implementation of five different EU environmental policies. She distinguishes between the so-called leader and laggard countries, but claims such a distinction is not appropriate. According to her, both face similar problems of compliance if EU policies do not fit their legal and administrative structures. In cases of non or slow compliance, there are two types of pressure on national governments: from above with the Commission's infringement proceedings, and from below with NGOs. Börzel highlights two limits to existing approaches to implementation failure and problems of compliance. First, they do not take into account the considerable variation between policies within each state. There are different levels of internal and external pressure for adaptation. Second, there is no such a thing as a systematic 'north-south' divide in compliance problems. Both 'leaders' like Germany and 'laggards' like Spain first try to absorb ill-fitting policies in order to avoid the cost of adaptation.

When the pressure from above and from below is significant, administrative resistance gives way to legal and administrative changes. Both countries proceed to gradual improvements of implementation. It must be said however, that Germany has a better compliance record than Spain. Nevertheless, this cannot be accounted for by a general incapacity of Spain for implementation. First, the four southern Member States typically have less advanced environmental policies and are politically less powerful within the EU decision-making process. As a result, countries like Spain are more likely to face policy misfits, as opposed to countries like Germany who often succeed in establishing their advanced policies at the European level. Also, domestic mobilisation like NGOs is less developed in southern European countries. One must recall that domestic actors are crucial in detecting non-compliance issues beyond the level of correct legal implementation, which the Commission cannot do. Indeed, what often happens is that authorities manage to circumvent European regulations in their application and enforcement. As an alternative to the north-south divide, Börzel suggests the pull-and-push model emphasising the general implementation problems. All in all, empowering the domestic actors with financial means, information and expertise is crucial regarding the improvement of compliance with European law.