Better regulation in the European Union cannot be achieved without serious attention to transposition of EU law into national legislation. As a matter of fact EU member states breach EU law—perpetually. Why do member states miss deadlines when transposing EU internal market directives? What factors determine delays when transposing EU directives? How do these factors influence the timeliness of the national transposition processes? And under what conditions are transpositions of directives delayed? This study analyses the timeliness of national transposition processes across nine member states of the 2004 EU transport acquis.

Based on a truly mixed-method approach—a new quantitative data set with further insights gleaned from four controlled case studies and a concluding fuzzy set analysis—this study shows that the European Union has a serious transposition problem. Almost 70 percent of all national legal measures transposing the transport acquis cause problems, either because they are transposed too late, risking the opening of an infringement proceeding, or because they are too early, risking warping effects on the regulatory environment for business and citizens in the EU (gold-plating) alike. Furthermore, this book provides some progress regarding the conditions under which transposition performance of member states could be improved. Seven potential European and national drivers and constrainters for timely transposition can be identified with different effects on the lengths of transposition delays. Distinguishing between three outcomes of transposition process (on time, short and long delay) it is the specific features of European directives that account for short term delays, whereas serious time lags of more than six months are a result of domestic factors. Furthermore, the timing of general elections in a member state and policy sector-related crises retard or rather accelerate national transposition processes just as political priority represents a significant necessary condition for timeliness.

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