

## Chapter 3

### Europeanization in reverse gear?

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#### Abstract

The field known as Europeanization explains the domestic impact of the European Union (EU) by focusing on the origin of the EU impulse, the process through which the impulse is filtered, interpreted and used by constellations of domestic actors and institutions, and the outcomes in terms of convergence or differential Europe. This literature has, for good reason, tended to examine such processes in ‘forward gear’; that is, studying the efforts to increase the domestic impact of the EU. In recent years, however, there have been several manifestations of strategies to reduce this impact and operate in ‘reverse gear’, thus seeking de-Europeanization effects. In this chapter, we draw on the established ‘forward gear’ conceptual and empirical tools to establish the broad outlines of a framework to account for de-Europeanization (‘reverse gear’). We locate the origins of the impulse to de-Europeanize in both the EU’s institutions themselves, and in the member states, and we examine the actors and processes which explain the extent to which this has ultimately taken place.

## Introduction

In their introduction to this volume, the editors explain how the increase in the number and forms of differentiated integration has triggered differentiation in how this phenomenon is studied. With scholars still divided on the definition of differentiated integration and on its consequences, it is useful and necessary to delimit the scope of this chapter carefully.

Accordingly, we stick to a single framework (Europeanization) although we acknowledge that there are many other ways to study differentiation, all well represented in our volume (see chapter four, for example). Within this framework, we examine Europeanization in forward gear as well as reverse gear – a term coined by Gravey in her doctoral dissertation (Gravey 2016). The forward gear is about the explanatory causal mechanisms that link interactions at the EU level to domestic policy change. The reverse gear (which we also refer to as de-Europeanization) is about less collective action at the EU level, and the demands or pressures for a reduction in the scope or breadth of existing EU policy – and if/how these pressures and demands translate into domestic change. The focus throughout the chapter will be on policy, although Europeanization is a three-dimensional construct, covering policy, politics and polity.

We will illustrate the evolution of the literature in section two, showing how the initial concern with Europeanization in forward gear has led political scientists to develop a conceptual and empirical framework. In recent years, however, there have been empirical manifestations of preferences for de-Europeanization. For this reason, we dedicate section three to de-Europeanization in detail, illustrating how it can originate at the EU level or at the domestic level, that is, de-Europeanization from below. In section four we shall make two conclusions. First, that the pressure for Europeanization or, for that matter, de-Europeanization, does not necessarily translate in an overall increase or reduction of *EU*

*intervention in domestic policy*: this depends on scope conditions such as domestic institutions, and the constellations of actors that implement and ‘use’ the EU. Indeed, an important theme in this literature is that the same impulse or pressure at the EU level can produce outcomes that can diverge greatly across countries. Thus, the mechanisms reviewed in this chapter predict differentiation rather than convergence.

Second, both Europeanization and de-Europeanization occur at the present time. On the one hand we have an increasing salience, monitoring and control by the EU of domestic policies, as shown, for example, by the governance architecture that emerged to protect the eurozone; on the other, there are constellations of actors that press for de-Europeanization at both the EU level and in member states. Whether one force or the other prevails depends on the policy sector we are considering, the time and the member state.

### **Europeanization in forward and reverse gears**

The roots of Europeanization go back to studies of implementation of EU directives and regulation, for example on the legal and political issues raised by transposition, infringements and compliance with EU law (Toshkov 2010, Steunenberg and Toshkov 2009, on infringements see Mbaye 2001, Fjelstul and Carrubba 2018). But the term has gained prominence over the last twenty years, taking on broader meanings and more explicit theorizations about mechanisms, outcomes (Exadaktylos and Radaelli 2012, Moumoutzis and Zartaloudis 2016) and indicators (Nanou *et al.* 2017). However, the literature has so far privileged the forward gear – put in other words, there has been an assumption that the overall impulse behind Europeanization was towards integration (Exadaktylos and Radaelli 2015). Given that the aim of this volume is to examine differentiation, we need to justify the choice of this literature to explore this phenomenon: isn’t Europeanization about the

increasing influence of the EU in domestic policy and politics? Does not this term make us think of a more homogeneous, EU-led domestic policy?

Quite the opposite. As mentioned, a recurring finding is that Europeanization often leads to differential outcomes, because domestic institutions and constellations of actors refract the same impulse for harmonization. Here is the causal prediction: the same EU policy will generate different results when moderated by domestic variables. In a sense, the vast body of Europeanization studies ‘1.0’ (or, the forward-gear movement) was already in conversation with some of the themes of the present volume. There was nothing in the explanations provided by the early Europeanization researchers that would lead to a conclusion of generalized unconditional convergence. If anything, the most classic predictions were about clustered convergence (Dyson 2007) or differential Europe. Adrienne Héritier (2001) and her co-authors already showed that in some sectors ‘more EU policy’ generated retrenchment, and therefore ‘less EU presence’ in the outcomes of domestic policy. In short, although at the supranational level the intent may well be to go in forward gear (more directives and regulations, for example), the situation on the ground, in the member states, may be different, and in any case [Europeanization](#) will not necessarily create more policy convergence.

Today, however, we witness constellations of EU actors and policy processes, that are deliberately geared towards *de*-Europeanization. The policy impulse at the EU level is the opposite, in that it seeks to reduce the degree of integration, for example via de-regulation (Gravey 2016). Here too we can hypothesize that domestic variables will moderate the effects, hence the general proposition about the role of domestic factors remains intact. But the causal story may need to be refined in terms of actors, mechanisms and outcomes. Further, there are many ways in which member states ‘resist’ policies produced by the EU in different modes – such as classic EU legislation or soft modes of facilitated coordination (Héritier and Rhodes 2010). Domestic actors can neglect, infringe, resist, and edit the EU commitments. They can

mobilize public opinion and pressure groups against EU policies that already exist or are being formulated, for example by reacting negatively during the consultation stage. We can call this whole research agenda Europeanization '2.0' or, simply, Europeanization in reverse gear.

A bit of history of this literature may help us to get more familiar with the language and causal explanations in this field. First, how important is this field? In 2013, Mads Dagnis Jensen and Peter Marcus Kristensen argued that 'Europeanization is a distinct research agenda at the nexus of EU Studies and Public Administration' (2013, p. 13). Yet, the concept that whatever policy is decided at the center or at the top of a political system translates into different policy outcomes on the ground would not surprise any scholar of compliance and implementation familiar with the work of Pressman and Wildavsky (1973).

Indeed, and this our second point, empirical research points to editing and customization of Europe (Woll and Jacquot 2010). Domestic actors are not simply agents of compliance carrying out the implementation of EU rules in disciplined, homogenous ways. Rather, they actively make use of the EU. Domestically, the EU can be used to justify a reform that was already on the agenda, or as the centerpiece of a narrative in which the government, or some domestic actors, are the heroes resisting 'Brussels-the-villain' in the name of national identity and sovereignty. At a more subtle and silent level, the daily grind of transposing and implementing EU rules gives options to regulators, inspectors, and companies to adapt, edit, 'gold plate' or refine regulatory standards (Thomann 2015, on water policy see Boeuf and Fritsch 2016).

Third, and consequently, some features of this research echo the classic posture of sociological approaches to public policy – for example the notion that 'Europe' acquires meanings and becomes concrete only when local domestic actors, for example cities, engage

with a given set of resources, problems and activities revolving around the EU (Dossi 2017). Thus, the notion of Europeanization as re-appropriation at the local level of the EU is consistent with a sociological view of public action emerging from social constructions, orders and identities that originate at the local level (Pasquier and Weisbein 2004). Hence, if researchers point their empirical telescope towards specific constellations of actors creating their own EU dimension by editing, using, translating and re-defining what 'Brussels' does (Mörth 2003), they will most likely find very limited convergence across countries and even regions.

Fourth, and summarizing the previous three points, the world of Europeanization in forward gear is both a world of compliance with EU requirements and a world of usages of Europe (Woll and Jacquot 2010). Policies, and policy instruments, are transferred downwards into member states (plus or minus any ground level customization), while the EU is used as a narrative device to justify stances and actions, *vis-à-vis* this transfer.

But even if the predictions point towards differentiation, the 'forward gear' story tracks the impulses towards a greater penetration of the EU into domestic political systems. Consider, for example, the regulations – but also socialization processes – implied by the consolidation and expansion of the single market across policy areas over the decades. Since 2000, the EU has also constructed 'governance architectures' (Borràs and Radaelli 2011) to support a coordinated approach to growth, jobs and sustainability. Meanwhile, integration has – until Brexit, at least – been operated through ever-expanding territory. The waves of enlargement, especially to the East, have been cemented via conditionality and requirements to adopt policies, such as on competition matters, that were previously unknown in former Communist regimes. This process has also been one of diffusing the normative pillars underpinning the principles of core policy (Laffan 2001). More recently conditionality has re-emerged in a new guise in the euro area, as the monitoring, surveillance and intervention framework imposed

by the European Commission with the European semester (Dunlop and Radaelli 2016, Kamkhaji and Radaelli 2017).

Europeanization in forward gear is also visible in the diffusion of policy instruments. The cross-national adoption of program evaluations, strategic environmental appraisals, regulatory impact assessments, consultation, and administrative burdens reduction plans, is potentially a powerful lever to foster a similar approach and mentality across policy-managers of different member states. Such policy instruments are a common language for managers to discuss and evaluate performance, evaluation, and the targets of their policies. Meyer-Sahling *et al.* (2016) find that civil servants in seven Central and Eastern European countries develop meritocratic attitudes if they are dealing with the instruments of transposition and implementation of EU policies.

As mentioned before, the many features of the Union's responses to the crisis of the eurozone are also Europeanization in forward gear. The EU has adopted a new instrumentation comprising the European Stability Mechanism, the 2012 'Fiscal Pact' – officially known as the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union – and the European Semester for the coordination of fiscal policy and structural policy reforms. Finally, regulatory competition in integrated markets makes capital and labor move where the regulatory standards are more efficient. This market-led impulse towards the convergence of regulatory standards around the most competitive level complements the more 'vertical' impulse coming from compliance with EU policies, governance architectures and legal norms.

This forward gear, then, is widespread in its reach. It can also be silent, under the radar so to speak or, according to Majone (2005), 'by stealth'. To illustrate: for a long time, Denmark adapted to the EU by making several legal changes to its universalistic cash benefits, and

gradually this turning of small legal gears has altered the Danish welfare system, but without spawning a political debate or open contestation (Pedersen 2017).

Europeanization, then, describes the various processes of integration which bring both greater harmonization of policy, and more supranational and collective policy making. That is, in the former sense, Europeanization constitutes a drive towards more consistent implementation of EU policy by member states, and in the latter, it constitutes more policy being made by the EU's institutions, rather than in the national capitals. In this light, *de*-Europeanization refers to processes which result in less of either of these: less harmonization, and less collective action, all possibly augmented by resistance at the national level. Whether quiet or loud, in the current political climate it is not difficult to identify voices asking for less Europeanization. Environmental policy (Börzel 2002, Jordan and Liefferink 2004, Gravey and Jordan 2016), cohesion policy (Bache 2008), immigration policy (Faist and Ette 2007), and foreign policy (Rieker 2006, Wong 2006) are among the domains that the 'Europeanization 1.0' literature studied in forward gear – yet today the same policy sectors witness calls for less 'environmental red tape', more flexibility in cohesion, more national autonomy in handling migration, and a diversified policy towards Russia.

Having established that Europeanization has both forward and reverse gears, how do we as social scientists make sense of *de*-Europeanization? How can *de*-Europeanization as a process be modelled? What are the explanatory mechanisms at work (Moumoutzis and Zartaloudis 2016)? What about 'less Europeanization' as an outcome – is this likely to appear?

### **The facets of *de*-Europeanization**

Let us now switch to the reverse gear. First, we examine the question of how the impulse towards less Europeanization emerges at the EU level. Subsidiarity and drives for better

regulation are significant here: concerns for the appropriate level and scope of supranational intervention in domestic policy have led the Commission to withdraw proposals, while the better regulation strategy suggests a range of mechanisms through which EU might ‘unwind’ policies already in place. For example, (a) ex-post legislative reviews may end up suggesting the removal of some features of certain EU policies and programs; (b) attempts to create targets for the reduction of administrative burdens may be used to reduce the scope of EU regulations; (c) cost-benefit analyses of proposed EU policies may become serious hurdles for formulating environmental and social policies that typically have immediate costs and benefits that show up later and are harder to quantify. We will discuss the likelihood that these impulses materialize and have tangible effects.

Second, we will go beyond the simple reversal of the classic models of Europeanization developed in the early 2000s, and consider more recent explanations, namely the policy dismantling model. A key theme of the sociological literature on the EU, seeing policy change through the microscope of the local, will also be relevant, as we will take into consideration pressures, blockages, and silent or loud resistance to EU policies.

Third, we will shift our focus from the EU downwards, and consider how the impulse to de-Europeanize might originate at this lower level, with challenger governments seeking to push the EU towards ‘doing less’ – whether that be less effort dedicated to achieving harmonized policy, or less supranational, collective decision-making.

Finally, we will draw on the conceptual framework of Europeanization to understand how domestic factors can influence the extent to which policy change at the member state-level keeps pace with – or does not keep pace with – developments at the EU level. While many of these insights were developed from studying ‘Europeanization in forward gear’ (and patterns of domestic resistance thereto), we argue that they can equally be deployed to understand

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how member states might push back against *de*-Europeanization, and seek to maintain a given policy once the EU has set about dismantling it.

### *De-Europeanization at the EU level*

How can we conceptualize the presence of *de*-Europeanization pressure at the EU level, given that this organization is dedicated to ‘ever closer Union’? Perhaps the most obvious starting point for answering this question is to consider the efforts of figures at the top of the Commission. Both Barroso and Juncker were advocates of strong presidentialism at the top of the Commission, and both believed that the Commission suffered from an image of over-expanding bureaucracy that had to be countered by the political control of the Presidency. Juncker spent many years in the Council before becoming President of the Commission, hence he was used to seeing EU business through the lens of heads of state and ministers controlling, and possibly limiting, the activity of the bureaucracy (Kassim *et al.* 2017). Looking further afield to the EU’s other institutions, we can consider the preferences of the Council’s formations, such as the Competitiveness Council, where calls for targets to EU regulation are often presented as feasible and appropriate.

Linking the pressures for *de*-Europeanization in these venues is the debate on subsidiarity, in broad terms, at least, this is where we would expect calls about the EU ‘doing less’ to originate. Indeed, since 2015 the Commission has embraced a narrative of limited activity, grounded in Juncker’s beliefs about the legitimate scope of subsidiarity: The Commission and the EU should be ‘big on big things and small on small things’ (Juncker 2014). In line with this approach to subsidiarity, in 2015 the Commission withdrew seventy-three proposals – not because they did not pass an impact assessment or there was no sufficient evaluation of the existing legislation, but because they were not considered acceptable given the preference

for ‘not being big on small things’. In other cases, they were thought not to have realistic chances of making it through the legislative procedure, and so were tactically withdrawn.

Although such moves have created political controversy – and prompted a decision from the Court on the scope of the power of the Commission to withdraw (Case C-409/13) – the early removal of proposals, in general, is not underpinned by the use of evidence-based instruments. Instead, it grows out of beliefs concerning subsidiarity, evidenced by the creation of a dedicated unit in the Commission, led by Vice-President Frans Timmermans (European Union 2018). This body – aptly named the ‘Task Force on Subsidiarity, Proportionality and Doing Less More Efficiently’, with reference to the Commission’s White Paper on the Future of Europe – was established in November 2017 with representation from national parliaments and the Committee of the Regions to clarify the principles of subsidiarity and proportionality and identify policy sectors that should be given back to national governments or re-delegated to the EU. Among its outputs was an assessment grid and standardized questionnaire to be used by policy makers when considering whether a given proposal was within the EU’s appropriate scope; it also suggested that national parliaments be given more time – twelve weeks, instead of eight – to raise objections to draft EU legislation on grounds of subsidiarity (European Union 2018).

Similarly, the Commission’s Better Regulation strategy (Radaelli 2018b) may be one of the origins of de-Europeanization pressures. The Commission has experimented with platforms to collect comments on irritating or burdensome regulations – an initiative in line with similar internet platforms that appeared in Belgium, France, Italy and the UK during the last ten years or so (Gravey 2016, Radaelli 2018b). The current strategy is based on tools like consultation, impact assessment, and ex-post legislative evaluation – all of which, it is clear, can be used to articulate a preference for a reduction in the EU’s activity in a given policy area. Importantly, though, ‘better regulation’ does not always mean ‘de-regulation’ (and thus,

for our purposes, ‘de-Europeanization’). The Commission has often used this strategy to reform and reconfigure EU policy (maintaining a given level of Europeanization, in other words), while some delegations in the Competitiveness Council have been more or less unashamedly de-regulatory (see the difference between Germany and the UK in Gravey 2016). In short, better regulation can be used to produce de-regulation, but not necessarily. Agency matters, in this case the preferences of the Commission.

Prominent among the strategy’s components has been the use of impact assessments. These are intended to give an evidence-based view of the possible consequences of a piece of legislation, or a financial program, but they might be skewed against proposals that protect the environment and increase social and labor standards. This is because the benefits of such policies are not easy to identify and quantify, and tend to appear in the longer term, whilst the opposite occurs for the costs. Where the impact assessment looks forward, *ex post* legislative evaluations are also applied. These may conclude that a given piece of legislation or a whole sector of the *acquis* is no longer fit for purpose, and ought to be reconfigured by reducing burdens. In either case –where an impact assessment weighs against a legislative proposal, or an *ex post* evaluation deems a piece of legislation burdensome – the effect *may be* a reduction in the EU’s activity, or, in other words, de-Europeanization. We say ‘may be’ as it all depends on how these tools are deployed.

Meanwhile, under the broad heading of ‘doing less more efficiently’ (European Union 2018), the Commission has deployed other such tools. Fitness checks are evaluations of an entire policy framework, or a group of rules that share a common regulatory goal.

The Regulatory Fitness and Performance (REFIT) program was set up in 2015, with the aim of identifying opportunities for simplification and cost reduction whenever the European Commission proposes to revise existing law. It gathers input from interested parties via two

standing groups, one for governments (with one seat per member state), and one for representatives of industry, civil society, the Committee of the Regions and the European Economic and Social Committee. The platform's role is now incorporated in the Commission's annual work program as a rolling quality review exercise, and as such identifies opportunities for the withdrawing proposals: the 2018 work program of the Commission included 17 legislative initiatives under REFIT, 15 withdrawals and three repeals. Recently, the platform has developed simplification initiatives on reporting requirements in the sectors of environment, the fisheries control system, consumer law, trans-European transport networks, identity cards, and emergency travel documents.

These tools under the Better Regulation strategy are supported by a web of inter-institutional links joining the Commission to the Parliament and the Council and the inter-institutional agreement on better law-making (Radaelli 2018b). Parliament and Council have established their own directorates, and procedures, for monitoring the Commission's responsiveness to the various regulatory streamlining initiatives. For our purposes we can see in this regime the possible origin of an impulse to de-Europeanize – that is, to reduce the scope of the EU's activity in policy, or its intervention in member states. We reiterate that this is a possibility – its translation into reality depends on the preferences of the European Parliament and, within the Council, the specific formations of this body (for example, a Competitiveness Council without Britain may be less likely to promote targets for the reduction of EU burdens).

### *Policy dismantling*

These pressures for de-Europeanization are captured by the conceptual framework of policy dismantling (for a review, see Jordan *et al.* 2013, see also Bauer and Knill 2012, Gravey and Jordan 2016). To study dismantling, we need a conceptual apparatus that includes the

preferences of the dismantlers, the opportunity structure, the strategies, and the effects, outcomes and impacts (Jordan *et al.* 2013). Together, as with our understanding of the variegated impact of EU policy at the national level, these elements enable us to cut our way through the thicket (to mix metaphors) and understand how conscious efforts to dismantle policy at the EU level may actually come to nothing. Among the EU institutions, the Commission and the European Parliament have exhibited limited preferences for dismantling, although policy-makers, such as Juncker and Timmermans, have drawn on subsidiarity and better regulation to mitigate the regulatory activity of the Commission. The opportunity structure of Council formations differs markedly, with the Competitiveness Council comparatively more open to calls for hit lists of regulations to be scrapped.

The strategies have not been based on de-Europeanization as an explicit goal; rather, they are couched in the discourse of ‘being big only on big things’ and the need to calibrate regulation to achieve a better business environment and the goals of innovation policy. An example of this in the field of sustainable consumption policy, where the Commission has been conscious of the need to balance pushing producers to be more environmentally friendly, against the overall aim of ‘promoting jobs and growth’ (European Commission 2015). As a result, as Pollex and Lenschow (2019) have shown, the Commission has used the *post*-legislative stage – that is, focusing on the instruments through which EU policy is made manifest in the member states – to give ground-level actors flexibility in implementing directives. The outcome has been, the authors report, tantamount to *dismantling*, in that EU legislation remains intact, but implementation has been undermined.

The policy dismantling model gives us insights into whether, how, and why dismantling actually happens. And yet, does dismantling really happen? Garben argues for an official review of the costs and benefits of the better regulation strategy. This official review is necessary because, she argues, better regulation ‘can be expected to have certain negative

constitutional, social and environmental impacts, if only because it throws up hurdles in the legislative process on which the protection of non-market interests depend more on the EU than the protection of market interests do' (Garben 2018, p. 242). In the absence of these 'official numbers', Gravey (2016) examined EU environmental policy covering the period 1992 to 2014. She found that in the context of better regulation initiatives, the EU dismantles some elements of a program, but also expands other elements, adds restrictions on some clauses of regulations whilst at the same time injecting exemptions. There is also dismantling by shifting responsibilities instead of budget (e.g. companies rather than regulators having to check the negative environmental effects of industrial activities, with firms possibly not in the best position to provide objective estimates) and dismantling by withdrawing proposals for social and environmental regulation with narratives like 'the EU firms cannot afford additional costs in the current business climate'.

All this makes a final assessment difficult: Gravey (2016) concludes that up until now, at least, we have seen dismantling rhetoric, initiatives and some policy instruments tweaked towards de-regulation, but in terms of effects, outcomes and impacts the better regulation agenda has not produced wholesale dismantling of environmental policy. Radaelli (2018b) reports on how the Commission has resisted the rhetoric of 'bonfire of regulations' – after all, the Commission declined the Council's request to make operational plans to cut business burdens and has instead carried on using regulatory impact assessments to support new proposals for environmental and social policies.

*De-Europeanization from below: the role of challenger governments*

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We now turn our attention to the member states. Here, our concern is with the role of national governments as the originators of a move towards de-Europeanization, and how they might impose this preference.

The EU's institutional structure seeks to balance the functional need for supranational authority – in the form of the Commission and the European Parliament – with a need for territorial representation (that is, of the member states) in policy making. The latter is most obviously manifested in the European Council, where heads of state and government gather to frame the EU's overall strategy. A similar role, albeit on a more focused and practical level, is undertaken by the Council of the European Union, where a further ability to shape the (sectoral) agenda is granted to the member state holding the rotating presidency. Beyond these two institutions there are a variety of *ad hoc* gatherings convened to discuss specific issues, and a plethora of informal intergovernmental groupings (the Benelux, Visegrád Four, and so on). Generally speaking these arenas have been a force for more Europeanization, in that they have co-legislated with the European Parliament (and so helped drive the harmonization of policy), or – in some situations – they have brought about the formation of new supranational bodies (as in the case of the Eurogroup, for example). One exception is the call for limits to EU regulation aired in the Competitiveness Council – as mentioned above.

But there is something more systemic at play here. With greater disequilibrium (Hodson and Puetter 2019) in the last decade, intergovernmental arenas have occasionally found themselves bringing about less Europeanization. Such drives have been led by challenger governments, who position themselves as guardians of national authority (Hodson and Puetter 2019, p. 11), and yet tread a careful path between criticizing the EU's interference and asserting their desire for continued membership. Their principled opposition to European integration thus finds expression in calls for small-scale bilateral solutions to common problems, or the deliberate blocking of progress towards collective solutions. For example, in

the summer of 2018, a mini-summit convened to hammer out a collective position on the reform of the Dublin Regulation descended into irreconcilable divisions, with Austria calling for an ‘axis of the willing’ – code for a specific, multilateral pact outside the EU’s structures – to take the lead on tightening border security. A similar dynamic has been present on repeated occasions in the EU’s attempts to forge a coherent stance on Russia (with respect to its involvement in violent conflicts in Syria and Ukraine), where it has had to settle for incomplete agreements among sub-groupings.

Let us be clear: a failure to reach a single, unified position on a foreign policy matter does not, in itself, constitute de-Europeanization. However, where national governments explicitly call upon the EU to adopt a smaller, less extensive and less supranational response we can identify this as ‘de-Europeanization from below’. Why do member states do this? The literature has highlighted the importance of challenger parties (Hobolt and Tilley 2016), whose rise since 2000 (if not before) has caused governments to adopt a more nuanced– or perhaps strategic – perspective on European integration out of a consideration for their own domestic electoral vulnerability. More recently, of course, challenger parties, and particularly those with an explicit eurosceptic bent, have found themselves in government (in Hungary, Poland, Italy, and Austria) – adding to the possibility that this impulse for de-Europeanization from below will become more prominent in the future.

#### *De-Europeanization as non-compliance*

Finally, as mentioned earlier on, policy change at the EU level leads to transposition and implementation activity in the member states, and here we see another manifestation of de-Europeanization. To fully grasp the operation of this, we must examine how domestic

variables might condition the degree to which policy changes at the EU level are reflected in the member states – whether those changes are running in ‘forward’ or ‘reverse’ gear.

The main explanatory mechanism prevalent in studies of domestic responses to EU policy is grounded in the logic of the pressure to adapt. Following Risse *et al.* (2001), in order to produce domestic effects, an EU impulse must be somewhat difficult to absorb at the domestic level. The pressure can come from hard law, soft law or facilitated coordination. It can be institutional pressure (think of central bank independence), but it can also arise from policy standards and discourses about good governance, benchmarking, and indicators. Whatever the origin, if a member state is already in line with an emergent EU policy (institutionally, in terms of policy standards and regulations, or discursively) there will be little or no domestic effect. If the distance between the EU and the member state in question is too high, it is almost impossible to adapt, or it will take a long time. Thus – the argument goes – domestic adaptation would be most pronounced in cases of moderate ‘goodness of fit’ (Börzel and Risse 2003, Cowles *et al.* 2001), and the relationship is curvilinear: high fit means no change, high deviance also equals little or no change, and moderate levels of congruence between the EU and domestic policy trigger change.

The ‘goodness of fit’ explanation comes in two variants, each of which is associated with a certain type of effort on the part of the EU to promulgate its policy change downwards to the member states. First, rational choice approaches focus on the ways in which formal institutions and veto players might impede the domestic uptake of change in EU law as they filter down through the hierarchical legal order. Thus, non-compliance can be initiated by governments, parliaments or courts, and may be actually executed by regulatory agencies or administrative bodies. This draws our attention to a distinction between resistance to implementation as ‘failure to transpose a piece of EU law’, or as ‘failure to implement faithfully a piece of EU law which has been transposed’ (Falkner *et al.* 2004, Versluis 2007).

The European Commission has sought to remedy both of these over the decades, with varying degrees of energy and success.

The second – sociological – variant instead focusses on [socialization and learning as conduits](#) for driving policy convergence. Here, [we find](#) a variety of distinctly non-hierarchical arrangements, [often in a content of soft law and/or facilitated coordination rather the EU binding rules](#). Networks of actors drawn from public and private sectors, and from civil society are the sites of norm diffusion processes in which domestic actors are encouraged to [deliver on the goals of](#) EU policy. Similarly, the EU has made use of non-binding rules and advisory instruments in an effort to cajole member states towards falling into line. Again, however, this conduit is by no means fool proof, and member states seem as able to resist soft law diffusion (Saurugger and Terpan 2016). In this context, norm entrepreneurs and informal veto players – such as the media – at the member state level are the mediating factors, operating to resist the downward transfer of EU policy (Crespy and Saurugger 2016, Featherstone 2005, Kapotas 2010). Alternatively, structural accounts draw attention to the lack of fit between the paradigmatic foundation of the EU’s policy as disseminated through some form of soft law mechanism, and that prevailing in the policy domain in the member state (Blauberger 2009). Finally, the very nature of these soft law tools – lacking as they do some form of sanctioning component – means domestic actors are easily able to ignore the EU’s efforts (Hatzopoulos 2007).

In this vein, studies of policy transfer from the EU to the domestic level have also stressed the importance of discursive shifts. In these cases what matters is legitimizing the distance between the policy choices of a country and the EU or legitimizing the EU decisions to do less in certain policy domains. Schmidt (2013) distinguishes between coordinative discourse (which points to how the elites build shared meanings and articulate a discourse that allows them to depart from or align with Brussels) and communicative discourse (which is the public

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explanation of the reasons behind policy choice). The academic and political debate on the crisis of the integration project, Dinan *et al.* (2017) has raised even more substantive attention on the discourse or grand narrative that should support integration, as well as domestic contestation of the paradigms that inform the economic policy of the EU. As shown by interpretivism, the discourse about 'crisis' is constructed in specific settings, across nations and locally (Barbehön 2016, Barbehön and Münch 2017, Radaelli 2018a).

So, there are a variety of configurations of institutions, actors, and processes operating at the domestic level which can condition the extent to which a given member state keeps pace with policy changes at the EU level. Much of this literature has concerned itself with the interplay between the EU's *forward* direction of travel, and the efforts in the member states to resist this integration which result in more variegated and inconsistent implementation (hence: de-Europeanization as non-compliance). However, we should also consider two further possibilities for this interplay.

First, actors at the member state level might deliberately and explicitly set about 'de-Europeanizing' policy as it exists in their polity, while that policy remains intact at the EU level. The severity, so to speak, of this action marks it out from the more normal business of non-compliance, as we are here referring to the *dismantling* of a set of policies which had previously been implemented. The academic attention paid to this possibility has been renewed rather recently, in the context of, unsurprisingly, Brexit: the UK's withdrawal from the EU is not simply a departure from the single market, the Customs Unions, and their associated legal frameworks, but it also constitutes an opportunity for wide-ranging reform at the domestic level to 'roll back' decades of embedded EU policy. Familiar considerations of domestic conditions appear once again: Copeland (2016) argues that EU policy which has been implemented at the domestic level in a centralized manner is easier to dismantle, since there are fewer veto players present. Second, the likelihood of success is a function of the

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public salience of a given issue, and if public knowledge of (and presumably acceptance, or enjoyment of) a policy is high, it will be difficult to dismantle. This analytical framework is deployed by Burns *et al.* (2019) in their study of the prospects of reform to UK environmental policy after Brexit. They suggest a combination of capacity issues, the way implementation has been distributed, and the high public salience of environmental regulation, will make it unlikely that Westminster will be able to successfully ‘de-Europeanize’. They predict resilient Europeanization in the short term. And yet, in the longer term, Britain may disengage with the trajectory of EU environmental policy, so if the latter accelerates, disengagement will produce divergence between the UK and the EU.

Conversely, these same variables can explain resistance to *de*-Europeanization emanating from the EU. Thus, a country with strong pro-environment public opinion and well-established policy networks will find it difficult to reduce environmental protection even if the EU decided that some regulations are no longer fit for purpose and have to be scrapped. In the more sociological variant, informal institutions and norm entrepreneurs are important, and we can think of domestic advocates for freer markets and bonfires of regulation who are keen on supporting and amplifying the de-Europeanization impulse coming from Brussels. Whatever the mechanism at play, the result is akin to what Thomann (2015) and Thomann and Zhelyazkova (2017) refer to as ‘customization’, whereby member states add detail – in the form of adjustments to the restrictiveness of rules, or their density – when converting EU policy into domestic standards. This time, however, rather than going over and above EU policy, which is moving *forward*, member states are seeking to become ‘over-compliant’ with EU policy which is *retreating*.

## Conclusion

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Bringing these elements together, we envisage a model operating on two levels. At the upper level, there are efforts on the part of the EU towards either more harmonization of policy, and more supranational activity (Europeanization), or less (de-Europeanization). The impulse driving this can originate in EU institutions, or it can originate in the member states and be imposed upon the EU's institutions. In both cases, the prediction is not about convergence of public policies across the member states.

At the lower level, configurations of domestic actors, institutions, structural conditions and discourses filter EU policy change, meaning that a given member state may resist Europeanization (by, in various ways, failing to implement policy changes disseminated from the EU level), or indeed may push back against de-Europeanization and seek to sustain a policy which the EU has set about dismantling.

The current phase of European integration provides empirical manifestations of both the forward and the reverse gear, suggesting circular Europeanization (Saurugger 2014) and deeper connections between Europeanization and the trajectory of European integration (Coman *et al.* 2014). Arguably, what is new is the intensity or acceleration of the gears: governance architectures emerged in the last decade to protect Europeanization with more preventive and corrective policy instruments (such as in the domain of the single currency), whilst preferences for de-Europeanization have become more explicit, visible, and identified in advocates and policy entrepreneurs with high-level official positions in EU politics and the member states.

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