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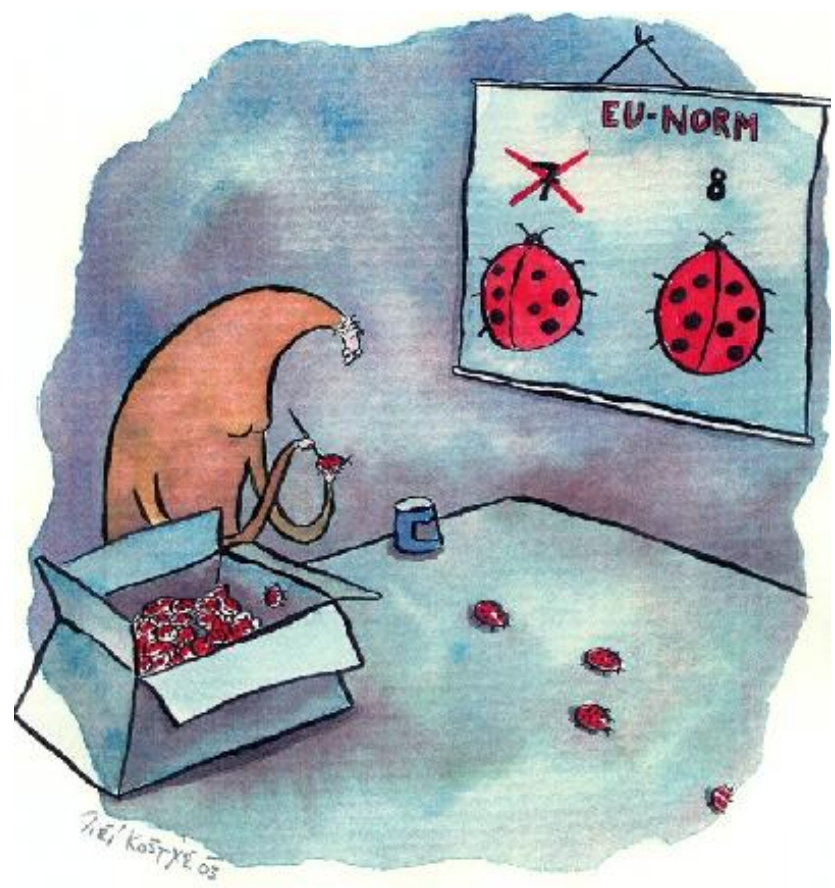
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Quantitative Analysis of the Impact of EU Law on Czech Legal Order

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The „fact“ of 80 % EU influence on national legal orders

- quantity of delegated competences and its limits
 - texts of constitutions: eg Art.10a of Czech Const.: „some competences of Czech institutions“
 - judgments of constitutional courts (GER, CZ, POL)
- speech of Jacques Delors in the European Parliament (1988)

„In ten years time, 80 % of national legislation dealing with economical, maybe also with tax and social matters, will have European Community as its source.“

 - taken as confirmed reality ever since (eg Hix 2005)
- research objective
 - is this figure valid?
 - example of new Member State (no data available)

How to measure EU impact: methodological problems

- many obstacles, namely different structure of MS's legal systems
- approach A: „holistic“
 - both national and EU law are valid in the MS
 - comparison of legislative production in the EU and MS a their mutual share
 - what acts should be included?
 - EU: regulations, directives, other ones?
 - MS: laws, ordinances, executive measures?
- approach B: „implementing“
 - emphasis on national law, search of European impulses
 - again a question what to include
 - much more difficult to obtain data: necessary to explore each act separately (then construction of datasets)

Approach A: all relevant valid legislation (2012)

EU legislation	All sectors	Excluding agriculture
Regulations	8880	4672
Directives	1953	1336
Total	10833	6008
Czech legislation		
Laws	2511	
Government decrees	1795	
Acts of central administration	2045	
Total	6351	

	All sectors	Share	EU without agriculture	Share
EU legislation	10833	63 %	6008	48,6 %
Czech legislation	6351	37 %	6351	51,4 %

Approach A: actual annual legal production

Type of act	2006	2007	2008	2009	2010	2011	Total
EU regulations	2063	1729	1404	1388	1569	1460	9613
EU directives	108	123	108	171	166	114	790
EU total	2171	1852	1512	1559	1735	1574	10403
EU total (excl agriculture)	1680	1352	1124	1164	1392	1104	7816
Czech laws	142	65	109	110	64	133	623
Czech government decrees	81	70	57	73	62	55	398
Czech acts of central administration	268	191	210	189	196	192	1246
Czech total	491	326	376	372	322	380	2267
EU share	81,6 %	85 %	80,1 %	80,7 %	84,4 %	80,6 %	82,1 %
EU share (excluding agriculture)	77,4 %	80,6 %	74,9 %	75,8 %	81,2 %	74,4 %	77,5 %

Approach B: dataset

- basic unit of analysis: law proposal
 - including amending proposals
 - time period: 1998-2012
 - total number of cases: 3288
- what information are coded?
 - general
 - proposer, length duration of negotiations, committees, voting, controversy (number of speakers, length of debate), thematic field etc.
 - EU impact
 - taken from explanatory reports: none/direct/indirect impact, level of impact (direct), type of impulse, obligatory implementation
 - disadvantage: all data subjective (unreliable official info), must be done manually

Approach B: research question and hypotheses

- basic RQ: are Czech laws based on EU law different from the purely national ones?
- content related hypotheses, eg
 - influence of EU law is higher in sectors where the EU exercises its main competences.
 - EU influences are limited predominantly to regulative and administrative issues.
 - total EU influence increases in time as the EU broaden its competences.
 - the number of Czech legislative outputs is increasing with higher EU influence on each sector
- process related hypotheses, eg
 - law proposals with EU roots have higher chance of adoption than proposals with domestic origin.
 - adopted law proposals with EU roots are adopted more quickly than proposals with domestic origin.
 - law proposals with EU roots are less controversial than proposals with domestic origin
 - law proposals with EU roots are predominantly submitted by the government.
 - the power relations between government and opposition or within the political parties do not affect adoption success of law proposals with EU origin

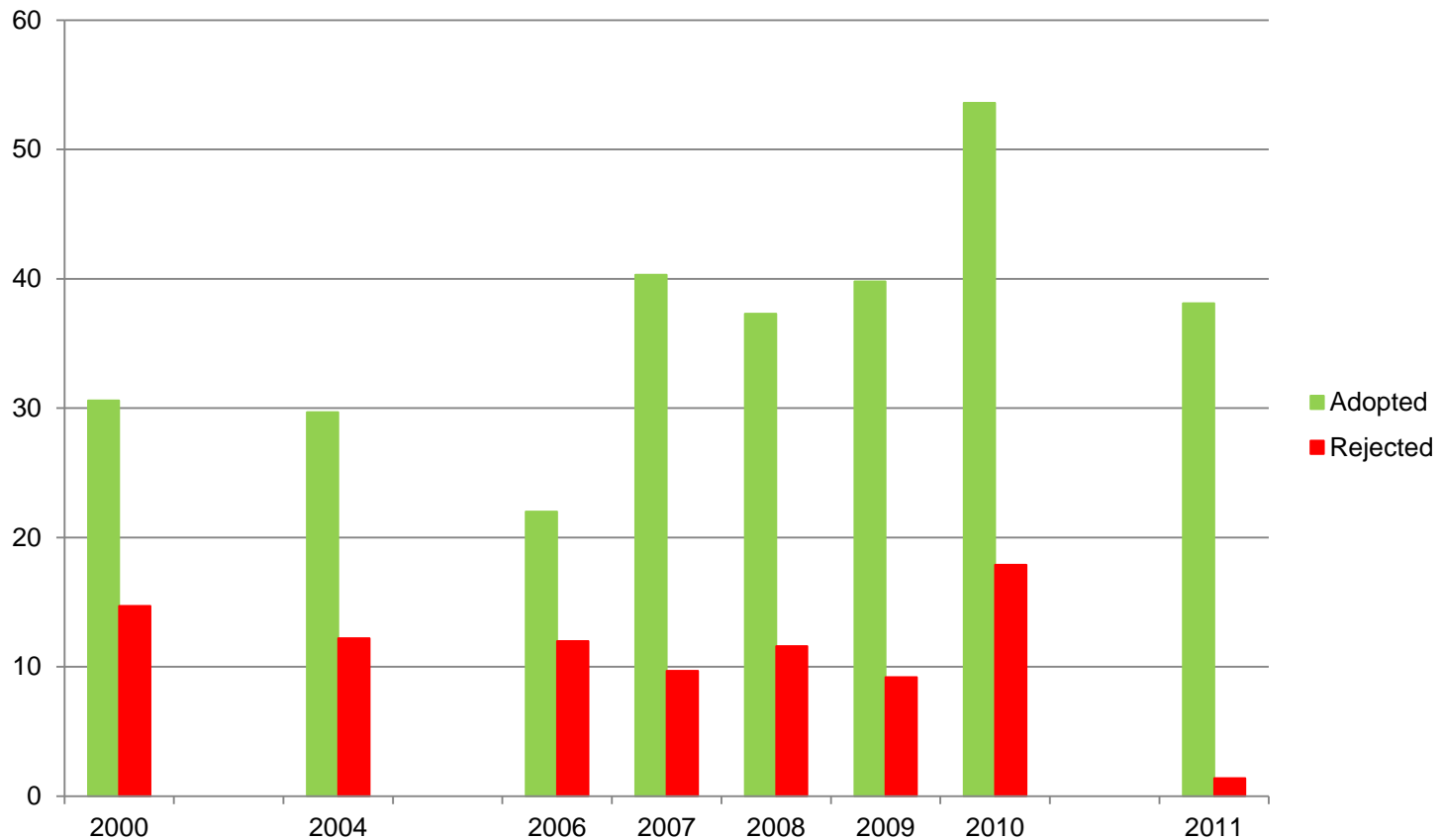
Approach B: current state of my research

- 2012: long disruption of Chamber of Deputies database-
impossibility to collect data
- so far only data for 2006-2010 period are coded
- at least years 2000, 2004 and 2011 for comparison
 - each from different election period, also the position of governments differ (minority, majority of one vote, safe majority)
- only descriptive statistics applied to data

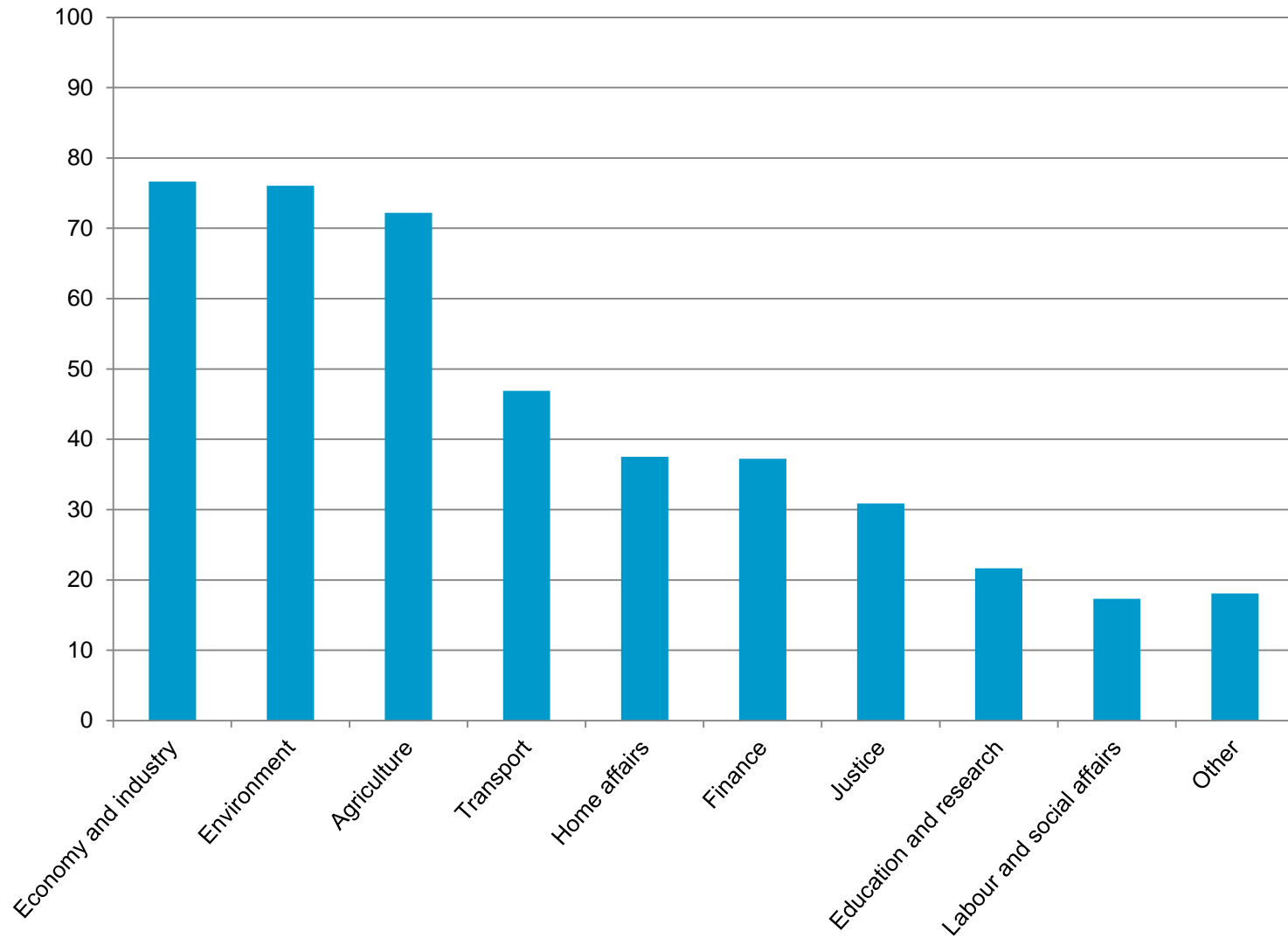


Approach B: impact of EU law on Czech law proposals

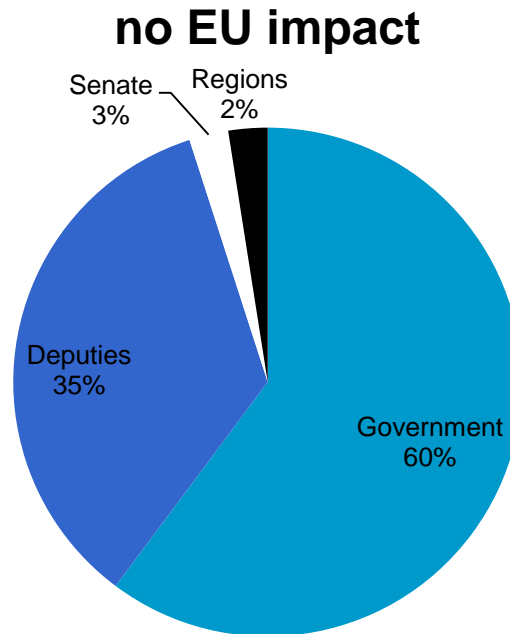
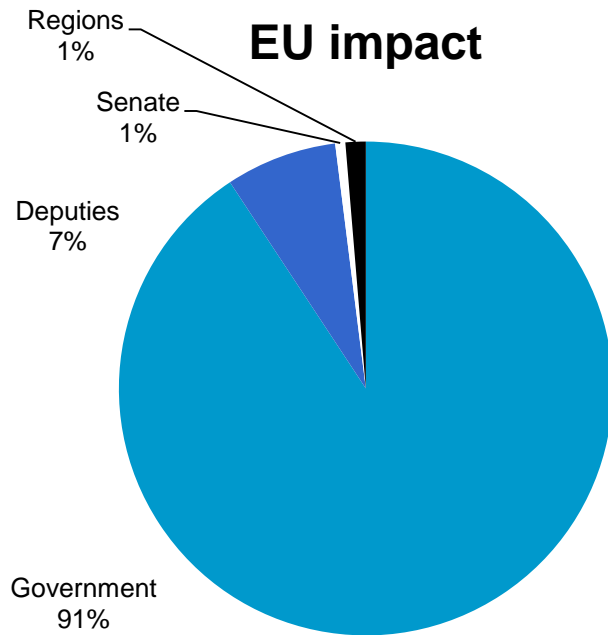
- overall cumullative impact (high=1, low=0,5, indirect=0,25)



Approach B: EU impact in different sectors (in %)

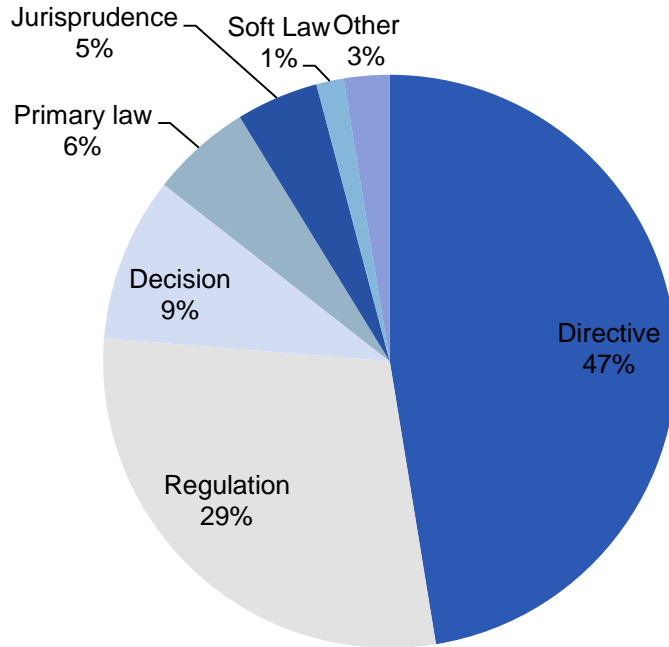


Approach B: who is submitting proposals?

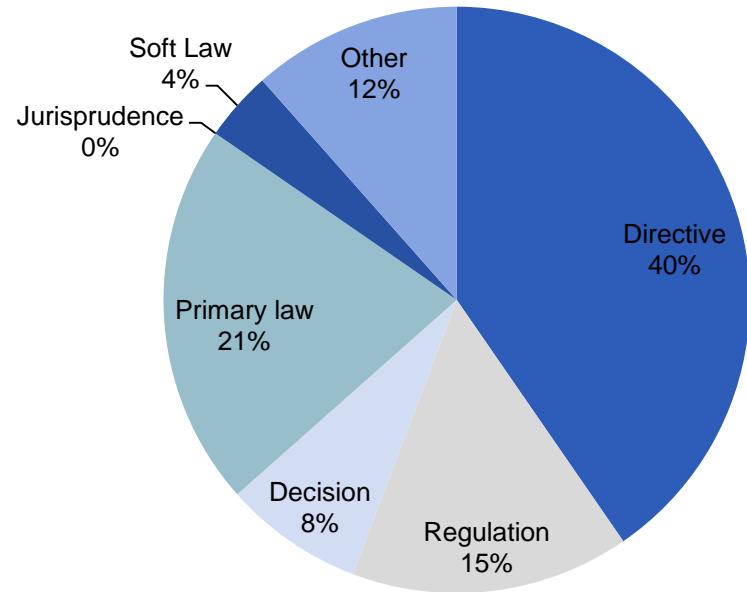


Approach B: what EU impulses?

Direct EU impact



Indirect EU impact



Approach B: legislative process differences (adopted proposals)

	EU impact	no EU impact
Length of leg. process (days)	135,4	152,3
MPs present during voting	157,5	158,2
Votes for	133,5	126,3
Votes against	4,9	12,8
Ratio of votes against to votes for	0,05	0,14
Length of discussion (minutes)	19	42,1
Number of speakers	4,6	9,4

Approach B: Top 10 most controversial adopted proposals

- ratio of votes against to votes for

	EU impact	no EU impact
1.	0,98	0,95
2.	0,97	0,67
3.	0,96	0,65
4.	0,95	0,54
5.	0,94	0,46
6.	0,93	0,45
7.	0,90	0,43
8.	0,86	0,28
9.	0,86	0,28
10.	0,85	0,25

- length of debate (minutes)

	EU impact	no EU impact
1.	180	680
2.	130	510
3.	120	410
4.	115	325
5.	110	280
6.	90	205
7.	75	180
8.	60	175
9.	55	170
10.	52	167

Comparison to other Member States

- similar research endeavours undertaken in Germany, France, the UK and the Netherlands
 - mainly implementing approach
 - overall results quite similar (aprox. 30 % overall impact, 15 % in case of directives)
 - but:
 - differences in overall number of implementing acts
 - differences in types of implementing acts
 - length of membership has no influence
 - legal tradition (eg positivism in Central Europe) has noticeable influence
- better comparison requires unified research designs
 - choice of similar methods
 - inclusion of similar type of data

(Preliminary) conclusions

- claim of 80% impact of the EU is unfounded
- uneven impact across sectors- the more competences EU exercises, the higher is its influence on national legal orders
- national legislation with EU roots less controversial
- national legislation with EU roots proposed dominantly by government
- directives are not the only EU impulse
- but beware of limits of quantitative research of the EU impact!
 - difficult to differentiate the depth of influence of national act (one article/paragraph vs whole act)
 - what is the real impact of affected legislation? are these acts important?
 - what about the EU exclusive competences and the so called disappeared competences?

Future of my research

- finalization of dataset
- application of more advanced statistical methods and move to explanatory variables
- qualitative exploration of data, also with the aid of interviews with practitioners from administration
- collection of the same data for Slovakia (similar legal tradition and geographic or economic background) and subsequent comparison