Project Description – Project Proposals

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Joint implementation in the EU: Squaring the competence-control circle?

Project Description

1   Starting Point

The core interest of this project is to analyse why, how, and to which effect the EU relies on "joint implementation", i.e., the physical involvement of supranational alongside national resources in the monitoring and enforcement of EU policies on the ground.

"[I]mplementation is about putting public policy into practice" (Knill and Tosun 2020). **In the EU, as in other multilevel institutional settings, effective implementation is particularly difficult and riddled with potential dysfunctionalities** (Knill 2006; Falkner *et al.* 2005; Steunenberg and Toshkov 2009; Thomson 2009). The "polycrisis" of the past fifteen years has repeatedly highlighted the implementation deficits in the EU multilevel system. The financial and Euro crisis was both fuelled and exacerbated by ineffective national arrangements for financial and banking supervision in a transnational financial marketplace (Quaglia 2013; Hennessy 2014). The migration crisis highlighted both the lack of resources for external border management in the Schengen free-travel area and the ineffective enforcement of the Common European Asylum System (Zaun 2020; Börzel 2016; Scipioni 2018). The rule of law crisis highlighted the limits of supranational actors' ability to safeguard judicial independence and halt the misappropriation of EU funds in some member states (Kelemen 2020; Blauberger and Kelemen 2017; Smith 2019).

Reacting to these implementation deficits, the EU has increasingly relied on the "joint implementation" model that requires the creation of novel administrative, coercive, fiscal, and/or technical resources on the supranational level (Akbik *et al.* 2023; Freudlsperger *et al.* 2022; Scholten 2017)**.** Among others, the EU created a new infrastructure for financial and banking supervision which assigns operational monitoring and enforcement functions to bodies such as the European Securities and Markets Agency (ESMA) and the European Central Bank (ECB). It created the European Border and Coast Guard (Frontex) and the European Union Asylum Agency (EUAA) to support the practical implementation of the Schengen and Dublin acquis in the member states. It instated a European Public Prosecutor's Office (EPPO) that, along with its national branches and national law enforcement, investigates crimes against the EU's financial interests in the member states and holds the right to stand in front of national courts.

What unites the bulk of these novel institutions for joint implementation is, first, their **hybrid governance structure that incorporates both national and supranational principals (joint control)** and, second, their **ability to act alongside national administrators in the practical monitoring and enforcement of EU law on the ground (joint implementation)**. Interestingly, the EU's recourse to joint implementation in domains where the member states were traditionally

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charged with implementation all while novel pressures for cooperation have arisen is part of a wider trend in multilevel implementation. Federal states, too, have begun to institutionalise similar models in areas where traditional forms of hierarchical or decentralised implementation are either unattainable or ineffective (Benz *et al.* 2016; Freudlsperger *et al.* 2022).

Joint implementation formulates a novel response to the general dilemma between competence and control in multilevel systems. From the perspective of competence-control theory (Abbott *et al.* 2020), joint implementation can be seen as a deliberate response to deficits in either competence or control, or both. On the one hand, the polycrisis has repeatedly highlighted the difficulties of national administrations to fully and solely shoulder the burden of transnational regulation and effectively put into practice EU policies in an internally debordered (cf. the project by Schimmelfennig) political and administrative space. The member states and the Commission reacted with the creation of EU-level resources to support and enhance the implementation efforts of national actors. Joint implementation is thus a response to deficits in competence. On the other hand, joint implementation can also respond to deficits in control. The polycrisis has demonstrated the (asymmetric) interdependence among governments, and their limited ability to control the enforcement of EU rules in other member states. Joint implementation arrangements are thus chosen to deal with the negative externalities of others' actions, to improve national governments' control over each other's implementation efforts, and to increase the uniformity of enforcement practices on the ground across a territorially highly diverse Union.

Joint implementation can be interpreted as an attempt to tread a middle ground between competence and control in the quest for a more effective system of multilevel implementation. Depending on the resource endowments of a given actor and sectorally distinct deficits in the monitoring and enforcement of EU rules, joint implementation provides either a means to overcome competence deficits while maintaining control, or an instrument to enhance control while keeping an elevated level of competence. At the same time, joint implementation is not a panacea. When dissatisfied principals seek to enhance their autonomous competence or control while being institutionally enmeshed in a compulsory system of joint implementation, the model can produce inefficiencies (Freudlsperger *et al.* 2022; Akbik *et al.* 2023). While control-driven actors can block joint implementation, which leads to ineffective or non-implementation, competence-driven actors can shirk their collective responsibilities and engage in uncoordinated action, leading to responsibility-shifting or obstruction. From a competence-control perspective, joint implementation is thus, first, a politically expedient mode of multilevel implementation that a diverse EU repeatedly gravitated to in crises, and, second, yet another mode of organising multilevel implementation that, given certain scope conditions, can potentially produce more effective implementation patterns than established hierarchical or decentralised modes.

In the Research Unit on "Reconfiguring Europe", the project adds to the interest in EU-level resources (Genschel, Hartlapp, Jachtenfuchs, Schimmelfennig), contributing an analysis of their usage for policy implementation. It shares its focus on implementation with the project by Susanne Schmidt who examines rules-based, Court-driven implementation. The project's aim is to theorize and analyse the interplay between competence- and control-driven logics of action in multilevel implementation, adding to the Research Unit an investigation of the later stages of the policy cycle. Ultimately, **the project examines whether joint implementation provides the EU with a means to reconcile competence and control, and thus establishes a novel "competence-control balance" (see Figure 2 in the overall description of the Research Unit), or whether, in line with the two main conjectures of the Research Unit, the system suffers from too much member state control and too little EU competence.**

To understand the emergence, institutionalisation, and evolution of the EU's recourse to joint implementation, the project envisions a mixed methods design. It combines, first, the collection of supply-side quantitative data on the emergence and size of all existing EU-level resources for joint implementation with, second, natural language processing (NLP) methods to trace the demand for EU-level implementation among political elites, and third, qualitative case studies of multilevel implementation in three domains in which pressures for vertical cooperation occurred in the past years, namely immigration, law enforcement, and labour mobility.

1.1 State of the art

The project at hand contributes to a variety of different literatures in integration theory, implementation studies, and comparative federalism. It provides a novel theoretical lens to all these literatures by relying on competence-control theory as proposed by the Research Unit.

European integration theory and studies of the Union's long-term institutional development have long regarded the EU as a paradigmatic "regulatory polity" (Majone 1996; Genschel and Jachtenfuchs 2014). In stark contrast to the "positive state" (Majone 1996), which can be seen as both its historical predecessor and necessary institutional counterpart, the regulatory polity is strong in rules and weak in resources. Historically, the EU's regulatory bent was justified by its focus on market integration. However, even when it began to integrate "core state powers" (Genschel and Jachtenfuchs 2014; Freudlsperger and Jachtenfuchs 2021), that is, the core action resources of the modern territorial state, the EU relied on its regulatory toolbox, issuing rules on the usage of member states resources rather than creating autonomous resources on the supranational level. Policy implementation, which necessitates the command and usage of these resources, long provided a neat example of the regulatory model of European integration. Article 4(3) of the Treaty on European Union (TEU) stipulates that the member states, not EU-level institutions, are responsible for implementing EU policy. Against this backdrop, the rise of joint implementation, which involves EU actors in the physical on-the-ground monitoring and enforcement of EU rules, is a novel and potentially far-reaching occurrence that has so far received surprisingly scant scholarly attention (Freudlsperger *et al.* 2022; Akbik *et al.* 2023; Scholten 2017). The project at hand thus contributes to integration theory by exploring the rationale and the effects of the EU's move beyond the traditional regulatory paradigm in implementation, and adds to research on core state power integration by examining the emerging nucleus of a "positive administrative state" on the EU-level.

Simultaneously, as the physical implementation of public policies constitutes a sensitive area of state activity, EU member states were adamant that EU-level administrative actors cannot encroach excessively on their sovereignty and indeed remain under their tight control. The operational involvement of EU actors in the joint implementation of EU rules has thus become a model case of post-Maastricht "integration without supranationalisation" as identified by the literature on the "new intergovernmentalism" (Bickerton *et al.* 2015). Joint implementation empowers "de novo bodies" while at the same time leaving their oversight in partly intergovernmental hands. On the one hand, EU resources remain in joint control, with both the member states and supranational actors such as the Commission and the Parliament represented on the management boards of most operational agencies. On the other hand, practical implementation activities on the ground are usually carried out jointly with member state authorities. The project thus also contributes to research on the institutional development of the EU that emphasises the tension between national actors' quest for effective integration and their reticence to seize sovereignty to supranational actors.

Studies of **multi-level policy implementation** have increasingly focused on "street-level" practices of monitoring and enforcing EU rules in the member states. In addition to analyses of the formal transposition of EU law (Hübner 2017; Pircher and Loxbo 2020; Börzel 2021), scholars have built on earlier studies (Sindbjerg Martinsen and Vrangbæk 2008; Sindbjerg Martinsen 2005; Falkner *et al.* 2005) that analyse implementation practices in the member states (Heindlmaier 2020; Thomann and Zhelyazkova 2017; Zhelyazkova *et al.* 2016). Even where member states comply with EU law, this literature finds, they "customize" and attune it to the local context, informally accommodating the diversity of the European political space. The project builds on this line of research by adopting a broader, practice-oriented understanding of implementation. What this literature has so far overlooked, however, is the increasing involvement of EU-level actors in the practical implementation of EU rules on the ground. The emergence of operational agencies, for instance the European Labour Authority (ELO), the European Public Prosecutor's Office (EPPO) or the European Border and Coast Guard (Frontex), which are all analysed in this project (cf. WP4), is a case in point (Figure 1). Mirroring competences that existed solely in competition policy, agencies have begun to lead or assist national authorities in monitoring and enforcement activities such as inspections, investigations, border patrols, the processing of asylum-seekers, returns of migrants, etc. By directly involving agencies in implementation, these activities also move beyond traditional accounts of the "agencification" of EU governance (Levi-Faur 2011; Egeberg and Trondal 2017; Vos 2018). The project is primarily interested in just these practices of joint implementation which engage national and EU-level administrative actors. In doing so, it fills a gap in the literature on multilevel implementation which, despite its interest in the practical implementation of EU rules, has remained conceptually and methodologically wedded to the regulatory state model. The literature has thus overlooked the increasing involvement of EU-level actors, and especially operational agencies, in the direct on-the-ground monitoring and enforcement of EU law. Joint implementation heralds a potential reconfiguration of the EU polity by moving it beyond the established regulatory template, and produces distinct patterns and pathologies from a competence-control perspective.
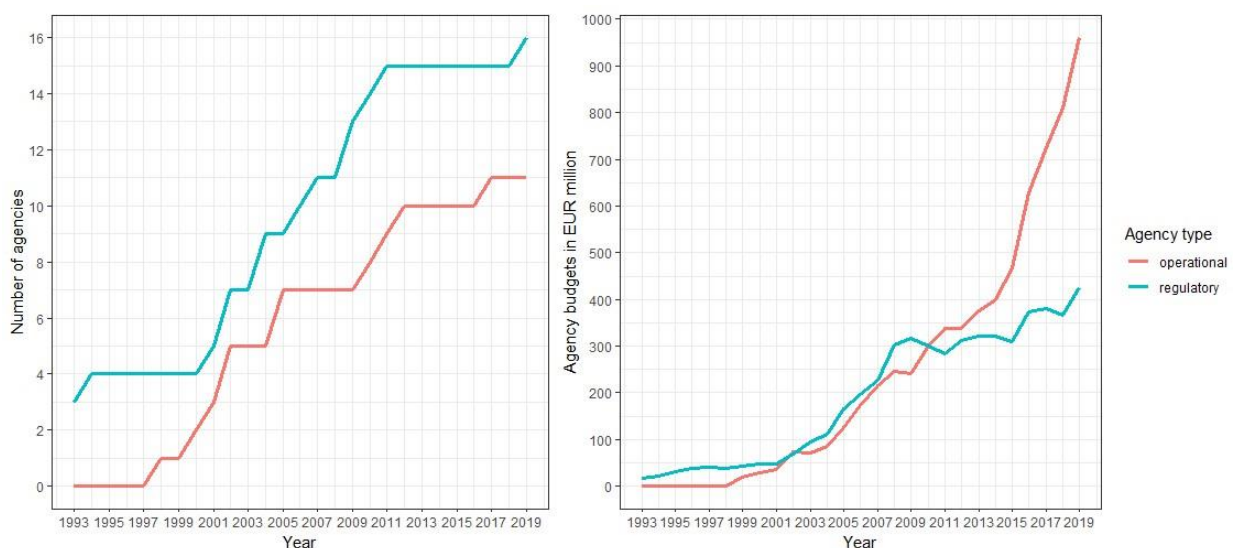

Figure 1: Number and budget of regulatory and operational agencies, 1993 to 2019, data and figures taken from: Freudlsperger, Maricut-Akbik and Migliorati 2022

Comparative federalism has variously inspired research on multilevel policy implementation (Benz *et al.* 2016) but equally lacks a theoretical and empirical application to joint implementation. The project thus provides a theoretical and empirical innovation that could potentially travel beyond the EU and to other cases of multilevel implementation. Strikingly, joint implementation

arrangements can be found in very different multilevel settings. In administrative federations such as Germany and Switzerland (Mueller and Fenna 2022), sub-central units are traditionally charged with the implementation of central-level legislation. In dual federations such as Canada and the United States, some policy domains are fully devolved to the constituent units, including their implementation. Joint implementation arrangements have, however, emerged in both administrative and dual federations (Freudlsperger et al. 2022). They relate primarily to emerging fields such as migration (Paquet 2019) or counter-terrorism policy (Leuprecht et al. 2019). For instance, the Federal Bureau of Investigation established Joint Terrorism Task Forces already pre-9/11. The latter unite federal, state, and local law enforcement authorities. In Germany, federal and Land police authorities and intelligence services established jointly owned enforcement structures such as the Joint Internet Surveillance Centre (GIZ) and the National Cyberdefence Centre (NCAZ) (Leuprecht et al. 2019). In all these cases, joint implementation involves central-level and sub-federal actors in the joint monitoring and enforcement of polity-wide policies. Interestingly, however, the literature on comparative federalism has not yet systematically explored joint implementation, which in this context could be seen as an epiphenomenon of "shared multilevel administration" (Benz *et al.* 2016). The project at hand thus provides a theory of the emergence and practice of joint implementation in a highly decentralised administrative multilevel system (Bolleyer 2009; Bednar 2008; Freudlsperger 2020, 2018) that, given certain scope conditions, can be applied to other multilevel polities as well.

This project studies the emergence, institutionalisation, and practice of joint implementation from the perspective of competence-control theory. It contributes to established theories of European integration by analysing the nucleus of a "positive administrative state" that moves beyond the established regulatory template; it adds to studies of multilevel implementation by eyeing the role of EU-level actors in the on-the-ground practical monitoring and enforcement of EU law; and it complements existing comparative studies of policy implementation with a theorisation of novel patterns of vertical integration of central and sub-central actors in systems of joint implementation.

1.2   Preliminary work

My own research has been concerned with all three of the strands of literature that the project seeks to contribute to. First, I have variously analysed the dynamics of **core state power integration**, and especially the EU's crisis-driven attempts to move beyond its established regulatory template of institution-building (Freudlsperger and Jachtenfuchs 2021; Freudlsperger and Schimmelfennig 2022; Freudlsperger and Weinrich 2021, 2023). Second, I have conducted analyses of EU political development that explore the differences and commonalities with federal systems, both by conducting explicit comparisons and by drawing on theories of **comparative multilevel government** (Freudlsperger 2018, 2020, 2021). Third, and most importantly in the context of this project, I have co-authored two pieces which theorise and problematise the emergence of **joint implementation in the EU multilevel system**. The first of the two articles (Freudlsperger *et al.* 2022) draws on established theories of public administration, especially on the ambiguity-conflict model as proposed by Matland (1995), to theorise the conditions under which arrangements of joint on-the-ground implementation involving both national and supranational administrators are likely to produce certain pathologies, or not. The second paper (Akbik *et al.* 2023) mobilises theories of differentiated integration in the EU to understand why and how joint implementation is adapted and "customized" (Thomann and Zhelyazkova 2017) to differing territorial contexts across member states.

The project at hand is the next step on this research agenda. While our hitherto published work on joint implementation demonstrates the significance of the phenomenon, devises a typology of potentially emerging dysfunctionalities, and provides empirical plausibility checks by means of a handful of qualitative case studies, the project moves considerably beyond this state of the art. Theoretically, it draws on competence-control theory to better understand the motivation of actors to create joint implementation systems in the first place and the constellations under which pathologies occur in their operation. Empirically, it analyses a large body of text to measure actors' demand of EU-level implementation over time, collects quantitative data on all EU resources able to supply joint implementation, and links the latter to in-depth qualitative case studies of the practice of joint implementation in three policy domains.

2   Objectives and work programme

2.1   Anticipated total duration of the project

48 months, from 2024 to 2027 (with a possible extension for another four years).

2.2   Objectives

The core objective of the project is a theoretical explanation and empirical measurement of the emergence, institutionalization, and practice of joint implementation in the EU multilevel administrative system. Its **theoretical contribution (WP1)** lies in a linkage of the novel empirical phenomenon of joint implementation to the competence-control theory foreseen by the Research Unit. Particularly, the project seeks to theorize the interaction between different actors' control- or competence-driven motivations concerning both the demand and supply of joint implementation, the workings of the trade-off between competence and control in this domain, and the resulting occurrence of dysfunctionalities in the joint implementation system.

On the empirical plane, the project provides a systematic measurement of the demand for, the supply of, and the practice of joint implementation. Closely coordinating its data analysis strategy with other projects of the Research Unit (cf. Genschel, Hartlapp, Jachtenfuchs, Schimmelfennig), the project conducts an analysis of the longue durée of European integration, reaching back until the year 1993. To provide the first systematic empirical investigation of joint implementation in the EU, the project relies on a mixed-methods research design:

- **First, to investigate the supply of joint implementation (WP2)**, the project conducts a quantitative mapping of the over-time development of all resources used for joint implementation across all domains of EU competence. For one, this includes data on the type of implementation across all domains as well as on the size of administrative, coercive, fiscal, and technical **resources** that the EU has created to engage in joint implementation. On the other hand, this comprises a systematic analysis of the **rules** that govern these resources under the joint control of both member state and EU-level actors.
- **Second, to study the demand for EU-level implementation (WP3)**, the project relies on a quantitative analysis of a large corpus of parliamentary speeches in the EU (Rauh and Schwalbach 2020) by means of "latent semantic scaling" (Watanabe 2021). This approach allows for a tracing of the competence- and/or control-driven demands for EU implementation by parliamentarians in the member states and the European Parliament.
- **Third, to study the practice of joint implementation (WP4),** the project complements its collection of quantitative data with qualitative case studies in three domains in which strong pressures for vertical cooperation have occurred in the polycrisis. These domains are immigration and asylum, labour mobility, and internal security and law enforcement.

2.3   Work programme including proposed research methods

2.3.1   WP1: Theorizing the emergence and practice of joint implementation

The aim of WP1 is to build a theory of the emergence, which comprises both demand and supply, and the practice of joint implementation in the EU. The theoretical expectations developed in WP1 can be put to an empirical test in the subsequent work packages. The core concepts and theoretical expectations will be sketched out in the following.

Joint implementation is a specific type of policy implementation in the EU multilevel system that includes the physical involvement of supranational alongside national administrative actors in the practical monitoring and enforcement of EU policies on the ground in the member states.

The project conceptualises **implementation** as "the transformation of a policy output into a policy outcome" or, in simpler terms, as "putting public policy into practice" (Knill and Tosun 2020). On the level of practices, implementation thus understood comprises **monitoring and enforcement activities** carried out by administrative actors vis-à-vis public or private actors. Monitoring, for one, includes surveillance, transparency initiatives, and information-gathering. Inspections and investigations can be seen as classic tools of monitoring. Enforcement, on the other hand, includes all activities aimed at remedying and rectifying non-compliant behaviour among public or private actors, be it by exercising coercion, adopting sanctions or fines, effectuating prohibitions, or carrying out remedial works (Knill and Tosun 2020). Consequently, the project adopts a broader understanding of implementation than existing studies of implementation that are primarily interested in the legal transposition of specific EU directives (Hübner 2017; Pircher and Loxbo 2020; Börzel 2021). By way of contrast to this established line of literature, the project is primarily interested in monitoring and enforcement practices that require the physical presence of "street-level" administrative actors on the ground.

Implementation in the sense of the project can be understood as an epiphenomenon of "multilevel administration" (Bauer and Trondal 2015), which describes the patterns of interaction between administrative actors situated on different levels of authority in a multilevel system in the implementation of public policies. Generally, the literature distinguishes hierarchical, decentralised, and shared multilevel administration (Benz *et al.* 2016). Drawing on this distinction, the project conceptualizes three types of multilevel implementation:

1. **Hierarchical multilevel implementation:** Under this model, administrative actors located at the central level of a multilevel system hold the competence and resources necessary to unilaterally implement and enforce policies on the ground. Such a hierarchical relationship does not preclude, and indeed frequently requires, cooperation across levels, but this cooperation evolves under the shadow of hierarchy. Administrative actors at lower levels of authority are thus either confined to supporting actions or required to hand over implementation to higher-level actors when the latter judge this as necessary. This hierarchical organization of multilevel implementation is engrained in the Continental European and especially in the French bureaucratic tradition, which relies on the decentralized provision of face-to-face public services but is based on the imposition of a clear chain of command from political decision-making to supposedly apolitical implementation. In domains of centralized competence, however, hierarchical multilevel administration also occurs in systems of multilevel government (Benz *et al.* 2016).
2. **Decentralised multilevel implementation:** Under this model, intermediaries at the sub-central level of a multilevel system are charged with implementing central-level policies.

While this mode of implementation is meant to incite experimentation and innovation at the local level, it confines central-level actors mostly to an assisting role, supporting local actors through the provision of technical and financial resources (Benz et al. 2016: 1008). This combination of central-level policy-making and subcentral implementation is inscribed in the very constitutional fabric of systems of "administrative federalism" (Mueller and Fenna 2022) such as Austria, Germany, and (contemporary) Switzerland. In these systems, the federal and sub-federal level commonly divide legislative and enforcement functions (Bolleyer and Thorlakson 2012). Decentralised multilevel administration is also the rule in the EU multilevel system, with the supranational level issuing rules (under participation of the member states) that are then implemented by national administrations. Susanne Schmidt's project as part of the Research Unit is occupied with this classic model of EU multilevel implementation.

3. **Joint multilevel implementation:** Under this model, both levels of authority share powers of policy implementation. Unilateral action is impossible and the eventual enforcement of policies dependent on joint decision-making, networked cooperation, and ongoing consultation among administrative actors across levels. In a variety of systems, this is a relatively widespread implementation practice. In Canada, cross-jurisdictional cooperation in the implementation of federal spending programmes has been dubbed 'collaborative federalism' (Cameron and Simeon 2002). In some domains of shared federal and *Länder* competence, Germany also provides a typical example of such policy interdependence or 'Politikverflechtung' (Scharpf 1988). In various fields, such as the administration of federal funds, in federal education or research policy, labour market policy, or infrastructure planning, the federal government and the Länder are compelled to cooperate in the implementation of policies (Benz *et al.* 2016). In the United States, this pattern of joint implementation comports, for instance, to the enforcement of federal criminal law, where the Federal Bureau of Investigation (FBI) cooperates systematically with local law enforcement via joint task forces (Leuprecht *et al.* 2019).
Importantly for this project, joint implementation involves central-level and sub-central actors not only in decision-making (joint control) but can also extend compulsory cooperation to practices of monitoring and enforcement on the ground. While joint decision-making is a phenomenon that has been described frequently in multi-level contexts (Scharpf 1988; Falkner 2011), joint implementation can also apply the principle of multi-level cooperation to the later stages of the policy cycle. Oftentimes in the EU, supranational actors that engage in the on-the-ground monitoring and enforcement of EU policies institutionalise both joint decision-making and joint implementation. **Operational EU agencies** (Freudlsperger *et al.* 2022; Akbik *et al.* 2023; Scholten 2017), as opposed to solely regulatory ones, are one case in point. As per usual, they act under the joint control of supranational actors such as the Commission and the Parliament and the member states, and they get involved in practical implementation solely alongside national administrative actors. Against this backdrop, the project seeks to theorize the emergence and practice of joint implementation in the EU.

The emergence of joint implementation

The first part of the theory seeks to explain the emergence, both in the sense of different actors' demand for and the EU's supply, of joint implementation from the perspective of competence-control theory (Abbott *et al.* 2020). **By jointly assigning both competence and control to administrative actors located on different levels of authority, joint implementation formulates an innovative response to the trade-off between competence and control in**

multilevel policy implementation. Competence-control theory sees a general contradiction in modern-day governance: An intermediary that disposes of the valuable competencies needed for effective policy-making is difficult to control by a governor. An intermediary, in turn, that is tightly controlled by the governor is unable to develop these valuable competencies in the first place. The trade-off between the two goals has been theorised as the "governor's dilemma: the governor can obtain either high competence or strong control, but not both." (Abbott *et al.* 2020: 620) The EU's recourse to joint implementation can thus be seen as an attempt (whether successful or not) to square the circle and sidestep the competence-control dilemma by treading a middle ground on both dimensions. Administrative actors on different levels of authority share not only decision-making powers (joint control) but also the competence and resources to implement ensuing policies (joint competence). **Neither competence nor control are thus allocated exclusively on one level of authority. Instead, central-level and peripheral actors cooperate in both the making of polity-wide rules and their on-the-ground monitoring and enforcement.**

The EU corresponds to the decentralised model that divides up the tasks of legislation and implementation between different levels. While the EU-level produces polity-wide rules in domains of conferred competence, the member states are usually charged with implementation. This administrative model of federalism is congruent with "decentralized multilevel administration" (Benz *et al.* 2016). From a perspective of competence-control theory, **administrative systems can suffer from an undersupply of both control and competence, and different types of actors can regard joint implementation as a response to both these pathologies**.

Control can be problematic in decentralized systems because the central-level governors that set polity-wide rules must rely on sub-central intermediaries for their implementation. This other level, however, may possess competences that the central level lacks. This is classic indirect governance in the sense that the governor (rule-setting actor) and the intermediary (implementing actors) are not identical. In this case, central-level governors have an interest in enhancing their control over sub-central intermediaries, all while maintaining the latter's ability to get things done, that is, their competence. A second way in which control can be problematic in decentralized systems is for lower-level intermediaries that have an interest in the consistent and uniform implementation of polity-wide rules. As excessively diverse implementation practices across a union can produce negative externalities for other constituent units, lower-level intermediaries might also seek enhanced control over others' implementation practices. To deal with these problems of control, actors on both levels of authority might regard joint implementation as a means to increase control all while maintaining competence.

Hypothesis 1: Central-level governors that seek enhanced control over sub-central implementation practices and sub-central intermediaries with an interest in uniform implementation will prefer joint over decentralized implementation to increase control while maintaining competence.

Competence can also be problematic in decentralized systems because individual intermediaries might not be sufficiently competent, meaning that they lack the necessary resources to put polity-wide rules properly into practice, either because of newly arising functional pressures such as crises or disasters or due to their generally insufficient resource endowment. Variation in the command of resources, and hence differences in the ability to deal with crises and disasters, increases with the territorial diversity of a union. Consequently, lower-level intermediaries short on resources might want to enlist auxiliary resources from the central level, without however giving up on their control over implementation. Competence can also be problematic for central-level actors, which in decentralized systems usually relinquish

implementation to lower levels of authority. Central-level actors might seek enhanced competence in domains in which central-level resources produce significant economies of scale. In most multilevel systems, border checks and management, for instance, are seen as a domain in which a central-level involvement in implementation is sensible. To deal with these problems of competence, actors on both levels of authority might regard joint implementation as a means to increase competence all while maintaining a high level of control.

Hypothesis 2: Sub-central intermediaries short on resources and central-level governors seeking economies of scale will prefer joint over decentralized implementation to increase competence while maintaining control.

The practice of joint implementation

In a second step, the theory seeks to explain the practice of joint implementation once it has been institutionalized. **Competence-control theory, again provides a good starting point for theorizing the patterns of multilevel cooperation that joint implementation produces over time.** At the outset, in line with Expectations 1 and 2, joint implementation is seen by both central-level and lower-level actors as a means to tread a balance between competence and control in multilevel implementation. However, as was analogously argued for joint decision-making (Scharpf 1988; Falkner 2011), joint implementation is no panacea and can produce a variety of pathologies. Joint implementation will only relax the trade-off between competence and control if it reduces conflict by better interest alignment and hence dissuades participating actors from seeking to re-establish autonomous competence and/or control whilst remaining part of the joint implementation system. This implies that joint implementation can also aggravate the trade-off between competence and control by creating conflicts where there were no conflicts before (because competence and control were allocated at only one respective level), thereby increasing participating actors' demands for re-establishing autonomous competence and/or control.

When **participating actors that are dissatisfied with the institutional status quo seek to enhance either their autonomous control or competence while remaining enmeshed in a compulsory system of joint multilevel implementation**, they upend the finely trodden balance between competence and control that was part of the initial bargain. The ensuing conflict between these autonomy-minded actors and their counterparts can result either in the creation of a novel equilibrium of effective implementation, for instance via the elaboration of a new mandate, or else in a variety of dysfunctionalities. Freudlsperger, Migliorati, and Maricut-Akbik (2022) define three such pathologies of joint implementation, all of which can be connected to individual actors' attempts to re-establish either autonomous control or competence, or both (cf. Table 1):

		Individual actors seek to re-establish autonomous control	
		No	*Yes*
Individual actors seek to re-establish autonomous competence	*No*	*Division of responsibilities*	*Obstruction*
	Yes	*Responsibility-shifting*	*Non-implementation*

Table 1: Potential dysfunctionalities of the joint implementation model

1. **Responsibility-shifting:** This pathology **occurs when individual participating actors seek to enhance their autonomous competence at the expense of other actors** in joint multilevel implementation, either by refusing to carry out agreed tasks or by carrying out tasks that were not agreed upon. In such instances, actors shift the responsibility for the execution of specific tasks onto the other actors in the joint implementation system.

Responsibility-shifting is a frequent occurrence in multi-level settings (Heinkelmann-Wild and Zangl 2020) and keeps joint systems from getting things done in the agreed manner.

2. **Obstruction***:* This pathology occurs **when individual participating actors seek to enhance their autonomous control over the implementation actions of other actors**. As joint control of administrative resources is a basic feature of joint implementation, individual actors' pursuit of enhanced control usually incites the opposition of other, formally equal actors that fear being at a disadvantage. This leads to blockages in the decision-making process and obstructs the progress of joint implementation. Obstruction thus keeps joint implementation systems from getting things done in the first place.

3. **Non-implementation:** Non-implementation occurs **when individual participating actors seek to enhance both their autonomous competence for and control over implementation**. In such situations, joint implementation can neither produce implementation instructions nor get practical implementation done. Non-implementation thus likely signifies a breakdown of the joint implementation system.

Hypothesis 3: Joint implementation results in a functional division of responsibilities if participating actors remain satisfied with the initial bargain. If individual actors in the joint implementation system seek to re-establish their autonomous competence or control, either a novel equilibrium of effective implementation is created, or dysfunctionalities such as responsibility-shifting, obstruction, and non-implementation occur.

2.3.2. WP2: Mapping the supply of joint implementation across all EU domains

To test the expectations on the emergence and practice of joint implementation, the empirical analysis proceeds in three steps, employing a mixed-methods design. First, to map the supply of joint implementation across all domains of EU competence, **the project collects a novel dataset containing quantitative long-term data on the existence and governance of EU resources for implementation.**

The dataset has as its basic unit of analysis the resource-domain-year:

- **Resource:** In line with the pertinent literature, the dataset distinguishes four resource types that are central for effective state action (Evans *et al.* 1985; Hanson and Sigman 2021; Fortin-Rittberger 2014): fiscal (i.e. money), administrative (i.e. people), coercive (i.e. force), and technical (i.e. infrastructure). To avoid the coding of national-level resources, which would simply be too burdensome, the dataset will solely code the presence or absence of EU-level resources in a given domain but contain information on whether implementation is hierarchical, decentralised, or joint.

- **Domain:** To avoid selection on the dependent variable and to be able to establish both necessary and sufficient conditions for the emergence of joint implementation, the dataset will code the existence of implementation resources for all domains of EU competence. The dataset distinguishes the 19 domains specified by Leuffen et al. (2022) and Börzel (2005). For each of these domains, the datasets codes whether the EU relies on hierarchical, decentralised, or joint implementation.

- **Year:** To allow for a long-term investigation of implementation patterns, it collects annual data over a period of more than three decades, from 1993 (i.e., the entry into force of the Treaty of Maastricht) until 2027 (i.e., the final year of the project). The period since 1993 has been marked by a particularly pronounced growth among EU agencies, both regulatory and operational, from three in 1993 to currently over 36.

Per domain-year, the dataset will contain the following information from the following sources:

Dimension	Data to be collected
Unit of analysis	**Resource-domain-year:** Resources for policy implementation in the EU multilevel system in a given domain per year
Variables	**Resources for joint policy implementation:** Who (control) commands (decision-making) how many (size) and which kind (type) of resources to implement EU rules directly on the ground in member states? • **Type*:*** administrative, coercive, fiscal, technical • **Size:** budget (for staff, equipment, payments for all types), staff numbers (for all types), equipment numbers (for coercive, technical) • **Control**: hierarchical, joint, decentralized • **Decision-making:** delegated, majority, veto
Cooperation in data collection	• Frank Schimmelfennig's collection of data on resources for external boundary management • Markus Jachtenfuchs' collection of data on budgetary expenses for administrative resources
Period of observation	1993-2025
Sectors/ policy fields	All areas of EU competence according to Leuffen *et al.* 2022 and Börzel 2005b
Sources	EU law databases (EURLEX), EU budgets, budget reports, annual reports, freedom of information requests with EU bodies, archival research

2.3.3. WP3: Measuring the demand for joint implementation in the EU

Second, to measure the demand for EU implementation resources across different actor categories over time, **WP3 relies on NLP methods for the analysis of large text corpuses**.

To test the conditions under which state and EU actors demand an EU-level involvement in sectoral implementation activities, it is crucial to systematically measure their preferences. To this end, the project will closely collaborate with the projects by Hartlapp and Jachtenfuchs in using innovative NLP methods on the "ParlSpeech V2" (Rauh and Schwalbach 2020) corpus of parliamentary speeches in the key legislative chambers of currently seven EU member states between 1990 and 2019. **As part of the project, the ParlSpeech corpus is to be extended forwards, to contain speech data until 2027, and in some cases (Austria, Denmark, Spain) backwards, to include as much data as can be made available for the years from 1993.** In addition, the ParlSpeech corpus is to be expanded by web-scraping speeches from parliamentary websites, to include both speeches of EU parliamentarians and the country cases of France, Greece, and Romania, i.e., member states from different EU 'macro regions' (Kriesi 2016) and differing levels of state capacity (according to the Hanson-Sigman index; Hanson and Sigman 2021). Immediately upon completion, the updated dataset will be made available to the academic public via the ETH Research Repository.

The most suitable and state-of-the-art method to identify actor preferences from a multilingual text corpus is latent semantic scaling (LSS; Watanabe 2021; Rauh 2022; Brändle and Eisele 2022). The PI has gained significant experience with both the ParlSpeech corpus and LSS in the context of his current work as part of the ERC Advanced Grant EUROBORD (Freudlsperger and Lipps 2023). LSS allows for a semi-automated placement of large bodies of text on unidimensional scales. Departing from a battery of theoretically derived 'seed words', LSS's machine-learning algorithm incorporates word embeddings of all terms correlated to either of the two poles. For the algorithm to work effectively, the analysed text corpus must be sufficiently large (which is the case for ParlSpeech) and the seed words need to operate on a relatively general analytical level. While the method would be ill-suited to extract actors' fine-grained policy preferences, it allows investigating whether actors formulate demands for implementation resources, and whether they locate these resources on the national or the EU-level.

To measure actors' preferences on multi-level implementation, the project will construct and correlate two scales: rules↔resources (e.g., the creation of common standards for asylum processing or additional capacities for asylum processing) and national↔EU (e.g., additional capacities provided by member states or by the EU). The choice of effective and unambiguous seed words for both scales requires extensive pre-testing and cross-validation by human coders, which will be among the tasks of the two RAs employed in WP2. Once validated, combining the scales allows for a placement of actors' preferences between EU-level and national rule-setting and EU-level and national implementation. Depending on the level of authority of a given actor, this placement can serve as an indicator of demands for either enhanced EU control or enhanced EU competence in the system of multilevel implementation. If the method does not produce results of sufficient quality, or if it is deemed necessary to delve further into actors' more specific preferences, it can be complemented with qualitative text analysis (Freudlsperger and Weinrich 2023) on a carefully selected subset of the ParlSpeech corpus.

In a further step, **the collected data on the demand for EU-level implementation can be used to probe into statistical correlates between actors' implementation preferences with other factors**, such as the occurrence of crises or disasters in a given year and domain, the amount of state capacities a given actor has at her disposal (as measured for instance by the Hanson-Sigman index [Hanson and Sigman 2021] which provides calculations of states' administrative, coercive, and fiscal resources between 1950 and 2015 by means of latent variable analysis), or the record of non-compliance in a given domain or country (Börzel 2021).

2.3.4. WP4: Analysing the practice of joint implementation across policy domains

In a third step of the mixed-methods design, to investigate the practice of joint implementation and the dynamic of the trade-off between competence and control over time, **the project conducts qualitative process-tracing analyses of interactions and conflicts between actors, and the occurrence of the specified dysfunctionalities (cf. WP1) across three domains.** The selection of domains includes asylum and migration, internal security and law enforcement, and labour law and mobility. These fields were chosen as they have undergone profound change over the observation period (1993 to 2027), necessitate on-the-ground monitoring and enforcement, and exhibit strong pressures for vertical cooperation between central-level and sub-central actors. At the same time, while asylum and law enforcement are core state domains prone to mass politicisation and elite conflict, labour law and mobility allows to draw a contrast with a technical field of market regulation.

In the field of asylum and migration policy, various EU agencies such as the **European Border and Coast Guard (Frontex)** and the **European Union Asylum Agency (EUAA)** have become operationally active, engaging in joint implementation actions in support of and alongside member state authorities (Freudlsperger *et al.* 2022; Akbik *et al.* 2023). In the field of law enforcement, on the other hand, **Europol and Eurojust** are long-standing fixtures of EU multilevel implementation and the **European Public Prosecutors' Office (EPPO)** became operational in 2022 (Bellacosa and Bellis 2023). Due to its far-reaching competencies, highly decentralized governance structure and its close cooperation with national institutions, EPPO is a particularly interesting case to study joint implementation from the perspective of competence-control theory. In the field of labour law and mobility, the **European Labour Authority (ELA)**, created in 2019, equally monitors and enforces EU rules on the ground (Blauberger and Heindlmaier 2023).

The qualitative process-tracing analyses (Beach and Pedersen 2013; Bennett and Checkel 2015) of these three domains will **analyse both the emergence (Hypotheses 1 & 2) and the practice (Hypothesis 3) of joint implementation from a competence-control perspective**. Complementing the quantitative mapping conducted as part of WP2, the case studies will delve further into the dynamics and politics of joint implementation. Conflicts between EU-level and national actors and systematically occurring dysfunctionalities in joint implementation are of particular interest for the case studies. On the one hand, this requires an investigation of on-the-ground practices such as inspections, investigation, and border patrols; on the other, it necessitates an analysis of the legal context of joint implementation, in the form of initial mandates and ongoing institutional and procedural reforms. Ultimately, this allows the case studies to establish not only temporal variation within cases but also substantive variation in the practice of joint implementation across the three domains.

The three qualitative case studies will rely on a diverse set of sources. These include official and legal documents issued by both the EU and member states; secondary analyses published by academic researchers, think tanks, and non-governmental organizations; and the ongoing conduct of a series of expert interviews with involved officials from both EU agencies and national ministries and administrations. The triangulation of diverse evidence is to allow for a better and more reliable grasp of the occurring conflicts between actors, and hence the practice of the trade-off between competence and control in joint implementation.

2.3.5. Division of labour, timeline of work, and expected project output

The project team consists of the PI and two student research assistants (RAs), which will both be employed for a duration of three years. The first project period of roughly six months will focus on the further specification of concepts and theoretical expectations. Months 7 to 42 will be dedicated primarily to the empirical work that is conducted as part of WPs 2, 3, and 4. The RAs will support the PI in the collection and coding of quantitative data in WP2 and the NLP analysis as part of WP3, respectively. The last six months of the project will be reserved to finalizing the publications.

Work package	Responsible	Time
1 (theory)	PI (and postdoc)	Month 1-6 & 43-48
2 (supply, quantitative dataset)	Postdoc, PI, and RAs	Month 7-42
3 (demand, NLP analysis)	Postdoc and RAs	Month 7-42
4 (practice, case studies)	Postdoc (and RAs)	Month 24-42

The project will produce an original dataset of all EU-level implementation capacities and contribute to the joint "resource integration dataset" of the Research Unit. The project foresees two joint publications with other members of the Research Unit: a paper on national

intermediaries' control over supranational governors in EU implementation (WP4) with **Hartlapp, Schmidt, and Wendel**; and a paper on the over-time evolution of the EU's system of multilevel implementation (WP2) with **Schimmelfennig and Schmidt**. Beyond these collaborations, the project strives for the the publication of **two major research papers per empirical work package** (WPs 2 to 4) and **one journal special issue** which brings together scholarly work on joint implementation in different empirical contexts within and beyond the EU.

2.3.6. Place in the Research Unit

The project adds to the "resources" group in the Research Unit **(Genschel, Hartlapp, Jachtenfuchs, Schimmelfennig) an analysis of the usage of novel EU-level capacities for policy implementation.** Susanne Schmidt's project, too, focuses on implementation, yet of the rules-based and Court-driven variety. The project aims to systematically exploit these **synergies** in joint research and publications (cf. 2.3.5.). Whereas the other projects of the Research Unit (except Hartlapp and Schmidt) focus primarily on the policy-making stage, this project's aim is to theorize and analyse the interplay between competence- and control-driven logics of action at the later stages of the policy cycle, i.e. when EU policies are put into real-world action. The project also makes an theoretical contribution to the Research Unit by analysing an institutional setting in which governors and intermediaries consciously decide to share both competence and control.

2.3.7. Perspectives for the second funding phase

In a possible second funding phase, the focus of the project would turn towards an analysis of the effectiveness of joint implementation. To this end, the project would combine the collection of quantitative indicators of administrative effectiveness in the EU multilevel system with qualitative comparative analyses that put joint implementation in the EU in perspective with similar arrangements in other multilevel polities. An explicitly comparative lens would aid not only the assessment of the effectiveness of EU implementation arrangements, it would also allow for an identification of best practices in the EU and in other contexts.

2.4. Handling of research data

All research data collected in this project will be FAIR, i.e., Findable, Accessible, Interoperable, and Reusable. Pre-publication, all data collection will be documented on the project website. Upon publication, all replication data will be made available via the ETH Research Collection and linked with the respective DOI. The ETH Research Collection is a free-of-charge data repository that assigns DOIs to submitted datasets, offers easy access with no restrictions and software requirements. Upon completion, both the implementation dataset (WP2) and the updated ParlSpeech corpus (WP3) will be made available through the ETH Research Collection. The data will be made interoperable between researchers, institutions, and countries. All files will be provided in appropriate format, i.e. .csv for data and lists, .txt for README and .pdf for Codebooks. Scripts used for quantitative analyses will be written in R, an open-source software free of charge. Documentation is written up in English. Variable naming follows standards in social sciences and will be additionally explained through codebooks for each dataset. To facilitate the re-combination with different datasets, the datasets will use standardized country codes (ISO 3166). All data will be licenced under open Creative Commons licences (CC0).

2.5. Relevance of sex, gender and/or diversity

The PI will ensure gender parity in the choice of project employees and collaborators.

3. Project- and subject-related list of publications

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